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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Del Puerto Water District

Northeastern JPA

Transbay Joint Powers Authority

A written comment period has been established commencing on January 13, 2023 and closing on February 27, 2023. 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 codes will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed codes will be submitted to the Commission for review.

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return

the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than February 27, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING
COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to 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 4. SCHOOL
FINANCE AUTHORITY**

DIVISION 15, ARTICLE 5,
CHARTER ACCESS TO BANK
LOAN ENHANCEMENT
(CHARTER ABLE) PROGRAM

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority), organized pursuant to Sections 17170 through 17199.6 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than Monday, February 27, 2023. The Authority Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal 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(s) designated in this Notice as the Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

The Authority proposes to adopt Sections 10200.8 through 10200.15 of Title 4, Division 15, Article 5 of the California Code of Regulations as permanent. The regulations implement the Authority's responsibilities related to the Charter Access to Bank Loan Enhancement Program (Charter ABLE Program or Program).

AUTHORITY AND REFERENCE

Authority: Section 17179 and 17180 of the Education Code. Section 17180(o) allows the Authority to adopt

regulations in order to administer the Charter ABLE Program.

Reference: Sections 17173, 17180, 47604, 47604.1, 47604.2, 47605 and 47612.5(e)(1) of Education Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Authority was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). The Authority is authorized to adopt bylaws for the regulation and conduct of its business, and the Authority is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code sections 17179 and 17180).

Charter ABLE Program regulation became effective March 21, 2022 and were established as emergency regulations in the California Code of Regulations in Title 4, Division 15, Article 5. (OAL Regulatory Action Number 2022-0310-04E).

These emergency regulations were readopted on September 21, 2022 (OAL Regulatory Action Number 2022-0915-01EE), and again on December 19, 2022. (OAL Regulatory Action Number 2022-1209-01EE).

These emergency regulations are set to expire on March 20, 2023. In order to continue the administration of the Charter ABLE Program, the Authority is proposing to make these emergency regulations permanent through OAL's permanent rulemaking process.

The proposed regulations set forth have not changed since their original submission through the emergency rulemaking process. These proposed regulations set the Authority's policies and procedures for administering the Charter ABLE Program, including but not limited to definitions; minimum eligibility requirements; application submission and content requirements; procedures for apportionment of grant funds and appeals; and policies governing grantee obligations, responsibilities, and approval of grant use change.

After conducting an evaluation of any related regulations on this matter, the Authority has concluded that these are the only regulations dealing with the Charter ABLE Program, and therefore, these proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

The proposed regulations are summarized below.

Informative Digest

The Authority received a grant award under the U.S. Department of Education's Credit Enhancement for Charter Schools Facilities Program (CFDA #84.354) pursuant to Title V, Part B, Subpart 2 of the Elementary and Secondary Education Act. This grant, awarded in 2019, provides \$20,000,000 for the purpose of funding debt service reserves for the financing of ac-

quisition, renovation, or construction of charter school facilities, or the refinancing of existing charter school facility debt.

In February 2021, the Authority and the US Dept of Ed. (DOE) signed a performance agreement allowing the Authority to use Charter ABLE Program funding to assist public schools with COVID-19 related issues through the ASAP and TRAN programs, respectively. These programs were discontinued in late 2021, and funds were transferred back on December 31, 2021 to the Charter ABLE Program. On February 7, 2022, the Authority's Board approved the emergency regulations at its board meeting. The emergency regulations were adopted on March 21, 2022 and readopted September 21, 2022 and again on December 19, 2022. The proposed regulations are the same as the readopted emergency regulations.

Section 10200.8. Purpose. The purpose of the regulations is set forth as the implementation of the Authority's DOE grant through the establishment of a program to be known as the Charter ABLE Program, intended to provide credit enhancement to facilitate financing of the construction and/or renovation of facilities for California public charter schools.

Section 10200.9. Definitions. Various words and phrases used in the regulations are defined. This is necessary to provide clarity and specificity where words of common usage may have a meaning specific to the Charter ABLE Program. The section also established the Charter ABLE Program Application — Form CSFA 03-22 (rev. March 2022) and is incorporated herein by reference.

Section 10200.10. Applicant Eligibility Criteria. This section sets forth the three conditions that must be met for an applicant to be eligible to apply for an award for Charter ABLE Program funds as well as setting forth the source from which the information will be sought. The regulations clarify that not only must an approved charter be in place and current at the time of application but must remain in place and current through the application review and approval process. In addition, the charter school must be in good standing with its Charter Authorizer and in compliance with the terms of its charter at the time the application is submitted. The regulations clarify that whether the school is in good standing and in compliance with the terms of its charter will be determined based on information obtain from the Charter Authorizer. Finally, to be eligible to apply for an award under the Charter ABLE Program, the school must be established pursuant to Education Code section 47600 et seq. and meet the federal definition of Charter School as set forth in section 5210(l) of the Elementary and Secondary Education Act of 1965 (20 USCA section 7221 (i)), as amended by the No Child Left Behind Act of 2001. This provides predictability and uniform

application of Charter ABLE Program rules as well as informing potential applicants and the public of the program standards and the source that will be used to verify applicant good standing and compliance with the terms of its charter.

Section 10200.11. Award Allocation and Eligible Use of Program Funds. This section describes the approved uses of Charter ABLE Program funds and explains how awards will be allocated. Subdivision (a) indicates that the purpose of awards is to fund the primary debt service reserve requirement for debt associated with the renovation and/or construction of charter school facilities. The limit for awards is set as up to a maximum annual debt service per Financing as defined in Section 10200.9, with an award dollar limit of \$2 million. This provides specificity regarding both the purpose of and amount of awards.

Subdivisions (b)-(d) describe award allocation. Awards shall be held in trust and only released to awardees upon the Authority's or an Authority's approved trustee's approval. Conditions for release will be determined by the Authority, in collaboration with all lending parties, prior to closing of the financing. When Program funds are no longer needed for the authorized purposes, they shall be released and returned to the Authority. If the awardee does not use the Program funds by closing the financing within six months of approval, the award will expire. Additional time may be granted on a case-by-case basis. These provisions are necessary to identify the responsible parties and relevant time frame for award allocation.

Subdivision (e) establishes an application filing fee for the Program to offset staff time devoted to eligibility and application review.

Section 10200.12. Application Review and Evaluation Criteria. This section describes the availability of the Program application and sets out the criteria used to determine awards. Subdivision (a) establishes that applications will be made available to the extent that funding and appropriations are available, and will be provided on a first come, first served basis. The application period will close when funding is no longer available. This provision is necessary to provide notice to potential applicants that the application period is dependent upon the availability of funds and that, assuming Program criteria are satisfied, awards will be made on a first come, first served basis.

Subdivision (b) describes the criteria by which applications will be evaluated and awards made and provides that applicants must meet at least one criterion but will receive increasing preference for each criteria met. The criteria are either: 1) location in a district or county where at least 50% of students do not meet the state standard for proficiency in either math or language on the state assessment; 2) location in a district or county with more than 50% of the student popu-

lation eligible for free or reduced-price lunch; or 3) more than 50% or current or projected enrollment are eligible for free or reduced-price lunch. These criteria are necessary to meet the program goal of providing preference to schools serving communities and families in need. This provision provides clarity in how the Authority intends to identify such schools.

Section 10200.13. Content of Application. This section sets forth the items that must be submitted to the Authority as part of an application for Program funds. This list is necessary to detail the specific information and documents required as part of a Program application, the relevant time frame for certain documents, and the reservation that the Authority may request any additional information deemed necessary to evaluate the application. This provision is necessary to provide consistency, clarity, and predictability for Program applicants.

Section 10200.14. Audits and Conflicts-of-Interest. Subdivision (a) reserves the ability for the Authority to conduct or require audits to ensure compliance with the requirements and terms of the Program, the related financing program, and the regulations, and requires awardees to retain documentation and financial data for three years after the certification of completion and repayment of debt or three years after the Program funds are no longer held in reserve, whichever is longer. These requirements are necessary to put awardees on notice of the potential for audit and to notify awardees of required document retention requirements.

Subdivision (b) establishes that the U.S. Department of Education conflict-of-interest rules apply to the Program. This provision is necessary to provide clarity and specificity to awardees and to assure Californians that the Program will be administered free from apparent or actual conflicts of interest.

Subdivision (c) establishes that the Program will be administered consistent with the federal post-award procurement requirements of 2 CFR 200.317 through 2 CFR 200.327 requiring federal grant awardees to develop written procurement procedures and conduct procurement transactions in a manner that provides open and free competition. In addition, this rule prevents any employee, officer, or agent of an awardee from participating in the selection, award, or administration of any contract paid by federal funds if a real or apparent conflict-of-interests exists. This provision is necessary to provide clarity and specificity to awardees and to assure Californians that the Program will be administered free from apparent or actual conflicts of interest.

Subdivision (d) reserves the right of the Authority to conduct site visits to any school facility or project receiving Program funds. This provision is necessary

to provide notice to awardees and for specificity and clarity regarding Program administration.

Subdivision (e) requires awardees to routinely submit documentation of continued eligibility on at least an annual basis. This provision is necessary to provide notice to awardees of Program requirements and to provide specificity and clarity regarding Program administration.

Subdivision (f) requires awardees to comply with all State and Federal requirements throughout the award period. This provision is necessary to establish that awardees are required to comply with both State and Federal requirements for the entire award period. The regulation provides clarity and specificity regarding Program expectations.

Section 10200.15. Funding Contingency. This section provides that the release of Program funds is dependent upon the execution of a performance agreement between the Authority and the U.S. Department of Education and that the Program itself is contingent upon the receipt and availability of funds. This provision is necessary to describe the funding contingency of the Program and to provide clarity and predictability.

Incorporated by Reference Form

Charter ABLÉ Program Application — Form CSFA 03-22 (rev. March 2022)

Citations for Proposed Regulations Mandated by Federal Laws or Regulations

Proposed regulation Section 10200.14 references sections of the Code of Federal Regulations related to requirements prescribed through the United States' Department of Education as well as general conflict-of-interest compliance for federal grants. Those sections are listed in proposed Section 10200.14 and are cited below.

- Code of Federal Regulations — Title 34, Subtitle A, Part 75, Subpart E — § 75.525(a)
- Code of Federal Regulations — Title 34, Subtitle A, Part 75, Subpart E — § 75.525(b)
- Code of Federal Regulations — Title 2, Subtitle A, Chapter II, Part 20, Subpart D (§ 200.318 — § 200.327)

The full text of the federal regulations referenced above are found in the Code of Federal Regulations, which is available online at <https://www.ecfr.gov/>.

Other Matters Prescribed by Statutes Applicable to the Specific State Agency or to any Specific Regulation or Class of Regulations

No other matters prescribed by statute are applicable to the Authority or to any specific regulation or class of regulations pursuant to Section 11346.5(a) (4) of the California Government Code pertaining to the proposed regulations or the Authority.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Authority has determined the proposed regulations do not impose a mandate on local agencies or school districts.

EVALUATION OF INCONSISTENCY AND INCOMPATIBILITY

The Authority performed a search in the California Code of Regulations and the proposed regulations are neither inconsistent nor incompatible with existing regulation.

FISCAL IMPACT

The Authority has instituted an application filing fee to offset costs associated with Authority staff reviewing applications and various federal and state reporting requirements for the grant program. Application review includes, but is not limited to, reviewing and verifying application content, ensuring program eligibility, preparing grant agreements, staff reports and resolutions, liaising with program attorneys and financing team members, ensuring grant funds are disbursed to the trustee, and closing document review associated with the financing. Reporting requirements include, but are not limited to, staff reports, multiple meetings with federal program officials, liaising with program attorneys and borrow trustees, balance confirmations, and account reconciliation. The \$1,000 fee was determined to be adequate enough to cover costs related to staff time, while not being cost prohibitive for applicants.

Initial Determination Regarding any Significant, Statewide Adverse Economic Impact Directly Affecting Business

The Authority has made an initial determination that the proposed regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

CSFA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Government Code sec. 17500 et seq: None.
- Cost or savings in federal funding to the state: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.

Effect on Small Businesses

The Authority has determined that the adoption of the proposed regulations will not affect small business. The Charter ABLE Program is a voluntary grant program available to charter schools to assist in the costs of charter school facilities.

Cost Impacts on Representative Person or Business

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

Statement of the Results of the EIA

Assessment of Effect on Jobs and Business Expansion, Elimination or Creation

Adoption of these regulations will not create or eliminate jobs within California, nor create new businesses or eliminate existing businesses within California. The proposed regulations could likely impact the expansion of businesses currently doing business within the State of California. This program will enhance conduit financings for charter school facilities. These facilities are often an expansion of the associated charter school organizations to serve more students. It should be noted that not all charter school facility related financings are expansions. Some financings are replacement facilities, renovations, or site improvements.

Assessment of Effect to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The purpose of the program and proposed regulations is to set forth administrative criteria and requirements for administering this grant program. The Authority do not expect any anticipated benefits to worker safety or the State's environment. However, while each funding is different, funding for facilities may allow schools to free up assets potentially allowing actions resulting in improved worker safety. Additionally, there may be a positive effect on the welfare of some California residents. As the intent of the program is to enhance financings related to charter school facilities, the Program and its proposed regulations have the potential to directly benefit the welfare of students and their related communities.

Cost Impact on Housing

The proposed regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority, would be

more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Authority invites interested persons to present statements with respect to alternatives to the proposed regulations during the written comment period.

AGENCY CONTACT PERSONS

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

Katrina Johantgen, Executive Director,
California School Finance Authority at:
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

or

915 Capitol Mall, Room 101
Sacramento, CA 95814
(916) 651-7710

or

kjohantgen@treasurer.ca.gov

or

csfa@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the proposed regulations:

Ryan Storey
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulations to the Authority. The written comment period on the regulations will end on Monday, February 27, 2023. All comments to be considered by the Authority must be submitted in writing to the Agency Contact Person identified in this Notice by that time.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Suite 101, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

No public hearing regarding the proposed regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the proposed regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority’s website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

**TITLE 4. SCHOOL FINANCE
AUTHORITY**

DIVISION 15, ARTICLE 6,
CHARTER FINANCE ENHANCEMENT
(CHARTER FINE) PROGRAM

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority), organized pursuant to Sections 17170 through 17199.6 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than Monday, February 27, 2023. The Authority Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal 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(s) designated in this Notice as the Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

The Authority proposes to adopt Sections 10200.16 through 10200.23 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regulations implement Authority’s responsibilities related to the Charter Finance Enhancement Program (Charter FinE Program or Program).

AUTHORITY AND REFERENCE

Authority: Section 17179 and 17180 of the Education Code. Section 17180(o) allows the Authority to adopt

regulations in order to administer the Charter FinE Program.

Reference: Sections 17173, 17180, 47604, 47604.1, 47604.2, 47605 and 47612.5(e)(1) of Education Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Authority was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). The Authority is authorized to adopt bylaws for the regulation and conduct of its business, and the Authority is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code sections 17179 and 17180).

The proposed regulations set forth have not changed since their original submission through the emergency process. These proposed regulations set the Authority’s policies and procedures for administering the Charter FinE Program, including but not limited to definitions; minimum eligibility requirements; application submission and content requirements; procedures for apportionment of grant funds and appeals; and policies governing Grantee obligations, responsibilities, and approval of grant use change.

After conducting an evaluation of any related regulations on this matter, the Authority has concluded that these are the only regulations dealing with the Charter FinE Program, and therefore, these proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

Informative Digest

The Authority received a grant award under the U.S. Department of Education’s Credit Enhancement for Charter Schools Facilities Program (CFDA #84.354) (Grant). This federal grant is authorized under Title V, Part B, Subpart 2 of the Elementary and Secondary Education Act. This Grant, awarded in late 2020, provides \$10,000,000 for the purpose of funding debt service reserves for the financing of acquisition, renovation, or construction of charter school facilities, or the refinancing of existing charter school facility debt.

Anticipated Benefits of the Proposed Regulations

The proposed regulations will benefit charter schools by enhancing financings issued by the Authority. The proposed regulations will also benefit charter schools by leveraging a percentage of the grant award annually to secure and lower costs associated with the financing of the purchase, construction, and/or renovation of facilities.

Other benefits include reducing pre-development and acquisition borrowing costs for schools, ensuring the grant program is implemented in a timely manner, providing preference to schools serving communities and families in need by assigning additional points to

schools that meet specially targeted indicators, e.g., the percentage of students eligible for free and/or reduced-price meals (FRPM).

The proposed regulations will benefit charter schools (1) serving low-income students, with at least 50% of students eligible for FRPM; (2) having at least 50% of students that do not meet the State standard for proficiency in either math or language on state assessments; or (3) located in a school district or county where at least 15% of public schools have been identified for improvement or corrective action.

The proposed regulations, in addition to other requirements, set forth eligibility criteria for all applicants, the eligible uses of grant funds, the evaluation criteria for the Authority's approval of applications for awards, and definitions of terms, as well as special provisions and requirements.

The Authority is in the final steps of finalizing the associated Performance Agreement with the U.S. Department of Education (DOE). On December 15, 2022, the Authority's Board approved the program regulations at its board meeting. The proposed regulations are summarized below:

Section 10200.16. Purpose. The purpose of the regulations is set forth as the implementation of the Authority's DOE grant through a program to be known as the Charter FinE Program, intended to provide credit enhancement to facilitate financing of the construction and/or renovation of facilities for California public charter schools.

Section 10200.17. Definitions. Various words and phrases used in the regulations are defined. This is necessary to provide clarity and specificity where words of common usage may have a meaning specific to the Charter FinE Program. The section also established the Charter FinE Program Application — Form CSFA 12-22 (rev. December 2022) and is incorporated herein by reference.

Section 10200.18. Applicant Eligibility Criteria. This section sets forth the three conditions that must be met for an applicant to be eligible to apply for an award for Charter FinE Program funds as well as setting forth the source from which the information will be sought. The regulations clarify that not only must an approved charter be in place and current at the time of application but must remain in place and current through the application review and approval process. In addition, the charter school must be in good standing with its Charter Authorizer and in compliance with the terms of its charter at the time the application is submitted. The regulations clarify that whether the school is in good standing and in compliance with the terms of its charter will be determined based on information obtain from the Charter Authorizer. Finally, to be eligible to apply for an award under the Charter FinE Program, the school must be established pursu-

ant to Education Code section 47600 et seq. and meet the federal definition of Charter School as set forth in section 5210(l) of the Elementary and Secondary Education Act of 1965 (20 USCA section 7221 (i)) as amended by the No Child Left Behind Act of 2001. This provides predictability and uniform application of Charter FinE Program rules as well as informing potential applicants and the public of the Charter FinE Program standards and the source that will be used to verify applicant good standing and compliance with the terms of its charter.

Section 10200.19. Award Allocation and Eligible Use of Program Funds. This section describes the approved uses of Charter FinE Program funds and explains how awards will be allocated. Subdivision (a) indicates that the purpose of awards is to fund the primary debt service reserve requirement for debt associated with the renovation and/or construction of charter school facilities. The limit for awards is set as up to a maximum annual debt service per Financing as defined in Section 10200.17, with an award dollar limit of \$2 million. This provides specificity regarding both the purpose of and amount of awards.

Subdivisions (b)–(d) describe award allocation. Awards shall be held in trust and only released to awardees upon the Authority's or an Authority's approved trustee's approval. Conditions for release will be determined by the Authority, in collaboration with all lending parties, prior to closing of the financing. When Charter FinE Program funds are no longer needed for the authorized purposes, they shall be released and returned to the Authority. If the awardee does not use the Charter FinE Program funds by closing the financing within six months of approval, the award will expire. Additional time may be granted on a case-by-case basis. These provisions are necessary to identify the responsible parties and relevant time frame for award allocation.

Subdivision (e) establish an application filing fee for the Charter FinE Program to offset staff time devoted to eligibility and application review.

Section 10200.20. Application Review and Evaluation Criteria. This section describes the availability of the Charter FinE Program application and sets out the criteria used to determine awards. Subdivision (a) establishes that applications will be made available to the extent that funding and appropriations are available, and will be provided on a first-come, first served basis. The application period will close when funding is no longer available. This provision is necessary to provide notice to potential applicants that the application period is dependent upon the availability of funds and that, assuming Charter FinE Program criteria are satisfied, awards will be made on a first-come, first served basis.

Subdivision (b) describes the criteria by which applications will be evaluated and awards made and provides that applicants must meet at least one criterion but will receive increasing preference for each criteria met. The criteria are 1) location in a district or county where at least 50% of students do not meet the state standard for proficiency in either math or language on the state assessment; or 2) location in a district or county with more than 50% of the student population eligible for free or reduced-price lunch; or 3) more than 50% or current or projected enrollment are eligible for free or reduced-price lunch. These criteria are necessary to meet the program goal of providing preference to schools serving communities and families in need. This provision provides clarity in how the Authority intends to identify such schools.

Section 10200.21. Content of Application. This section sets forth the items that must be submitted to the Authority as part of an application for Charter FinE Program funds. This list is necessary to detail the specific information and documents required as part of a Charter FinE Program Application, the relevant time frame for certain documents, and the reservation that the Authority may request any additional information deemed necessary to evaluate the application. This provision is necessary to provide consistency, clarity, and predictability for Charter FinE Program applicants.

Section 10200.22. Audits and Conflicts of Interest. Subdivision (a) reserves the ability for the Authority to conduct or require audits to ensure compliance with the requirements and terms of the Charter FinE Program, the related financing program, and the regulations, and requires awardees to retain documentation and financial data for three years after the certification of completion and repayment of debt or three years after the Charter FinE Program funds are no longer held in reserve, whichever is longer. These requirements are necessary to put awardees on notice of the potential for audit and to notify awardees of required document retention requirements.

Subdivision (b) establishes that the U.S. Department of Education conflict-of-interest rules apply to the Charter FinE Program. This provision is necessary to provide clarity and specificity to awardees and to assure Californians that the Charter FinE Program will be administered free from apparent or actual conflicts of interest.

Subdivision (c) establishes that the Charter FinE Program will be administered consistent with the federal post-award procurement requirements of 2 CFR 200.317 through 2 CFR 200.327 requiring federal grant awardees to develop written procurement procedures and conduct procurement transactions in a manner that provides open and free competition. In addition, this rule prevents any employee, officer, or

agent of an awardee from participating in the selection, award, or administration of any contract paid by federal funds if a real or apparent conflict-of-interests exists. This provision is necessary to provide clarity and specificity to awardees and to assure Californians that the Charter FinE Program will be administered free from apparent or actual conflicts of interest.

Subdivision (d) reserves the right of the Authority to conduct site visits to any school facility or project receiving Charter FinE Program funds. This provision is necessary to provide notice to awardees and for specificity and clarity regarding Charter FinE Program administration.

Subdivision (e) requires awardees to routinely submit documentation of continued eligibility on at least an annual basis. This provisions in necessary to provide notice to awardees of Charter FinE Program requirements and to provide specificity and clarity regarding Charter FinE Program administration.

Subdivision (f) requires awardees to comply with all State and Federal requirements throughout the award period. This provision is necessary to establish that awardees are required to comply with both State and Federal requirements for the entire award period. The regulation provides clarity and specificity regarding Charter FinE Program expectations.

Section 10200.23. Funding Contingency. This section provides that the release of Charter FinE Program funds is dependent upon the execution of a performance agreement between the Authority and the U.S. Department of Education and that the Charter FinE Program itself is contingent upon the receipt and availability of funds by the Department of Education. This provision is necessary to describe the funding contingency of the Charter FinE Program and to provide clarity and predictability.

Incorporated by Reference Form

Charter FinE Program Application — Form CSFA 12-22 (rev. December 2022)

Citations for Proposed Regulations Mandated by Federal Laws or Regulations

Proposed regulation Section 10200.22 references sections of the Code of Federal Regulations related to requirements prescribed through the United States’ Department of Education as well as general conflict-of-interest compliance for federal grants. Those sections are listed in the Section 10200.14 and are cited below.

- Code of Federal Regulations — Title 34, Subtitle A, Part 75, Subpart E — § 75.525(a)
- Code of Federal Regulations — Title 34, Subtitle A, Part 75, Subpart E — § 75.525(b)
- Code of Federal Regulations — Title 2, Subtitle A, Chapter II, Part 20, Subpart D (§ 200.318 — § 200.327)

The full text of the federal regulations referenced above are found in the Code of Federal Regulations, which is available online at <https://www.ecfr.gov/>.

Other Matters Prescribed by Statutes Applicable to the Specific State Agency or to any Specific Regulation or Class of Regulations

No other matters prescribed by statute are applicable to the Authority or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a) (4) of the California Government Code pertaining to the proposed Regulations or the Authority.

Mandate on Local Agencies or School Districts

The Authority has determined the Regulations do not impose a mandate on local agencies or school districts.

Evaluation of Inconsistency and Incompatibility

The Authority performed a search in the California Code of Regulations and the proposed regulations are neither inconsistent nor incompatible with existing regulation.

FISCAL IMPACT

The Authority has instituted an application filing fee to offset costs associated with Authority staff reviewing applications and various federal and state reporting requirements for the grant program. Application review includes but is not limited to reviewing and verifying application content, ensuring program eligibility, preparing grant agreements, staff reports and resolutions, liaising with program attorneys and financing team members, ensuring grant funds are disbursed to the trustee, and closing document review associated with the financing. Reporting requirements including but are not limited to staff reports, multiple meetings with federal program officials, liaising with program attorneys and borrow trustees, balance confirmations, and account reconciliation. The \$1,000 fee was determined to be adequate enough to cover costs related to staff time, while not being cost prohibitive for applicants.

Initial Determination Regarding any Significant, Statewide Adverse Economic Impact Directly Affecting Business

The Authority has made an initial determination that the Regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

CSEA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.

- Cost to any local agency or school district requiring reimbursement pursuant to Government Code sec. 17500 et seq: None.
- Cost or savings in federal funding to the state: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.

Effect on Small Businesses

The Authority has determined that the adoption of the Regulations will not affect small business. The Charter FinE Program is a voluntary grant program available to Charter Schools to assist in the costs of Charter School facilities.

Cost Impacts on Representative Person or Business

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

Statement of the Results of the EIA

Assessment of Effect on Jobs and Business Expansion, Elimination or Creation

Adoption of these regulations will not create or eliminate jobs within California, nor create new businesses or eliminate existing businesses within California. The proposed regulations could likely impact the expansion of businesses currently doing business within the State of California. This program will enhance conduit financings for charter school facilities. These facilities are often an expansion of the associated charter school organizations to serve more students. It should be noted that not all charter school facility related financings are expansions. Some financings are replacement facilities, renovations, or site improvements.

Assessment of Effect to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The purpose of the program and proposed regulations is to set forth administrative criteria and requirements for administering this grant program. The Authority do not expect any anticipated benefits to worker safety or the State's environment. However, while each funding is different, funding for facilities may allow schools to free up assets potentially allowing actions resulting in improved worker safety. Additionally, there may be a positive effect on the welfare of some California residents. As the intent of the program is to enhance financings related to charter school facilities, the Charter FinE Program and its proposed regulations have the potential to directly benefit the welfare of students and their related communities.

Cost Impact on Housing

The Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

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

AGENCY CONTACT PERSONS

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

Katrina Johantgen, Executive Director,
California School Finance Authority at:
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

or

915 Capitol Mall, Room 101
Sacramento, CA 95814
(916) 651-7710

or

kjohantgen@treasurer.ca.gov

or

csfa@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the proposed regulations.

Ryan Storey
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulations to the Authority. The written comment period on the regulations will end on Monday, February 27, 2023. All comments to be considered by the Authority must be submitted in writing to

the Agency Contact Person identified in this Notice by that time.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Suite 101, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's Web site described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

Availability of Final Statement of Reasons

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority’s website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
MARKET STREET GRAVEL PROJECT
(TRACKING NUMBER:
1653-2022-104-001-R1)
SHASTA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 12/29/2022, that Reclamation District Number 108 proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the placement of spawning gravel and the creation of riffles to improve salmonid spawning conditions. The proposed project will be carried out on the Sacramento River, located downstream of the Market Street Bridge, Redding, Shasta County, California.

On 12/16/2022, the Central Valley Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Market Street Gravel Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 5A45CR00628) for coverage under the General 401 Order on 12/20/2022.

The Reclamation District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project

is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Reclamation District will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION
REQUEST FOR
KOPTA SLOUGH
MULTI-BENEFIT PROJECT
2080-2022-020-01
TEHAMA COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on December 29, 2022, that California Department of Water Resources proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed project involves removing approximately one mile of rock from the Sacramento riverbank, restoring approximately 176 acres of agricultural land to native floodplain habitat, and transferring the Kopta Slough Property to the U.S. Fish and Wildlife Service ownership. The Project objectives are to restore, enhance, and conserve the Sacramento River, restore hydrologic and geomorphic function to the Sacramento River, reduce flood operation and maintenance costs and responsibilities, improve fish and wildlife habitat, and facilitate the enhancement of recreational opportunities. Proposed activities will include, but are not limited to, the removal of existing rock revetment along approximately 5,600 feet of the Sacramento riverbank, restoration of approximately 176 acres of agricultural land to native floodplain habitat, conversion of the agricultural land to approximately 46 acres of native grassland, 45 acres of valley oak woodland, and 85 acres of valley oak riparian forest. Some of the excavated rock will be used for drainage improvements and crushed rock would be spoiled in designated areas and/or used as road base to improve existing roads on the property. The proposed project will occur along the west bank of the Sacramento River near the city of Corning in Tehama County.

The National Marine Fisheries Service (NMFS) issued a federal biological opinion (BO) (NMFS Ref.

Number WCRO–2019–00143) in a memorandum to the U.S. Bureau of Reclamation on September 9, 2019, which considered the effects of the proposed project on state and federally threatened Central Valley spring–run Chinook salmon (*O. tshawytscha*), state and federally endangered Sacramento River winter–run Chinook salmon (*O. tshawytscha*).

Pursuant to California Fish and Game Code section 2080.1, California Department of Water Resources 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, California Department of Water Resources 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**

HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION
NUMBER 1653–2022–104–001–R1

Project: Market Street Gravel Project
Location: Shasta County, CA
Applicant: William Vanderwaal
Notifier: Reclamation District Number 108

Background

Project Location: The Project is located on the southern/western bank of the Sacramento River, immediately downstream of the Market Street bridge, in the City of Redding. Coordinates for the Project are 40.592° North, –122.391° West.

Project Description: The purpose of the project is to improve spawning conditions through the placement of spawning gravel and the creation of riffles in the Sacramento River at the project location. The components proposed as part of this project are described below.

A. Cobble Removal — Adjacent to the bank, an area approximately 60 feet wide by 422 feet long will be excavated to a depth of approximately 2 feet. The area is predominately large cobble, which will be removed and utilized for construction of riffle cores. The excavated area will be backfilled with spawning gravel to create additional areas for spawning.

- B. Temporary Berm — A temporary berm of spawning gravel will be placed around the project area to slow water velocity and to reduce turbidity resulting from the work. The berm will be repurposed as spawning gravel augmentation at the site at the end of riffle construction.
- C. Spawning Gravel — Approximately 2,000 cubic yards of existing riverbed will be excavated and utilized for riffle bars or the temporary berms. Up to 5,500 cubic yards of spawning gravel will be imported from a commercial source to create the spawning habitat and temporary berms. All material will be utilized on site, with no excess material hauled offsite.
- D. Equipment — The work will be performed by excavators, bull dozers, loaders and off–road trucks working in the water. Construction will be completed during a defined in–water work window as coordinated with the involved fisheries agencies, which is expected to be between 3 January and 15 March 2023, followed by a similar project 2 to 3 years later. The work is expected to take approximately 4 weeks to complete.
- E. Construction Access and Site Access — The construction site is located on Anderson Cottonwood Irrigation District (A.C.I.D.) property. Staging will be done on the A.C.I.D. property. The project will access the site utilizing the existing A.C.I.D. driveway. There is no current land–based public access, and none will be provided at the project conclusion.

Project Size: The total area of ground disturbance associated with the Project is approximately 2.8 acres and 490 linear feet of riverbank. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Temporary Impacts to jurisdictional resources: 2.8 acres, 490 linear feet of streambed, bank, and/or channel.

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: Cobble removal from bankside location and relocating/repurposing into in–channel riffle cores, construction of temporary instream gravel berm around the project area, construction of riffles, and the importation and placement of up to 5,500 cubic yards of spawning gravel.

Project Timeframes:

Start date:

January 3, 2023 (proposed, actual start date will be upon execution of this Consistency Determination)

Completion date: March 15, 2023

Seasonal work window: October 1 to May 15

Number of work days: Approximately 24 days

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) Waste Discharge Identification (WDID) Number 5A45CR00628 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided supplemental documents that set forth measures to avoid and minimize impacts to fish and wildlife.

Receiving Waters: Sacramento River.

Filled or Excavated Areas: Temporary Fill/Excavation Impact Information: 2.8 acres, 490 linear feet.

Discharge volume: 6,000 cubic yards of riverbed materials (anticipated 5,500 cubic yards of imported spawning gravel).

Project location: Within the City of Redding, in Shasta County, Latitude: 40.592° North, Longitude: -122.391° West. The Project is located on State-owned Land, on the Sacramento River immediately downstream of the Market Street Bridge and the ACID diversion structure. The project area is on the south/west bank of the river.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Public Resources Code, § 21000 et seq.).

On 12/29/2022, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on 12/29/2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2022-1229-02) on 1/13/2023. Upon ap-

proval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an addendum to the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: *Block 20: Market Street Gravel Injection and Riffle Project — Best Management Practices.*

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a description of the monitoring and evaluation objectives for the project, as well as a reporting outline for the data generated. Specific requirements of the plan are found in the supplemental document titled: *Block 19: Market Street Gravel Injection and Riffle Project — 2022 Project Description.*

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name and WDID number with all future inquiries and document submittals.

Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Ali.Aghili@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subdivision (c).)

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY
DETERMINATION REQUEST FOR
BOLINAS LAGOON WYE WETLANDS
RESILIENCY PROJECT
2080–2022–019–03
MARIN COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on December 27, 2022 that Marin County Parks 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 restoring hydrologic, geomorphic, and ecologic processes to support wetland habitats for wildlife and salmonids. Proposed activities will include, but are not limited to, restoring Lewis Gulch Creek to its historic alignment, re-aligning the intersection of Olema Bolinas Road at SR–1 and installing a bridge crossing for Lewis Gulch Creek. The proposed project will occur at Bolinas Wye, adjacent to intersection of Olema Bolinas Road, Fairfax Bolinas Road and SR–1, Marin County.

The National Marine Fisheries Service (Service) issued a federal biological opinion (BO) (Service Ref. No WCR–2015–3755) in a memorandum to the NOAA Restoration Center and the U.S. Army Corps of Engi-

neers on June 14, 2016, which considered the effects of the proposed project on state endangered and federally endangered central California coast (CCC) coho salmon (*Oncorhynchus kisutch*).

Pursuant to California Fish and Game Code section 2080.1, Marin County Parks 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, Marin County Parks 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**

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
PHASE 1 ROCKWADS PROJECT
(TRACKING NUMBER:
1653–2022–102–001–R1)
SHASTA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 12/28/2022, that the U.S. Bureau of Reclamation (Bureau) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of 20 rockwad structures in the Sacramento River to create deep water rearing habitat for Chinook salmon and Steelhead. The proposed project will be carried out on the Sacramento River, upstream and downstream of the South Bonnyview Road Bridge, Redding, Shasta County, California.

On 11/21/2022, the Central Valley Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Phase 1 Rockwads Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 5A45CR00625) for coverage under the General 401 Order on 12/16/2022.

The Bureau is requesting a determination that the project and associated documents are complete pursu-

ant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Bureau will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
02-1H590 CALTRANS CADE AND
PORTUGUESE CREEK FISH
PASSAGE PROJECT
(TRACKING NUMBER:
1653-2022-103-001-R1)
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 12/28/2022, that Caltrans proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves removing the existing culverts on cade and Portuguese Creek and replacing them with bridges, then restoring and reconnecting the upper and lower sections of the creek. The proposed project will be carried out on Cade and Portuguese Creeks, located near Postmiles 43.5 and 57 along State Route 96, Siskiyou County, California.

On 10/27/2022, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the 02-1H590 Caltrans Cade and Portuguese Creek Fish Passage Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A22123WNSI; ECM PIN Number CW-883212) for coverage under the General 401 Order on 12/21/2022.

Caltrans is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, Caltrans will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF
FISH AND WILDLIFE**

**CESA CONSISTENCY
DETERMINATION REQUEST FOR
STONE LAKES RESTORATION PROJECT
SERRA PROPERTY
2080-2022-021-02
SACRAMENTO COUNTY**

The California Department of Fish and Wildlife (CDFW) received a notice on December 30, 2022 that Ducks Unlimited 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 the enhancement of palustrine emergent wetland through creation of infrastructure and site conditions that promote shallow flooded wetland habitat suitable for shorebirds, waterfowl and sandhill cranes and improve water conveyance and management capacity to allow better control of non-native plant species. Proposed activities will include, but are not limited to, recontouring the project area to support seasonal wetlands, install small potholes to increase habitat complexity, creation of habitat islands, berm and access road improvements, installation of water control structure. The proposed project will occur a privately owned parcel north of the Stone Lakes National Wildlife Refuge in Sacramento County, California. The Project Area is located approximately 15 miles south of the City of Sacramento and 6 miles southwest of Elk Grove, and west of Interstate 5.

The U.S. Fish and Wildlife Service (Service) issued a federal programmatic biological opinion (PBO) (Service Ref. Number 2022-0005149-S7) in a memorandum to the Service, National Oceanic and Atmospheric Administration Restoration Center and US Army Corps of Engineers (collectively, the Action Agencies) on August 31, 2022, which considered the effects of

the proposed project on state threatened and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, Ducks Unlimited 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, Ducks Unlimited will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX

GAMBLING CONTROL COMMISSION

NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS AND DECISION INDEX

Re: Government Code section 11425.60, subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedential decisions can be viewed, by appointment, at the Commission’s office below or on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions. For subscription or additional information, or to schedule an appointment to view precedential decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
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Facsimile: (916) 263-1365
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OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF ADMINISTRATIVE LAW

2022 OAL DETERMINATION NUMBER 4
(OAL MATTER NUMBER CTU2022-0613-01)

REQUESTED BY: DEEDEE WAKEFIELD

CONCERNING: MEMORANDUM: SENATE BILL 132 IMPLEMENTATION, ISSUED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION AND DATED DECEMBER 18, 2020

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.¹ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

¹ As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

CHALLENGED RULE

The challenged rule consists of a five-step process to be followed when a transgender, intersex, or non-binary inmate requests a housing assignment at a correctional facility designated for men or women based on their preference (Process). The challenged rule is contained in a memorandum issued on December 18, 2020, by the California Department of Corrections and Rehabilitation (CDCR), Director of the Division of Adult Institutions, Connie Gipson, to Associate Directors, Division of Adult Institutions, and Wardens regarding implementation of Senate Bill (SB) 132 (Memo). A copy of the Memo, with all eight attachments omitted, is attached to this determination as Exhibit A.

DETERMINATION

OAL determines that the Process on page four of the Memo meets the definition of a “regulation” that should have been adopted pursuant to the APA and is, therefore, an underground regulation.

FACTUAL BACKGROUND

On June 13, 2022, OAL received a petition from DeeDee Wakefield specifically challenging the Process as an underground regulation (Petition).

On August 11, 2022, OAL accepted the Petition. A summary of the Petition was published in the California Regulatory Notice Register on August 26, 2022, and solicited comments from the public until September 26, 2022. OAL did not receive any comments from the public.

On September 13, 2022, OAL received a timely response from CDCR. Petitioner’s reply, if any, was due to OAL no later than September 28, 2022. On October 31, 2022, OAL received a reply from Petitioner. Because Petitioner’s reply was not timely received, OAL did not consider the reply when drafting this determination.

The Memo was issued to Associate Directors, Division of Adult Institutions, and Wardens by Connie Gipson, Director of the Division of Adult Institutions. The subject line of the Memo is “Senate Bill 132 Implementation.” Under the heading “Inmate Housing Request based on Gender Identity” on page four, the Memo restates Penal Code section 2606 and establishes the Process as follows:

SB 132 creates the new Penal Code Section 2606, which states: An individual incarcerated by the CDCR who is transgender, non-binary, or intersex, regardless of anatomy, shall:

- 1) Be housed at a correctional facility designated for men or women based on the individual’s

preference, including, if eligible, at a residential program for individuals under the jurisdiction of the department.

To accomplish this mandate, the following process will be utilized:

- 1) A transgender, intersex, or non-binary inmate submits a request to be housed based on their preference during Reception Centers processing, or at any other time via the [Gender Identity Questionnaire (GIQ)], CDCR Form GA 22, note to staff, etc. Regardless of how the request is made, all housing requests are forwarded to the [Prison Rape Elimination Act (PREA) Compliance Manager (PCM)] within 24 hours. If submitted via a CDCR Form 602-1, the Grievance Office will “redirect” the request to the PCM.
- 2) The PCM will review the housing request with the inmate, then forward the request to the [Classification and Parole Representative (C&PR)] for assignment to a [Correctional Counselor (CC)] II (Supervisor) or designee.
- 3) The assigned staff member will interview the inmate, notify Medical and Mental Health Care staff of the request, and prepare a summary report for the [Institution Classification Committee (ICC)]. To prepare a comprehensive summary report, the assigned staff member will complete a file review to include the inmate’s criminal history, CDCR history, disciplinary history, and victimization and abusiveness concerns. A worksheet was developed to assist with obtaining gender identity information (Attachment 3).
- 4) Upon completion of the summary report, the CC II will schedule the case for appearance before the ICC. The ICC shall include the warden, PCM, CC II (Supervisor), C&PR, and a Medical and/or Mental Health representative.
 - a) If the ICC approves the inmate for placement in a different (gender) type of facility, based on their preference, the case will be forwarded to the Classification Staff Representative (CSR) for endorsement to a Reception Center.
 - b) If disapproved, the inmate is provided with a copy of the Classification Chrono. The inmate has a right to file a grievance, if they do not agree with the ICC’s decision.
 - c) If a grievance is filed via a CDCR Form 602-1, or appealed via CDCR Form 602-2, the Grievance or Appeal Office will “redirect” the case to the Classification Services Unit to schedule an appearance before the Departmental Review Board (DRB).

- 5) If an inmate raises concerns for their health or safety at any time, their housing and placement shall be reassessed.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

- (a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, § 11342, subd. (g)).²

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.³

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec. 11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

The Memo was issued to all Associate Directors within the Division of Adult Institutions and the Warden of each institution under CDCR’s jurisdiction. By its own terms, the Memo applies to all transgender, intersex, or non-binary inmates, regardless of gender. Similarly, the Process is intended to be utilized in every instance of receipt of an inmate housing request based on gender identity. The Memo and the challenged rule within are intended to apply generally; thus, the first element of *Tidewater* is met.

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

A regulation is defined in Government Code section 11342.600 as:

...every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

That the Memo is intended to implement, interpret, and make specific the law enforced or administered by CDCR is indisputable. As cited above, page four of the Memo states that the Process is to be utilized to “accomplish th[e] mandate” established in Penal Code section 2606. But the specific procedures, forms, reports, and other requirements identified in the Process are not included in Penal Code section 2606. For example, the statute does not require “all housing requests [to be] forwarded to the PCM within 24 hours” (Process step #1), the PCM to review the housing request with the requesting inmate (Process step #2), preparation of a summary report for the ICC or the specific contents of the report (Process step #3), or inclusion of certain specified personnel as members of an ICC

² Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

³ See also *Roth v. Department of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

(Process step #4). Each of these requirements further implements Penal Code section 2606. Further, page 1 of the Memo provides: “The California Code of Regulations (CCR), Title 15, and the Department Operations Manual (DOM) are being revised to comply with SB 132. ***In the interim, the memorandum will serve as direction until changes to the CCR and DOM are published.***” [Emphasis added.] Since the clearly stated purpose of the Memo is to establish “placeholder” policies that implement the statutory enactments of SB 132, the second element of *Tidewater* is met.

Because both elements of *Tidewater* are satisfied, the challenged Process on page four of the Memo meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation ***except to the extent that the legislation shall do so expressly.***” [Emphasis added.]

CDCR has not identified an express statutory exemption from the APA that would apply to the challenged Process on page four of the Memo, nor did OAL find such an exemption.

AGENCY RESPONSE

CDCR’s response to the Petition does not specifically address the issue of whether the Process is an underground regulation. Instead, the response echoes page one of the Memo (“CDCR is currently in the process of completing regulations to further implement, interpret, and make specific Penal Codes (PC) 2605 and 2606”) and provides additional procedural history for Petitioner’s previously related grievances and appeals.

CONCLUSION

In accordance with the above analysis, OAL determines that the Process meets the definition of a “regulation” that should have been adopted pursuant to the APA, and to that extent, the Memo is an underground regulation.

Date: December 27, 2022
/s/
Eric Partington
Attorney IV

Copy: Kathleen Allison, Secretary, CDCR
Ying Sun, Associate Director, RMPB, CDCR
Renee Rodriguez, Correctional Counselor II,
RMPB, CDCR

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH
THE SECRETARY OF STATE**

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

Board of Education
File # 2022-1110-04
Physical Fitness Test

This action makes permanent the amendments to section 1040 of Title 5 of the California Code of Regulations that eliminate the Body Composition subtest and all Healthy Fitness Zone performance standards from the California Physical Fitness Test and add a definition of the term “results” as used in Education Code section 60800. In order to reconcile related Board of Education regulations to the amendments being made permanent in section 1040, the action also amends two regulations and repeals three others.

Title 05
Amend: 1040, 1043, 4043.4
Repeal: 1043.6, 1043.8, 1044
Filed 12/28/2022
Effective 12/28/2022
Agency Contact: Hillary Wirick (916) 319-0860

Fish and Game Commission
File # 2022-1123-02
2023-24 Federal Groundfish and Associated Species

This action makes permanent the emergency adjustments to the sub-bag limits for quillback, copper, and vermilion rockfish in the recreational groundfish fishery for 2023 and 2024 so as to be consistent with Pacific Fishery Management Council (PFMC) regula-

tions. In addition, this action conforms state regulations to PFMC recommendations for 2023 and 2024 season lengths, depth constraints, methods of take, and size, bag, and possession limits for all federal groundfish. This action also decouples the recreational fishing regulations for two state-only-managed groundfish species (California sheephead and ocean whitefish) from those for federal groundfish and reduces the bag limit for California sheephead.

Title 14

Amend: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.47, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 28.90

Filed 12/30/2022

Effective 01/01/2023

Agency Contact:

Sherrie Fonbuena (916) 653-4899

Department of Industrial Relations
File # 2022-1206-04
Civil Penalties for Cal/OSHA Citations

This file and print action amends maximum and minimum civil penalties in accordance with statutory adjustments based upon the annual percentage increase in the applicable Consumer Price Index for All Urban Consumers. The adjustments increase (1) the maximum civil penalties for regulatory, general, and repeat violations; and (2) the minimum and maximum civil penalties for willful violations. These regulations are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b), 6429(a)(2), and 6431(b).

Title 08

Amend: 336

Filed 12/29/2022

Effective 01/01/2023

Agency Contact:

T. Michelle Henson (559) 290-1054

Division of Workers' Compensation
File # 2022-1115-01
Workers' Compensation — Official Medical Fee Schedule — Inpatient Hospital

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule — Inpatient Hospital located within section 9789.25 in title 8 of the California Code of Regulations. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 5307.1(g)(2). This action was submitted to OAL for filing and printing only.

Title 08

Amend: 9789.25

Filed 12/29/2022

Effective 12/01/2022

Agency Contact: John Cortes (510) 286-0519

Commission on Peace Officer Standards and Training
File # 2022-1117-02
Section 100 Changes to Regulations 1950 and 1953

The Commission on Peace Officer Standards and Training makes non-substantive changes to 11 CCR sections 1950 and 1953 to bring authority and reference citations into compliance with updated statutes and to add regulatory requirements based on the California Law Enforcement Accountability Reform Act of 2022.

Title 11

Amend: 1950, 1953

Filed 01/04/2023

Agency Contact: Melani Singley (916) 227-4258

Department of Justice
File # 2022-1117-01
Microfilm and Other Photographically Reproduced Public Records

As changes without regulatory effect, the Department of Justice is amending and repealing regulations regarding microfilming and other photographic reproductions to align with statutory changes resulting from the enactment of Senate Bill 854 (2013-2014 Reg. Sess.).

Title 11

Amend: 200, 201, 202, 205 (renumbered to 203), 206 (renumbered to 203), 207 (renumbered to 203)

Repeal: 203, 204

Filed 12/28/2022

Agency Contact:

Marlon Martinez (213) 269-6437

Cemetery and Funeral Bureau
File # 2022-1116-04
Approval to Share a Crematory Manager

This rulemaking action by the Cemetery and Funeral Bureau adopts a regulation and related form that establish a process for licensed crematories seeking approval to share a designated crematory manager to manage, supervise, and direct the business or profession of more than one facility pursuant to Business and Professions Code section 7713.

Title 16
Adopt: 2326.6
Filed 01/03/2023
Effective 04/01/2023
Agency Contact:
Carolina Sammons (916) 574-7876

Commission on Peace Officer Standards and Training
File # 2022-1201-02
Adoption of Serious Misconduct Definition

This rulemaking action by the Commission on Peace Officer Standards and Training adopts a definition for “serious misconduct.”

Title 11
Adopt: 1205
Filed 12/30/2022
Effective 01/01/2023
Agency Contact: Michelle Weiler (916) 227-4870

Department of Food and Agriculture
File # 2022-1128-02
Repeal Light Brown Apple Moth Interior Quarantine

This action repeals the Department’s Light Brown Apple Moth Interior Quarantine regulation.

Title 03
Repeal: 3434
Filed 01/03/2023
Effective 04/01/2023
Agency Contact: Rachel Avila (916) 403-6813

Professional Fiduciaries Bureau
File # 2022-1129-01
Cultural Competency

Existing law, the Professional Fiduciaries Act (the “Act”), provides for the licensure and regulation of professional fiduciaries and provides for the administration of those provisions by the Professional Fiduciaries Bureau (the “Bureau”). The Act requires an applicant to complete 30 hours of prelicensing education courses provided by an educational program approved by the Bureau as a condition of licensure. The Act also requires a licensee to complete 15 hours of continuing education courses each year as a condition of license renewal or restoration. Business and Professions Code section 6538 was recently amended by Statutes of 2021, chapter 167, section 1 (Assembly Bill 465), to, beginning January 1, 2023, require the prelicensing education courses to include at least one hour of instruction in cultural competency, as defined. The statutory changes also, beginning January 1, 2023, require a licensee to complete at least two hours of instruction in ethics, cultural competency, or both every year as a condition of license renewal or restoration. In this regular rulemaking, the Bureau is

implementing the recent amendments to Business and Professions Code section 6538.

Title 16
Amend: 4440, 4442, 4444
Filed 12/28/2022
Effective 01/01/2023
Agency Contact: Angela Cuadra (916) 574-7498

Air Resources Board
File # 2022-1115-02
Commercial Harbor Craft Regulation

This action amends the existing regulation regarding Commercial Harbor Craft (CHC) emissions by establishing stricter requirements for CHC engines and mandates for accelerated deployment of Zero-Emission and Advanced Technologies (ZEAT). These amendments apply more stringent requirements to in-use and new vessels, extend regulatory requirements to vessel categories previously exempt from in-use vessel requirements, and apply reporting, infrastructure, and other requirements to facilities that conduct business with CHC, such as seaports, terminals, marinas, and harbors.

Title 13, 17
Amend: 2299.5, 93118.5
Filed 12/30/2022
Effective 12/30/2022
Agency Contact: Chris Hopkins (279) 208-7347

Central Valley Flood Protection Board
File # 2022-1123-03
Flood Control Encroachment Permit Revocation

This action by the Central Valley Flood Protection Board amends requirements regarding the flood control encroachment permit revocation process.

Title 23
Adopt: 28.1
Amend: 5, 28
Filed 01/04/2023
Effective 04/01/2023
Agency Contact: Sarah Backus (916) 574-1448

Department of Cannabis Control
File # 2022-1227-04
Conversion to Large and Medium Cultivation
Licenses; Type 5, 5A, and 5B Large Cultivation
License Fees and Requirements

The Department of Cannabis Control (“DCC”) re-submits regulations regarding large scale cannabis cultivation, large scale cannabis license application requirements, and the applicable fees for outdoor, indoor, and mixed light large scale cannabis cultivation.

Title 04
 Adopt: 15014.2, 15027.1, 16201.1, 16300.1
 Amend: 15006
 Filed 12/30/2022
 Effective 01/01/2023
 Agency Contact: Charisse Diaz (916) 465-9025

Department of Real Estate
 File # 2022-1123-04
 Regulations to implement SB 263

This action implements the new continuing education course requirements for real estate licensees required by Senate Bill 263 (Stats. 2021, chapter 361).

Title 10
 Adopt: 3013.1, 3015, 3017
 Amend: 3007.2
 Filed 12/28/2022
 Effective 01/01/2023
 Agency Contact:
 Jeanine Clasen jeanine.clasen@dre.ca.gov

Office of Energy Infrastructure Safety
 File # 2022-1116-05
 Notifications

This action adopts requirements for notifying the Office of Energy Infrastructure Safety of various fire-related incidents.

Title 14
 Adopt: 29300
 Filed 01/03/2023
 Effective 01/03/2023
 Agency Contact: Jeff Brooks (916) 926-1672

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE WITHIN
 July 1, 2022 to September 30, 2022**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 02
 07/11/2022 AMEND: 1181.1, 1181.3, 1181.10, 1182.2, 1183.17, 1185.1, 1185.4, 1186.6, 1187.8
 07/19/2022 AMEND: 213.6
 08/22/2022 AMEND: 52.4, 243.2, 243.3, 243.5, 243.6
 08/22/2022 AMEND: 18360
 08/22/2022 ADOPT: 18421.1 REPEAL 18215.4

08/22/2022 ADOPT: 18315
 08/24/2022 AMEND: 59760
 08/31/2022 AMEND: 1189.10
 08/31/2022 AMEND: 1189.10
 08/31/2022 ADOPT: 20180, 20181, 20182
 09/15/2022 AMEND: 171.1, 437, 439.2, 439.4
 09/15/2022 AMEND: 51000

Title 03
 07/01/2022 AMEND: 1354
 07/11/2022 ADOPT: 4890, 4936, 4943, 4951, 4952
 AMEND: 4900, 4901, 4902, 4930, 4935, 4934, 4940, 4941, 4942, 4944, 4946, 4950, 4950.1
 07/14/2022 AMEND: 810.1
 07/26/2022 AMEND: 3162, 3408, 3591.6
 08/12/2022 AMEND: 4920, 4921
 08/15/2022 ADOPT: 6695
 08/25/2022 ADOPT:
 AMEND: 3280
 08/30/2022 AMEND: 6728
 09/01/2022 ADOPT: 1320, 1320.1, 1320.2, 1320.3, 1320.4, 1320.5, 1320.6, 1320.7, 1320.8, 1320.9, 1321, 1321.1, 1321.2, 1321.3, 1321.4, 1321.5, 1321.6, 1321.7, 1321.8, 1321.9, 1322, 1322.1, 1322.2, 1322.3, 1322.4, 1322.5, 1322.6, 1322.7, 1322.8, 1322.9, 1324, 1324.1, 1326, 1326.1, 1326.2, 1326.3, 1326.4, 1326.5, 1326.6, 1326.7, 1326.8, 1326.9, 1326.10, 1326.11, 1326.12, 1326.13, 1326.14, 1326.15, 1326.16, 1326.17, 1326.18, 1326.19, 1326.20, 1326.21, 1326.22, 1327.1, 1327.2, 1327.3
 09/20/2022 ADOPT: 3591.29
 09/29/2022 AMEND: 2303, 2309, 2315, 2317.5, 2320.4, 2322

Title 04
 7/05/2022 ADOPT: 12108, 12112, 12114, 12261, 12264, 12272, 12274, 12276, 12278, 12309, 12470, 12472
 07/18/2022 AMEND: 1481 REPEAL: 2086; 2086.1; 2086.5; 2086.6; 2086.7; 2086.8; 2086.9; 2087; 2087.5; 2087.6; 2088; 2088.6; 2089; 2089.5; 2089.6; 2090; 2090.5; 2090.6; 2091; 2091.5; 2091.6; 2092; 2092.5; 2092.6; 2093
 08/01/2022 AMEND: 163, 166, 168, 168.3, 170
 08/01/2022 AMEND: 5000, 5020, 5022, 5035, 5036, 5052, 5054, 5100, 5105, 5133, 5144, 5146, 5170, 5190, 5193, 5200, 5230, 5231, 5240, 5241
 08/01/2022 ADOPT: 12368.1 AMEND: 12360, 12368, Appendix A
 08/04/2022 AMEND: 8070, 8072, 8073

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- 08/08/2022 AMEND: 10305, 10315,10317, 10322, 10325, 10326, 10327, 10328, 10330, 10337
- 08/15/2022 ADOPT: 10092.15 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
- 09/01/2022 ADOPT: 12090 AMEND: 12108, 12112, 12114, 12120, 12122, 12260, 12261, 12264, 12272, 12274, 12276, 12278, 12309, 12364, 12470, 12472, 12474, 12492, 12500, 12503
- 09/13/2022 AMEND: 10193, 10195
- 09/13/2022 AMEND: 10200.1, 10200.3
- 09/21/2022 ADOPT: 10200.8, 10200.9, 10200.10, 10200.11, 10200.12, 10200.13, 10200.14, 10200.15
- 09/29/2022 ADOPT: 10091.4, 10091.6 AMEND: 10091.1, 10091.2, 10091.3, 10091.4 [renumbered as 10091.5], 10091.5 [renumbered as 10091.6], 10091.6 [renumbered as 10091.7], 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15 REPEAL: 10091.7
- 09/30/2022 ADOPT: 12252.2, 12318, 12368.2 AMEND: 12002, 12112, 12252, 12360, 12368, 12470, 12472 REPEAL: 12368.1
- 09/30/2022 AMEND: 12250
- Title 05**
- 07/01/2022 ADOPT: 17719, 17720, 17721, 17722, 17723, 17724, 17725, 17726, 17727, 17728, 17729, 17730, 17731, 17732, 17733, 17734, 17735, 17736, 17737, 17738, 17739, 17740, 17741, 17742, 17743, 17744, 17745, 17746, 17747, 17748, 17749, 17750, 17751, 17752, 17753, 17754, 17755, 17756, 17757, 17758, 17759, 17760, 17761, 17762, 17763, 17764, 17765, 17766, 17767, 17768, 17769, 17770, 17771, 17772, 17773, 17774, 17775, 17776, 17777, 17778, 17779, 17780, 17781, 17782, 17783, 17784, 17785, 17786, 17787, 17788, 17789, 17790, 17791, 17792, 17793, 17794, 17795, 17796, 17797, 17798, 17799, 17800, 17801, 17802, 17803, 17804, 17805, 17806, 17807, 17808, 17809, 17810, 17811, 17812, 17813, 17814, 17815, 17816, 17817, 17818, 17819, 17819.5, 17820, 17821, 17822, 17823, 17824, 17825, 17826, 17827, 17828, 17829, 17830, 17831, 17832, 17833 REPEAL: 18130, 18131, 18131.1, 18132, 18133, 18134, 18135, 18136, 18140, 18145, 18150, 18155, 18160, 18165
- 07/11/2022 AMEND: 74110
- 07/27/2022 AMEND: 1040
- 08/11/2022 AMEND: 40510
- 08/15/2022 ADOPT: 31010, 31011, 31012, 31013, 31014, 31015, 31016, 31017, 31018
- 09/06/2022 AMEND: 59106
- 09/20/2022 ADOPT: 55063 REPEAL: 55063
- 09/20/2022 ADOPT: 53000, 53001, 53002, 53003, 53004, 53006, 53020, 5321, 53023, 53024.1, 53026, 53033 AMEND: 53005, 53022, 53024, 53024.2 REPEAL: 53000, 53001, 53002, 53003, 53004, 53006, 53020, 50321, 53023, 53024.1, 53026, 53033, 53034
- 09/20/2022 ADOPT: 52012
- 09/20/2022 AMEND: 55000, 55022, 55023, 55024, 55031, 55032, 55033, 58146, 58161, 58509
- 09/22/2022 AMEND: 19810
- Title 08**
- 07/19/2022 ADOPT: 46.3
- 07/26/2022 ADOPT: 1610, 4880, 4881, 4883, 4884.1, 4928.1, 4959, 4960.1, 4960.2, 4960.3, 4960.4, 4962.1, 4965.1, 4968.1, 4968.2, Article 97.1, Sections 4988.1, 4988.2, 4988.3, 4988.4, 4988.5, 4988.6, 4988.7, 4988.8, 4991.1, 5001.1, 5001.2, 5001.3, 5003.1, 5003.2, 5003.3, 5003.4, 5005, 5006.2, 5008.1, 5010, 5010.1, 5010.2, 5010.3, 5010.4, 5011, 5012, Article 98.1, Sections 5017, 5018, 5431.1, 5031.2, 5031.3, 5033.1, 5036, 5037 AMEND: 1504, 1600, 1694, 2946, 3207, 4884, 4885, 4924, 4949, 4960, 4961, 4965, 4966, 4968, 4991, 4994, 4999, 5001, 5002, 5004, 5006.1, 5008, 5022, 5031, 6060 REPEAL: 1610.1, 1610.2, 1610.3, 1610.4, 1610.5, 1610.6, 1610.7, 1610.8, 1610.9, 1611, 1611.1,1611.2, 1611.3, 1611.4, 1611.5, 1612, 1612.1, 1612.2, 1612.3, 1612.4, 1613, 1613.1, 1613.2, 1613.3, 1613.4, 1613.5, 1613.6, 1613.7, 1613.8, 1613.9, 1613.10, 1613.11, 1613.12, 1614, 1615, 1651.1, 1615.2, 1615.3, 1616, 1616.1, 1616.2, 1616.3, 1616.4, 1616.5, 1616.6, 1616.7, 1617, 1617.1, 1617.2, 1617.3, 1618, 1618.1, 1618.2, 1618.3, 1618.4, 1619, 1619.1, 1619.2, 1619.3, 1619.4, 1619.5
- 08/18/2022 ADOPT: 340.70
- 09/07/2022 AMEND: 5207
- Title 10**
- 08/30/2022 AMEND: 2498.5
- 08/30/2022 AMEND: 2498.4.9
- 08/30/2022 AMEND: 2498.5
- 08/30/2022 AMEND: 2498.5
- 08/30/2022 AMEND: 2498.6
- 09/07/2022 AMEND: 10000, 10001, 10002, 10004
- 09/09/2022 AMEND: 6408, 6410, 6452, 6454, 6470, 6474, 6482, 6484, 6486, 6490, 6496, 6498, 6500, 6502, 6504, 6506, 6602
- Title 11**
- 07/18/2022 AMEND: 1953, 1955

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07/22/2022 ADOPT: 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613

07/28/2022 AMEND: 1005

08/04/2022 ADOPT: 1212

08/05/2022 AMEND: 999.224, 999.226, 999.227, 999.228

08/10/2022 AMEND: 1012

08/15/2022 ADOPT: 822.1, 822.2, 822.3, 822.4, 822.5, 822.6, 824.1, 824.2, 824.3, 824.4, 824.5, 824.6, 824.7, 824.8, 824.9 AMEND: 820, 821.1, 821.2, 821.3, 821.4, 821.5, 821.6, 822.1 (renumbered to 823.1), 822.2 (renumbered to 823.2), 822.3 (renumbered to 823.3), 822.4 (renumbered to 823.4), 822.5 (renumbered to 823.5), 822.6 (renumbered to 823.6), 823.1 (renumbered to 825.1), 823.2 (renumbered to 825.2), 823.3 (renumbered to 825.3), 823.4 (renumbered to 825.4), 823.5 (renumbered to 825.5), 824.1 (renumbered to 826.1), 824.2 (renumbered to 826.2), 824.3 (renumbered to 826.3), 824.4 (renumbered to 826.4), 824.5 (renumbered to 826.5), 824.6 (renumbered to 826.6), 825.1 (renumbered to 827.1), 825.2 (renumbered to 827.2), 825.3 (renumbered to 827.3), 825.4 (renumbered to 827.4), 825.5 (renumbered to 827.5), 825.6 (renumbered to 827.6), 826.1 (renumbered to 828.1), 826.2 (renumbered to 828.2), 826.3 (renumbered to 828.3), 826.4 (renumbered to 828.4), 826.5 (renumbered to 828.5), 826.6 (renumbered to 828.6), 827.1 (renumbered to 829.1), 827.2 (renumbered to 829.2), 828.1 (renumbered to 830.1), 828.2 (renumbered to 830.2), 828.3 (renumbered to 830.3) REPEAL: 821.7, 822.7

08/18/2022 AMEND: 755.8, 756.1, 756.6

09/21/2022 ADOPT: 4303

Title 12

08/24/2022 AMEND: 505.2

Title 13

07/06/2022 AMEND: 423.00

07/18/2022 ADOPT: 2477, 2477.6, 2477.20, 2477.21, 2477.22 AMEND: 2477.1, 2477.2, 2477.3, 2477.4, 2477.5, 2477.7, 2477.8, 2477.9, 2477.10, 2477.11, 2477.12, 2477.13, 2477.14, 2477.15, 2477.16, 2477.17, 2477.18, 2477.19, 2477.20 (Renumbered 2477.23), 2477.21 (Renumbered 2477.24) REPEAL: 2477.6

07/28/2022 AMEND: 564 REPEAL: 550.20

07/28/2022 AMEND: 26.03

08/09/2022 AMEND: 599

08/19/2022 ADOPT: 2490, 2490.1, 2490.2, 2490.3, 2490.4

09/14/2022 ADOPT: 2408.2, 2754.3 AMEND: 2400, 2401, 2402, 2403, 2404, 2405, 2405.1, 2405.2, 2405.3, 2406, 2407, 2408, 2408.1, 2750, 2751, 2752, 2753, 2754, 2754.1, 2457.2, 2755, 2756, 2757, 2758, 2759, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, 2771 REPEAL: 2768

09/15/2022 ADOPT: 360.00

09/22/2022 AMEND: 15.07, 15.08

Title 14

07/05/2022 ADOPT: 790.1, 790.3, 790.5 AMEND: 791.7, 796, 797, 816.01, 816.03, 817.02, 817.04, 819.02, 819.07, 820.01, 820.02, 826.01, 826.03, 830.7, 830.11, 852.61.11, 885.2, 885.3

07/11/2022 AMEND: 29.05, 29.20, 29.80

07/13/2022 AMEND: 7.40

07/22/2022 AMEND: 7.40, 8.00

07/28/2022 AMEND: 7.40

07/29/2022 AMEND: 895.1, 906, 912.7 (932.7, 952.7), 913.4 (933.4, 953.4), 916.3 (936.3, 956.3), 921.4, 923.1 (943.1, 963.1), 923.4 (943.4, 963.4), 953.12, 1027.1, 1034, 1038.4, 1051, 1051.4, 1072.4, 1094.6, 1094.8

08/01/2022 AMEND: 895.1, 1038.3, 1051.4, 1051.5, 1052.5, 1093.1, 1257, 1265.00, 1265.01, 1280.01

08/02/2022 ADOPT: 10830 AMEND: 10120, 10121, 10123, 10125, 10213, 10214, 10244, 10245, 10270, 10271, 10281 10283, 10284, 10286, 10287, 10288, 10289, 10315, 10316, 10360, 10370, 10371, 10501, 10504, 10505, 10514, 10521, 10601, 10610, 10612, 10620, 10621, 10652, 10653, 10700, 10810, 10820, 11001, 11002, 11003, 11005, 11008, 11020, 11101, 11202, 11203, 11204, 11205, 11420, 11421 REPEAL: 10522, 10702

08/10/2022 AMEND: 13012; 13055

08/19/2022 AMEND: 632

09/06/2022 AMEND: 17979, Appendix A Forms #57 and #58

09/07/2022 ADOPT: 29302

09/12/2022 ADOPT: 29104

09/26/2022 ADOPT: 820.1 AMEND: 815.01, 817.02, 817.03, 817.04, 818.02, 818.03, 819.03, 827.02, 830.6 REPEAL: 820.01, 820.02

09/28/2022 AMEND: 28.55

Title 15

07/08/2022 AMEND: 3075.2, 3545, 3754

07/13/2022 AMEND: 8100

07/15/2022 AMEND: 8006

07/18/2022 AMEND: 8106

07/28/2022 ADOPT: 2449.40, 2449.41, 2449.42, 2449.43

08/08/2022 AMEND: 3043, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045.1, 3043.7 (renumbered to 3044.1), 3043.8 (renumbered to

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3044.2), 3046 (unchanged- shown for reference), 3047 (renumbered to 3046.1)

08/11/2022 AMEND: 3076, 3076.1, 3076.2, 3076.3, 3076.4, 3076.5

08/12/2022 AMEND: 8110

08/24/2022 AMEND: 8107

08/31/2022 ADOPT: 3040.1 AMEND: 3000, 3040, 3041, 3041.3, 3043.3, 3043.5, 3044, 3044.1 [Previously section 3043.7], 3044.2 [Previously section 3043.8], 3075.1, 3077.1, 3315, 3375, 3375.2, 3375.4, 3375.5, 3375.6, 3379 REPEAL: 3040.1, 3040.2

09/12/2022 AMEND: 8114

09/21/2022 AMEND: 8299

Title 16

07/19/2022 AMEND: 70

07/20/2022 AMEND: 1715.65

08/04/2022 AMEND: 2620.5

08/04/2022 ADOPT: 1708.1

08/08/2022 ADOPT: 1810.5 AMEND: 1807, 1807.2, 1810, 1887, 1887.1, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0 REPEAL: 1810.1, 1810.2, 1887.4, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.15

08/08/2022 AMEND: 1486

08/12/2022 AMEND: 1450, 1456

08/15/2022 AMEND: 3340.15, 3340.41, 3340.45, 3394.26

08/16/2022 ADOPT: 1017.1, 1043.8.1, 1043.9, 1043.9.1, 1043.9.2 AMEND: 1016, 1017, 1018.1, 1021, 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.5, 1043.6, 1043.7, 1043.8, 1044, 1044.1, 1044.2, 1044.3, 1044.5, 1070.8

08/24/2022 AMEND: 1715

08/24/2022 AMEND: 1784

08/29/2022 AMEND: 152

08/30/2022 AMEND: 1387, 1388, 1391.5

09/06/2022 AMEND: 858.2

09/07/2022 ADOPT: 1016.2 AMEND: 1016, 1017

09/09/2022 AMEND: 2537, 2537.1, 2591, 2590.1

09/20/2022 REPEAL: 26, 27, 28, 29, 31, 32, 33, 34, 35, 35.1

09/20/2022 ADOPT: 961 REPEAL: 961

09/23/2022 AMEND: 2450

09/26/2022 AMEND: 43, 45

09/26/2022 AMEND: 2.8

09/29/2022 ADOPT: 3392.1, 3392.2, 3392.3, 3392.4, 3392.5, 3392.6, 3392.7, 3392.8, 3392.9, 3392.10, 3417 AMEND: 3391, 3392

Title 17

07/18/2022 AMEND: 6520, 6523, 6525, 6527, 6531, 6532, 6540, 6540.1, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548 REPEAL: 6529

07/25/2022 ADOPT: 59009.5, 59010.1, 59010.2, 59010.3, 59010.4, 59010.5 AMEND: 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, 59050, 59072

08/01/2022 AMEND: 94501, 94502, 94506, 94508, 94509, 94510, 94511, 94512, 94513, 94515, 94521, 94522, 94524, 94526, 94540, 94541, 94542, 94543, 94544, 94545, 94546, 94547, 94548, 94549, 94550, 94551, 94552, 94553, 94554, 94555, 94700

09/09/2022 AMEND: 6520, 6523, 6525, 6527, 6531, 6532, 6540, 6540.1, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548 REPEAL: 6529

09/15/2022 AMEND: 1029, 1029.32, 1029.33, 1029.53, 1029.116, 1029.117, 1029.124

09/15/2022 AMEND: 57310, 57332, 58886, 58888

Title 18

07/18/2022 AMEND: 462.520

07/18/2022 ADOPT: 462.540

07/28/2022 AMEND: 905

08/25/2022 AMEND: 301

09/28/2022 AMEND: 6001

Title 19

08/03/2022 AMEND: 2480.2, 2480.3

Title 20

07/13/2022 AMEND: 1802, 1862, 1863, 1864, 1867, 1868, 1869, 1870

08/24/2022 AMEND: 1002, 1102, 1104, 1105, 1206, 1221, 1302, 1303, 1312, 1342, 1392, 1394.1, 1602, 1603, 1605.3, 1606, 1608, 1609, 1622, 1625, 1673, 1709, 1709.8, 1715, 1727, 1747, 1770, 1867, 2323, 2506, 2507, 2510, 2554, 2555, 2556, 3201, 3204, 3207

Title 22

07/12/2022 AMEND: 64426.8, 64481, 64558, 64650

07/14/2022 ADOPT: 66262.24, 66262.25, 66263.25 AMEND: 66260.2, 662620.10, 66262.20, 66262.21, 66262.23, 66262.44, 66263.20, 66263.21, 66263.32, 66264.71, 66264.72, 66264.78, 66264.1086, 66265.71, 66265.72, 66265.78, 66265.1087

07/18/2022 AMEND: 97215, 97219, 97222, 97226, 97231, 97246, 97255, 97259, 97264

07/18/2022 AMEND: 60320.116; 60320.130; 60320.208; 60320.216

08/22/2022 ADOPT: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007, 95008, 95009, 95010, 95011, 95012, 95013, 95014

07/27/2022 AMEND: 10100

09/28/2022 AMEND: 123000

Title 22, MPP

08/08/2022 ADOPT: 81095.5, 82095.5, 85092.7, 85095.5, 87470, 87895.5 AMEND: 80022, 80065, 80092, 81001, 81022, 81065, 81092.7, 82001, 82022, 82065, 82092.7, 85022, 85075.1, 85090 renumbered to 85096, 85090.1 renumbered to 85096.1, 85090.2 renumbered to 85096.2, 85091 renumbered 85097, 85091.1 renumbered to 85097.1, 85091.2 renumbered to 85097.2, 85091.3 renumbered to 85097.3, 85091.4 renumbered to 85097.4, 85092 renumbered to 85098, 85093 renumbered to 85099, 87101, 87208, 87411, 87465, 87629, 87822, and 87865 REPEAL: 80092.7

Title 23

07/29/2022 ADOPT: 875, 875.1, 875.2, 875.3, 875.4, 875.5, 875.6, 875.7, 875.8, 875.9

08/12/2022 ADOPT: 877.1, 878, 879.1, 879.2 AMEND: 876.1, 878.1, 878.2, 879, 879.3

09/19/2022 ADOPT: 306, 337, 337.2, 337.4, 337.6, 337.8, 337.10, 337.11, 337.12, 337.14, 337.16, 337.18, 337.20, 337.22, 337.24, 337.26, 337.28, 337.30, 337.32, 337.50, 337.52, 337.54, 337.56, 337.58, 337.60, 337.62, 337.64, 337.66

09/21/2022 ADOPT: 876.5, 876.7, 878.4

Title 25

07/06/2022 AMEND: 6500

07/05/2022 ADOPT: 6600, 6601, 6602, 6603, 6604, 6605, 6606, 6607

08/30/2022 AMEND: 1002, 1009, 2002, 2009

Title 27

08/04/2022 ADOPT: 25607.38, 25607.39, 25607.40, 25607.41, 25607.42, 25607.43, 25607.44, 25607.45, 25607.46, 25607.47

09/01/2022 ADOPT: 25607.48, 25607.49

Title 28

09/01/2022 ADOPT: 1300.63.4

