



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 1. OFFICE OF ADMINISTRATIVE LAW**

**SUBMISSION OF DOCUMENTS TO OAL**

The Office of Administrative Law (OAL) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

OAL will hold a virtual public hearing on July 17, 2023, beginning at 9:00 a.m.

Attendees may participate via Microsoft Teams online meeting platform or telephone conferencing. To participate via Microsoft Teams online meeting platform please contact Thanh Huynh at [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov) or (916) 323-6225 by 4:30 p.m. on July 14, 2023, to request a link to the meeting. A link to the meeting will also be posted under the “Announcements” heading on the homepage of the OAL website no later than 8:00 a.m. the day of the hearing. To participate by telephone, call 1-916-245-8850 and enter Conference ID: 280 483 988#.

For those who wish to attend the hearing in person, including those who require reasonable accommodations, limited seating will be available in the OAL Training Room, 300 Capitol Mall, Suite 1210, Sacramento, CA 95814. Please contact Thanh Huynh at [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov) or (916) 323-6225 by 4:30 p.m. on July 14, 2023, to request to attend the hearing in person or if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or 12:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action described in the Informative Digest. OAL requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

**WRITTEN COMMENT PERIOD**

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

Office of Administrative Law  
 Attention: Thanh Huynh  
 300 Capitol Mall, Suite 1250  
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323-6826 or by email to [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov). The written comment period closes on July 17, 2023. To ensure OAL will consider your comment, it must be received by July 17, 2023. When commenting, please indicate the proposed rulemaking action to which your comment refers.

**AUTHORITY**

Government Code section 11342.4.

**REFERENCE**

Government Code sections 11343, 11343.1, 11343.8, 11346.1, 11347.3, and 11349.6.

**INFORMATIVE DIGEST**

*Summary of Existing Laws and Effect of the Proposed Action*

Government Code section 11343, subdivisions (a) and (b), require agencies to transmit a certified copy of proposed regulation text to OAL. Prior to June 30, 2022, Government Code section 11343, subdivision (d), required agencies to transmit six additional copies of proposed regulation text to OAL. Existing regulations in chapter 1, division 1, title 1 of the California Code of Regulations (CCR) establish requirements and procedures for both hard-copy and electronic submission of these documents to OAL.

Effective June 30, 2022, Senate Bill (SB) 189 (Stats. 2022, Ch. 48, Sec. 22) amended Government Code section 11343, subdivision (d), to delete the requirement to transmit six additional copies of proposed regulation text to OAL. The changes proposed in this rulemaking action would reduce the number of hard-copy and electronic documents required for submission of certified regulation text to OAL.

*Anticipated Benefits of the Proposed Regulations*

The specific anticipated benefits of the proposed regulations are increased efficiency in creating and processing rulemaking actions and reduction in use of government resources. A smaller number of copies required for submission to OAL will be easier and

cheaper for agencies to compile and faster for OAL to process upon receipt and, for those actions that are approved by OAL, prior to filing with the Secretary of State.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

The only existing state regulations concerning submission of the APA-related documents described above to OAL are in division 1, title 1 of the CCR. After careful evaluation, OAL has determined that the proposed changes are not inconsistent or incompatible with existing regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

OAL has made the following initial determinations:  
Mandate on local agencies or school districts: None.

Cost or savings to any state agency: OAL anticipates that the proposed changes will lead to a reduction in printing materials (e.g., paper, toner) used for purposes of submitting APA-related documents to OAL, which will result in a small savings to other state agencies. OAL anticipates a slight increase in its own printing costs, as some hard-copy documents that must still be distributed for various purposes were previously provided by agencies pursuant to Government Code section 11343, subdivision (d), and will instead have to be reproduced by OAL when electronic copies or scans will not suffice. The costs of processing electronic submissions should not increase because OAL has been producing necessary hard-copy documents since the electronic submission procedures were first adopted in 2020, and this practice will not be affected by the proposed regulatory changes.

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

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

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

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

Significant effect on housing costs: None.

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

*Results of the Economic Impact Analysis/Assessment*

OAL concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, or (4) eliminate any existing businesses or result in the expansion of businesses

currently doing business within the state. OAL believes reducing the number of documents required for submission will reduce paper usage by state agencies, which may be beneficial to the environment. OAL believes requiring fewer documents to be created and submitted will reduce interpersonal contact and handling of paper documents, which may lessen exposure and transmission of diseases and improve worker safety as well as the health and welfare of California residents.

*Small Business Determination*

The proposed regulations will not affect small businesses. These regulations establish procedures that only state agencies must follow.

**CONSIDERATION OF ALTERNATIVES**

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

OAL invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**CONTACT PERSONS**

Inquiries concerning the proposed rulemaking action may be directed to:

Thanh Huynh  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov)

The backup contact person for these inquiries is:

Eric Partington  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov)

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

OAL will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If OAL makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, OAL will accept written comments on the modified regulations for the duration of the period of public availability.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, OAL will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via OAL’s website at [www.oal.ca.gov](http://www.oal.ca.gov).

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **June 15, 2023** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **June 13, 2023**.

BACKGROUND/OVERVIEW

Commission staff has identified a need for amendments to various regulations pertaining to advertisement disclosures as a result of changes made to the Political Reform Act (“the Act”) by SB 1360 (2022), effective January 1, 2023. The proposed amendments will correct cross-references as necessary and make other changes needed as a result of the new legislation. Additionally, proposed amendments define “television” to include programming viewed via streaming TV or connected TV for certain campaign advertisement disclosures. Proposed amendments include amendments to Regulations 18402, 18450.3, 18450.4, 18450.6, 18450.8, and 18450.9.

REGULATORY ACTION

*Amend 2 Cal. Code Regs., Section 18402 — Committee Names*

The Commission may consider amending Regulation 18402(c) to add a reference to Section 84502, which now permits a shortened committee name for certain specified advertisements.

*Amend 2 Cal. Code Regs., Section 18450.3 — Top Contributor Disclosure for Affiliated Entities*

The Commission may consider amending Regulation 18450.3 to specify, that in accordance with amendments to Section 84503(b), specified terms shall not be used in the disclosure of top contributor names except as permitted by statute.

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

*Amend 2 Cal. Code Regs., Section 18450.4 — Video and Television Advertisement Disclosure*

The Commission may consider amending Regulation 18450.4(b) to correct a cross-reference to Section 84504.3.

The Commission may consider amending Regulation 18450.4 to add a new subdivision (c) defining “television” advertisements to include advertisements viewed via over-the-top (OTT) or streaming television delivery, as well as those viewed via connected television (CTV).

The Commission may consider amending Regulation 18450.4 to add a new subdivision (d) to specify permissible forms of top contributor delineation in accordance with Section 84504.1(b)(4). Video and television advertisements subject to Section 84504.1 would be permitted to use one or both of the following to delineate between top contributor names that exceed the width of the screen and wrap onto a second line: a common grammatical symbol or sufficient vertical separation.

*Amend 2 Cal. Code Regs., Section 18450.6 — Disclosure on Advertisements in Languages Other than English*

The Commission may consider amending Regulation 18450.6(b) to add a reference to Section 84502 now permitting a shortened committee name for certain specified advertisements.

*Amend 2 Cal. Code Regs., Section 18450.8 — Disclosure for Advertisements on Listening Applications that are Both Audio and Visual*

The Commission may consider amending Regulation 18450.8(a) to correct a cross-reference to Section 84504.3.

The Commission may consider amending Regulation 18450.8(b) to remove an unnecessary cross-reference to Section 84504.4.

*Amend 2 Cal. Code Regs., Section 18450.9 — Website Advertisements and Third-Party Social Media Advertisements*

The Commission may consider amending Regulation 18450.9(a) to correct a cross-reference to Section 84504.3.

The Commission may consider amending Regulation 18450.9(b) to either remove it or update it in accordance with recent amendments made to Section 84504.3 related to social media campaign advertisements.

**SCOPE:** The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

**FISCAL IMPACT STATEMENT:**

*Fiscal Impact on Local Government.* These regulations will have no fiscal impact on any local entity or program.

*Fiscal Impact on State Government.* These regulations will have no fiscal impact on any local entity or program.

*Fiscal Impact on Federal Funding of State Programs.* These regulations will have no fiscal impact on any local entity or program.

**AUTHORITY**

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

**REFERENCE**

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82013, 82015.5, 84102, 84501, 84501.1, 84502, 84503, 84504, 84505, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84504.6, 84504.7, 84506.5, 84509, 84510, and 84511.

**CONTACT**

Any inquiries should be made to Erika M. Boyd, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC, or by email at [eboyd@fppc.ca.gov](mailto:eboyd@fppc.ca.gov). Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

**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 CODE**

**AMENDMENT**

**STATE AGENCY:** California State Universities

A written comment period has been established commencing on May 12, 2023 and closing on June 26, 2023. Written comments should be directed to the Fair

Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, CA 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code. Any written comments must be received no later than June 26, 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 code shall approve code as submitted, revise

the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

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

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 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, CA 95811, telephone (916) 322-5660.

#### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 15, 2023**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **June 13, 2023**.

#### BACKGROUND/OVERVIEW

**Governing Statutes.** The Commission has "primary responsibility for the impartial, effective administra-

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

tion and implementation of [the Act].” (Section 83111.) The Commission has authority to initiate investigations of possible violations of the Act under Section 83115, which states: “Upon the sworn complaint of any person or on its own initiative, the commission shall investigate possible violations of this title relating to any agency, official, election, lobbyist or legislative or administrative action...”

In conducting investigations, the Commission has the statutory power to compel the production of documents or the attendance of witnesses by administrative subpoena under Section 83118, which provides: “The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission’s duties or exercise of its powers.”

In addition to the specific provisions of the Act, the Government Code provides general authority for all state agencies to investigate matters under their jurisdiction. (Sections 11180–11191.) These provisions apply to subpoenas issued under both the general investigative power of a state agency (Section 11181) and statutes specific to the Commission. (See *People ex rel. Franchise Tax Bd. v. Sup.Ct.* (1985) 164 Cal. App.3d 526, 536–540 [subpoena issued by FTB enforced under statutes relating to FTB investigations] (disapproved on other grounds by *Dana Point Safe Harbor Collective v. Sup. Ct.* (2010) 51 Cal.4th 1, 11.)

The Commission has the general investigative power to issue subpoenas in connection with any investigation under Section 11181(e), which provides:

In connection with any investigation or action authorized by this article, the department head may ...[i]ssue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, any writing as defined by Section 250 of the Evidence Code, tangible things, and testimony pertinent or material to any inquiry, investigation, hearing, proceeding, or action conducted in any part of the state.

Neither the Act nor the Government Code provide a requirement to seek voluntary disclosure of information before issuing an administrative subpoena.

**Amendments to Regulation 18702.2.** Staff proposes and the Commission may consider amending Regulation 18361.1 to address the procedure that staff must follow when issuing a subpoena. The scope of the regulatory proposal may include any and all aspects of Regulation 18702.2 including, but not limited to, proposed language to establish a specific definition of “reasonable efforts to obtain information voluntarily” by requiring that Commission staff seek to obtain information requested in an administrative subpoena on a voluntary basis by imposing a 21–day period before

which an administrative subpoena may be served on a prospective recipient. The 21 days begins when staff communicates in writing to the prospective recipient requesting voluntary disclosure of information prior to the issuance of an administrative subpoena.

These proposed amendments will replace the existing subjective requirement, that staff make “reasonable efforts” to obtain voluntary disclosure, with a clear, objective definition of what constitutes “reasonable efforts.” This objective requirement: eliminates any confusion and undue delay caused by attempts to comply with an undefined subjective requirement; makes it easier for potential subpoena recipients and their counsel to understand and follow; and provides a clearly defined time frame that would promote and facilitate compliance with staff’s efforts to obtain voluntary disclosure.

## REGULATORY ACTION

*Amend 2 Cal. Code Regs. Section 18361.1 — Administrative Subpoenas.*

## SCOPE

The Commission may adopt the language noticed herein or it may choose new language to implement its decisions concerning the issues identified above or related issues.

## FISCAL IMPACT STATEMENT

*Fiscal Impact on Local Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on State Government.* This regulation will have no fiscal impact on any state entity or program.

*Fiscal Impact on Federal Funding of State Programs.* This regulation will have no fiscal impact on the federal funding of any state program or entity.

## AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

## REFERENCE

Sections 83115, 83115.5 and 83116, Government Code.



CONTACT

Any inquiries should be made to John M. Feser Jr., Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. The language of the proposed amendment of Regulation 18361.1 can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

**TITLE 5. COMMISSION ON TEACHER CREDENTIALING**

**COST RECOVERY FEES FOR EXTRAORDINARY ACCREDITATION ACTIVITIES**

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

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

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

The proposed action would amend the California Code of Regulations, Title 5, section 80692.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes on June 26, 2023. Comments must be received by that time or may be submitted at the public hearing, should one be requested. Interested parties may fax their response to (916) 327-3165; write to the Commission on Teacher Credentialing, attn. Lynette Roby, 1900 Capitol Avenue, Sacramento, CA 95811; or submit an email to [Lynette.robv@ctc.ca.gov](mailto:Lynette.robv@ctc.ca.gov) or Miranda Gutierrez at [mgutierrez@ctc.ca.gov](mailto:mgutierrez@ctc.ca.gov).

Any written comments received by the closing of the public comment period will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda pre-

pared for and presented to the full Commission at the hearing.

**AUTHORITY AND REFERENCE**

The Commission's authority to establish program standards is established in subsection (b)(1)(C) and (d) of Education Code section 44225. Specifically, section (b)(2) of Education Code 44225 states that "The commission may establish standards and requirements for preliminary and professional credentials of each type." Additionally, Education Code section 44374.5 authorizes the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities. Cost Recovery fees are assessed for activities beyond regular accreditation cycle activities and include such activities as initial institutional approval, initial program approval, revisits, and focused site visits.

**INFORMATION DIGEST/POLICY STATEMENT OVERVIEW**

*Summary of Existing Laws and Regulations*

The Commission adopted regulations related to Cost Recovery fees for extraordinary accreditation activities at the September 27, 2013, meeting following the addition of Education Code section 44374.5, which authorized the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities. Emergency regulations were approved by Office of Administrative Law in October 2013 and in 2014 the regulations became permanent.

*Objectives and Anticipated Benefits of the Proposed Regulations*

Currently, Cost Recovery fees for Initial Institutional Approval are assessed as a flat fee of \$2000 while Cost Recovery fees assessed for initial program review are divided into three categories based on a program's number of standards: A \$2000 flat fee for programs that include twelve or more standards; a \$1500 flat fee for Tier II and Specialist Programs; and a \$1000 flat fee for Added Authorization and Special Class/Teaching Authorization programs that address fewer than six standards.

In recent years the Commission has reviewed and revised program standards to reflect changes in California schooling, statewide priorities, and developments in evidence-based research on how students learn and effective strategies for teaching. These revisions have resulted in a significant restructuring of program standards with the addition of performance expectations. As a result, the number of standards required for a program credential type does not accurately reflect the complexity of the program nor the effort involved in reviewing the program type to de-

termine alignment to standards. The proposed regulations address these issues by maintaining the three categories of fees but replacing the reliance on number of standards with consideration of the complexity of a program's standards and performance expectations and explicitly identifying which credential program type falls under each fee category.

*Determination of Inconsistency/Incompatibility with Existing State Regulations*

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern Cost Recovery fees assessed for extraordinary accreditation activities.

DISCLOSURES REGARDING THE PROPOSED ACTIONS/FISCAL IMPACT

The Commission has made the following initial determinations.

LOCAL MANDATE

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

FISCAL IMPACT

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

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

*Cost or savings to any state agency.*

None. This will not create a cost or savings to any state agency. Cost Recovery fees are currently being assessed and the proposed amendments clarify the manner in which the fees are determined. Additionally, the regulations apply to currently approved educator preparation institutions or to institutions seeking approval to offer a teacher preparation program.

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

None. Sponsoring an educator preparation program is not a required by law.

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

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

HOUSING COSTS

No effect on housing costs. These regulations only pertain to currently approved educator preparation programs, to institutions seeking approval to offer a teacher preparation program, and to institutions expanding their business into education preparation in California.

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

The Commission has concluded there is no significant adverse impact on business.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

*Creation or Elimination of Jobs within California*

These amendments will not create or eliminate jobs in California. The proposed amendments pertain to Cost Recovery fees assessed of educator preparation programs for extraordinary accreditation activities.

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

These amendments will not create or eliminate existing businesses in California. The proposed amendments pertain to Cost Recovery fees assessed of educator preparation programs for extraordinary accreditation activities.

*Expansion of Businesses Currently Doing Business within the California*

These amendments will not cause the expansion or elimination of existing businesses in California. The proposed amendments pertain to Cost Recovery fees assessed of educator preparation programs for extraordinary accreditation activities.

*Benefits of the Regulations*

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents by providing clarity and consistency for educator preparation programs and their constituents when determining the Cost Recovery fees to be assessed for extraordinary accreditation activities. Cost recovery fees support the Commission’s accreditation system which ensures high quality educator preparation programs for California’s public schools.

The Commission does not anticipate that these regulations will result in a direct benefit to worker safety or the state’s environment.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

BUSINESS REPORT

This proposal does not require a report to be made.

EFFECT ON SMALL BUSINESS

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

ALTERNATIVES STATEMENT

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the pro-

posed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

CONTACT PERSON/  
FURTHER INFORMATION

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non–substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final

rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lynette Roby at [Lynette.robby@ctc.ca.gov](mailto:Lynette.robby@ctc.ca.gov).

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

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

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

**MINIMUM STANDARDS FOR  
TRAINING & BASIC COURSE  
REQUALIFICATION REQUIREMENTS  
COMMISSION REGULATIONS 1005 & 1008**

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

**Public Comments Due by June 26, 2023.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Julie Gorwood* at [julie.gorwood@post.ca.gov](mailto:julie.gorwood@post.ca.gov), or by letter to:

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

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This rulemaking action to the regulations proposed in this rulemaking action will change Commission Regulation 1005 to allow an applicant one additional opportunity to repeat a failed Requalification Course or test out option, within a 12-month period, and after a 30-day wait period. The proposed change to Commission Regulation 1008 will allow former Basic Course Waiver (BCW) recipients one additional opportunity to reapply for the waiver as long as they maintained qualifying law enforcement employment.

The proposed changes require the BCW forms to be updated. Additional changes clarify requirements for eligibility and add the proposed changes from Commission Regulations 1005 and 1008 to the Regular Basic Course Waiver (RBCW) Application form (POST 2-267), and Specialized Investigators' Basic Course Waiver (SBCW) Application form (POST 2-353).

Currently, Commission Regulation 1005 requires a BCW applicant, who received a waiver but did not obtain qualifying employment within six years, to complete the appropriate basic course. The applicant is denied reapplying for the waiver, regardless if the applicant has been employed in another state. Commission Regulation 1005 requires BCW applicants who fail Step 3 of the process to complete the appropriate basic course and are denied the ability to reapply for the waiver again.

The effect of these proposed changes allows applicants who failed the Requalification Course or testing option an extra opportunity to repeat Step 3 of the BCW process with allowed time frames and former BCW recipients the ability to reapply for a waiver under the current requirements if they meet the experience requirement. The regulation changes will update the RBCW and SBCW application forms and the additional changes clarify the requirements to meet the general law enforcement requirement as being continuous and full-time with one employer.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will allow former BCW recipients a chance to reapply for a second waiver if they meet law enforcement experience requirements and BCW applicants who fail the Requalification Course or testing option, the opportunity to request a second chance to retake the course. The updates to the BCW application forms will clarify requirements. The proposed amendments to the regulation will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare

of California. The proposed amendments will have no impact on worker safety or the state’s environment.

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

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

FORMS INCORPORATED BY REFERENCE

The following forms are incorporated by reference:

- Regular Basic Course Waiver Application, POST 2–267
- Specialized Investigators’ Basic Course Waiver Application, POST 2–353

DISCLOSURES REGARDING THE PROPOSED ACTION

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

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

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Julie Gorwood*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–3915. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227–2802.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

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

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

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

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

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

**AMEND PEACE OFFICER  
SELECTION STANDARDS  
COMMISSION REGULATION 1953**

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

**Public Comments Due by June 26, 2023.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Melani Singley* at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), or by letter to:

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

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST's authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(f), (h), and (i) which authorizes POST to investigate and determine the fitness of any person to serve as a peace officer within the POST program or as defined in Section 13510.1 in the state of California; to audit any law enforcement agency that employs peace officers described in subdivision (a) of Section 13510.1, without cause and at any time; and to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This rulemaking action will mandate use of the POST-developed Personal History Statement — Peace Officer POST 2-251.

Commission Regulation 1953 outlines the requirements for conducting thorough background investigations of peace officer candidates, which includes specific areas to be investigated, documentation requirements, and background dimensions to assist with identifying candidates who are of good moral character and have no past behaviors indicative of unsuitability for employment. Legislation has implemented additional requirements for peace officer candidates, including screening for biases and the implementation of a certification process for peace officers, which incorporated several new disqualifications into law. Commission Regulation 1953 also requires that candidates complete the POST *Personal History Statement (PHS)* — *Peace Officer, POST 2-251*, or an alternative PHS form, which includes specific topical areas and inquiries addressing GC § 1029 disqualifiers.

The proposed changes to Commission Regulation 1953 will require agencies to use the POST-developed *Personal History Statement — Peace Officer, POST 2-251* form or an electronic version of the POST-

developed PHS form that includes an exact replication of the questions on the 2–251 form. A survey conducted by POST in March 2023, indicated that a majority of the respondents (95%, n=136) are currently using the POST form. Those who are not indicated that they are using an electronic version of the form provided through companies who offer e–background services. Discussions with the companies indicate they use the POST 2–251 form as their template, and they are willing and able to make necessary adjustments to conform with POST requirements. To allow these software companies time to adjust their software programs, if/as needed, POST is requesting an effective date of July 1, 2024.

Requiring the POST–developed *Personal History Statement — Peace Officer, POST 2–251* form will provide consistency, standardization, and uniformity in the gathering of personal history information, which were the primary reasons survey respondents indicated they currently use the form. It will also help to ensure that agencies are requesting and receiving only information that is relevant and necessary to comply with recent legislation and POST regulations, and will streamline the review of personal history information during the selection process and by POST staff when conducting mandatory compliance audits.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will provide efficacy and consistency in peace officer selection, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

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

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

FORMS INCORPORATED BY REFERENCE

- *Personal History Statement — Peace Officer, POST 2–251*

DISCLOSURES REGARDING THE PROPOSED ACTION

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

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

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will ensure that Commission Regulations are consistent with current state laws and regulations. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is pro-

posed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Melani Singley*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4258. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227-2802.

#### TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

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

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s)

named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

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

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

#### PEACE OFFICER SELECTION STANDARDS COMMISSION REGULATIONS 1950 AND 1953

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

#### **Public Comments Due by June 26, 2023.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Melani Singley* at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), or by letter to:

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

#### AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(f), (h), and (i), which authorizes POST to investigate and determine the fitness of any person to serve as a peace officer within the POST program or as defined in Section 13510.1 in the state of California; to audit any law enforcement agency that employs peace officers described in subdivision (a) of Section 13510.1, without cause and at any time; and to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.



INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

This rulemaking action brings Commission Regulations 1950 (peace officer selection standards) and 1953 (peace officer background investigation) current with Commission Regulations and recent legislative changes.

Commission Regulation 1950: **Peace Officer Selection Requirements** specifies the requirements for reinstated peace officers. The regulation is being updated to provide consistency with previous changes made to Commission Regulation 1003(b)(2), which removed the required Notice of Appointment/Termination form and replaced it with written documentation submitted through the POST EDI system. Commission Regulation 1950 is further being revised to conform with Senate Bill (SB) 960, signed into law by Governor Newsom in September 2022. SB 960 repealed section 1031.5 of the Government Code, effective January 1, 2023, removing citizenship as a bar from peace officer employment. The current regulation requires reinstated peace officers to provide documentation to satisfy the statutory requirements, per GC § 1031.5, which requires peace officers to obtain citizenship within three years of application for employment. Commission Regulation 1950 is being updated to conform with SB 960 by removing reference to the repealed law.

Commission Regulation 1953(e)(1): **Citizenship Verification** references the minimum statutory requirements of Sections 1031(a) and 1031.5 of the Government Code, which require citizenship for peace officers. It also provides documentation requirements to enable POST to verify that these minimum statutory requirements have been met. SB 960 repealed these citizenship requirements as of January 1, 2023, replacing citizenship with legal authorization to work in the United States. Commission Regulation 1953(e)(1) is being updated to reflect the legislative change and to update the documentation requirements consistent with the statute.

Additional changes are made to further comply with the requirements set forth in the California Law Enforcement Accountability Reform (CLEAR) Act (PC § 13681) requiring that *“Any background investigation of a candidate for a peace officer position shall include an inquiry into whether the candidate has engaged or is engaging in membership in a hate group, participation in any hate group activity or advocacy of public expressions of hate.”* Commission Regulation 1953(e)(12): **Social Media Check** is being modified to address “public expressions of hate” as identified in Section 13681 of the Penal Code and defined in Section 13680 as *“any statement or expression to another person, including any statement or expression made in an online forum that is accessible to another per-*

*son, that explicitly advocates for, explicitly supports, or explicitly threatens to commit genocide or any hate crime or that explicitly advocates for or explicitly supports any hate group.”*

Commission Regulation 1953(g)(1): **Background Narrative Report** is modified to require that the report include any findings of the candidate’s involvement in or affiliation with hate groups, membership, or hate speech as defined in the statute.

The Verification of Qualification for Peace Officer Appointment form is being updated to conform with the changes made by SB 960, specifically removing citizenship and replacing with employment eligibility. *Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will provide efficacy and consistency in peace officer selection, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

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

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

FORMS INCORPORATED BY REFERENCE

- Verification of Qualification for Peace Officer Appointment, POST 2–355

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

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

### RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will ensure that Commission Regulations are consistent with current state law and regulations. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

### CONSIDERATION OF ALTERNATIVES

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

### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Melani Singley*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4258. General

questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227-2802.

### TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

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

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

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

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

**TITLE 22. EMPLOYMENT  
DEVELOPMENT DEPARTMENT**

SECTION 2706–4

**ELECTRONIC FILING OF DOCUMENTS  
BY PHYSICIANS, PRACTITIONERS AND  
REGISTRARS OF COUNTY HOSPITALS**

The Employment Development Department proposes to amend California Code of Regulations (CCR), title 22, section 2706–4. The amendment will require physicians, practitioners, and registrars of county hospitals to file disability insurance certifications electronically.

The Department will amend this regulation after considering all comments, objections, or recommendations regarding the proposed regulatory action.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Employment Development Department (EDD) administers the State Disability Insurance (SDI) program. The SDI program was established in 1946 to provide a partial wage replacement insurance plan for eligible California workers who suffer wage loss from being unable to perform their regular or customary work due to non–work related illness or injury.

Senate Bill (SB) 1661 (Chapter 901, Statutes 2002) and SB 727 (Chapter 797, Statutes 2003) added the Family Temporary Disability Insurance (FTDI) benefit, also known as Paid Family Leave (PFL), to the California Unemployment Insurance Code (UIC). PFL provides benefits to eligible workers who have loss of wages when they take time off work to care for a seriously ill child, spouse, parent, parent–in–law, grandchild, grandparent, sibling or registered domestic partner, or to bond with a new child.

Under UIC section 2708, a claimant must establish medical eligibility for each period of disability benefits by filing an initial or continued claim supported by the certificate of a treating physician or practitioner that establishes the sickness, injury, or pregnancy of the employee, or the condition of the family member that warrants the care of the employee. It is the treating physician or practitioner who completes and files the medical certificate with the EDD. Currently, certificates are filed either electronically or by paper. Paper certifications are mailed or hand delivered to the EDD.

The EDD is in the process of modernizing its systems. The Department has the nation’s largest public benefit system with over 21 million claimants and 63 million claims being filed for Unemployment Insurance (UI), Disability Insurance (DI), and Paid Family

Leave (PFL) over the past decade. The EDD delivered unprecedented levels of benefits to Californians during the pandemic, paying over \$180 billion in unemployment insurance benefits. The pandemic tested every benefit system in the country and pushed capabilities to their limits, exposing the need to engage customers directly to design better systems and modernize operations.

To ensure the EDD can continue to deliver benefits to Californians in the most efficient way possible, the EDD is looking to modernize all UI, DI, and PFL business program operations and their related systems. The EDD has established a 5–year incremental implementation roadmap for a new EDD benefit system. This modernization effort is called EDDNext. The goal of the EDDNext modernization is to promote responsible service, implement sustainable business operations, and advance technical innovation. At the core of this modernization plan is the creation of an online integrated claims management system that will enable EDD customers to quickly file claims and claim related documents, check claim status, receive important notices and information from the EDD, and communicate with the Department. The project will improve customer service across EDD’s UI, DI, and PFL benefit programs.

The EDD has been working to make legislative and regulatory changes needed for automation and modernization. As an example, Senate Bill 191 was recently passed to authorize the EDD to serve notices, including notices of determination of eligibility for benefits, personally, electronically, by mail, or in any other manner the Department elects. Previously, the law only permitted the EDD to serve certain notices either personally or by mail. Changes such as these are intended to speed up the claims process for claimants and to allow the Department to use technology to work more efficiently.

Under UIC sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. UIC section 2708(a) mandates that, except as provided in UIC section 2708(c) and sections 2708.1 and 2709, medical eligibility for an SDI or PFL claim must be supported by the certificate of a treating physician or practitioner that establishes the sickness, injury, or pregnancy of the employee, or the condition of the family member that warrants the care of the employee. Under UIC section 2706.1, the first claim, accompanied by the certificate, shall be filed no later than the forty–first consecutive day following the first compensable day of unemployment and disability. If the first claim is incomplete, the form is returned to the claimant and, absent good cause, the claimant must return the completed form within ten days of when the Department mailed it. Pursuant to UIC section 2706.2,

any continued medical certification shall be submitted to the Department within twenty days of the date the claimant is issued a notice of final payment or departmental request for additional medical certification.

Title 22, section 2706–4 of the California Code of Regulations (CCR) currently requires the EDD to accept disability claims and other related documents by mail except in cases when the Department requires a personal appearance or examination. These amendments to Title 22, section 2706–4 of the CCR would make a distinction between who must file documents electronically and who may file documents by mail or electronically. The proposed changes would require vetted physicians, practitioners, and registrars of county hospitals to file medical documents electronically through their verified EDD online accounts. The proposed changes would reaffirm that required claim documents completed by the claimant may continue to be filed by mail or electronically.

The amendments are necessary to give the Department clear authority to require physician and practitioner accountholders, most of whom already keep electronic health records, to file documents electronically. Electronic filing by physician and practitioner accountholders is necessary to allow the Department to more quickly and efficiently process claims.

#### ANTICIPATED BENEFITS FROM THE PROPOSED REGULATION

The anticipated benefit from the proposed regulation amendments is that the EDD will be able to process SDI and PFL claims faster and more efficiently. The amendments would require treating physicians and practitioners to file medical certifications electronically unless they have been granted a waiver. The EDD's online claims system can quickly and efficiently review and process the certificates through automation, reducing the amount of time and resources needed for a claimant to receive benefits.

#### DETERMINATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department has determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern physicians, practitioners, and registrars of county hospitals to file disability insurance certifications electronically.

#### AUTHORITY AND REFERENCE

Sections 305, 306, and 2602, Unemployment Insurance Code.  
Section 2706, Unemployment Insurance Code.

#### FISCAL IMPACT

**Anticipated costs or savings in federal funding to the State:** None.

**Anticipated costs or savings to any State Agency:** The DI Branch of the EDD estimates a total cost of \$144,642 to implement the regulation by updating existing processes. The one-time implementation cost is to develop business requirements for the programming efforts, update information on the EDD website, communicate updates for staff, and educate customers.

**Anticipated costs or savings to any local agency or school district:** None.

**Significant statewide adverse economic impact directly affecting business, including ability to compete:** The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, or to private individuals.

**The cost impacts on representative persons or businesses:**

For a business (including a **small business or private practice**) that does not currently have the capabilities to submit documents electronically to the EDD, the EDD estimates an initial one-time cost of up to \$1,000 with potential additional costs of up to \$1,000 annually, as described in greater detail below.

The initial one-time cost of \$1,000 represents the cost to purchase and install necessary equipment, specifically a personal computer and establish internet connectivity. According to Internet Service Providers,<sup>1</sup> annual internet service (pre-tax and fees) can cost up to \$600. Factoring in additional potential costs for equipment and software service and upkeep, the EDD estimates ongoing cost for compliance with the proposed regulations to be up to \$1,000 annually.

**Small business impact:** The Department has determined that the proposed regulatory action does affect small businesses.

**Anticipated impact on housing costs:** The proposed regulations will have no effect on housing costs.

**Anticipated non-discretionary costs or savings imposed upon local agencies:** None.

#### LOCAL MANDATE DETERMINATION

The Department determined these proposed amendments will not impose any new mandates on school

<sup>1</sup> <https://www.isp.com/near-me/ca/>, accessed 4/27/2022.

districts or other local governmental agencies or any new mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT PREPARED PURSUANT TO  
GOVERNMENT CODE SECTION 11346.3(B)

The Department determines the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

The anticipated benefit from the proposed regulation amendments is that the EDD will be able to process SDI and PFL claims faster and more efficiently. The amendments would require treating physicians and practitioners to file medical certifications electronically unless they have been granted a waiver. The EDD's online claims system can quickly and efficiently review and process the certificates through automation, reducing the amount of time and resources needed for a claimant to receive benefits, therefore providing a positive benefit to the health and welfare of California residents. There are no anticipated benefits to worker safety or to the state's environment.

CONSIDERATION OF ALTERNATIVES

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to *Kim Van Nguyen* via U.S. mail, email, or fax (see U.S. mail and email addresses and fax number indicated below). ***Email comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, email, or fax, must be received by the Department no later than June 26, 2023.*** Please submit any written comments before that time. The Department cannot

accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:  
(Mailing address)

Kim Van Nguyen, Attorney  
Employment Development Department  
P.O. Box 826880  
Legal Office, MIC 53  
Sacramento, CA 94280-0001

(Hand delivery)

Kim Van Nguyen, Attorney  
Employment Development Department  
800 Capitol Mall, Room 5040  
Legal Office, MIC 53  
Sacramento, CA 95814  
Telephone Number: (916) 654-8410  
Fax Number: (916) 654-9069  
Email Address: [ProposedRegulations@edd.ca.gov](mailto:ProposedRegulations@edd.ca.gov)

**Note:** In the event Ms. Nguyen is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Linda Saeturn-Rodriguez,  
Senior Legal Analyst  
Telephone Number: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Kim Van Nguyen, Attorney  
Telephone Number: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is on June 26, 2023.** A request for hearing can be made by contacting the persons noted above.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; the initial statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the initial statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

**GENERAL PUBLIC INTEREST**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**AIR TOXICS HOT SPOTS PROGRAM  
AMENDMENT TO NOTICE OF PUBLIC  
COMMENT PERIOD AND WORKSHOPS ON  
DRAFT CANCER INHALATION UNIT RISK  
FACTOR FOR ETHYLENE OXIDE**

On April 7, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) published the "Notice of Public Comment Period and Workshops on a Draft Cancer Inhalation Unit Risk Factor for Ethylene Oxide" (OAL Notice File Number Z2023-0328-02). OEHHA is hereby updating information regarding the Southern California public workshop.

Within the previously published Notice of Public Comment Period and Workshops, the information regarding the Southern California public workshop was noted as "To be determined." The complete Southern and Northern California workshop information is now listed below. No other details related to the public comment period or public workshops have been changed.

Public workshops will be held in Southern and Northern California at the following locations and times.

**Southern California**

May 16, 2023  
9:00 a.m.–12:00 p.m.  
Room CC-2  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765

**Northern California**

May 05, 2023  
9:00 a.m.–12:00 p.m.  
Sierra Hearing Room  
Cal EPA Building  
1001 I Street  
Sacramento, CA 95814

**DEPARTMENT OF  
FISH AND WILDLIFE**

HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653-2023-110-001-R1

**Project:** Dye Creek Fish Passage Improvement Project  
**Location:** Tehama, CA  
**Applicant:** Jon Barrett  
**Notifier:** Resource Conservation District of Tehama County

**Background**

*Project Location:* The project is located just west of the Dye Creek Preserve at the Shasta Boulevard crossing of Dye Creek, north of Los Molinos in Tehama County, California. Coordinates of the project site are 40.087975°, -122.091064°.

*Project Description:* The purpose of the project is to improve fish passage conditions for adult and juvenile salmonids and Pacific lamprey in Dye Creek. Improving fish passage at this site will improve access for anadromous fish to at least ten miles of spawning, rearing, and holding stream habitat upstream of the project site, and will improve downstream fish passage conditions during outmigration. The current crossing over Dye Creek is a 15-foot-wide by 200-foot-long concrete low-water vehicle crossing with two 18-inch diameter corrugated metal pipe culverts located roughly at the middle of the crossing. The culverts are largely filled with sediment and the entire structure has been identified as a physical barrier to migration during most flow regimes.

**Installation of a New Low Water Crossing**

The improved crossing is a multi-cell reinforced concrete box (RCB) culvert structure that is 24 feet wide, approximately 84 feet long with eight RCB barrels. Each RCB barrel is approximately five feet tall, has a span of ten feet, and a barrel length of 24 feet. Each barrel will be embedded up to three feet, leaving a minimum open flow area of two feet tall and ten feet wide for each cell. A standard Caltrans four-foot cut-off wall will be constructed on the opening side of the RCB structure in addition to the placement of Class V Rock Slope Protection (RSP) at the wingwall footings. To mitigate the potential for drop scour on the downstream end of the RCB structure, a layer of Class V RSP will be placed at the outlet underneath native bed material. Class III RSP will be placed on the approach embankments, for approximately ten feet upstream of the new crossing, to mitigate erosion on the banks. A 12-inch-tall curb will be constructed across the top

of the structure. The culverts will be filled with native streambed material to emulate the existing adjacent streambed conditions.

**Grading and Dredging**

As part of the passage improvements, rough in-channel grading and dredging of materials will be completed upstream and downstream of the structure to remove sediment deposition. The grading/dredging will provide for a more uniform channel section for water flowing to and through the RCB structure. The intent of the grading is to roughly lower the invert of the channel bed back down to the estimated natural stream bed invert.

**Instream Work**

Dye Creek is an intermittent stream and construction will be scheduled to occur during the low flow/dry period. Natural stream flows are typically not present in the summer and early fall season, but irrigation tailwater from upstream agricultural activities, as well as upstream ditch overflows, can cause the stream to flow or have standing pooled water during the summer/fall period. If dewatering of the site is necessary, the construction contractor will submit a temporary stream diversion / dewatering plan for approval prior to the start of work. Plan approval will be subject to meeting environmental conditions specified in the construction documents and conditions stipulated in the environmental permits.

**Access**

Access to the site will be from Shasta Boulevard. Contractor staging areas will be developed on neighboring private lands to stage equipment and materials. No grading or excavation of the contractor use areas will occur.

**Revegetation**

Vegetation to be removed will be restored upon completion of the project, as required. Approximately 0.15 acres of woody riparian, 0.07 acres of emergent wetland/riparian complex and 1.97 acres of herbaceous upland vegetation will be revegetated in accordance with the Conceptual Revegetation Plan provided by the Permittee.

**Pre- and Post-Construction Monitoring**

Pre- and post-construction monitoring will be conducted. Activities may include pre-construction biological surveys, photo points, as-built surveys, as well as Tehama County Public Works post-construction site inspection and maintenance.

**Project Schedule**

Project construction is anticipated to take a total of 16 weeks with instream work anticipated to take 13 weeks. Project construction will likely mobilize in late June or early July, as stream flows reduce or cease and anadromous fish are not likely to be present. The project schedule is dependent on acquiring all envi-

ronmental permits and favorable stream flows in early summer. It is anticipated that construction will begin in 2023 and continue for one construction season. All instream work will be completed by September 30, or by October 14 with California Department of Fish & Wildlife and National Marine Fisheries Service approval (to address fish presence concerns). If all environmental permits and funding are not acquired, the project may occur in 2024 or later. A detailed construction schedule will be prepared prior to the start of construction. Post-construction revegetation maintenance will occur for approximately three growing seasons following the completion of construction activities at each site. Post-construction monitoring activities will occur for at least one season following construction, with additional seasons of monitoring possible. Tehama County Public Works will be responsible for maintaining the new crossing and performing routine maintenance.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 0.89 acres and 340 linear feet of waterway, and approximately 2 acres of upland area (staging area). 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., tit. 14, § 15333).

Temporary Impacts to jurisdictional resources: 0.30 acres, 340 linear feet of streambed, bank, and/or channel.

Permanent Impacts to jurisdictional resources: 0.59 acres, 310 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: placement of approximately 27 cubic yards of sandbags for a water diversion (considered temporary, if necessary), and 1,960 cubic yards of materials associated with the removal of the current structure, construction of the new box culvert bridge, channel regrading, and rock slope protection armoring.

*Project Timeframes:*

Start date: Late June or early July, 2023

Completion date: September 30, 2023 (or October 15, 2023 with permissions)

Seasonal work window: Late June to September 30, 2023

Number of workdays: Approximately 80 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 SBI2006GN (Order) Waste Discharge Identification (WDID) Number 5A52CR00227 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:* Dye Creek, a tributary to the Sacramento River.

*Filled or Excavated Areas:* Temporarily filled or excavated area is approximated at 0.30 acres. Permanently filled or excavated area is approximated at 0.59 acres.

*Discharge volume:* Approximately 27 cubic yards of sandbags for a water diversion (considered temporary, if necessary), and 1,960 cubic yards of materials associated with the removal of the current structure, construction of the new box culvert bridge, channel regrading, and rock slope protection armoring.

*Project location:* The project is located just west of the Dye Creek Preserve at the Shasta Boulevard crossing of Dye Creek, north of Los Molinos in Tehama County, California. Coordinates of the project site are 40.087975°, -122.091064°.

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 3/31/2023, 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 3/30/2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2023-0403-01) on 4/14/2023. Upon approval, 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 as a component of the NOI. The specific avoidance and minimization measures as well as water quality protection measures are found in the addendum titled: *Avoidance and Minimization.pdf*

**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. Monitoring will be conducted throughout construction to assure that the new crossing is constructed according to the designed elevations and dimensions. Post-project as-built drawings as well as paired pre- and post-construction photos will be provided. An annual report including the aforementioned tasks will be submitted within 90 days of the completion of construction. At least one additional annual report is scheduled for submittal at the end of the following year that will summarize site stability and performance.

**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: [RIHABCONRedding@wildlife.ca.gov](mailto:RIHABCONRedding@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  
 HOWSLEY ROAD BRIDGE  
 REPLACEMENT PROJECT  
 2080-2023-006-02  
 SUTTER COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on April 27, 2023 that the Sutter County Development Services Department 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 removal and replacement of an existing two-lane bridge with a new, safer two-lane structure. Proposed activities will include, but are not limited to, excavation, bank disturbance, vegetation removal, construction of the new bridge abutments and bents, buildup of embankments and roadway approaches, placement of scour projection measures, and development of the construction access into the channel. The proposed project will occur on the Howsley Bridge between the Cities of Marysville and Sacramento approximately 1 mile east of State Route 99 and 70 along Howsley Road and west of the community of Pleasant Grove in Sutter County.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number 2022-0060389-S7-002) in a memorandum to the

California Department of Transportation, District 3 on February 3, 2023, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, Sutter County Development Services Department 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, Sutter County Development Services Department 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 PARKS  
AND RECREATION**

**OFF-HIGHWAY MOTOR VEHICLE  
RECREATION DIVISION  
GRANTS AND COOPERATIVE  
AGREEMENTS PROGRAM**

**NOTICE OF CHANGE OF DATE OF  
REGULATORY HEARING AND  
EXTENSION OF WRITTEN  
COMMENT PERIOD**

NOTICE IS HEREBY GIVEN that the Off-Highway Motor Vehicle Recreation (OHMVR) Division has **rescheduled the regulatory hearing** originally scheduled for **June 29, 2023 at 2:00 p.m.**, through teleconference regarding proposed amendments to California Code of Regulations, Title 14, Division 3, Sections 4970.01, 4970.03, 4970.05.1, 4970.06.1, 4970.07.2, 4970.08, 4970.08.1, 4970.08.2, 4970.09, 4970.10, 4970.10.1, 4970.13, 4970.17.1, 4970.19, 4970.19.2, 4970.20, 4970.23.2, 4970.24.1, and 4970.26. The Notice was originally published on May 5, 2023 in Notice Register 2023, Number 18-Z.

The new date and location of the regulatory hearing is as follows:

Date of Hearing: **July 10, 2023**  
Address: **Via Teleconference**  
**916 409 6039**  
**Password: 786 198 766#**  
Time: **2:00 p.m.**

**The written comment period has also been extended.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the Division at its office no later than 5:00 p.m. on

July 10, 2023, or must be received by the Division at the hearing. The Notice of Proposed Changes in the Regulations and the Proposed Language can be found at the Division website at <https://ohv.parks.ca.gov/>

**CONTACT PERSON**

If you have any questions or comments, you may direct them to:

Katie Buesch, Grant Administrator  
California Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
P.O. Box 942896  
Sacramento, CA 94296  
(916) 639 4587  
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**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

California School Finance Authority  
File # 2023-0317-03  
Charter Access to Bank Loan Enhancement Program

In this Certificate of Compliance for OAL Matter Number 2022-1209-01EE, the California School Finance Authority is establishing a program to utilize a grant award under the United States Department of Education's Credit Enhancement for Charter Schools Facilities Program for the financing of acquisition, renovation, or construction of charter school facilities, or the refinancing of existing charter school facility debt. This action establishes relevant definitions, eligibility criteria, award allocation, and eligible uses of funds, as well as an application and fee.

Title 04  
Adopt: 10200.8, 10200.9, 10200.10, 10200.11,  
10200.12, 10200.13, 10200.14, 10200.15  
Filed 05/01/2023  
Effective 05/01/2023  
Agency Contact: Ryan Storey (213) 620-6360

Board of Environmental Safety  
 File # 2023-0419-01  
 Hazardous Waste Facility Permit Appeal Procedures

This deemed emergency action by the Board of Environmental Safety is a revision of the process for appealing the Department of Toxic Substances Control's decisions to grant, issue, modify or deny hazardous waste facility permits. These emergency regulations align with statutory changes made in Senate Bill 158 (Stats. 2021, chapter 73) and will remain in effect until repealed by the Board of Environmental Safety, pursuant to Health and Safety Code section 25125.4.

Title 22  
 Adopt: 66271.71, 66271.72  
 Repeal: 66271.15 [renumbered as 66271.71],  
 66271.18 [renumbered as 66271.72]  
 Filed 05/01/2023  
 Effective 05/01/2023  
 Agency Contact: Gregory Forest (279) 895-5154

Department of Social Services  
 File # 2023-0417-02  
 Group Homes for Children with Special Needs

In this action, which is exempt from Office of Administrative Law review, the Department of Social Services adopts a new Subchapter 7, concerning Group Homes for Children with Special Health Care Needs, in Chapter 5 of Division 6 of Title 22 of the California Code of Regulations.

Title 22  
 Adopt: 84700, 84701, 84710.2, 84718, 84720,  
 84722, 84723, 84740, 84742, 84761, 84764, 84765,  
 84765.5, 84766, 84769.2, 84770, 84772, 84775,  
 84775.1, 84787  
 Amend: 80061, 80068.2  
 Filed 04/27/2023  
 Effective 04/27/2023  
 Agency Contact:  
 Kenneth Jennings (916) 651-8862

Fish and Game Commission  
 File # 2023-0421-02  
 Use of Hoop Nets for the Recreational Take of Crab  
 and Lobster

This emergency readoption amends hoop net regulations to (1) alter standards for hoop net use and design; (2) specify the existing two-hour hoop net service interval is applicable statewide; (3) state it is unlawful to abandon or leave out any hoop net beyond the service interval period and consequences; (4) clarify the geographic limits of hoop net limits; and (5) expand statewide surface buoy marking requirements.

Title 14  
 Amend: 29.80  
 Filed 05/01/2023  
 Effective 05/01/2023  
 Agency Contact: Jennifer Bacon (916) 902-9284

California Workforce Development Board  
 File # 2023-0417-04  
 Conflict-of-Interest Code

This is a Conflict-of-Interest code fling that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 02  
 Amend: 58600  
 Filed 05/03/2023  
 Effective 06/02/2023  
 Agency Contact: Jeff Jacobstein (916) 698-5538

Department of Motor Vehicles  
 File # 2023-0315-02  
 AB 60 Driver's Licenses — El Salvador  
 Identification Card

This change without regulatory effect by the Department of Motor Vehicles amends the list of documents that have been deemed to provide satisfactory proof of an applicant's identity for purposes of section 16.04, subdivision (b), of title 13 of the California Code of Regulations to add the 2022 version of the El Salvadorian Identification Card.

Title 13  
 Amend: Appendix, Article 2.0  
 Filed 04/27/2023  
 Agency Contact: Randi Calkins (916) 282-7294

Bureau of Automotive Repair  
 File # 2023-0317-01  
 Automotive Repair Dealer Registration Application  
 Requirements

In this rulemaking action, the Bureau amends its regulations to define the term "Nationally Recognized and Industry-Accepted Educational Certification" and to set forth the required contents of an automotive repair dealer registration application. The Bureau also adopts a regulation to establish which educational certification is deemed a "bureau-approved educational certification."

Title 16  
 Adopt: 3395.6  
 Amend: 3303, 3351  
 Filed 05/01/2023  
 Effective 07/01/2023  
 Agency Contact: Holly O'Connor (916) 403-8627

California Highway Patrol  
File # 2023-0320-01  
Inhalation Hazards Safe Spots

In this rulemaking, the California Highway Patrol (CHP) removes three locations from its list of safe stopping spots for vehicles carrying inhalation hazards.

Title 13  
Amend: 1157.21  
Filed 04/28/2023  
Effective 07/01/2023  
Agency Contact: Tian-Ting Shih (916) 843-3400

Department of Motor Vehicles  
File # 2023-0315-03  
Fee for Recording Parking/Toll Evasion Violations

This rulemaking action by the Department of Motor Vehicles reduces the fees assessed on processing agencies for recording notices of delinquent parking and toll evasion violations filed with the department, from \$4.00 to \$2.00 per notice, in accordance with Vehicle Code sections 4763 and 4773.

Title 13  
Amend: 430.00, 431.00  
Filed 04/27/2023  
Effective 07/01/2023  
Agency Contact: Randi Calkins (916) 282-7294

Occupational Safety and Health Appeals Board  
File # 2023-0315-06  
Rules of Practice and Procedure

This rulemaking by the Occupational Safety and Health Appeals Board amends regulations pertaining to the rules and practices of procedure for hearings, including procedures for videoconference hearings pursuant to Government Code, section 11440.30.

Title 08  
Amend: 372.6, 372.8, 376., 376.8  
Filed 04/27/2023  
Effective 07/01/2023  
Agency Contact: Aaron Jackson (916) 274-5751

**PRIOR REGULATORY  
DECISIONS AND CCR  
CHANGES FILED WITH THE  
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [oal.ca.gov](http://oal.ca.gov).