



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

- | | |
|---------------|--|
| STATE AGENCY: | State Teacher’s Retirement System
Board of Equalization
Ocean Protection Council |
| MULTI-COUNTY: | South Bay Regional Public Safety Training Consortium
East Nicolaus Joint Union High School District |

ADOPT

- | | |
|---------------|---|
| STATE AGENCY: | Task Force to Study and Develop Reparation Proposal for African Americans |
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A written comment period has been established commencing on June 24, 2022 and closing on August 8, 2022. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes 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 hear-

ing is requested, the proposed codes will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, 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 codes 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 codes. Any written comments must be received no later than August 8, 2022. 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 codes should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5660.

TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to amend Sections 171.1, 437, 439.2, and 439.4 in order to simplify which classifications may be used for training and development assignments. Additionally, the changes also clarify how the experience gained under training and development assignments and/or out-of-class assignments shall be considered by appointing powers when determining if an applicant meets the minimum qualifications of a class. (Cal. Code Regs., title 2, §§ 171.1, 437, 439.2 and 439.4.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on August 9, 2022, 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://spb-meetings.webex.com/wbxmjs/joinservice/sites/spb-meetings/meeting/download/8f93b2bb1e6546a4bc98fcb1f940c798?siteurl=spb-meetings&MTID=m58282dfe5e3d96640219eb2131ea738c>
Then enter the following information to gain access to the hearing:
Meeting Number: 2552 872 2481
Meeting password: 24Rbfv6vjQB
- 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: 25528722481##

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
Sacramento, CA 95814
Email: lori.gillihan@spb.ca.gov

The written comment period closes on August 8, 2022. 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 amend sections 171.1, 437, 439.2, and 439.4 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code section 18701. The proposed regulation will implement, interpret, and make specific the provisions of Government Code (Gov. Code) sections 18502, 18522, 19050.8 and 18931.

**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 the proposed amendment to section 439.2 is to simplify which classifications may be used for training and development assignments. The

additional proposed amendments also clarify how the experience gained under training and development assignments and/or out-of-class assignments shall be considered by appointing powers when determining if an applicant meets the minimum qualifications of a class.

The benefits of this regulatory action include: 1) providing a broad, inclusive, and competitive hiring process for training and development assignments; 2) supporting the state’s career development and upward mobility programs; and, 3) ensuring out-of-class or training and development assignments will as count as qualifying experience in both the employee’s current class and the class of the assignment. As a result, the adoption of these regulations will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

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.
- 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. The proposed regulations only set standards related to state civil service examinations and temporary assignments. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

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 examinations procedures.

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.

The adoption of these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant 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.

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

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

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 initial 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 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 under "What's New?"

TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority ("CPCFA" or the "Authority") are, by legislative mandate, necessary for the implementation of small business financing assistance and the immediate preservation of the public peace, health and safety, and general welfare.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Section 8043 (a) of Title 4, Division 11, Article 4 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the California Pollution Control Financing Authority's Bond Program. These Adopted Regulations are necessary to implement, interpret and make specific Article 4 of the California Pollution Control Financing Authority Act (the "Act"). The Proposed Regulations have been approved by the Office of Administrative Law ("OAL") on an emergency basis, and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44520(b), Health and Safety Code. Section 44520(b) of the Act authorizes the Authority to adopt regulations relating to small business financing as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be "necessary for the immediate preservation of the public peace, health and safety or general welfare." Section 44520(a) of the Act authorizes the Authority to adopt necessary regulations to

carry out its powers and duties under this division in administering applications for financing.

Reference: Sections 44519, 44520, 44525, 44537.5, 44537.5 and 44548, of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Existing law establishes the Authority to implement small business financing assistance programs pursuant to Section 44520(b) of the Health and Safety Code. *Background of Section 8043.*

During the late 1970's and early 1980's, the U.S. Small Business Administration (SBA) administered a special pollution control loan guarantee program for small businesses. The program offered SBA loan guarantees for federally issued tax-exempt bonds. The SBA discontinued the program in 1981, which left small business borrowers with inadequate resources for securing cost-effective tax-exempt financing.

In 1985, the State Legislature established the collection of Small Business Assistance Fund (SBAF) fees from large businesses obtaining conduit bond financing from CPCFA, to fill a void from the discontinuation of the SBA program, and to offset certain costs of issuance and letter of credit fees associated with the issuance of tax-exempt bonds issued on behalf of small businesses. A small business is defined as 500 employees or less. Under this legislation, large businesses began paying into the SBAF to support CPCFA programs that benefit small business borrowers.

Eligible small business borrowers can receive up to \$210,000 towards its eligible costs of bond issuance, based on a sliding scale, which is dependent upon the Par amount of the transaction.

Under the Authority's regulations, the SBAF funds are available for eligible small business borrowers to use at the close of a transaction for purposes of paying certain costs of issuance of the bonds. Acceptable SBAF subsidy uses include, but are not limited to, bond counsel fees, underwriter or placement agent fees or discount and related expenses, printing fees, fees due to other state agencies, accounting fees, consultant's fees, and other fees directly related to the issuance of bonds that are normally paid from the proceeds of a bond issued at the time of closing. Currently, there is approximately \$14.4 million available in the SBAF account available for qualified small business borrowers to use.

Need for an amendment to Section 8043(a)

Due to the recent transition from the London Interbank Offered Rate (LIBOR) interest rate index to the Secured Overnight Financing Rate (SOFR) Index, many older transactions will need to utilize the CPCFA's post-issuance request (PIR) process to amend previously drafted bond documents to reflect

the change in the interest rate index. This change from LIBOR to the SOFR interest rate index may be completed under the CPCFA Executive Director's Delegation of Authority via the PIR process. The Executive Director, under Section 44519 of the California Health and Safety Code, has the requisite power to carry out delegation of authority via Resolution number 21-01-001 dated January 22, 2021. The CPCFA charges the borrower for CPCFA staff's actual costs as well as the fees from the Attorney General's office, acting as Issuer's Counsel, on the transaction for the review and processing of these types of PIRs.

For small business borrowers, the fee for this necessary change in bond documents could be cost prohibitive and therefore negatively affect the financial viability of the company. The use of the SBAF to help offset the costs of the index rate change PIRs will be of a great benefit to aid eligible small business borrowers. Accordingly, the Authority Board has approved staff to undertake the emergency and regular rulemaking processes to amend the Authority's regulations to include costs related to a national index rate change as an acceptable use of the SBAF monies.

ANTICIPATED BENEFITS FROM THIS
REGULATORY ACTION

The SBAF fund currently has a balance of approximately \$14.4 million. It is important that the SBAF remains a sustainable resource for CPCFA's small business financings into the foreseeable future. Staff has determined that, on balance, the SBAF fund would not be unnecessarily depleted by including this additional use of proceeds. The proposed changes will also assist businesses involved with pollution control projects. These types of projects will benefit the environment, and the public health and safety.

The proposed amendment to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

The Executive Director has made the determination that the proposed regulation is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Adopted Regulations:

Mandate on local agencies or school districts:
None.

Cost or savings to any state agency: None.

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

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

Cost impact on a representative private person or business: The Authority 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: The Amended Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the Amended 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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The proposed amendments to sections 8034 and 8035 will open more financing opportunities to businesses involved in pollution control projects. These types of projects will benefit the environment and the public health and safety.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Adopted Regulations are 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 Authority invites interested parties to present statements with respect to alternatives to the Adopted Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Solomita Malko, Associate Governmental
Program Analyst
California Pollution Control Financing Authority
915 Capitol Mall, 5th Floor
Sacramento, CA 95814
Telephone: (916) 653–2749
Fax: (916) 657–4821
Email: Solomita.Malko@treasurer.ca.gov

Deanna Hamelin, Staff Services Manager I
California Pollution Control Financing Authority
915 Capitol Mall, 5th Floor
Sacramento, CA 95814
Telephone: (916) 651–6503
Fax: (916) 657–4821
Email: dhamelin@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Adopted Regulations to the Authority. The written comment period on the Adopted Regulations ends at **5:00 p.m. on August 9, 2022**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the proposed regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Room 266, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the Initial Statement of Reasons and the proposed text of the Adopted Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found at the Authority's website at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

**TITLE 10. DEPARTMENT OF
FINANCIAL PROTECTION AND
INNOVATION**

UNDER THE CALIFORNIA CONSUMER
FINANCIAL PROTECTION LAW REGARDING
COMMERCIAL FINANCIAL PRODUCTS
AND SERVICES
PRO 02-21

In accordance with Government Code (Gov. Code) sections 11346.2 and 11346.5, subdivision (a),¹ the Department of Financial Protection and Innovation hereby gives notice of the proposed renaming of subchapter 4 and adoption of article 4, consisting of sections 1060, 1061, and 1062, in the California Code of Regulations, title 10, chapter 3. The proposed regulations implement provisions of the California Consumer Financial Protection Law relating to the offering and provision of commercial financing and other financial products and services to small businesses, nonprofits, and family farms.

AUTHORITY AND REFERENCE
(§ 11346.5, subdivision (a)(2))

The Department is authorized to propose this regulatory action under Financial Code section 90009. The proposed regulations implement, interpret, or make specific provisions of Financial Code sections 22159, 22800, 22804, 90005, 90009, 90012, and 90015.

PUBLIC HEARING
(§ 11346.5, subdivision (a)(1) and (a)(17))

No public hearing is scheduled. Any interested person or authorized representative may request, in writing, no later than 15 days before the close of the written-comment period, a public hearing according to Government Code section 11346.8, subdivision (a).

WRITTEN COMMENT PERIOD
(§§ 11340.85, subdivision (b), 11346.5,
subdivisions (a)(1) and (a)(15))

No later than Monday, August 8, 2022, any interested person or authorized representative may submit written comments regarding this proposed regulation to the Department by postal or electronic mail, addressed as follows:

¹ All further statutory references are to the Government Code unless otherwise indicated.

Electronic mail

Comments may be submitted electronically to regulations@dfpi.ca.gov with a copy to Samuel Park, Senior Counsel, at Samuel.Park@dfpi.ca.gov. Include “PRO 02–21” in the subject line.

U.S. Mail

Department of Financial Protection and Innovation
 Attn: Sandra Navarro
 2101 Arena Boulevard
 Sacramento, California 95834

INFORMATIVE DIGEST
 (§ 11346.5, subdivision (a)(3))

A. Policy Statement and Anticipated Benefits (§ 11346.5, subdivision (a)(3)(C))

In September 2020, Governor Gavin Newsom signed Assembly Bill 1864, which codified the California Consumer Financial Protection Law (CCFPL) in division 24 of the Financial Code (Fin. Code) and vested the Department with authority to administer and enforce its provisions.² Effective on January 1, 2021, the CCFPL expanded the Department’s regulatory authority to cover a broader range of financial products and services, including those previously not subject to the Department’s existing licensing laws.

In enacting the CCFPL, the California Legislature found that “[u]nfair, deceptive, and abusive practices in the provision of financial products and services undermine the public confidence that is essential to the continued functioning of the financial system.”³ The Legislature also found that “[r]obust consumer protections enable wealth building and promote a vibrant economy.”⁴ The CCFPL was intended to improve accountability and transparency in California’s financial marketplace and to protect California residents from abuses in that marketplace, among other purposes.⁵

To those ends, the CCFPL vests the Department with broad enforcement authority, including authority to take action against providers of financial products and services for unfair, deceptive, and abusive acts and practices.⁶ In addition to granting oversight and enforcement authority, the CCFPL gives the Department rulemaking authority to implement, interpret, and make specific its provisions. Financial Code section 90009, subdivision (e), authorizes the Department to define unfair, deceptive, and abusive acts and prac-

tices in connection with the offering or provision of commercial financing or other financial products and services to small businesses, nonprofits, and family farms. This proposed regulation would protect small businesses, nonprofits, and family farms by specifying the standards used to determine whether an act or practice is unfair, deceptive, or abusive.

Financial Code section 90009, subdivision (e), further authorizes the Department’s rulemaking to include data collection and reporting on the provision of commercial financing or other financial products and services. The proposed regulation would improve accountability and transparency in the marketplace by establishing procedures and parameters for data reporting.

The benefits anticipated from this proposed regulation include an increase in consumer welfare, fair competition, and wealth creation in California.⁷ The proposed regulation will promote nondiscriminatory access to financial products and services that are not unfair, deceptive, or abusive.⁸ Protection from unfair, deceptive, and abusive conduct not only promotes the welfare of California residents but also fosters fair competition among businesses. The proposed regulation is also expected to increase accountability and transparency in the marketplace, which strengthens consumers’ confidence and financial stability, which is essential for building wealth.

B. Summary of Existing Laws and Effects of Proposed Action (§ 11346.5, subdivision (a)(3)(A))

Existing law, the CCFPL, requires the Department to regulate the offering and provision of various consumer financial products and services, as defined.⁹ Existing law makes it unlawful for covered persons or service providers, as defined, to, among other acts, engage in unlawful, unfair, deceptive, or abusive acts or practices with respect to consumer financial products or services.¹⁰ Existing law authorizes the Department to define unfair, deceptive, and abusive acts and practices in connection with the offering or provision of commercial financing, as defined in Financial Code section 22800, subdivision (d), or other financial products and services to small business recipients, nonprofits, and family farms.¹¹

This proposed regulation would make it unlawful for covered providers, as defined, to engage in unfair, deceptive, or abusive acts or practices. The proposed regulation would provide standards for determining whether an act or practice is unfair, deceptive, or abusive. The proposed regulation would define small

² Assem. Bill No. 1864 (2019–2020 Reg. Sess.) §§ 4, 7; see generally Fin. Code, § 90000 et seq.

³ Fin. Code, § 90000, subdivision (a)(2).

⁴ *Ibid.*

⁵ Fin. Code, § 90000, subdivision (a)(1), (a)(4).

⁶ Fin. Code, § 90003, subdivision (a)(1).

⁷ Fin. Code, § 90000, subdivision (b).

⁸ Fin. Code, § 90000, subdivision (b)(2), (b)(3).

⁹ Fin. Code, §§ 90005, 90006, subdivision (a).

¹⁰ Fin. Code, §§ 90003, 90005.

¹¹ Fin. Code, § 90008, subdivision (e).

business, nonprofit, and family farm, among other terms. The proposed regulation would also clarify the Department’s ability to enforce the regulation’s provisions.

Existing law also authorizes the Department’s rulemaking to include data collection and reporting on the provision of commercial financing or other financial products and services.¹²

This proposed regulation would require covered providers, as defined, to submit annual reports containing information about their provision of commercial financing or other financial products and services to small businesses, nonprofits, and family farms. The proposed regulation would identify persons excluded from the reporting requirement. The proposed regulation would specify the information required in the reports, as well as provide guidance on calculating or determining certain information. The proposed regulation would clarify the obligations of those also submitting annual reports to the Department as licensees under the California Financing Law.¹³

C. Existing Federal Regulations or Statutes (§ 11346.5, subdivision (a)(3)(B))

Existing comparable federal regulations or statutes include title 12 United States Code sections 5531(c)(1), 5531(d), and 5536(a)(1)(B) from title X of the Dodd–Frank Wall Street Reform and Consumer Protection Act and title 15 United States Code section 45(a)(1) and 45(n) from the Federal Trade Commission Act. This proposed regulation does not differ substantially from these existing comparable federal statutes.

D. Existing State Regulations (§ 11346.5, subdivision (a)(3)(D))

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing state regulations. No existing state regulations pertain to unfair, deceptive, or abusive acts or practices in the offering or provision of commercial financing or other financial products or services to small businesses, nonprofits, and family farms. The Department has proposed regulations relating to commercial financing disclosures under division 9.5 of the Financial Code.¹⁴ Notice of that proposed action was published on September 11, 2020, and on December 30, 2021, the proposed action was submitted for review with the Office of Administrative Law under file number 2021–1230–02. That matter remains pending. This proposed regulation would not be inconsistent or incompatible with those proposed regulations, if approved.

¹² *Ibid.*

¹³ Fin. Code, § 22000 et seq.

¹⁴ Fin. Code, § 22800 et seq.

E. Forms Incorporated by Reference (Cal. Code Regs., title 1, § 20, subdivision (c)(3))

This proposed regulation does not incorporate any forms by reference.

OTHER STATUTORY REQUIREMENTS
(§ 11346.5, subdivision (a)(4))

No other matters are prescribed by statute.

FISCAL IMPACT
(§ 11346.5, subdivisions (a)(5), (a)(6)
and (a)(12)(A))

The Department makes the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Cost to any local agency or school district: None.
3. Cost or savings to any state agency: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.

ECONOMIC IMPACT ON BUSINESS
(§ 11346.5, subdivisions (a)(7) and (a)(8))

The Department has initially determined that this proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS
(Cal. Code Regs., title 1, § 4)

The Department has determined that this proposed regulation will affect small business because a small business within the meaning of Government Code section 11342.610 that receives commercial financing or another financial product or service will derive a benefit from the enforcement of the regulation. The proposed regulation, however, will not affect small business to the extent that commercial finance companies are not small businesses as provided in section 11342.610, subdivision (b)(1).

COST IMPACTS ON PERSON OR BUSINESS
(§ 11346.5, subdivision (a)(9))

The Department has determined that any cost impacts incurred by a representative private person or business in reasonable compliance with this proposed regulation would be negligible. Providers of financial products or services would not incur any costs in com-

plying with the prohibition against unfair, deceptive, and abusive conduct. They would incur minimal, absorbable costs in complying with the data reporting requirement. Specifically, providers would incur some costs in initially configuring software systems to produce the reports but would be able to use readily available spreadsheet software and existing records and data to calculate the required information.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**
(§ 11346.5, subdivision (a)(10))

The Department has determined:

1. The proposed action is unlikely to create or eliminate jobs within California.
2. The proposed action is unlikely to create new businesses or eliminate existing businesses within California.
3. The proposed action is unlikely to expand businesses currently doing business within California.
4. The proposed action may benefit the health and welfare of California residents.
5. The proposed action will not benefit or adversely affect worker safety or California's environment.

BUSINESS REPORTING REQUIREMENT
(§ 11346.5, subdivision (a)(11))

The Department finds that it is necessary for the health, safety, or welfare of the people of California that the reporting requirements in this regulation apply to businesses.

CONSIDERATION OF ALTERNATIVES
(§ 11346.5, subdivision (a)(13))

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF RULEMAKING FILE
(§ 11346.5, subdivisions (a)(16) and (b))

The entire rulemaking file, which includes this notice, the initial statement of reasons, and the text of the proposed regulations, is available for inspection and copying throughout the rulemaking process at the in-

formation provided in the "Contact Persons" section below.

**AVAILABILITY OF
DOCUMENTS ON INTERNET**
(§ 11346.5, subdivision (a)(20))

This notice, the initial statement of reasons, and the text of the proposed regulations are also available on the Department's website at www.dfpi.ca.gov. At the top of the home page, under the "Licensees" tab, click "Laws and Regulations," then click the "Regulations/Rulemaking" link, and then click the "California Consumer Financial Protection Law (CCFPL)" link.

AVAILABILITY OF CHANGED TEXT
(§ 11346.5, subdivision (a)(18))

If the Department makes changes to the text of a proposed regulation that are sufficiently related to the original text, it will make the full text of the resulting regulation, with changes clearly indicated, available to the public for at least 15 days before it adopts, amends, or repeals the changed regulation. A copy of any changed regulation may be obtained from the contact person designated below or from the Department's website as described below. The Department will accept written comments on the changed regulation for at least 15 days after the date it is made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**
(§ 11346.5, subdivision (a)(19))

The final statement of reasons will be available when completed. Copies may be obtained from the contact person designated below or from the Department's website as described above.

CONTACT PERSONS
(§ 11346.5, subdivision (a)(14))

All inquiries regarding the proposed regulation, including requests for copies of the proposed regulation and questions regarding timelines or status, may be directed to:

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

The backup contact person for these inquiries is:

Samuel Park
 Department of Financial Protection and
 Innovation
 320 West 4th Street, Suite 750
 Los Angeles, California 90013
 Telephone: (213) 503-4094
 Email: Samuel.Park@dfpi.ca.gov

**TITLE 14. BOARD OF FORESTRY AND
 FIRE PROTECTION**

“SPOTTED OWL RESOURCE PLAN
 AMENDMENT, 2022”

TITLE 14 OF THE CALIFORNIA CODE
 OF REGULATIONS
 DIVISION 1.5, CHAPTER 4, SUBCHAPTER 1

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on August 17, 2022, at its regularly scheduled meeting commencing at 9:00 a.m., at the Auditorium on the first floor, RM 1-302, of the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via GoToWebinar online meeting platform or telephone conferencing. To participate via GoToWebinar online meeting platform please email PublicComments@bof.ca.gov by 4:30 p.m. on August 16, 2022, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front

page of the Board website, no later than 8:00 a.m. the morning of the hearing.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on at the conclusion of the public hearing on August 17, 2022.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attn: Jane Van Susteren
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
 715 P Street
 Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

Authority cited: Sections 4551, 4551.5, 4552, and 4553, Public Resources Code (PRC).

INFORMATIVE DIGEST/POLICY

STATEMENT OVERVIEW

(pursuant to GOV § 11346.5(a)(3)(A)-(D))

Pursuant to the Z’berg-Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to

construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources...” of the state, and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

The Northern Spotted Owl (NSO) was listed as Threatened pursuant to the Endangered Species Act (ESA) in 1990, prohibiting “take,” defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (the Endangered Species Act § 3(18)). In 2017, the California Fish and Game Commission (FGC) listed the species as Endangered pursuant to the California Endangered Species Act (CESA), which also prohibits “take” defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” (Fish and Game Code, § 86).

Various regulatory mechanisms were developed at the state and federal level to avoid take of this species, or to provide for some form of “incidental take” for otherwise lawful activities. As a result, regulated forest landscapes are now subject to multiple mechanisms for take avoidance, largely through extensive surveys and the protection of appropriate habitat for foraging, nesting, and roosting within a specific radius of known nest sites. One of these mechanisms is the Spotted Owl Resource Plan (SORP), a streamlined process to avoid take across multiple ownerships.

A Spotted Owl Resource Plan is a take avoidance strategy that demonstrates an approach to preventing a taking of the Northern Spotted Owl while conducting timber harvest operations. This process is managed by the California Department of Forestry and Fire Protection (CAL FIRE) in collaboration with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS). Spotted Owl Resource Plans advance the conservation of NSO through a consistent protocol for monitoring and reporting on a geographic scale, describe and define protection measures for NSO given various situations in timber harvesting plans located in the SORP and provide for data and information exchange to ensure that USFWS, CDFW, CAL FIRE, and SORP enrollees have the most current information on Northern Spotted Owl populations and access to data across ownerships. This process is managed by CAL FIRE in collaboration with CDFW and USFWS.

A Spotted Owl Resource Plan necessarily involves coordination of multiple timber harvesting plan areas. As currently defined in the Forest Practice Rules (§ 895.1), Spotted Owl Resource Plans do not spe-

cifically include Nonindustrial Timber Management Plans (NTMPs) and Working Forest Management Plans (WFMPs); regulatory pathways for managing nonindustrial timberlands to create and maintain uneven aged timber stand conditions and sustained yield of timber. These plans may include multiple landowners and are limited in size. These nonindustrial timberland owners would benefit significantly from the opportunities for multi-owner cooperative survey efforts, the ability to describe and define protection measures given specific management and site circumstances, and the provisions for data sharing and information exchange with other SORP enrollees and relevant agencies.

The *problem* is that the current regulatory description of a Spotted Owl Resource Plan does not include reference to Nonindustrial Timber Management Plans or Working Forest Management Plans, giving the incorrect impression that those methods for forest management are excluded from this pathway to meet regulatory requirements for avoiding take of Northern Spotted Owls.

The *purpose* of the proposed action is to clarify that nonindustrial timberland owners can use Spotted Owl Resource Plans to meet the regulatory requirements for surveys and take avoidance of Northern Spotted Owls.

The *effect* of the proposed action is wider usage by nonindustrial timberland owners of a landscape-level protection from take for Northern Spotted Owls.

The *benefit* of the proposed action is a mechanism for wider usage of landscape-level protections for the Northern Spotted Owl, a federally listed threatened and state listed endangered species. The proposed action also provides clarity on the usage of a regulatory mechanism.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to watercourse protection during timber operations within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Chapter 8, Part 2, Division 4, Public Resources Code.

Regulations to which the proposed action was compared: Article 4, Subchapters 4, 5, & 6, Chapter 4, Division 1.5, Title 14, California Code of Regulations.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to management plans for the non-industrial harvesting of timber. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

**HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))**

The proposed action will not significantly affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS, INCLUDING
ABILITY TO COMPETE
(pursuant to GOV §§ 11346.3(a),
11346.5(a)(7) and 11346.5(a)(8))**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS,
TESTIMONY, OR OTHER EVIDENCE
RELIED UPON TO SUPPORT INITIAL
DETERMINATION IN THE NOTICE
THAT THE PROPOSED ACTION WILL
NOT HAVE A SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS
(pursuant to GOV § 11346.2(b)(5) and
GOV § 11346.5(a)(8))**

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

**STATEMENTS OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));

- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will result in broader access to a landscape-level protection for an endangered species, coordinating the protection of habitat and minimizing disturbances from survey efforts. The proposed action will not affect the health and welfare of California residents or worker safety.

COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS
(pursuant to GOV § 11346.5(a)(9))

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. No adverse impacts are to be expected.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11) and
11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV § 11342.610)

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, 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.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attention: Jane Van Susteren
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 619-9795

The designated backup person in the event Ms. Van Susteren is not available is Eric Hedge, Regulations Program Manager for the Board of Forestry and Fire Protection. Mr. Hedge may be contacted at the above address or phone.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a)(16) and (a)(18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing 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. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the

modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

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 3000, 3290, and 3315 into Title 15, Division 3, Chapter 1, regarding Controlled Substance Distribution.

PUBLIC COMMENT PERIOD

The public comment period begins **June 24, 2022** and closes on **August 12, 2022**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

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

B. Donahoo
Telephone: (916) 324-1653
Division of Adult Institutions

PUBLIC HEARING

Date and Time:

**August 15, 2022
10:00 a.m. to 11:00 a.m.**

Place:

Department of Corrections and Rehabilitation
Kern/Colorado Room
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

Amend California Code of Regulations (CCR), Title 15, Division 3, section 3000, Definitions, to enhance and clarify the definition of ‘Distribution,’ and add cross-reference to section 3000 in sections 3290 and 3315 for additional clarity.

This action will:

- Amend the definition of the term “Distribution” to ensure accurate interpretation by the courts in future litigation, and to align more closely with sections of the Health and Safety Code related to drug sales and transportation.
- Sections 3290 and 3315 are revised to add a cross reference to the definition of Distribution for clarity.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The department anticipates that these regulations will ultimately reduce the amount of contraband and drugs introduced into and throughout the institutions, creating a safer environment for inmates, staff, visitors, contractors, and their employees and volunteers. The regulations will reduce the strife that is created when inmates are trying to profit from illegal activities, and better allow inmates to focus on rehabilitation, which will result in more productive citizens being released into the community and make the community safer as a whole.

EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
LAWS AND REGULATIONS

Pursuant to Government Code § 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern revising the definition of “Distribution” of a controlled substance.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reim-

bursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small 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: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF PUBLIC HEALTH

AFL 22–12

TO: All Facilities
SUBJECT: Updated Regulatory References to Health Care Standards of Practice
AUTHORITY: Health and Safety Code (HSC) section 1275

ALL FACILITIES LETTER (AFL) SUMMARY

This AFL notifies all facilities of proposed updates to regulatory references in Title 22 of the California Code of Regulations which cite health care standards of practice adopted by a recognized state or national association.

Existing law provides for the licensure and regulation of health facilities by the California Department of Public Health (CDPH). Existing law authorizes CDPH to promulgate rules and regulations regarding health facilities, in accordance with the provisions of the Administrative Procedure Act (APA).

Assembly Bill (AB) 614 (Chapter 435, Statutes of 2015) revised Health and Safety Code (HSC) section 1275, authorizing CDPH to use a streamlined administrative process to update references to health care standards of practice which have been adopted by a state or national association when outdated standards are referenced in the California Code of Regulations.

HSC section 1275 requires CDPH to:

1. Post notice of CDPH’s proposed updates to state or national associations’ health care standards of practice on its Internet Website for at least 45 days. The notice shall include the name of the state or national association, the title of the health care standards of practice, and the version of the updated health care standards of practice to be adopted.
2. Notify stakeholders that the proposed standards have been posted on CDPH’s Internet Website by issuing a mailing to the most recent stakeholder list on file with CDPH’s Office of Regulations.
3. Submit to the Office of Administrative Law the aforementioned notice for publishing in the California Regulatory Notice Register.
4. Accept public comment for at least 30 days after the conclusion of the 45–day posting period.

5. If a member of the public requests a public hearing, CDPH will hold a hearing and consider any comments.

Pursuant to the requirements of AB 614, CDPH has attached its proposed Updated Regulatory References to Health Care Standards of Practice (PDF) for immediate public comment and consideration commencing on June 24, 2022, and concluding on August 9, 2022, for which public comments may be submitted until September 9, 2022. Amendments to the existing regulations are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. CDPH has also included justification for the changes in each regulation for further consideration.

Public comments may be submitted using one of the following methods:

1. Via mail to the following address:

CHCQ Regulation Development Section
California Department of Public Health
1615 Capitol Avenue
P.O. Box 997377 MS Code 3201
Sacramento, CA 95899-7377

2. Via electronic transmission to:

CHCQRegulations@cdph.ca.gov

This AFL can also be accessed electronically at CDPH's *All Facilities Letters webpage* by visiting the following URL: <https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/LNCAFL22.aspx>.

Sincerely,

/s/

Cassie Dunham
Deputy Director

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF CORRECTION

On June 17, 2022, the State Water Resources Control Board published a Notice of Proposed Action concerning the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program in California Regulatory Notice Register 2022, Number 24-Z, June 17, 2022, page 720 (OAL Notice File No. Z2022-0607-03).

The link to the documents related to the proposed action was listed as https://www.waterboards.ca.gov/water_issues/programs/ustcf/rust/regulations/ which is incorrect. The correct link is https://www.waterboards.ca.gov/water_issues/programs/ustcf/rust_regulations.html.

If you have any questions, please contact Robert Smith, RUST Program Manager, Division of Financial Assistance, State Water Resources Control Board, 1001 I Street, Sacramento CA 95814, (916) 323-2095 or Robert.Smith@waterboards.ca.gov.

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

(Pursuant to Title 1, section 280, of the California Code of Regulations)

On February 11, 2022, the Office of Administrative Law (OAL) received a petition challenging a memorandum issued by the California Department of Corrections and Rehabilitation (CDCR) titled "Clarification of 'Stacking' as Related to the Inmate Disciplinary Process," dated June 23, 1998, as an alleged underground regulation. The memorandum instructs Wardens as to how Rule Violation Reports (Form 115) should be completed, defines "stacking" and provides guidance as to how to complete reports.

On June 7, 2022, CDCR certified to OAL that they would no longer issue, use, enforce or attempt to enforce the challenged memorandum. Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

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 # 2022-0606-03
 Water Demand Reduction Emergency Regulation

This emergency action by the State Water Resources Control Board adopts a new regulation which requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources and to implement Level 2 demand reduction actions (actions intended to result in a 10 to 20 percent savings). The regulation bans the irrigation of non-functional turf with potable water in commercial, industrial, and institutional sectors and establishes that such irrigation is an infraction punishable by a fine of up to five hundred dollars for each day in which the violation occurs pursuant to Water Code section 1058.5(d).

Title 23
 Adopt: 996
 Filed 06/10/2022
 Effective 06/10/2022
 Agency Contact: Garrett Lenahan (916) 341-5179

Department of Corrections and Rehabilitation
 File # 2022-0524-01
 Staff Misconduct Allegations

This action by the Department of Corrections and Rehabilitation (Department) is submitted to OAL as an emergency of operational necessity pursuant to Penal Code section 5058.3 and readopts a regulatory process for addressing Department staff misconduct allegations involving incarcerated persons or parolees initially adopted in OAL Matter No. 2021-1208-01EON.

Title 15
 Adopt: 3486.01, 3486.1, 3486.2, 3486.3
 Filed 06/13/2022
 Effective 06/13/2022
 Agency Contact: Josh Jugum (916) 445-2266

Department of Corrections and Rehabilitation
 File # 2022-0531-01
 Employee Discipline

This operational-necessity emergency action readopts amendments to and adoptions of regulations concerning California Department of Corrections and Rehabilitation employee discipline. The action primarily adopts an employee penalty-levels disciplinary matrix and related definitions and procedures to be used by hiring authorities in determining and imposing disciplinary measures on employees for misconduct directed at inmates, parolees, wards, other employees, or members of the public.

Title 15
 Adopt: 3392.1, 3392.2, 3392.3, 3392.4, 3392.5, 3392.6, 3392.7, 3392.8, 3392.9, 3417
 Amend: 3391, 3392
 Filed 06/13/2022
 Effective 06/13/2022
 Agency Contact: Rosie Ruiz (916) 445-2244

Division of Workers' Compensation
 File # 2022-0503-01
 Copy Service Rate Schedule

This action updates the schedule of maximum fees payable for copy and related services. This action is exempt from the Administrative Procedure Act under Government Code section 11340.9(g).

Title 08
 Adopt: 9984, 9985
 Amend: 9980, 9981, 9982, 9983
 Filed 06/15/2022
 Effective 07/15/2022
 Agency Contact: Carol Finuliar (510) 286-0660

Franchise Tax Board
 File # 2022-0607-02
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political 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 18
 Amend: 17000.30
 Filed 06/15/2022
 Effective 07/15/2022
 Agency Contact: Melody Scullary (916) 845-4978

Board of Pharmacy
 File # 2022-0504-01
 Advanced Practice Pharmacist

Existing law requires that, in addition to other requirements, a person who seeks recognition as an advanced practice pharmacist satisfy any two of the three criteria specified in subdivision (a)(2)(A) of Business and Professions Code section 4210. Assembly Bill 1533 (Stats. 2021, Chapter 629) amended Business and Professions section 4210 so that, for the purposes of subdivision (a)(2)(A) of that statute, if, as a condition of completion of one of the required criteria fulfillment of a second criterion is also required, that completion shall be deemed to satisfy subdivision (a)(2). As a change without regulatory effect, the Board of Pharmacy (the "Board") is (1) adding this clarification to the Board's application requirements for advanced

practice pharmacist licensure and (2) updating cross-references to Business and Professions Code section 4210.

Title 16
Amend: 1730.1
Filed 06/09/2022
Agency Contact: Lori Martinez (916) 518-3078

California Department of Tax and Fee Administration
File # 2022-0426-03
Application of the Fee Collection Procedures Law

This action makes non-substantive changes to the Department of Tax and Fee Administration's fee collection regulations by removing regulations based on repealed statutes, adjusting the reference citations accordingly, and by adding authority citations which explain the legislative history of the Board of Equalization's transition of authority to the Department of Tax and Fee Administration.

Title 18
Amend: 3500
Filed 06/08/2022
Agency Contact: Kim DeArte (916) 309-5227

California Prison Industry Authority
File # 2022-0502-03
CALPIA Incarcerated Individuals Worker Hiring Standards & Requirements

This action amends 15 CCR Section 8004.1 for typographical errors, grammar, syntax, and word choice.

Title 15
Amend: 8004.1
Filed 06/14/2022
Agency Contact: Moira Doherty (916) 413-1140

California Prison Industry Authority
File # 2022-0503-03
Inmate Worker Controlled Substances/Alcohol Abuse

CALPIA non-substantively amends 15 CCR 8004.3 for punctuation, grammar, and syntax.

Title 15
Amend: 8004.3
Filed 06/14/2022
Agency Contact: Moira Doherty (916) 413-1140

California Prison Industry Authority
File # 2022-0503-04
Recruitment and Appointment Process

CALPIA amends 15 CCR Section 8004.2 for semantics, grammar, syntax, and punctuation.

Title 15
Amend: 8004.2
Filed 06/14/2022
Agency Contact: Moira Doherty (916) 413-1140

California Prison Industry Authority
File # 2022-0503-05
Inmate Workforce Allocation

This action amends 15 CCR Section 8004.4 to adjust the semantics used to refer to people housed in prisons.

Title 15
Amend: 8004.4
Filed 06/14/2022
Agency Contact: Moira Doherty (916) 413-1140

California Health Facilities Financing Authority
File # 2022-0426-01
Community Services Infrastructure Grant Program

In this rulemaking action, the Authority amends its regulations to require applications to be submitted online, removing the procedures related to the submission of applications by mail. It further revises its Community Services Infrastructure Grant Program Application form to reflect this change.

Title 04
Amend: 7413, 7416
Filed 06/08/2022
Effective 06/08/2022
Agency Contact: Bianca Smith (916) 653-2408

Department of Financial Protection and Innovation
File # 2021-1230-02
Commercial Financing Disclosures

Senate Bill (SB) 1235 (Stats. 2018, Chapter 1011) requires that a provider who facilitates commercial financing to a recipient, as defined, to disclose specified information relating to that transaction to the recipient at the time of extending a specific offer of commercial financing, and to obtain the recipient's signature on that disclosure before consummating the commercial financing transaction. SB 1235 also requires that disclosure to include specified information, including the total amount of funds provided, information related to the payments to be made, the total dollar cost of the financing, and, until January 1, 2024, the total cost of financing expressed as an annualized rate. In this regular rulemaking, the Commissioner of the Department of Financial Protection and Innovation is adopting regulations governing these disclosure requirements.

Title 10

Adopt: 900, 901, 910, 911, 912, 913, 914, 915, 916, 917, 920, 921, 922, 930, 931, 940, 941, 942, 943, 950, 951, 952, 953, 954, 955, 956

Filed 06/09/2022

Effective 12/09/2022

Agency Contact:

Jesse R. Mattson (916) 576-4892

Department of Social Services

File # 2021-1228-04

Reasonable and Prudent Parent Standard and Healthy Sexual Development

This rulemaking action by the Department of Social Services updates requirements related to the reasonable and prudent parent standard and promotion of healthy sexual development for youth in care.

Title 22, MPP

Adopt: 83067

Amend: 80061, 83001, 83064, 83074, 83075, 83076, 83079, 84001, 84065, 84067, 84074, 84075, 84076, 84079, 89201, 89374, 89376, 89377, 89379, 89405, 89475

Filed 06/09/2022

Effective 10/01/2022

Agency Contact:

Kenneth Jennings (916) 651-8862

Office of Environmental Health Hazard Assessment

File # 2022-0503-02

Proposition 65 No Significant Risk Level (NSRL) 1,3-Dichloropropene

This action adds exposure to 1,3-Dichloropropene at a level of 3.7 micrograms per day to a regulation that establishes specific regulatory levels for cancer-causing chemicals that pose no significant risk.

Title 27

Amend: 25705

Filed 06/13/2022

Effective 10/01/2022

Agency Contact:

Esther Barajas-Ochoa (916) 322-2068

California Architects Board

File # 2022-0428-01

Education and Training/Practice Credits

This resubmittal action amends the education and training credit standards for a candidate to qualify as a landscape architect.

Title 16

Amend: 2615, 2520

Filed 06/08/2022

Effective 06/08/2022

Agency Contact: Kourtney Nation (916) 575-7237

**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 oal.ca.gov.