



# 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. STATE  
AUDITORS' OFFICE**

THE CONFLICT-OF-INTEREST CODE  
OF THE CALIFORNIA STATE  
AUDITOR'S OFFICE

NOTICE IS HEREBY GIVEN that the **California State Auditor's Office**, 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 October 22, 2022 and closing on December 5, 2022. All inquiries should be directed to the contact listed below.

The **California State Auditor's Office** 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 addition of five new classifications to the list of designated positions.
- Updating six designated position titles to correctly reflect the classification titles.
- Deletion of one designated position no longer used by the California State Auditor's Office.
- Nonsubstantive, clarifying changes to the disclosure categories.
- Minor revisions to the filing language.
- Other technical changes.

**Agencies please choose one option:**

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

OR

X Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *December 5, 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 *November 21, 2022*.

The **California State Auditor's Office** 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: Brianna Behnoud, Staff Services Manager I, (916) 445-0255, [regulations@auditor.ca.gov](mailto:regulations@auditor.ca.gov).

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Marin Clean Energy

STATE AGENCY:

State Water Resources Control Board

ADOPTION

MULTI-COUNTY:

San Pablo Economic Development Corporation

A written comment period has been established commencing on October 21, 2022 and closing on December 5, 2022. Written comments should be directed to the Fair Political Practices Commission,

Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than December 5, 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 code(s) should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

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

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

### **TITLE 5. COMMISSION ON TEACHER CREDENTIALING**

#### **CALIFORNIA CODE OF REGULATIONS, TITLE 5, PERTAINING TO SUBJECT MATTER COMPETENCE**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action. A copy of the proposed regulations is included with the new proposed text shown in underline.

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

#### **SUMMARY OF THE EFFECT OF THE PROPOSED ACTION**

This proposal would add section 80096 to Title 5 of the California Code of Regulations. The addition of

the regulations proposed for section 80096 will clarify the statutory changes made by the enactment of AB 130. These proposed regulations would authorize programs to verify a candidate’s subject matter competence by confirming successful completion of specified coursework at a regionally accredited institution of higher education with a grade of C or better. The regulations would also authorize the use of a baccalaureate degree from a regionally accredited institution of higher education with an applicable major, as specified, for single subject candidates; a baccalaureate degree from a regionally accredited institution of higher education with a major of Liberal Studies, Liberal Arts, or Elementary Education for multiple subject candidates; or either of these options for education specialist candidates.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes on December 5, 2022. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327–3165; write to the Commission on Teacher Credentialing, attn. Lynette Roby, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or David DeGuire at [David.DeGuire@ctc.ca.gov](mailto:David.DeGuire@ctc.ca.gov).

Any written comments received by the closing of the public comment period will be reproduced by the Commission’s staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### AUTHORITY AND REFERENCE

Education Code (EC) section 44225(q) authorizes the Commission to adopt the proposed regulations and amendments. These regulations are proposed to implement, interpret, and make specific the following: Education Code section 44259 pertaining to Subject Matter Competence.

#### INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

##### *Summary of Existing Laws and Regulations*

In July of 2021 AB 130 (Chapter 44, Statutes of 2021) amended Education Code section 44259(b)(5)(A) to allow for additional options to meet the subject matter requirement for preliminary teaching credentials

to help address the statewide teacher shortage. Prior to passage of AB 130, candidates could only demonstrate subject matter competency through an examination or completion of a Commission–approved subject matter program. Now candidates may meet the subject matter requirement through coursework or completion of a specific major.

##### *Objectives and Anticipated Benefits of the Proposed Regulations*

The Commission has adopted the proposed amendments to implement, interpret, and make specific Education Code section 44259 pertaining to Subject Matter Competence. The addition of the regulations proposed for section 80096 will clarify the statutory changes made by the enactment of AB 130. Educator preparation programs performing coursework reviews will have clear guidance on the types of coursework and majors that are now applicable to meet the subject matter requirement for a preliminary teaching credential. These regulations would authorize programs to verify a candidate’s subject matter competence by confirming successful completion of specified coursework at a regionally accredited institution of higher education with a grade of C or better. The regulations would also authorize the use of a baccalaureate degree from a regionally accredited institution of higher education with an applicable major, as specified, for single subject candidates; a baccalaureate degree from a regionally accredited institution of higher education with a major of Liberal Studies, Liberal Arts, or Elementary Education for multiple subject candidates; or either of these options for education specialist candidates.

The Commission does not anticipate any specific benefits to the health and welfare of California residents, worker safety, and the state’s environment. However, this rulemaking does address opening the pipeline to teacher employment which benefits individuals exploring teaching as an employment option. This in turn will help to address the teacher shortage providing California’s public–school students with a fully qualified teachers by opening up new options for candidates to meet the subject matter requirement. Additionally, it may allow for more fully credentialed teachers and fewer teachers on short term or other temporary permits.

##### *Determination of Inconsistency/Incompatibility with Existing State Regulations*

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern Subject Matter Competence requirements.

DISCLOSURES REGARDING THE  
PROPOSED ACTIONS/FISCAL IMPACT

The Commission has made the following initial determinations.

LOCAL MANDATE

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code. Local education agencies may choose to sponsor educator preparation programs utilizing the proposed regulations; however, no mandate exists requiring local agencies or school districts to have educator preparation programs and, therefore, no reimbursement in accordance with Part 7 (commencing with section 17500) of the government code is required.

FISCAL IMPACT

*Costs to any local agency or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.*

These proposed regulations will not impose a cost to local agencies or school districts requiring reimbursement in accordance with Part 7 (commencing with section 17500) of the Government Code as sponsoring an educator preparation program which is aligned to the proposed regulations and is not required by law.

*Cost or savings to any state agency.*

None. California State Universities, Universities of California, and Local Education Agencies that choose to sponsor preliminary educator preparation programs currently review coursework for prospective candidates. The proposed regulations will provide clear guidance regarding the review of coursework for additional options into a credentialing program. Additionally, the regulations recognize the fact that there is not a consistent naming system for academic degree majors at institutions of higher education throughout the state. The proposed regulations would save the costs involved in time and workload on the part of personnel at institutions of higher education as it would allow for and recognize majors that are essentially equivalent to those identified in statute but that have different names. With these majors, personnel would not have to use the coursework evaluation option which is more labor intensive.

*Other non-discretionary costs or savings imposed upon local agencies.*

None. Sponsoring an educator preparation program is not a requirement. Only entities that choose to sponsor a program could potentially see a staffing cost for transcript review.

*Cost or savings in federal funding to the state.*

None. Sponsoring an educator preparation program which is aligned to the proposed regulations is not required by law and would not impact federal funding to the state.

HOUSING COSTS

No effect on housing costs exists as these regulations only pertain to demonstration of subject matter competence for preliminary teaching credentials.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESSES, INCLUDING  
THE ABILITY OF CALIFORNIA  
BUSINESSES TO COMPETE WITH  
BUSINESSES IN OTHER STATES

The Commission has concluded there is no significant adverse impact on business. These regulations make clear additional options for teacher candidates to demonstrate that they have met the subject matter competence requirement required by California Education Code.

STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT

In accordance with Government Code section 11346.3(b), the Commission has made the following assessments regarding the proposed regulations:

*Creation or Elimination of Jobs within California*

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate jobs in California. The Commission anticipates that the proposed amendments are intended to increase opportunities for candidates to complete their credentialing requirements thereby possibly increasing the supply of fully prepared teachers who will be ready to enter the California teaching workforce. They will not create or eliminate jobs in California.

*Creation of New Businesses or Elimination of Existing Business within California*

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statutory changes and will not create or eliminate existing businesses in California.

*Expansion of Businesses Currently Doing Business within the California*

The proposed amendments pertain to the demonstration of subject matter competence by prospective teachers. These amendments are necessitated by statu-



tory changes and will not cause the expansion or elimination of existing businesses in California.

*Benefits of the Regulations*

The Commission does not anticipate any specific benefits to the health and welfare of California residents, worker safety, and the state’s environment. However, this rulemaking does address opening the pipeline to teacher employment which benefits individuals exploring teaching as an employment option. Additionally, it recognizes specific collegiate coursework that many prospective teachers may have already taken. If acceptable under these regulations, these prospective teachers would see a cost savings in that they would not have to take and pay for the required subject matter examinations. This in turn is likely to help to address the teacher shortage providing California’s public-school students with fully qualified teachers, thereby reducing the number of teachers on short term or other temporary permits

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

BUSINESS REPORT

This proposal does not require a report to be made.

EFFECT ON SMALL BUSINESS

The proposed regulations will not have a significant adverse economic impact upon small business. The proposed regulations apply only to educational institutions electing to offer or offering Commission-approved and accredited educator programs. Educational institutions are California State Universities, Universities of California, private four-year colleges and universities, or local education agencies, none of which meet the definition for small business as defined in government code 11342.610. The vast majority of Commission approved program sponsors are nonprofit educational institutions. Very few institutions of higher education approved by the Commission at this time are for profit businesses. Because offering an educator preparation program is voluntary, any institution must evaluate whether or not they have sufficient resources to offer a high-quality preparation program in accordance with the state adopted standards, state statute, and regulations.

ALTERNATIVES STATEMENT

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

CONTACT PERSON/  
FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Lynette Roby by telephone at 916-324-3668, by mail at Commission on Teacher Credentialing: Attn: Regulations, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov) or David DeGuire at [David.DeGuire@ctc.ca.gov](mailto:David.DeGuire@ctc.ca.gov). General question inquiries may also be directed to the addresses mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the Initial Statement of Reasons will be made available. This information is also available on the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking.html>. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT  
OF REASONS AND TEXT OF  
PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Lynette Roby at the addresses or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will

be made available for public comment for at least 15 days before they are adopted.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lynette Roby at [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov).

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission's website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

**TITLE 8. PUBLIC EMPLOYMENT  
RELATIONS BOARD**

The Public Employment Relations Board (PERB or Board) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Board proposes to amend sections 32147 and 32305. Section 32147 provides for expediting matters before the Board. Section 32305 provides that proposed decisions become final if no timely exceptions are filed.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327-6377 or by e-mail at [james.coffey@perb.ca.gov](mailto:james.coffey@perb.ca.gov). The written comment period closes on December 6, 2022, which is 46 days after the publication of this notice. The Board will only consider

comments received at the Board offices by that time. Submit written comments to:

James Coffey, Senior Regional Attorney  
Public Employment Relations Board  
1031 18th Street  
Sacramento, CA 95811

**AUTHORITY AND REFERENCE**

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA; Government Code section 3540 et seq.). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers-Milias-Brown Act (MMBA; Government Code section 3500 et seq.). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act; Government Code section 3512 et seq.). Government Code section 3563(f) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer-Employee Relations Act (HEERA; Government Code section 3560 et seq.). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA; Public Utilities Code section 99560 et seq.). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Employment Protection and Governance Act (Trial Court Act; Government Code section 71600 et seq.). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act; Government Code section 71800 et seq.). Government Code section 3524.52(a), authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Judicial Council Employer-Employee Relations Act (JCEERA; Government Code section 3524.50 et seq.).



Pursuant to Government Code sections 3541.3(g) and 3555.5(c), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Public Employee Communication Chapter (PECC; Government Code section 3555 et seq.). Pursuant to Government Code sections 3541.3(g) and 3551(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (PEDD; Government Code section 3500 et seq.). Pursuant to Welfare and Institutions Code section 10421(e), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Building a Better Early Care and Education System Act (Childcare Provider Act; Welfare and Institutions Code section 10420 et seq.). Pursuant to Public Utilities Code section 40122.1(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Orange County Transit District Act (OCTDA; Public Utilities Code section 40122.1 et seq.). Pursuant to Public Utilities Code section 28849(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the San Francisco Bay Area Rapid Transit District Act (BART Act; Public Utilities Code section 28848 et seq.). Pursuant to Public Utilities Code section 102399(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Sacramento Regional Transit District Act (SacRT Act; Public Utilities Code section 102398 et seq.).

General reference for **section 32147** of the Board's regulations: sections 3509, 3513(h), 3524.52(a), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; sections 28849(b), 40122.1(a), 99561(m), and 102399(b), Public Utilities Code; and section 10421(e), Welfare and Institutions Code. General reference for **section 32305** of the Board's regulations: 3509, 3509.3, 3513(h), 3524.52(a), 3524.76, 3520.8, 3541.3(k), 3541.3(n), 3541.35, 3551(a), 3555.5(c), 3563(j), 3563(m), 3563.5, 71639.1, 71639.15, 71825 and 71825.05, Government Code; sections 28849(a), 40122.1(a), 99561(j), 99561(m), 99561.4, and 102399(b), Public Utilities Code; and section 10428.5(a), Welfare and Institutions Code.

## POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California. PERB presently administers fourteen collective bargain-

ing statutes, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers-Milias-Brown Act (MMBA) of 1968, which established collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976, establishing collective bargaining in California's public schools (K-12) and community colleges; the State Employer-Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer-Employee Relations Act (HEERA) of 1979, extending the same coverage to the California State University System, the University of California System and Hastings College of Law; the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) of 2003, which covers supervisory employees of the Los Angeles County Metropolitan Transportation Authority; the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000 and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, which together provide for collective bargaining rights for most trial court employees; the Public Employee Communication Chapter (PECC) of 2017, which conferred PERB jurisdiction over violations of the PECC; the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) of 2018, which conferred PERB jurisdiction over violations of the PEDD; the Building a Better Early Care and Education System Act of 2019, known as the Childcare Provider Act (CCPA), establishes collective bargaining for family childcare providers who participate in a state-funded early care and education program. In 2020, the Legislature gave PERB jurisdiction over the Bay Area Rapid Transit District Act (BART Act), where the Board has jurisdiction over disputes relating to employer-employee relations at BART, and jurisdiction over the Orange County Transit District Act (OCTDA) in the Public Utilities Code giving PERB jurisdiction over unfair practice charges at the Orange County Transportation Authority. In 2021, the Legislature gave PERB jurisdiction over disputes relating to employer-employee relations of the Sacramento Regional Transit District (SacRT) for those exclusive representatives that have elected to move one or more of its bargaining units to the jurisdiction of PERB for unfair practice charges.

The proposed amendments update the Board's rules that govern expediting matters at each division of PERB's proceedings, as well as procedures concerning the finality of Board agent decisions in certain representation matters. These amendments are intended to fill gaps, resolve ambiguities, and simplify the

Board's procedures and processes for case adjudication to make the expediting process more understandable to attorneys and non-attorneys alike.

Over time, the Legislature has continued to place additional public employers under PERB's jurisdiction. As a consequence, the Legislature has added more than two million public employees and their associated caseloads to the Board's jurisdiction. In response, PERB has continued to evaluate changes to case processing intended to be more efficient and streamlined. On April 13, 2017, the Board approved a Case Processing Efficiency Initiative to generate ideas for the improvement and streamlining of case processing. The Board solicited feedback from staff and constituents on the updates needed to make our proceedings efficient and user-friendly, keeping in mind that many constituents are non-attorneys or pro per litigants unfamiliar with legal procedures in an administrative law setting. PERB's case-adjudication processes differ from other judicial forums in that non-attorney parties may not only self-represent (pro per litigants) but may be represented by non-attorney representatives. It is therefore not uncommon for non-attorneys to appear on behalf of individuals or organizations and navigate their way through PERB's case adjudication processes and the corresponding regulations. As revealed through the stakeholder meetings that were part of the Case Processing Efficiency Initiative, PERB's case processing regulations are often unnecessarily complicated, incomplete, obsolete, or ambiguous. These problems often cause litigants to commit errors or missteps, which delay case adjudication. Aside from the delays, these errors create additional work for PERB's attorneys and judges. For this reason, the Board determined it was necessary to amend its regulations, including its expedite regulations, to make them user-friendly, detailed, and understandable.

On June 14, 2018, the Board approved the Case Processing Efficiency Initiative Report, which included amending its regulations to provide for an expedited process for charges based on the level of complexity of the charge.

#### INFORMATIVE DIGEST

**Section 32147** concerns expediting matters before the Board. The proposed changes include additional rules clarifying in which division of the Board a motion to expedite may be filed, which differs based on whether the motion is for a single division of PERB or all divisions. The amended regulation also includes new filing requirements concerning how to label a motion to expedite, whether the motion may be included with other documents, the deadline for filing a response to the motion, and whether a reply brief may be

filed. Additionally, the amended regulation identifies matters filed under specified PERB regulations that are subject to mandatory expediting by the Board. The amended regulation also describes the criteria that the Board considers when ruling on a motion to expedite a matter that is not subject to mandatory expediting, and whether the denial of the motion is with prejudice. The amended regulation further sets forth procedures for expediting, such as: how expedited matters are prioritized over other matters; the labeling of documents filed in an expedited case; and whether expedited matters may be placed in abeyance or continued.

**Section 32305** concerns the finality of Board agent decisions. The proposed changes include adding cases arising under section 61215 to the listing of matters arising under specified PERB regulations, where a Board agent's decision is final unless the Board itself issues a decision not later than 180 days from the date exceptions were filed with the Board, and clarifying that the Board shall not grant abeyances in these matters. The amended regulation further provides an additional matter that requires an expedited Board process.

#### CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB's exclusive jurisdiction to implement and enforce the labor relations acts within its jurisdiction, the amended regulations are the only regulations concerning the implementation and enforcement of these laws. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

As part of PERB's Case Processing Efficiency Initiative, the Board seeks to make the agency's procedures for case processing easier to understand and therefore more accessible to non-attorney parties and representatives. As part of this initiative, PERB determined that it needed to amend its expedite regulations to eliminate ambiguities and add missing information. By making these changes, the proposed amendments will reduce case processing errors, which, in turn, will improve case processing times. In addition, the proposed amendments will make case adjudication more consistent. As one example, PERB's rules provide that the Board itself, the Chief Administrative Law Judge

or the General Counsel may expedite any matter pending before the Board. The current rules, however, are silent regarding the filing of a motion to expedite proceedings within a single division of PERB or the filing of a motion to expedite at all divisions. The current rules also do not specify the deadline for a party to file a response to the motion to expedite and whether a reply brief may be filed after the opposing party files its response. The proposed amendments add language expressly identifying with whom to file a motion to expedite proceedings within a single division or at all divisions of the Board, while also providing a deadline for a party's response to the motion and clarifying that no reply briefs shall be filed unless ordered.

The proposed amendments also specify which cases must be expedited from initial filing to conclusion, without any motion or order. For cases that are not subject to mandatory expediting, the proposed amendments set forth applicable criteria used in determining whether a case should be expedited. PERB's current rule governing expediting cases does not specify which cases require mandatory expediting, nor does it provide significant detail regarding the criteria for granting a motion to expedite. As a result, the current regulations lack sufficient details to best guide constituents on how to file, challenge, or provide briefing for a motion to expedite proceedings. The proposed amendments address the problem by defining which cases shall be expedited, and by specifying the criteria that will be considered to determine whether to expedite cases that are not subject to mandatory expediting.

Essentially, the proposed amendments continue the Board's efforts to update its case processing regulations to provide constituents with easy to understand yet comprehensive rules on case processing.

#### NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes, as these proposed regulatory changes apply solely to public employers and employee organizations under the jurisdiction of the California public sector labor relations statutes set forth above. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing federal regulations or statutes.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

Cost impact on private persons or directly affected businesses: 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.

Significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The Board has determined that the amended regulations will not affect small business because the amended regulations will only affect public employers, public employees, and public employee organizations.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that the amendment of the regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

#### BENEFIT ANALYSIS

By updating the expedite regulations, PERB will improve public sector labor relations by providing necessary information and clarity to parties about PERB's standards and processes. This will improve efficiencies in PERB's resolution of labor disputes, which will promote full communication between public employers and their employees in resolving disputes

over wages, hours and other terms and conditions of employment. The proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. The proposed regulatory action will further the policies underlying prompt resolution of labor disputes by providing a process to expediently resolve alleged violations of California's labor relations laws. California residents' general welfare will be benefitted by stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that California's public agencies and employees provide to California's communities.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), a rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

James Coffey, Senior Regional Attorney  
Public Employment Relations Board  
1031 18th Street  
Sacramento, CA 95811  
(916) 584-5676  
E-mail: [james.coffey@perb.ca.gov](mailto:james.coffey@perb.ca.gov)

The backup person for these inquiries is:

Ronald Pearson, Supervising Regional Attorney  
Public Employment Relations Board  
1031 18th Street  
Sacramento, CA 95811  
(916) 591-3166  
E-mail: [ronald.pearson@perb.ca.gov](mailto:ronald.pearson@perb.ca.gov)

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

rulemaking is based, to James Coffey at the above address.

#### PRELIMINARY ACTIVITIES

On February 6, 2020, PERB held a stakeholder meeting to discuss the expedited decision process as part of the Case Processing Efficiency Initiative. PERB held a public meeting on October 14, 2021, wherein the public was given the opportunity to provide comments regarding implementation of these regulations. During the public meeting, constituents provided comments as well as recommendations to the Board. In response, the Board agreed to amend its expedite regulations for approval at the next public meeting.

On December 9, 2021, the Board itself approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the amended regulations and the initial statement of reasons. Copies of these documents may be obtained by contacting James Coffey at the above address, and are also available on the Board's website at [www.perb.ca.gov](http://www.perb.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may amend the regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the 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 Board adopts the regulation as revised. Requests for copies of any modified regulation and/or the final statement of reasons should be sent to the attention of James Coffey at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting James Coffey at the above address.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the amended regulations can be accessed through PERB's website located at [www.perb.ca.gov](http://www.perb.ca.gov) throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB's website. The final statement of reasons or if applicable, notice of a decision not to proceed, will be posted on PERB's website following the Board's action.

**TITLE 10. CALIFORNIA  
FILM COMMISSION**

**California Soundstage  
Filming Tax Credit Program**

Notice is hereby given that the California Film Commission (CFC) proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

**Proposed Regulatory Action**

The CFC proposes to adopt new sections 5530 through 5541 in Article 4 of Chapter 7.75 of Title 10 of the California Code of Regulations in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.98, 17053.99, and 23698 relating to a film and television tax credit program.

No public hearing is scheduled; however, any interested person or their duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

**Written Comment Period**

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until 5:00 p.m. on December 6, 2022. Submit comments to:

Name: Hedvig Marx  
Address: California Film Commission, 7080  
Hollywood Boulevard, Hollywood, CA 90028  
Email: [SoundstageIncentive@film.ca.gov](mailto:SoundstageIncentive@film.ca.gov)

**Authority and Reference**

The proposed regulation will be adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.98(k)(10) and 23698(k)(10). The proposed regulation implements, interprets, and makes specific Revenue and Taxation Code sections 17053.98, 17053.99 and 23698.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The California Film Commission (CFC) proposes to adopt new sections 5530, 5531, 5532, 5533, 5534, 5535, 5536, 5537, 5538, 5539, 5540, and 5541, constituting Article 4 of Chapter 7.75 of Title 10 of the California Code of Regulations. The regulations establish a procedure for allocating tax credits to qualified taxpayers in the motion picture industry.

**Summary of Related Existing Laws and Regulations:**

Existing law provides for a similar program, the California Film and Television Program 3.0 (Program 3.0), allocating tax credits to qualified taxpayers in the motion picture industry until June 30, 2025. The provisions in the existing program provide for applicants to file a written application for the allocation of the tax credit and for the CFC to establish criteria for allocating tax credits, determine and designate applicants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of an eligible and approved qualified motion picture. The existing program does not contain any provisions to incentivize the construction or renovation of soundstages in the state.

In 2021, the Legislature and Administration approved Senate Bill (SB) 144 (Ch. 114, Stat. 2021), as modified by Assembly Bill (AB) 176 (Ch. 256, Stat. 2021), which among other things, created a new tax credit incentive program associated with the construction of soundstages in California. Specifically, the Legislature added a new subdivision (k) to sections 17053.98 and 23698 of the Revenue and Taxation Code, containing direction to the CFC to adopt emergency regulations to implement the new California Soundstage Filming Tax Credit Program, applicable to taxable years beginning on or after January 1, 2022, and before January 1, 2032. The California Soundstage Filming Tax Credit Program, as required by SB 144 and as implemented via these proposed regulations, establishes a tax credit for qualified motion pictures produced in a certified studio construction project facility. To receive the tax credit, a qualified taxpayer is required to film their qualified motion picture on a soundstage or soundstages newly constructed or renovated as part of a studio construction project certified by the CFC. The qualified taxpayer may also be eligi-



ble for additional credit percentage points if they meet or make a good-faith effort to meet the diversity goals stated in their application for above- and below-the-line workers.

**Broad Objectives and Anticipated Benefits of the Proposed Regulations:**

The proposed regulations will provide a program to the motion picture industry allocating tax credits for qualified motion pictures. These tax credit incentives will encourage production companies regardless of distribution outlet to film in California instead of other states, provinces, and countries offering incentives. The California Soundstage Filming Tax Credit Program is structured to encourage job creation and provides separate funding categories to ensure tax credits for multiple types of productions.

The California Soundstage Filming Tax Credit Program will help create jobs and benefit the economy by building on the success of California's previous and existing film and television tax credit programs which have generated billions in production spending for the state. Construction of soundstages in California has not kept pace with growth in film production, and this Program will incentivize the building and renovation of soundstages in California. The Program also seeks to increase diversity within the film and television production workforce via required submission of a diversity workplan and report for the production, which includes a statement of diversity goals and strategies. Additionally, the Program provides disadvantaged youth with training opportunities to prepare them for a career in the motion picture industry.

The program encourages infrastructure growth by allocating tax credits to eligible qualified motion picture projects that film on newly constructed or renovated soundstages certified by the CFC. Aside from impacting the productions that participate in the Program directly, production infrastructure growth will enable California to increase the number of productions and therefore, jobs and dollars spent in state. In addition, the Soundstage Filming Tax Credit Program specifically encourages skilled and trained construction labor job creation, by incentivizing construction and renovation of soundstages within the state, subject to specific workforce eligibility requirements.

The proposed regulations clarify and instate the specific processes necessary to implement the California Soundstage Filming Tax Credit Program in accordance with statute, enabling the state to operate the Program and realize its benefits.

**Consistency And Compatibility with Existing State Regulations:**

During the process of developing these regulations, the CFC has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with

existing state regulations. The CFC has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, the amended regulations duplicate California statute in part where the statute is cited as "authority" or "reference" for the proposed regulation and the duplication or overlap is necessary to satisfy the "clarity" standard of Government Code section 11349.1(a)(3).

**ESTIMATES OF ECONOMIC IMPACT**

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: 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.

**EFFECT ON SMALL BUSINESS**

The California Film Commission has determined that the proposed regulations will not directly affect small businesses. The businesses that may elect to participate in the Soundstage Filming Tax Credit Program and in such cases will be complying with these regulations are film production companies or soundstage developers and are as such not small businesses, as defined in section 11342.610 of the Government Code. Small businesses in California may, however, provide goods and services to the businesses electing to comply with these regulations and thus benefit from the additional filming in California.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

In accordance with Sections 17053.98 and 23698, the CFC is not required to provide an economic impact analysis. However, it is worth noting that the

Soundstage Filming Tax Credit Program is optional and only applies to entities who elect to participate, and further, that the parameters and functions of a tax credit program such as this ensures that any participating entities will contribute to a positive economic impact on the state, its existing businesses, and opportunities for prospective businesses, as credits are allocated based on percentages of actual in-state spending for labor, goods, and services. The CFC has found that the adoption of these regulations will: (1) facilitate the creation of jobs within California; (2) facilitate the creation of businesses within California; and (3) facilitate the expansion of businesses currently doing business within California. As stated above, anticipated benefits of these regulations are that the tax credit incentive in question will encourage production companies regardless of distribution outlet to film in California instead of other states, provinces and countries offering incentives.

Allocation of credits in the California Soundstage Filming Tax Credit Program is based on qualified expenditures, including qualified wages, thereby incentivizing in-state job creation and spending on goods and services. Multiple types of productions are eligible to apply for tax credits. The Program is enabling California to increase the number of productions and therefore, jobs and dollars spent in state. In addition, the Soundstage Filming Tax Credit Program specifically benefits skilled and trained construction labor by incentivizing construction and renovation of soundstages within the state, subject to workforce requirements; this contributes to safe working conditions as well as job creation.

The California Soundstage Filming Tax Credit Program further benefits the wellbeing of Californians by promoting intentionally diverse motion picture production, providing motion picture production training opportunities for disadvantaged youth, and preventing motion picture production migration to other states and countries with less civil rights and protections for the workers on those productions.

REASONABLE  
ALTERNATIVES CONSIDERED

The California Film Commission must determine that no reasonable alternative considered by the Commission 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 as and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Nancy Rae Stone  
Email: [Nancy.Stone@film.ca.gov](mailto:Nancy.Stone@film.ca.gov)  
Phone No.: (323) 860-2960

The backup contact person for these inquiries is:

Name: Hedvig Marx  
Email: [Hedvig.Marx@film.ca.gov](mailto:Hedvig.Marx@film.ca.gov)  
Phone No.: (323) 817-4115 or (310) 290-6501

Questions on the substance of the proposed regulations may be directed to:

Name: Hedvig Marx  
Email: [SoundstageIncentive@film.ca.gov](mailto:SoundstageIncentive@film.ca.gov)  
Phone No.: (323) 817-4115 or (310) 290-6501

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the CFC may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the CFC regarding this proposal, the CFC may determine that changes to the proposed regulation are appropriate. If the CFC 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 CFC adopts the regulations as revised. The CFC will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held) and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Hedvig Marx at the above email address. The CFC will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF  
REASONS, RULEMAKING FILE  
AND EXPRESS TERMS OF THE  
PROPOSED REGULATIONS

The CFC has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9 am-5 pm). Please

contact Hedvig Marx at the above email address to arrange a date and time to inspect the files. 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 regulations. Copies of these items are available, upon request, from the Contact Person designated in this Notice.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The CFC is required to prepare a Final Statement of Reasons. Once the CFC has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Contact Person identified in this Notice.

#### OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations can be accessed through our website at: [www.film.ca.gov](http://www.film.ca.gov)

### TITLE 11. DEPARTMENT OF JUSTICE

#### DIVISION 1. ATTORNEY GENERAL CHAPTER 4. SUPERVISION OF TRUSTEES AND FUNDRAISERS FOR CHARITABLE PURPOSES ACT

The Department of Justice (Department) proposes to adopt section 328.1 of title 11, division 1, chapter 4 of the California Code of Regulations concerning giving notice to the Attorney General of certain transactions involving all or substantially all of the assets of a charitable corporation or trust, or assets in charitable trust held by a mutual benefit corporation.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on December 6, 2022, at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice  
Office of the Attorney General  
Charitable Trusts Section  
Attn: Sandra Barrientos, Deputy Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013  
(213) 269-6551  
[sandra.barrientos@doj.ca.gov](mailto:sandra.barrientos@doj.ca.gov)

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

#### AUTHORITY AND REFERENCE

Authority: Sections 5913, 7913 and 9633, Corporations Code; Section 16106, Probate Code.  
Reference: Sections 5913, 7238, 7913 and 9633, Corporations Code; Section 16106, Probate Code, Sections 12586 and 12587, Government Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### **Summary of Existing Laws and Regulations:**

The Supervision of Trustees and Fundraisers for Charitable Purposes Act (Act), Government Code section 12580 et seq., provides the Attorney General with enforcement and supervisory powers over all charitable corporations, unincorporated associations, trustees and other legal entities holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers. The Act establishes the Registry of Charitable Trusts, which is administered by the Department of Justice. (Gov. Code, § 12587.1.) Organizations and persons subject to the Act are required to register and file periodic reports with the Attorney General, among other requirements. (Gov. Code, §§ 12585, subdivision (a), 12586, 12599, 12599.1, 12599.2.) The Attorney General is authorized to make rules and regulations regarding the Act, including the time for filing reports, the content of such reports, and the manner of executing and filing them. (Gov. Code, §§ 12586, subdivision (b), 12587.)

Existing law regulates trust administration and requires a trustee to administer the trust according to

the trust instrument. (Prob. Code, § 16000.) Existing law defines a charitable trust and prescribes the duties of the trustee of a charitable trust. (Id., § 16100 et seq.; Gov. Code, § 12580, et seq.) In recent years, there have been an increasing number of cases involving self-dealing by charitable trustees that are making their way through California courts. For example, the Attorney General: (1) brought an action to remove the trustees of the Jean Schroeder Education Trust and to recover real property that was improperly sold to the trustee (*People of the State of California v. Bishop* (Super. Ct. Napa. County, 2014) No. 26–65141); (2) negotiated a settlement requiring Lithuanian Assistance Foundation to pay \$7 million to resolve claims that charitable assets were improperly transferred to its officers, directors and related entities (<https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-7-million-settlement-against-lithuanian>); and (3) brought an action against a trustee for failure to transfer charitable assets to the Livewire Lindskog Foundation, breaches of fiduciary duty, and misuse of charitable assets, including improper loans of trust assets to the trustee’s friends (*People ex rel. Becerra v. Shine* (2020) 46 Cal.App.5th 288, 292).

Given the increasing frequency of cases involving the misappropriation of trust assets, the Legislature revised the law to provide greater oversight of trustees who seek to dispose of such assets. Effective July 1, 2022, a trustee holding assets subject to a charitable trust is required to give written notice to the Attorney General at least 20 days before the trustee sells, leases, conveys, exchanges, transfers, or otherwise disposes of all or substantially all of the charitable assets. (Prob. Code, § 16106, subdivision (a).) The Attorney General is required to establish rules and regulations to administer these provisions. (Id., subdivision (b).)

By requiring charitable trusts to make such a filing with the Attorney General, Assembly Bill No. 900 imposes the same requirements on charitable trusts that presently exist for charitable corporations. (Corp. Code, §§ 5913, 9633.) Charitable corporations may request a waiver of the notice requirements. (Ibid.)

Similarly, a mutual benefit corporation holding assets in charitable trust must give written notice to the Attorney General 20 days before it sells, leases, conveys, exchanges, transfers or otherwise disposes of *any or all* of the assets held in trust unless the Attorney General has given the corporation a written waiver of this section as to the proposed transaction. (Corp. Code, § 7913.)

#### **Effect of the Proposed Rulemaking:**

For purposes of giving notice to the Attorney General of certain transactions involving all or substantially all of the assets of a charitable corporation or trust, the proposed rulemaking defines “substantially all” assets to mean an asset or assets equal to or ex-

ceeding 75 percent of the value of all assets held at the time of the notice or at any time during the six-month period before submitting the notice.

The proposed rulemaking also sets a standard for the Attorney General’s review of requests for waiver of the notice requirements. The Attorney General may waive notice for a particular transaction if the Attorney General determines that the transaction poses no risk to the public interest and the financial cost to the charitable corporation, trust, or mutual benefit corporation of providing notice to the Attorney General outweighs the potential benefit to the public interest.

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

Existing law establishes two means of regulating charitable trusts. The Probate Code imposes fiduciary duties upon trustees to ensure that assets are properly managed. Additionally, the Attorney General is vested with significant oversight of charitable assets, including the authority to bring not only an action against a person who misuses charitable assets, but also an action seeking to stop the diversion of charitable assets. In tandem, these statutory schemes are intended to deter and remedy fraud, misuse and improper self-dealing. However, without forewarning of major liquidations of charitable assets, the Attorney General is limited to prosecuting malfeasance after it has occurred.

To enable the Attorney General to proactively carry out these responsibilities, AB 900 requires a trustee holding assets subject to a charitable trust to provide written notice to the Attorney General 20 days before disposing of all or substantially all of the charitable assets. By requiring charitable trusts to make such a filing with the Attorney General, AB 900 imposes the same requirements on charitable trusts that presently exist for charitable corporations. (Corp. Code, §§ 5913, 9633.)

The proposed rulemaking defines “substantially all” assets so that a charitable corporation or trustee has clear guidance on when the notice requirement is triggered. The information provided in the notice enables proactive enforcement action, including legal action to halt misuse or diversion of charitable assets.

The proposed rulemaking also creates a standard for the Attorney General to evaluate requests to waive the notice requirements. The Attorney General may waive notice for a particular transaction if the Attorney General determines that the transaction poses no risk to the public interest and the financial cost to the charitable corporation, trust, or mutual benefit corporation of providing notice to the Attorney General outweighs the potential benefit to the public interest.

#### **Comparable Federal Regulations:**

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

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

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that this regulation will complement the existing regulations regarding notice to the Attorney General in Sections 999.1 through 999.4 of Title 11 and these are the only regulations that concern giving notice to the Attorney General of certain transactions involving all or substantially all of the assets of a charitable corporation or trust, or assets in charitable trust held by a mutual benefit corporation.

**Forms Incorporated by Reference:** None.

**Other Statutory Requirements:**

None. On February 28, 2022, the Department issued an invitation for comments as part of its preliminary rulemaking activities under Government Code section 11346, subdivision (b).

DISCLOSURES REGARDING  
THE PROPOSED ACTION

**The Department’s Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* None.

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

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

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

*Cost impacts on representative person or business:* The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The obligation to give notice is a result of the statutes. The proposed action defines “substantially all” assets so that a charitable corporation or trustee knows when the statutory notice requirement is triggered.

*Significant effect on housing costs:* None.

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

**Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new

businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents. By providing a definition of “substantially all” assets, charitable corporations and trustees have clear guidance on when the notice requirement is triggered. The 75 percent rule enhances Attorney General oversight of trusts and charitable corporations.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

*Business report requirement:* Probate Code section 16106 and Corporations Code sections 5913 and 9633 require trustees and charitable corporations to give notice to the Attorney General before they sell, lease, convey, exchange, transfer, or otherwise dispose of all or substantially all of their assets. The proposed regulatory action defines “substantially all” assets so that trustees and charitable corporations understand when the notice requirement is triggered.

The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed section 328.1, which requires a report, applies to businesses.

*Small business determination:* The Department has determined that this proposed action does not affect small businesses because charitable entities are exempt from the definition of “small business.” (Gov. Code, § 11342.610, subdivision (b)(6).)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed regulations are the most effective way to define “substantially all” assets. The 75 percent rule provides clear guidance on when the notice requirement is triggered and ensures that the Attorney General has appropriate oversight of charitable corporations and trusts. The



cost of compliance is minimal: in borderline cases, a trustee can err on the side of caution by simply providing written notice.

The Attorney General may waive notice for a particular transaction if the Attorney General determines that the transaction poses no risk to the public interest and the financial cost to the charitable corporation, trust, or mutual benefit corporation of providing notice to the Attorney General outweighs the potential benefit to the public interest.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice  
 Office of the Attorney General  
 Charitable Trusts Section  
 Attn: Sandra Barrientos, Deputy Attorney General  
 300 S. Spring Street, Suite 1702  
 Los Angeles, CA 90013  
 (213) 269-6551  
[sandra.barrientos@doj.ca.gov](mailto:sandra.barrientos@doj.ca.gov)

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

Marlon Martinez  
 Department of Justice  
 300 S. Spring Street, Suite 1702  
 Los Angeles, CA 90013  
 (213) 269-6437  
[regulations@doj.ca.gov](mailto:regulations@doj.ca.gov)

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

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

contact information listed above to obtain copies of these documents.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

### TITLE 11. DEPARTMENT OF JUSTICE

#### DIVISION 1. ATTORNEY GENERAL CHAPTER 11. POLICE BODY ARMOR

The Department of Justice (Department) proposes to clean up outdated regulations by repealing sections 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, and 957 of title 11, division 1, chapter 11 of the California Code of Regulations concerning Police Body Armor.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on December 6, 2022 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice  
Government Law Section  
Marlon Martinez  
300 South Spring Street, 9<sup>th</sup> Floor  
Los Angeles, CA 90013  
(213) 269-6437  
[Regulations@doj.ca.gov](mailto:Regulations@doj.ca.gov)

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

AUTHORITY AND REFERENCE

Authority: Penal Code Section 31355  
Reference: Penal Code Sections 31310, 31315, 31320, 31325, 31330, 31355

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations:**

In the 1970's, the National Institute of Law Enforcement and Criminal Justice (NILECJ), the research, development, and evaluation agency of the United States Department of Justice, published the first performance standard for ballistic-resistant police body armor, establishing the first minimum performance requirements and test methods for the ballistic resistance of body armor designed to protect the torso. The standards were published in the 1978 publication, *The Ballistic Resistance of Police Body Armor, NILECJ Standard-0101.01*.

Around the same time, California undertook a similar effort and the Department of Justice (Department) adopted regulations, which mostly duplicated the federal standards and testing methodology established by the NILECJ in 1978 for the state's own police body

armor standard. However, the federal standards have significantly evolved since then and the 1978 publication has been superseded on numerous occasions. NILECJ, now known as the National Institute of Justice (NIJ), published their most recent body armor standard in 2008, *Ballistic Resistance of Body Armor, NIJ Standard-0101.06*. However, California's police body armor regulations remain unchanged since their adoption in 1978.

Although the Department has statutory authority to operate a testing program for police body armor, it does not currently operate a funded program for this purpose and has not done so for several decades. In contrast, the federal NIJ operates a robust, long-standing program that continuously establishes and updates voluntary minimum performance standards for body armor, conducts testing against these standards to ensure that body armor complies with the standards, and sponsors research to improve body armor. (Mark Greene, "Body Armor: Protecting Our Nation's Officers From Ballistic Threats," NIJ Journal 280, January 2019.) NIJ is currently working on a revision to its standard to be published as *Ballistic Resistance of Body Armor, NIJ Standard-0101.07*.

**Effect of the Proposed Rulemaking:**

These proposed regulations would repeal California's outdated police body armor regulations.

**Anticipated Benefits of the Proposed Regulations:**

Firearms are one of the most dangerous threats faced by law enforcement officers. Ballistic-resistant soft body armor has saved the lives of many police officers. Body armor is critical safety equipment that law enforcement and corrections officers need for personal protection. As reflected in *Department of General Services, Bid Specification 8470-2208, Ballistic Body Armor Level IIIA*, the State of California follows the most current federal standards when procuring police body armor, which protects the safety and welfare of California's police officers and residents by ensuring state law enforcement agencies have the most up-to-date information to make decisions regarding body armor. The repeal of the outdated regulations will remove the inconsistency between the Department's regulation and the State's current procurement practices.

**Comparable Federal Regulations:**

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

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

The Department has determined that these regulations are inconsistent with the State's current procurement policies and procedures. (See e.g., *Department of General Services, Bid Specification 8470-2208, Ballistic Body Armor Level IIIA*.)

**Forms Incorporated by Reference:** None.

**Other Statutory Requirements:** None.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

**The Department’s Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* None.

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

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

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

*Cost impacts on representative person or business:*

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

*Significant effect on housing costs:* None.

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

**Results of the Economic Impact Assessment (EIA):**

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

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by repealing regulations that are inconsistent with current police body armor standards. Currently, California’s standards are outdated. By repealing these regulations, the Department’s regulations will no longer be out of step with the most current federal standards for police body armor, standards that have improved police officer safety.
- (2) The proposal would benefit worker safety because it repeals an outdated method of testing police body armor that does not conform to the current federal standard, which better protect California law enforcement while in the line of duty.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

*Business report requirement:* None.

*Small business determination:* The Department has determined that this proposed action does not affect small businesses because it pertains only to law enforcement, not private businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed action is the most effective way to follow the established national standards for police body armor.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice  
Government Law Section  
Marlon Martinez  
300 South Spring Street, 9<sup>th</sup> Floor  
Los Angeles, CA 90013  
(213) 269-6437  
[Regulations@doj.ca.gov](mailto:Regulations@doj.ca.gov)

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

Department of Justice  
Government Law Section  
Julia Zuffelato  
1300 I Street, Suite 1270  
Sacramento, CA 95814  
(916) 210-6040  
[Julia.Zuffelato@doj.ca.gov](mailto:Julia.Zuffelato@doj.ca.gov)

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

The Department will have the entire rulemaking file available for inspection and copying throughout

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

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

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

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

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

**TITLE 11. DEPARTMENT  
OF JUSTICE**

**DIVISION 5. FIREARMS REGULATIONS  
CHAPTER 2. CENTRALIZED LIST OF  
FIREARMS DEALERS**

The Department of Justice (Department) proposes to adopt section 4025 of title 11, division 5, chapter 2 of the California Code of Regulations concerning notice to the Department upon the transfer of a firearm to law enforcement subsequent to a denied private party sale, transfer, or loan when the firearm cannot be returned to the seller, transferor, or loaner.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on December 6, 2022 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Kelan Lowney  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2377  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

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

**AUTHORITY AND REFERENCE**

Authority: Section 28050, Penal Code.  
Reference: Section 28050, Penal Code.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

**Summary of Existing Laws and Regulations:**

A private party sale of a firearm must be conducted through a licensed firearms dealer. Existing law requires a firearms dealer who is unable to process the



sale, transfer, or loan of a firearm to return the firearm to the person making the sale, transfer, or loan. However, the dealer is prohibited from returning the firearm if that person is prohibited from possessing a firearm. In those cases, the dealer is required to transfer the firearm to a law enforcement agency. (Pen. Code, § 28050, subdivision (e).)

Effective January 1, 2022, a dealer who delivers possession of a firearm to a law enforcement agency is required to notify the Department within 72 hours after the delivery of the firearm in a manner and format prescribed by the Department. (Pen. Code, § 28050, subdivision (g).)

The Department maintains the Dealer Record of Sale (DROS) Entry System, a web-based application used by firearms dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Department, as required by state law. (Pen. Code, § 28205; Cal. Code Regs., tit. 11, § 4200 et seq.)

**Effect of the Proposed Rulemaking:**

The proposed regulation prescribes the procedure for a dealer to notify the Department that a firearm has been delivered to a law enforcement agency. The Report of Dealer Relinquishment, forms BOF 1401A and 1401B, have been developed for this purpose. Starting July 1, 2024, the dealer will report this information electronically via the DROS Entry System (DES). The DES will generate a form for the dealer and law enforcement officer to sign.

**Anticipated Benefits of the Proposed Regulations:**

The proposed regulation provides the procedure for a dealer to meet their obligation of notifying the Department that a firearm has been delivered to a law enforcement agency. This regulation protects public safety by implementing a statutory requirement that the Department be notified of each transfer of a firearm. This is particularly important when the original firearm possessor has been determined to be prohibited from possessing a firearm.

**Comparable Federal Regulations:**

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

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

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the transfer of a firearm to law enforcement when a private party transfer or loan is denied.

**Forms Incorporated by Reference:** None.

**Other Statutory Requirements:** None.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

**The Department’s Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* The cost to the Department to process the form will be approximately \$447.00 annually.

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

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

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

*Cost impacts on representative person or business:* The Department estimates that a representative private person or business will necessarily incur \$2.91 to complete and submit the required form. The average firearms dealer will face the above scenario once every 49 years.

*Significant effect on housing costs:* None.

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

**Results of the Economic Impact Assessment (EIA):**

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

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by creating a procedure for a dealer to report to the Department that a firearm has been delivered to a law enforcement agency because the owner is not eligible to own a firearm. The regulation would protect public safety by implementing a requirement that keeps firearms out of the hands of persons who are prohibited from owning or possessing a firearm.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.



*Business report requirement:* The proposed regulation requires the dealer to report the delivery of a firearm to law enforcement on a form prescribed by the Department. On and after July 1, 2024, the dealer shall report the information to the Department via the DES. The DES will generate a form for the dealer and law enforcement officer to sign. The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed section 4025, which requires a report, applies to businesses.

*Small business determination:* The Department has determined that this proposed action affects small businesses. Requiring the dealer to notify the Department via the prescribed form is the easiest way to make sure that the dealer provides all required information. Once the DES is updated, the dealer will make the report electronically via the DES. Dealers are already familiar with using the DES to report transactions to the Department. The DES will also generate a form for the dealer and law enforcement officer to sign.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed regulation is the most effective way for a dealer to report the delivery of a firearm to law enforcement. A simple form was created for the dealer to report this information to the Department while the Department updates the DES. Starting July 1, 2024, the dealer will report this information electronically via the DES. The DES will generate a form for the dealer and law enforcement officer to sign.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Kelan Lowney  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2377  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

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

Timothy Mulligan  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816  
(916) 210-2153  
[bofregulations@doj.ca.gov](mailto:bofregulations@doj.ca.gov)

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

**TITLE 16. BOARD OF ACCOUNTANCY**

**SECOND SIGNATURE REMOVAL  
TITLE 16. DIVISION 1. CALIFORNIA  
BOARD OF ACCOUNTANCY**

**NOTICE IS HEREBY GIVEN** that the California Board of Accountancy (CBA or Board) is proposing to take the action described in the Informative Digest, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the CBA at its office by **Monday, December 5, 2022**, or must be received by the CBA at the hearing. The CBA, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the

person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

*Authority and Reference:*

Pursuant to the authority vested by sections 5010 and 5095 of the Business and Professions Code<sup>1</sup> (BPC) and to implement, interpret, or make specific sections 5093, and 5095 of the BPC, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations<sup>2</sup> (CCR), as described herein.

INFORMATIVE DIGEST

*A. Informative Digest*

The CBA is a board within the Department of Consumer Affairs (DCA) responsible for regulating the practice of public accounting in California. The CBA proposes to amend sections 12 and 12.5 of title 16 of the CCR relating to the experience requirements for Certified Public Accountant (CPA) licensure.

BPC section 5010 authorizes the CBA to adopt, repeal, or amend regulations as may be reasonably necessary and expedient for the orderly conduct of the CBA’s affairs and for the administration of the Accountancy Act. Additionally, BPC section 5095 authorizes the CBA to adopt regulations to implement this section including, but not limited to, a procedure for applicants under section 5092 or section 5093 to qualify under this section.

Applicants for CPA licensure must complete a minimum of 12 months of general accounting experience as described in Title 16, Division 1, CCR section 12 and those seeking the authority to sign reports on attest engagements must complete a minimum of 500 hours of attest experience as described in Title 16, Division 1, CCR section 12.5. All applicants must have their respective experience documented on a Certificate of General Experience and, if seeking attest authority, a Certificate of Attest Experience.

Currently, there are four forms, two Certificate of General Experience forms and two Certificate of Attest Experience forms that differ based on where the applicant completes their experience. Two forms are designated for applicants completing general accounting or attest experience in a public accounting firm, and the other two forms are designated for applicants completing general accounting or attest experience in private industry or government.

Different Certificates of General and Attest Experience forms are required based on where the ap-

<sup>1</sup> Unless otherwise specified, all sections refer to the Business and Professions Code.

<sup>2</sup> Unless otherwise specified, all California Code of Regulations sections refer to title 16.

plicant completed their experience because of differing requirements for the second person signing the form. Experience completed in a public accounting firm requires the second person signing the form to be a licensed CPA. Experience completed in a private industry company or a government agency does not require the second person signing the form to be a licensed CPA and instead requires this individual to have a higher level of responsibility than the supervisor.

Requiring two signatures on the Certificate of General Experience and Certificate of Attest Experience forms as described in Title 16, Division 1, CCR sections 12 and 12.5 places an unnecessary burden on candidates and licensees to obtain the signature from a second licensee at a public accounting firm or a second person with higher authority at a private industry company or government agency. This requirement no longer fits with industry standards as the second signer may not be directly involved with the supervised experience but must sign the experience form certifying that the experience indicated on the form is accurate. Additionally, this will reduce applicant and employer confusion over which of the four forms to complete and submit to the CBA. When the incorrect form is submitted to the CBA for review, the CBA must request the appropriate form to be submitted. Until the correct form is received, the applicant's file remains in a pending status. This delays the processing time for the application and delays the issuance of the applicant's CPA license.

This proposal seeks to eliminate the second signature requirement from Title 16, Division 1, CCR sections 12 and 12.5, update the Certificate of General Experience and Certificate of Attest Experience to reflect this elimination, and repeal two of the four forms, resulting in only one for general accounting experience and one for attest experience.

*B. Policy Statement Overview/Anticipated Benefits of Proposal*

The California Legislature established the California Board of Accountancy (CBA) with the regulation of the accounting profession, with an express purpose to protect consumers. This is reflected in the CBA's mission statement: "To protect consumers by ensuring only qualified licensees practice public accountancy in accordance with established professional standards."

Eliminating the second signature requirement will enable the CBA to accept an experience form with only one supervisor signature, and the CBA will more closely align with industry standards and the CPA licensure requirements of other state boards of accountancy. This will not only eliminate a burdensome step for both candidates and licensees as well as reduce potential delays in the application process.

The repeal of two experience forms will result in there being one form for each type of authority (*i.e.*,

general and attest). Requiring separate experience forms will no longer be needed after eliminating the requirement for a second signature. This is because there will no longer be a need to distinguish between the second person signing the experience form being either a licensed CPA in a public accounting firm or having a higher level of responsibility in a private industry company or government agency. This will reduce confusion over which experience form to submit by reducing the number of forms available to applicants and supervisors.

Additionally, revisions to the Certificate of General Experience and Certificate of Attest Experience forms will include technical revisions to no longer reference outdated CCR references and to remove the requirement that supervisors not use black ink when signing the form. This ensures accuracy with the experience forms and will improve clarity and understanding of the forms for both candidates and licensees. This proposed rulemaking also contains changes to clarify that a "licensee" must verify the applicant's experience, to revise the forms' description, and to make general grammar corrections to the text. Collectively, these remaining changes improve the readability and clarity of the regulatory text.

*C. Consistency and Compatibility with Existing State Regulations*

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

**INCORPORATION BY REFERENCE**

The following documents are currently incorporated by reference:

- Form 11A-6A Rev. 4/20 Certificate of Attest Experience (Public Accounting)
- Form 11A-6 Rev. 4/20 Certificate of Attest Experience (Private Industry or Government)
- Form 11A-29 Rev. 11/17 Certificate of General Experience (Public Accounting)
- Form 11A-29A Rev. 11/17 Certificate of General Experience (Private Industry or Government)

The following documents are incorporated by reference via modification to existing text:

- Form 11A-30 Rev. 01/22 Certificate of General Experience
- Form 11A-7 Rev. 01/22 Certificate of Attest Experience

FISCAL IMPACT ESTIMATES

*Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:* The CBA estimates one-time publication costs of \$1,160 (\$580 each) to eliminate the requirement for a second signer on the Certificate of General Experience and the Certificate of Attest Experience forms and to post the revised forms on the CBA website.

Any costs will be absorbable within existing resources.

The regulations do not result in any costs or savings in federal funding to the state.

*Nondiscretionary Costs/Savings to Local Agencies:* None

*Local Mandate:* None

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

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

Because this regulatory proposal impacts individuals seeking to demonstrate satisfactory completion of an experience requirement for CPA licensure. The proposed amendments do not change the requirement for applicants to submit the appropriate experience form to the CBA as part of the application process.

*Business Reporting Requirements:*

This regulatory proposal does not require businesses to file a report with the board.

*Cost Impact on Representative Private Person or Business:*

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

*Effect on Housing Costs:* None

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would not affect small businesses. This regulatory proposal impacts individuals seeking to demonstrate satisfactory completion of an experience requirement for CPA licensure. The proposed amendments do not change the requirement for applicants to submit the appropriate experience form to the CBA as part of the application process.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

*Impact on Jobs/Businesses:*

The CBA has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

*Benefits of Regulation:*

The CBA has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state’s environment:

This regulatory proposal will simplify and improve the application process for individuals seeking to demonstrate satisfactory completion of general accounting or attest experience by removing the requirement for a second supervisor’s signature on the experience form. Additionally, repealing two experience forms reduce confusion for both applicants and employers over which form to complete and submit to the CBA which reduces potential delays in the issuance of a CPA license.

This regulatory proposal does not affect worker safety because it has nothing to do with worker safety.

This regulatory proposal does not affect the state’s environment because it has nothing to do with the environment.

CONSIDERATION OF ALTERNATIVES

The CBA 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.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, and

of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at or prior to any hearing or upon request from the CBA at 2450 Venture Oaks Way, Suite 300, Sacramento, California 95833.

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

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

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

**CONTACT PERSON**

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

Name: Michael Lieberman  
Address: 2450 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone No.: 916-561-1750  
Fax No.: 916-263-3673  
E-Mail Address: [Regulations@cba.ca.gov](mailto:Regulations@cba.ca.gov)

The backup contact person is:

Name: Michelle Center  
Address: 2450 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone No.: 916-561-4376  
Fax No.: 916-263-3673  
E-Mail Address: [Regulations@cba.ca.gov](mailto:Regulations@cba.ca.gov)

*Website Access:* Materials regarding this proposal can be found at: <https://www.dca.ca.gov/cba/about-cba/pending-regs.shtml>

**TITLE 16. DENTAL HYGIENE BOARD  
OF CALIFORNIA**

**DIVISION 11, NEW ARTICLE 4,  
SECTION 1104.1  
CONCERNING PROCESS FOR  
APPROVAL OF A NEW RDH  
EDUCATIONAL PROGRAM**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board or DHBC) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy

Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on **Monday, December 5, 2022.**

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

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, 1906, 1941, and 1944, and to implement, interpret or make specific BPC sections 1941, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations (CCR) as follows:

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the CCR. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

Senate Bill (SB) 1482 (Hill, Chapter 858, Statutes of 2018) amended BPC section 1941 requiring new educational programs for dental hygienists to submit



a feasibility study demonstrating a need for a new educational program and to apply for approval from the Board before seeking any required approval for initial accreditation from the Commission on Dental Accreditation of the American Dental Association (CODA) or an equivalent body. Senate Bill (SB) 534 (Jones, Chapter 491, Statutes of 2021) amended BPC section 1941 to extend the same application requirements to proposed new educational programs for registered dental hygienists in alternative practice and registered dental hygienists in extended functions.

This proposal will: (1) clarify the collective reference of “RDHs” to include registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions within the regulation; (2) eliminate specific reference to the title and last revision date of CODA standards as compliance with current CODA standards are required pursuant to BPC section 1941(a); (3) clarify the reference for CODA to mean the “Commission on Dental Accreditation;” (4) clarify the Board’s statutory responsibility for determining accrediting body equivalence; and (5) provide corresponding amendments to the form incorporated by reference.

***Anticipated Benefits of the Proposed Regulation:***

The anticipated benefits of the proposed regulation are:

- First, clarifying the collective reference for RDHs to include registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions, promotes a fair, equal, and clear process for RDH educational programs to apply for approval from the Board.
- Second, eliminating the reference to the title and last revision date of CODA standards is necessary to ensure all proposed new RDH educational programs follow current CODA standards. This promotes safety of the public because CODA standards are continuously updated to provide the latest safety standards for patient care, and the Board ensures proposed new RDH educational programs follow these standards while caring for patients.
- Third, clarifying the Board determines accrediting body equivalence adds an explanation to the reference and is necessary for clarity as the Board is responsible for all aspects governing California RDH educational programs.
- Fourth, providing corresponding amendments to the form incorporated by reference within the regulation is necessary to make the application consistent with the proposed amended language in the regulation.

***Determination of Inconsistency and Incompatibility with Existing State Regulations:***

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING  
PROPOSED ACTION

The DHBC has made the following initial determinations:

***Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:***

The Board is not currently aware of any RDH educational program considering seeking approval with the Board and does not have an estimate of total workload costs or revenues at this time.

To the extent an educational institution opts to apply to the Board for approval in the future, Board staff will be required to review the feasibility study and to complete a site visit inspection.

The review of a feasibility study is anticipated to take approximately 12 hours to complete because the documents are usually in excess of 500 to 800 pages. A typical DHEP site visit inspection takes approximately 12 hours (8 hours of on-site inspection time plus 4 hours to write the report) to complete.

The site visit inspection is conducted by an Associate Governmental Program Analyst (AGPA) and a Subject Matter Expert (SME). The total cost for a potential new RDH educational program review is approximately \$4,000 per inspection.

The Board will also incur one-time costs of approximately \$530 to update and post the application form to its website.

Additionally, the Board will charge \$2,100 to review and approve an RDH educational program. The Board notes, this amount is less than actual workload costs, but limited under current law.

The regulations do not result in costs or savings in federal funding to the state.

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

***Local Mandate:*** None.

***Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement:*** None.

***Business Impact***

DHBC has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting

business, including the ability of California businesses to compete with businesses in other states.

This regulation may have an economic impact on businesses of two thousand, one hundred dollars (\$2,100) if applying for approval of a new RDH educational program. This initial determination is based on the following facts:

Business and Professions Code section 1944(a)(9) states the fee for each curriculum review and feasibility study review for educational programs for dental hygienists who are not accredited by a dental hygiene board-approved agency shall not exceed two thousand one hundred dollars (\$2,100). The amount collected is used to offset the cost of the feasibility study and site visit in by staff.

***Cost Impacts on a Representative Private Person or Businesses:***

The Board is not aware of any cost impacts a representative private person would incur in reasonable compliance with the proposed action because the Board will not collect fees from a private person.

This regulation may have an economic impact on private businesses (e.g., private, for-profit potential new RDH educational programs) up to two thousand one hundred dollars (\$2,100) if they apply for approval of a new RDH educational program. This initial determination is based on the following facts:

Business and Professions Code section 1944(a)(9) states the fee for each curriculum review and feasibility study review for educational programs for dental hygienists who are not accredited by a dental hygiene board-approved agency shall not exceed two thousand, one hundred dollars (\$2,100). The amount collected is used to offset the cost of the feasibility study review and site visit inspection by staff.

***Significant Effect on Housing Costs:*** None.

***Business Reporting Requirement***

The proposed language states a college or an institution of higher education applying for approval of a new educational program shall comply with the requirements specified in the Dental Hygiene Board's document entitled, "Instructions for Institutions Seeking Approval of a New RDH Educational Program," shall submit a feasibility study in accordance with the requirements specified in the "Instructions," shall submit a CODA Self-Study report, and permit a site visit by the Board's authorized representative to confirm compliance. (Bus. & Prof. Code § 1941, subdivision (b).) It is necessary for the health, safety, and welfare of the people of the state that the regulation apply to businesses.

***Results of the Economic Impact Analysis/Assessment***

***Impact on Jobs/Businesses:*** The Board determined this regulatory action would create jobs within the State of California as the proposed language in the

regulation allows for the approval of prospective new RDH educational programs and therefore allows for the employment of faculty by the institutions.

The Board determined this regulatory action would create new businesses within the State of California as the proposed language in the regulation allows new RDH educational programs to open and operate within the state, as well as allows for expansion of businesses currently doing business with the state.

***Benefits of the Proposed Action:*** This regulatory proposal will positively impact worker safety as the proposed language in the regulation will ensure new RDH educational programs adhere to all laws, regulations, and standards applicable to an RDH educational program, including worker safety.

This regulatory proposal will positively impact the health and welfare of California residents as the proposed language in the regulation will ensure new RDH educational programs adhere to all laws, regulations, and standards applicable to an educational program, including patient safety.

This regulatory proposal will not affect the state's environment because this proposed regulation does not involve environmental issues.

***Effect on Small Business:*** The Board has determined this regulatory action will have a positive impact on small businesses, including the ability of small business to compete in this state. The proposed language in the regulation applies to the application of new RDH educational programs and defines parameters for approval by the Board to open a new RDH educational program. In turn, the new RDH educational program will graduate RDHs who will enter the workforce, thereby providing small businesses (dental offices) with potential candidates to hire for their businesses.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action described in this Notice or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California  
Attn: Adina A. Pineschi–Petty DDS  
2005 Evergreen St, Ste. 1350  
Sacramento, CA 95815  
Phone: 916–576–5002  
Email: [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov)

Backup Contact Person:

Attn: Anthony Lum  
2005 Evergreen St, Ste. 1350  
Sacramento, CA 95815  
Phone: 916–576–5004  
Email: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.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 Dr. Pineschi–Petty at the above address. In her absence, please contact the designated back–up contact person.

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non–substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi–Petty at the address above.

AVAILABILITY OF FINAL  
STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi–Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi–Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

CESA CONSISTENCY  
DETERMINATION REQUEST FOR  
Los Angeles River Bikeway and Greenway Project  
2080–2022–016–05  
Los Angeles County

The California Department of Fish and Wildlife (CDFW) received a notice on October 4, 2022, that the City of Los Angeles proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves construction of a bike and pedestrian pathway and associated parks project in Los Angeles County along 2.9 miles of the Los Angeles River from Vanalden Avenue in the west to Balboa Boulevard in the east. Proposed activities will include, but are not limited to, removal of existing pavement,

clearing and sediment removal, vegetation removal, soil re-compaction and/or scarification, and construction of bikeway, pedestrian paths, channel under-crossings and parks.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. No. 2022-0000696) in a memorandum to the U.S. Army Corps of Engineers on February 7, 2022 and amended on September 8, 2022, which considered the effects of the proposed project on state federally endangered least Bell's vireo (*Vireo bellii pusillus*).

Pursuant to California Fish and Game Code section 2080.1, the City of Los Angeles is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, the City of Los Angeles will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Elk Creek Bridge Replacement Project  
2080-2022-017-01  
Mendocino County**

The California Department of Fish and Wildlife (CDFW) received a notice on October 7, 2022, that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves improvement of the function and geometries of Elk Creek Bridge and approach roadways and replacement the existing scour-critical structure by removing the existing 122-foot-long concrete bridge and pier walls and constructing a new 140-footlong, single span bridge supported on abutments only. Proposed activities will include, but are not limited to, vegetation removal, construction of temporary access roads, installation of a clear water diversion and dewatering, demolition, pile driving, installation of temporary abutments and temporary bridge, falsework and new bridge construction, removal of existing rock slope protection, drainage modifications, guardrail and concrete weed mat installation, erosion control, on-site revegetation, and restoration activities. The proposed project will occur on Elk Creek Bridge located

on California State Route 1 at PM 31.4 in Mendocino County, California.

The National Marine Fisheries Service (Service) issued a federal biological opinion (BO)(Service Ref. No. WCRO-2022-01533) in a memorandum to Caltrans on August 5, 2022, which considered the effects of the proposed project on state and federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*) and federally threatened Northern California steelhead (*O. mykiss*), which includes the state endangered Northern California summer steelhead.

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

**DEPARTMENT OF REAL ESTATE**

**NOTICE OF HEARING BY THE REAL  
ESTATE COMMISSIONER: ANNUAL FEE  
REVIEW — REQUIRED BY STATUTE**

Real Estate Commissioner Douglas R. McCauley proposes to consider whether the fees charged by the Department of Real Estate (“DRE”) should be lower than the maximum amount allowed pursuant to California Business and Professions Code (“the Code”) Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Commissioner’s consideration will include all comments, objections and recommendations regarding such fees.

**PUBLIC HEARING ANNOUNCEMENT**

Sections 10226 and 11011 of the Code require, among other things, that at least one regulation hearing be held each calendar year to determine if fees lower than those authorized under Section 10226.5 (b) of the Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226(a) and 11011(a) of the Code. DRE may present, at this hearing, relevant data compiled by the DRE, and other sources, if appropriate, that have been used or which may be used in making the determination if fees should be lower. There is no proposal to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. However, the Commissioner wishes to consider all comments, objections and recommendations regarding such fees.

DRE will hold a public hearing starting at 10:00 a.m., on Tuesday, December 6, 2022, at the DRE's Sacramento Office, located at 1651 Exposition Boulevard, Sacramento, California. The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

DRE is also making this year's hearing available online through Microsoft Teams. Contact DRE's contact person via the channels listed below for an email invitation to the event.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to DRE's fee structure. The written comment period closes on December 6, 2022. All written comments must be received by 5:00 p.m. on that date at DRE's Sacramento Office as follows:

Daniel E. Kehew, Real Estate Counsel  
 California Department of Real Estate  
 P.O. Box 137007  
 Sacramento, CA 95813-7007  
 Email: [DRE.RegComments@dre.ca.gov](mailto:DRE.RegComments@dre.ca.gov)  
 Telephone: (916) 576-7842

Backup contact person for this proposed action is James B. Damrell at (916) 576-8100.

DRE will mail or deliver a copy of this Hearing Notice by the Commissioner to DRE's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with DRE.
2. The Secretary of the Business, Consumer Services and Housing Agency.
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.) DRE has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.)

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### NOTICE OF THE EXPLANATION OF SIGNIFICANT DIFFERENCES AND PUBLIC COMMENT PERIOD Victoria Golf Course Site (former BKK Carson Landfill) 340 East 192nd Street, Carson, Los Angeles County, CA 90746

The Department of Toxic Substances Control (DTSC) has drafted an Explanation of Significant Differences (ESD) for the Victoria Golf Course (Site), located at 340 East 192nd Street, Carson, Los Angeles County, CA, 90746. The ESD describes the circumstances for the changes with the proposed redevelopment to part of the golf course. This notice provides a summary of the Site's background, the ESD and opportunities for public involvement and comment.

#### Site Location, History and Background

DTSC approved the 2016 Removal Action Plan (RAP) for the northern portion of the BKK landfill, which includes the public golf course. The RAP was approved based on DTSC and Los Angeles (LA) County's plan that the golf course would continue as a recreational facility. The RAP specified cleanup remedies that would be protective for recreational use. In 2021, Plenitude Holdings, LLC and LA County agreed to a long-term lease to redevelop 94-acres of the southern portion of the golf course into a commercial recreational facility with multiple venues.

#### The Explanation of Significant Differences

As a Responsible Agency under the California Environmental Quality Act (CEQA), DTSC reviewed the LA County-approved May 2019 Environmental Impact Report, and evaluated the environmental effects of the proposed remedies, Section 4.7 Hazards and Hazardous Materials. Plenitude Holdings also prepared a Remedial Design and Implementation Plan (RDIP) to specify the engineering methods for the redevelopment of the Site; DTSC approved the RDIP in 2021. DTSC's analysis determined that the proposed site redevelopment included "Significant Changes" to the RAP, requiring an ESD in accordance with California Hazardous Substances Account Act (H&SC section 25300 et seq.); the ESD will be included in the administrative record for the Site. The ESD concluded that the Site's land-use remains recreational as previously established, and the proposed remedies in the approved RDIP are consistent with the 2016 RAP requirements and complying with the California Code of Regulations Title 27 for Solid Waste.



## The Public Comment Period

The Department is providing a 30-day public comment period for the ESD beginning on October 24, 2022, and ending on November 28, 2022. Persons wishing to comment on the ESD, and related documents are invited to submit them in writing by letter or email must be received by the Department no later than 5:00 p.m. on November 28, 2022.

Written comments should be sent to:

Department of Toxic Substances Control,  
5769 Corporate Avenue, Cypress, CA 90630  
Nick Ta, DTSC Project Manager,  
Email: [Nicholas.Ta@dtsc.ca.gov](mailto:Nicholas.Ta@dtsc.ca.gov),

Copies of the ESD Document, key technical reports, and other site-related information are available for review by appointment at:

Dr. Martin Luther King, Jr. Library, 17906 S Avalon Boulevard, Carson, California 90746, (310) 327-4830, or DTSC Regional Office, 5796 Corporate Avenue, Cypress, California 90630, (714) 484-5300, or Electronically, on DTSC's project database, EnviroStor: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=19490191](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=19490191)

For any questions please contact:

Nick Ta  
DTSC Project Manager  
(714) 484-5381  
[Nicholas.Ta@dtsc.ca.gov](mailto:Nicholas.Ta@dtsc.ca.gov)

Jessica Anderson  
Public Participation Specialist  
(714) 484-5354  
[Jessica.Anderson@dtsc.ca.gov](mailto:Jessica.Anderson@dtsc.ca.gov)

Russ Edmonson  
Public Information Officer  
(916) 323-3372  
[Russ.Edmonson@dtsc.ca.gov](mailto:Russ.Edmonson@dtsc.ca.gov)

## Response to Comments

After the close of the public comment period, the Department will prepare a Response to Comments. This document will include all comments received for the CA and provide the Department's responses.

## PETITION DECISION

### DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

Pursuant to Government Code 11340.7

#### *Petitioner*

Humberto Diaz, #F97270

#### *Department Contact Person*

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

#### *Availability of Petition*

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

#### *Authority*

Penal Code Sections: 5054 and 5058

#### *Provisions of California Code of Regulations Affected:*

Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs and Parole

#### *Summary of Petition and Department Decision:*

##### *Section 3177*

#### **Petitioner's Request:**

Modify Section 3177 to remove restrictions on inmates convicted of violent offenses in which the victim(s) is a minor(s) when the inmates "did not actually victimize anyone" and were "convicted by way to liability theory."

#### **Reason for Request:**

The petitioner states that Section 3177 is in conflict with Penal Codes 6350, 6355, 6400, and 6404 as it does not "enhance or promote visiting for all prisoners" and places "unnecessary restrictions on visiting."

The petitioner states that Section 3177 is "inconsistent with and unnecessary within" the meaning of Government Code Sections 1139(a) and 1139(d).

#### **Department's Response:**

The Department has reviewed the petitioner's request to amend the California Code of Regulations Section 3177.

When CDCR was developing the latest amendments to Section 3177, which were adopted on January 15, 2019, consideration was taken when the regulation was changed to enhance and further provide opportunities to an incarcerated person the ability to participate in "Family" overnight visitation, pursuant to

Government Code Sections 11340.6 and 11340.7 and Penal Code Sections 6350, 6355, 6400 and 6404.

CDCR asserts that the Family Visiting (Overnight) program is a privilege created by CDCR regulations and is not directly governed by statute. This privilege may be restricted or eliminated in the interest of the safety and security of visitors, the public, institution staff, and inmates via the promulgation of regulations. CDCR has implemented specific criteria via those regulations, which exclude certain inmates from participation in the Family Visiting (Overnight) program for these reasons. CDCR stands by the decision to not include inmates convicted of a violent offense involving a minor or family member or any sex offense, which includes but is not limited to the following Penal Code Sections: 187 (when the victim is a family member as defined in Section 3000 or minor); 192 (when the victim is a family member or minor); 243.4; 261; 261.5; 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 288a; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6.

The Department has the obligation to enhance public safety, including the safety of minors, in addition to promoting successful community reintegration through education, treatment, and active participation in rehabilitative and restorative justice programs.

The Department denies the petitioner's request to amend California Code of Regulations Section 3177.

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS**

**STATE BOARD OF PHARMACY**

**ANNUAL NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX**

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board), pursuant to section 11425.60 of the Government Code, the Board maintains an index of precedential decisions, which is annually made available by the Board to the public by email subscription. To join the Board's email list, go to [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov). The index and the text of the precedent decisions are continuously available on the Board's website at <http://www.pharmacy.ca.gov/enforcement/precedential.shtml>.

For additional information, contact:

Usha Mutschler  
 California State Board of Pharmacy  
 2720 Gateway Oaks Drive, Suite 100  
 Sacramento, CA 95833  
 Telephone: (916) 518-3077  
 Fax: (916) 574-8618  
 E-mail: [usha.mutschler@dca.ca.gov](mailto:usha.mutschler@dca.ca.gov)

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

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

California Pollution Control Financing Authority  
 File # 2022-0826-01  
 CPCFA Bond Program – Update in permitted SBAF fee uses

In this certificate of compliance, the Authority makes permanent amendments to its regulation. The amendment allows the Authority to assist applicants in paying for the Authority's costs associated with a post-issuance request to amend bond documents to reflect an index rate change.

Title 04  
 Amend: 8043  
 Filed 10/05/2022  
 Effective 10/05/2022  
 Agency Contact: Deanna Hamelin (916) 657-4337

Department of Public Health  
 File # 2022-0826-03  
 Clinical Laboratory Regulations – Article 2 Training

In this rulemaking, the Department of Public Health (DPH) intends to move and renumber four CCR sections. Namely, the existing text from 17 CCR 1035 will be moved to 1035.2; existing text from section 1035.1 will be moved to 1035; existing text from 1035.3 will be moved to 1035.1; and existing text from 1035.4 will be moved to 1035.10.

Title 17  
 Adopt: 1035.2, 1035.10  
 Amend: 1035, 1035.1  
 Filed 10/05/2022  
 Agency Contact: Christy Correa (279) 217-0674

Department of Public Health  
File # 2022-0831-04  
Clinical Laboratory Regulations – Article 2.5 Continuing Education

The Department of Public Health (“DPH”) renumbers the following sections: 1038.2 (as renumbered from 1038.5), 1038.5 (as renumbered from 1038.2), 1038.3 (as renumbered from 1038.6), 1038.6 (as renumbered from 1038.3), 1038.4 (as renumbered from 1038.7), and 1038.7 (as renumbered from 1038.4). Finally, DPH adjusts the citations to these sections throughout sections 1038-1038.7.

Title 17  
Amend: 1038, 1038.2, 1038.3, 1038.4, 1038.5, 1038.6, 1038.7  
Filed 10/10/2022  
Agency Contact: Christy Correa (279) 217-0674

Department of Justice  
File # 2022-0830-03  
Microstamping

This change without regulatory effect filing by the Department of Justice seeks to update statutory cross references and testing procedure requirements for semiautomatic pistols.

Title 11  
Amend: 4049, 4059, 4060, 4075  
Filed 10/06/2022  
Agency Contact: Marlon Martinez (213) 269-6437

Air Resources Board  
File # 2022-0823-01  
Heavy-Duty Inspection & Maintenance Regulation

This rulemaking action by the Air Resources Board establishes an inspection and maintenance program for certain non-gasoline heavy-duty vehicles operating in California with a gross vehicle weight rating greater than 14,000 pounds, as specified, in accordance with Senate Bill 210 (Stats. 2019, ch. 298.)

Title 13  
Adopt: 2195, 2195.1, 2196, 2196.1, 2196.2, 2196.3, 2196.4, 2196.5, 2196.6, 2196.7, 2196.8, 2197, 2197.1, 2197.2, 2197.3, 2198, 2198.1, 2198.2, 2199, 2199.1  
Amend: 2193  
Filed 10/05/2022  
Effective 01/01/2023  
Agency Contact: Chris Hopkins (279) 208-7347

Air Resources Board  
File # 2022-0919-01  
2021 State Area Designations

This action changes the area designation for Nitrogen Dioxide for the CA 60 Near-road Portion of

San Bernardino, Riverside, and Los Angeles Counties, within the South Coast Air Basin, from Nonattainment to Attainment. This action adds Mendocino County as a sub-area of the North Coast Air Basin with a designation of Attainment for Suspended Particulate Matter. This action also changes the area designation for Fine Particulate Matter for Santa Barbara County, within the South Central Coast Air Basin, from Unclassified to Attainment.

Title 17  
Amend: 60203, 60205, 60210  
Filed 10/10/2022  
Effective 10/10/2022  
Agency Contact: Bradley Bechtold (661) 305-9128

Board of Forestry and Fire Protection  
File # 2022-0823-03  
Class II-L Determination Amendments, 2022

This rulemaking action by the Board of Forestry and Fire Protection amends regulations relating to Class II-Large Determinations. Pursuant to Public Resources Code, section 4554.5, subdivision (a), these amendments become effective January 1, 2023.

Title 14  
Amend: 916.9, 936.9, 956.9  
Filed 10/05/2022  
Effective 01/01/2023  
Agency Contact: Eric Hedge (916) 917-3170

California Highway Patrol  
File # 2022-0825-01  
Vehicle Sound Measurement

In this action, California Highway Patrol updates the Society of Automotive Engineers test procedures for compliance with the vehicle sound limits in Article 2 of Chapter 5 of Division 12 of the Vehicle Code.

Title 13  
Amend: 1041,1046  
Filed 10/05/2022  
Effective 01/01/2023  
Agency Contact: David Kelly (916) 843-3400

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