



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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TITLE 3. FOOD AND AGRICULTURE

DIVISION 2. ANIMAL INDUSTRY
CHAPTER 2. LIVESTOCK
DISEASE CONTROL
ARTICLE 12 BOVINE TRICHOMONOSIS
CONTROL PROGRAM

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as “Department”) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may be submitted via facsimile (FAX) at (916) 900-5333 or by e-mail to angelina.velez@cdfa.ca.gov. The written comment period closes at **on July 10, 2023**. The Department will consider only comments received at the Department by that time.

Submit comments to:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 718-8284 Fax: (916) 900-5333
E-mail: angelina.velez@cdfa.ca.gov

AUTHORITY AND REFERENCE

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Existing law, section 10610 of the Food and Agricultural Code, authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases by requiring permits before entry of, and limitations on the importation of, cattle and other animals or materials that might act as a cause or a vector of a disease or condition that is infectious or contagious to cattle.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Department is proposing the amendment to sections 820 and 820.4 under of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to update the Bull Slaughter Agreement exemption to provide clarity for the application and scope of the regulated exemption.

The Department is proposing to amend sections 831 and 831.4, Article 14 Animal Disease Traceability, of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to include changes consistent with previous regulations changes.

Anticipated Benefits of the Proposal: The benefit of this amendment is to provide the public with clear and accurate information for the requirements of the Bull Slaughter Agreement exemption and allow for easier movement of animals through sale to slaughter while maintaining disease control and to provide consistency with existing regulations previously amended related to cattle movement.

CONSISTENCY EVALUATION

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department’s existing State regulations.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

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

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The anticipated compliance requirements as a result of this proposal: The proposal contains no additional specific record keeping, paperwork or reporting requirements.

Effect on Housing Costs: None.

Effect on Small Business: The Department has initially determined that the proposed changes to the regulations would have no impact directly affecting small businesses. These regulations do not require any additional costs or outputs for small businesses. These regulations do not establish any new limitations on small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any benefits to worker safety or to the State's environment that would be provided by this proposal. The proposed regulations benefit the health and welfare of California residents by ensuring the protection of the State's food supply.

The benefit of this amendment is to provide the public with clear and accurate information for the requirements of the Bull Slaughter Agreement exemption and allow for easier movement of animals through sale to slaughter.

Occupations/Businesses Impacted: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Business Reporting Requirement: There are no new reporting requirements as a result of this proposal.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it 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 action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION AND TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

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

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

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Angelina Velez at the address listed below. The Department will accept

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the persons named below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <https://www.cdfa.ca.gov/ahfss/regulations.html#AHB-rulemaking>.

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Angelina Velez
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900-5103
E-mail: angelina.velez@cdfa.ca.gov

The backup contact person is:

Kavishti Kokaram, DVM, DACVPM
Veterinarian Specialist – Bovine Programs
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 764-8684
E-mail: kavishti.kokaram@cdfa.ca.gov

TITLE 4. CALIFORNIA HORSE RACING BOARD

DIVISION 4. CALIFORNIA CODE OF REGULATIONS RULE 1867. PROHIBITED VETERINARY PRACTICES

The California Horse Racing board (Board) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1867, Prohibited Veterinary Practices. The proposed amendment to Board Rule 1867 will add new subsections (b)(1), (b)(1)(A), and (b)(1)(B) to clarify that the possession or use of any compounded drug, substance, or medication manufactured according to Federal and State guidelines shall not be considered a prohibited veterinary practice if there are no other human or animal drugs approved by the Food and Drug Administration (FDA) available to satisfy the need for the compounded drug, and the drug is compounded by a California licensed veterinarian or California licensed pharmacy.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **on July 10, 2023**. The Board must receive all comments by that time. Submit comments to:

Nicole Lopes-Gravelly, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-mail: nlgravelly@chrba.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, 19580, and 19582, Business and Professions Code (BPC).

Reference: Section 19580, 19581 and 19582, BPC.

BPC sections 19440, 19562, 19580, and 19582 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580, 19581 and 19582, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that all licenses granted under the Horse Racing Law are subject to the rules,

regulations, and conditions prescribed by the Board. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in the state of California. BPC section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. BPC section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. BPC section 19582 states violations of section 19581, as determined by the Board are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime.

The Board proposes to amend Board Rule 1867 to add new subsection (b)(1) to provide clarity that the use of compounded substances and medications, that are compounded according to existing laws and regulations, shall not be considered a prohibited veterinary practice if specific requirements are met as outlined in new subsections (b)(1)(A) and (b)(1)(B). The Board additionally proposes to add new subsections (b)(1)(A) and (b)(1)(B) which provide requirements for a compounded substance to be authorized on a California racetrack. These requirements include that no existing human or animal drug alternative approved by the FDA be available to satisfy the need for the compounded drug and the drug is compounded by a California licensed veterinarian or California licensed pharmacy.

The Board proposes to strikeout the final sentence of Board Rule 1867(c) as this language is no longer relevant. This language was added during the previous amendment in 2019 regarding Out of Competition Drug Testing. However, there is no clear procedure on granting an exemption, nor has an exemption never been requested, and therefore this provision is deemed unnecessary.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendment to Board Rule 1867 will make permanent the emergency regulation that was approved by the Office of Administrative Law (OAL) in March 2023. The proposed amendment will protect racetrack veterinarians from being sanctioned for providing needed care to California racehorses and conducting best practice, as well as to promote the health,

safety, and general welfare of the horse racing community. Additionally, this amendment will provide clarity to the industry as well as between state agencies.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendment, the Board has conducted an evaluation for any related regulations and has determined that Board Rule 1867 is the only regulation dealing with prohibited veterinary practices with regards to horse racing in California. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost of savings in federal funding to the State: none.

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action will better protect racetrack veterinarians by allowing them to provide needed care to California racehorses within Federal and State guidelines without fear of being sanctioned. Prominent horse owners, trainers, and other related small business practitioners will also be less inclined to cease operations or move their business to other racing states if there is no fear that their racehorses will not be able to receive appropriate medical care in California.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation will save Board-licensed veterinarians and other similarly situated individuals from the costs required to defend themselves against allegations involving otherwise legal veterinary practices.

Significant effect on housing costs: none.

RESULT OF ECONOMIC
IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1867 **will not** create or eliminate jobs within the state, **will not** create new businesses or eliminate existing businesses within the state, **will not** result in the expansion of businesses currently doing business with the state, and **will not** benefit worker safety or the state's environment. However, **it will** benefit the health and welfare of racetrack veterinarians and California racehorses, which is jeopardized if they are unable to provide needed care and are at risk of being sanctioned for providing care required for their position. Keeping racehorses healthy protects the economic interest of owners and ensures that there is an adequate horse inventory and allowing racetrack veterinarians to provide standard of care is necessary to keep racehorses healthy.

Effect on small businesses: none. The proposal to amend Board Rule 1867 does not affect small businesses because horse racing is not a small business under GC section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes–Gravely, Policy, Regulations
Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263–6397
Fax: (916) 263–6022
E–mail: nlgravely@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager
Regulations, Industry Applications, and
Administrative Hearings
Telephone: (916) 869–3255
Email: amdrummond@chrb.ca.gov

AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Nicole Lopes–Gravely, or the alternative contact persons at the address, phone number or e–mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Nicole Lopes–Gravely at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or mod-

ified form, should be sent to the attention of Nicole Lopes–Gravely at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board’s web site address is: www.chrb.ca.gov.

TITLE 4. DEPARTMENT OF CANNABIS CONTROL

Subject Matter of Proposed Regulations: Track and Trace Requirements for Delivery of Cannabis Goods

Section Affected: California Code of Regulations (CCR), title 4, sections 15049.3 and 15418

Notice is hereby given that the Department of Cannabis Control (Department) proposes to adopt the proposed amended regulations, described below, after considering all comments, objections, and recommendations regarding the proposed action. The Department, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for inspection and copying 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

All the proposed text sections are proposed to be added to the California Code of Regulations (CCR), under Division 19 of Title 4.

PUBLIC HEARING

The Department will hold a virtual public hearing at the following date and time listed below:

Tuesday, July 11, 2023 – 10:00 a.m. to 1:00 p.m.

Attendees may participate via WebEx online meeting platform or telephone conferencing. To participate via WebEx online meeting platform please email Charisse Diaz at Charisse.Diaz@cannabis.ca.gov or (916) 465–9025 by 4:30 p.m. on July 10, 2023 to request a link to the meeting. The link to the meeting will also be posted on the Department’s website no later than 9:00 a.m. the day of the hearing.

As a reasonable accommodation, limited in-person seating may be available at the hearing in the Department Hearing Room, 2920 Kilgore Road, Rancho Cordova, CA 95670. Attendees must comply with all COVID–19 safety protocols. Please contact Charisse Diaz at Charisse.Diaz@cannabis.ca.gov or (916) 465–9025 by 4:30 p.m. on July 5, 2023, if an accommodation is 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 1:00 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. The Department 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 the interested person’s authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments, including those sent by mail or e–mail to the addresses listed below **must be received by the Department at its office by Tuesday, July 11, 2023.**

Submit comments to:

Department of Cannabis Control
Legal Affairs Division
2920 Kilgore Road
Rancho Cordova, CA 95670
E–mail: publiccomment@cannabis.ca.gov

AUTHORITY AND REFERENCE

Business and Professions Code (BPC) section 26013 authorizes the Department to adopt these proposed regulations. Business and Professions Code section 26067, subsection (a)(5), section 26068, subsection (d), and section 26090, subsection (c) require the Department to incorporate the delivery of cannabis and cannabis products (cannabis goods) into the track and trace program. Specifically, the statutes require the Department to develop regulations for the recording, within the track and trace program, of information relating to cannabis goods leaving a licensed premises in a delivery vehicle.

The proposed regulations implement, interpret, and make specific the requirements for recording cannabis delivery information within the track and trace program under the Medicinal and Adult–Use Cannabis

Regulation and Safety Act (MAUCRSA). (Bus. & Prof. Code, section 26000 et. seq.)

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The purpose of these proposed regulations is to provide guidance to licensees regarding the specific requirements for recording deliveries of cannabis goods within the track and trace system as required by the MAUCRSA. The proposed regulations provide the requirements for creating an inventory ledger within the track and trace system, the information that must be included within the ledger, and the specific transactions that must be recorded.

Existing Law

Pursuant to MAUCRSA, the Department regulates commercial cannabis license holders in California, including cultivators, retailers, manufacturers, distributors, testing laboratories, microbusinesses, and temporary cannabis events. BPC section 26067, subdivision (a)(5) requires that the track and trace program established by the Department be able to capture information relating to cannabis goods leaving the licensed premises in a delivery vehicle as determined by the Department’s regulations. BPC section 26068, subdivision (d)(1) requires that the Department incorporate delivery into the track and trace program no later than January 1, 2023. BPC section 26090, subdivision (c) requires that before cannabis goods leave the licensed premises in a delivery vehicle, the retailer record within the track and trace system, all information required by the Department and update the information as required by the Department.

Policy Statement

This rulemaking action would allow the Department to comply with the requirements found in BPC sections 26067, 26068, and 26090 regarding the tracking of cannabis goods carried on retail delivery vehicles. The proposed regulations would provide licensees with specific requirements for creating delivery inventory ledgers within the track and trace system and the specific information and transactions involving the delivery of cannabis goods that must be properly recorded within the track and trace system.

Regulation Objectives and Anticipated Benefits of the Proposed Regulations

The Department has developed the proposed regulations to implement the track and trace requirements imposed by Assembly Bill 195. The proposed regulations will provide licensees with guidance regarding the specific transactions that must be recorded within the track and trace system and the specific information that must be recorded for those transactions. The proposed regulations will ensure that the movement of

cannabis goods on delivery vehicles is being effectively tracked using the existing track and trace system.

The protection of the public is the highest priority for the Department. Through the use of the statewide track and trace system, the Department is able to track the movements of cannabis goods throughout the state. This monitoring can reduce the risk of inversion of unlicensed cannabis goods into the legal market. Preventing inversion ensures that the cannabis goods obtained by consumers from the licensed cannabis market have been properly tested by a licensed laboratory and comply with packaging, labeling, and other requirements designed to protect the public. Use of the track and trace system also allows the Department to reduce the risk of diversion of licensed cannabis goods outside of the licensed market into the illegal unlicensed market. Preventing diversion ensures that licensed cannabis remains in the licensed market and is properly accounted for.

The proposed regulations would strengthen the Department’s ability to effectively monitor the movement of cannabis goods throughout the state by more closely tracking cannabis goods that are being carried within retail delivery vehicles. This increases the Department’s ability to reduce the risk of inversion and diversion. Additionally, the increased tracking will allow the Department to collect more detailed data regarding the purchase of cannabis goods through delivery.

Section 15049.3. Track and Trace Requirements for Delivery.

This proposed section provides the general requirements for creating a delivery inventory ledger within the track and trace system. The proposed section provides the specific information that must be recorded within the ledger, the requirements for recording sales transactions, the requirements for recording the end of a delivery trip, and the requirements for returning to the licensed retail premises for any reason, including to obtain additional cannabis goods, while continuing the existing delivery trip.

Section 15418. Cannabis Goods Carried During Delivery

This section is amended to incorporate the proposed track and trace delivery inventory ledger requirements found in proposed section 15049.3. The section is also being amended to clarify the requirements for maintaining a delivery inventory ledger in situations where the track and trace delivery inventory ledger is inaccessible to a delivery employee while they are conducting deliveries of cannabis goods.

Incorporated by Reference

There are no documents incorporated by reference.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

As required by Government (Gov.) Code section 11346.5(a)(3)(D), the Department has conducted an evaluation of these proposed regulations and has determined that they are not inconsistent or incompatible with existing regulations.

Evaluation of Inconsistency with Federal Regulation or Statute

The United States Drug Enforcement Administration (DEA) under the Controlled Substances Act lists cannabis as a Schedule 1 Drug. This means that commercial cannabis activity is illegal under federal law. However, California, through the MAUCRSA and other laws, has decriminalized the cultivation, sale, and possession of cannabis goods for persons aged 21 or older and for medicinal patients.

Plain English Requirement

Department staff prepared these proposed regulations pursuant to the standard of clarity provided in Gov. Code section 11349 and the plain English requirements of Gov. Code sections 11342.580 and 11346.2, subsection (a)(1). The proposed regulations are written to be easily understood by the persons that will use them.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Local mandate: There will be no local mandate.

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500, et seq: None.

Any other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

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

Effect on Housing Costs: The proposed regulations will have no fiscal or other effect upon housing in the state.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses: The Department has determined there will not be a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: The proposed regulations would affect approximately 1,950 businesses. Of these businesses, an unknown number are estimated to meet the criteria for being classified as a small business.

Cost Impacts on a Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

ECONOMIC IMPACT AND FISCAL IMPACTS

Business Impact

Based on currently available information, the Department believes that there are up to 1,950 retail and microbusiness licensees that may be eligible to engage in cannabis delivery activities. Those licensees who decide to engage in the sale of cannabis goods through delivery will have to comply with the delivery track and trace requirements within the proposed regulations.

Estimated Costs to Businesses

The proposed regulations would require a change to the track and trace system. Many licensees engaging in delivery are accessing the track and trace system through the use of a third-party software application. The Department estimates that the initial cost to third-party software application companies is \$32,000. It is expected that some or all these costs will be shared by licensed retailers who use the third-party software applications. At this time, it is unclear what proportion of these costs will be apportioned to licensees engaging in cannabis deliveries.

Estimated Benefits of Regulation

The monetary benefits of the proposed regulations are difficult to quantify. The proposed regulations would strengthen the Department's ability to effectively monitor the movement of cannabis goods throughout the state. The proposed regulations would allow the Department to more closely track cannabis goods that are being carried on retail delivery vehicles. This increases the Department's ability to reduce the risk of inversion and diversion. Additionally, the increased tracking will allow the Department to collect more detailed data regarding the purchase of cannabis goods through delivery. This data will likely be useful in making decisions related to the proper regulation of cannabis businesses withing California.

Results of the Economic Impact Assessment

The proposed regulations will not have a significant adverse economic impact on businesses.

The Department does not anticipate any creation or elimination of jobs due to the proposed regulations.

The proposed regulations would neither create nor eliminate businesses.

The proposed regulations would affect approximately 1,950 businesses. These businesses are licensed cannabis retailers and microbusinesses that are authorized to engage in retail. Of these businesses an unknown number are estimated to meet the criteria for being classified as a small business. The representative costs

for a typical business to comply with the proposed regulations would equal \$32,000 in one-time costs, followed by \$0 annually. The annual benefits are difficult to quantify as the benefits include an increase in the Department’s ability to track the movement of cannabis goods throughout the state.

The proposed regulations are not expected to have any impact on the expansion of businesses currently doing business in the state.

The proposed regulations would not affect worker safety.

The proposed regulations would also provide benefits to public health and safety by increasing the Department’s ability to track the movement of cannabis goods which is likely to result in a decrease in the risk of diversion and inversion.

Fiscal Effect on State Government

The initial cost to the Department to integrate delivery into the track and trace system is expected to be about \$36,000. The ongoing costs of maintaining the new functionality within the track and trace system and added enforcement costs due to the new requirements track and trace requirements are expected to be minimal and absorbable by the Department’s current operations.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives with respect to the proposed regulations during the written comment period or at the public hearing.

The Department itself considered alternatives to the proposed regulations. Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

The first alternatives considered for the proposed regulations was to adopt regulations that would require delivery sales to be recorded within the track and trace system instantaneously as the delivery sales occur. This alternative would likely be significantly more costly for licensees while providing a minimal increase in the Department’s ability to track the movement of cannabis goods on delivery vehicles. Due to the substantial increase in costs for licensees and the minimal increase in the ability to track cannabis, the

Department has decided not to implement this alternative to the proposed regulations.

The second alternative considered by the Department was to not develop new regulations. This alternative was rejected because BPC sections 26067 and 26068 requires the Department to incorporate delivery into the track and trace program in a manner that records information relating to cannabis goods leaving a licensed premises in a delivery vehicle as determined by the Department’s regulations. If the Department does not develop regulations for this purpose, the Department will be out of compliance with the requirements of the statute. In addition, licensees will have no guidance for achieving compliance with the statutory requirements.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Charisse Diaz
 Department of Cannabis Control
 2920 Kilgore Road
 Rancho Cordova, CA 95670
 916-465-9025
Charisse.Diaz@cannabis.ca.gov

The backup contact person for these inquiries is:

Kaila Fayne
 Department of Cannabis Control
 2920 Kilgore Road
 Rancho Cordova, CA 95670
 916-251-4544
Kaila.Fayne@cannabis.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the contact persons listed above.

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

The Department will have the entire rulemaking file available for inspection and copying, throughout the rulemaking process, at its office at the address 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. Copies of materials may be obtained by contacting the contact person at the address, email or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations, substantially, as described in this Notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations, as revised. Please send requests for copies of any modified regulations to the attention of the contact person at the address, email, or phone number indicated above.

The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the contact person at the above address, email, or phone number indicated above.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement or Reasons, and the text of the regulations can be accessed through the Department's website at: <https://cannabis.ca.gov/cannabis-laws/rulemaking/>.

**TITLE 10. BUREAU OF REAL ESTATE
APPRAISERS**

CONTROLLING PERSON

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (hereafter Bureau or BREA) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request

in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on Tuesday, July 11, 2023**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 11314 of the Business and Professions Code (BPC) and to implement, interpret, or make specific BPC sections 11302, 11343, and 11345.2 the Bureau is considering amending section 3576 of title 10 of the California Code of Regulations (CCR). 12 C.F.R. section 34.214(a)(1)).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Bureau of Real Estate Appraisers (Bureau) regulates appraisers and Appraisal Management Companies (AMC). The Appraisal Subcommittee (ASC) provides federal oversight of all State appraiser and appraisal management company regulatory programs.

The ASC monitors State Appraiser and AMC Programs for compliance with Title XI of the Financial Institutions Reform Recovery and Enforcement Act (Title XI). The monitoring of state programs is largely accomplished through on-site visits known as a Compliance Review (Review). The ASC conducted its most recent Review of the Bureau in 2018, at which time it found the Bureau was not compliant with the Code of Federal Regulations (CFR) as it relates to AMC ownership limitations. (Page 3, ASC Compliance Review of California's Appraisal Management Company (AMC) Regulatory Program dated January 17, 2019).

"An AMC shall not be registered or included on the AMC National Registry if such AMC, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State for a substantive cause. The State limits the requirement to owners of 10% or more."

The Bureau proposes to clarify AMC ownership requirements in CCR Section 3576 to ensure the Bureau remains in compliance with federal rules regarding AMCs.

ANTICIPATED BENEFITS OF PROPOSAL

The proposal will align California regulations with federal requirements to ensure California addresses the good moral character of all owners of AMCs, not just those who qualify as “controlling persons” as defined by California. Any owner of a registered AMC in California, regardless of ownership percentage, must report certain discipline and felony conduct to the Bureau within a prescribed period. This will benefit the health and welfare of Californians by ensuring only AMC owners of good moral character are registered in California.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing this regulatory proposal, the Bureau has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent, nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

The proposed regulation is anticipated to increase workload and costs to the Bureau.

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

The proposed regulation is anticipated to increase workload and costs to the Bureau, but such anticipated increase is limited and is absorbable.

The Bureau estimates up to 6 additional AMC registrants will be required to report to the Bureau, as specified, per year, which will result in workload costs of \$750 (6 applicants @ \$125 per applicant) in year-one of implementation and up to approximately \$8,600 over a ten-year period.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS: BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly af-

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

Registrants are anticipated to comply with the regulations within normal business operations without incurring additional costs.

Impact on Jobs/Businesses

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

Benefits of the Regulation

As stated above, the proposed regulation will benefit the health and welfare of Californians by ensuring that only AMC owners of good moral character are registered in California. The proposed regulations are not expected to affect worker safety or the state’s environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau. The regulations expand existing reporting requirements for AMCs, as specified.

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses.

Registrants are anticipated to comply with the regulations within normal business operations without incurring additional costs

Cost Impact on Representative Private Person or Business

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Registrants are anticipated to comply with the regulations within normal business operations without incurring additional costs

Significant Effect on Housing Costs: None.

CONSIDERATION OF ALTERNATIVES:

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation 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 proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 3075 Prospect Park Drive, Suite 190, Rancho

Cordova, CA 95670, or via e-mail to the Contact Person listed below.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau at 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own review or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Whitney Spatz
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670.
Telephone Number: (916) 610-9927
Email: whitney.spatz@brea.ca.gov

The backup contact person is:

Name: Mary Ann Lopez
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670.
Telephone Number: (916) 440-7876
Email: Maryann.Lopez@brea.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Actions, the Initial Statement of Reasons, and the text of the regulations, as well as the Final Statement of Reasons when completed and text modified from the original proposed text, if any, can be accessed through the Bureau's website at <https://www.brea.ca.gov/html/Rulemaking.html>.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

AMEND THE TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES COMMISSION REGULATIONS 1005 AND 1007

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 Comment(s) Due by July 10, 2023.

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Raymund Nana-*

diego at Raymund.Nanadiego@post.ca.gov, or by letter to:

Commission on POST
 Attention: Raymund Nanadiego
 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

PC §13510 requires POST to develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, *Training and Testing Specifications for Peace Officer Basic Courses* (revised 10/01/2023).

This rulemaking action clarifies and makes specific the addition of LD 14 – Officer Wellness as a requirement in the basic course curriculum. The benefit of the proposed action will provide a wellness foundation for entry–level officers when starting their career. It provides resources and information to assist them in recognizing ways to navigate their career while maintaining their overall wellness.

Currently, Commission Regulations 1005 and 1007 incorporate the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on April 1, 2022.

The regulations proposed in this rulemaking action will incorporate the document, *Training and Testing Specifications for Peace Officer Basic Courses*, by reference effective on October 1, 2023.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will introduce expanded officer wellness concepts for individuals in preparation for a career in law enforcement and prior to the start of the field training program, 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, pro-

tection 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

- *Training and Testing Specifications for Peace Officer Basic Courses* revised 10/01/2023
- *Minimum Content and Hourly Requirements, Regular Basic Course (RBC) – Standard Format* revised 10/01/2023
- *Minimum Content and Hourly Requirements, Specialized Investigators’ Basic Course* revised 10/01/2023
- *Minimum Content and Hourly Requirements, Regular Basic Course (RBC) Modular Format – Module I* revised 10/01/2023
- *Minimum Content and Hourly Requirements, Regular Basic Course (RBC) Modular Format – Module II* revised 10/01/2023
- *Minimum Content and Hourly Requirements, Regular Basic Course (RBC) Modular Format – Module III* revised 10/01/2023

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 di-

rectly 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 Law Enforcement Consultant *Raymund Nanadiego*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4852. 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 14. BOARD OF FORESTRY AND
FIRE PROTECTION**

“COASTAL COMMISSION SPECIAL
TREATMENT AREAS SILVICULTURE
AMENDMENTS, 2023”
DIVISION 1.5, CHAPTER 4,
SUBCHAPTERS 4 AND 6

NATURE OF PROCEEDING

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

PUBLIC HEARING

The Board will hold a public hearing on July 27, 2023, at its regularly scheduled meeting commencing at 9:00 a.m., at the Auditorium on the first floor, RM 1–302, of the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via GoToWebinar online meeting platform or telephone conferencing. To participate via GoToWebinar online meeting platform please email PublicComments@bof.ca.gov by 4:30 p.m. on July 26, 2023, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on at the conclusion of the public hearing on July 27, 2023.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, in-

cluding written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

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

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

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

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

(916) 653–0989

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

PublicComments@BOF.ca.gov

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

Authority cited: Sections 4551, 4553, and 4562, Public Resources Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**
(pursuant to GOV 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

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

In 1977 the California Coastal Commission designated specified “Coastal Commission Special Treatment Areas” for “identifiable and geographically

bounded forest areas that constitute a significant wildlife or plant habitat area, an area of special scenic significance, and any land where timber operations could adversely affect public recreation areas or the biological productivity of any wetland, estuary, or stream that is especially valuable because of its role in a coastal ecosystem". In 1979, the Board adopted regulation that specified different timberland management requirements within Coastal Commission Special Treatment Areas to preserve the natural and scenic resources responsible for an area's Special Treatment Area designation.

In the intervening decades the climate has grown warmer and drier, and forest fires have become larger and more destructive, even in coastal areas that previously did not experience high-intensity wildfires. In addition, several regulatory pathways have been introduced to combine timber harvest with additional ecological protections. There have also been advances in silviculture that increase the survival of seedlings in forest habitats.

The *problem* is that regulations concerning timber harvest in Coastal Commission Special Treatment Areas do not account for the changing climate and fire hazard levels, advances in silviculture, and new regulatory pathways that limit the environmental impacts of timber management.

The *purpose* of the proposed action is to update regulations to reflect existing regulatory standards based on best scientific knowledge and management approaches.

The *effect* of the proposed action is Forest Practice Rules for Coastal Commission Special Treatment Areas that conform to the existing framework for timber harvest while considering the natural and scenic resources that led to the designation of those areas as Special Treatment Areas.

The *benefit* of the proposed action is broader options for forest resiliency and management while still maintaining the ecological and aesthetic values that led to the designation of Coastal Commission Special Treatment Areas and consistency in application of the Forest Practice Rules.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to watercourse protection during timber operations within State regulations that met the same purpose as the proposed action. Based on this evaluation

and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

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

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

MANDATED BY FEDERAL LAW OR REGULATIONS

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

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

There are no comparable Federal regulations related to management plans for the harvesting of timber in Coastal Commission Special Treatment Areas. No existing Federal regulations meeting the same purpose as the proposed action were identified.

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

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

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

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

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

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

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

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

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

The proposed action will not result in costs to any State agency. The proposed action represents a con-

tinuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

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

The proposed action will not significantly affect housing costs.

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

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

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

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

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

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

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));

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

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

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

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

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

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

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

ALTERNATIVES INFORMATION

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected pri-

vate persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

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

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

The designated backup person in the event Ms. Van Susteren is not available is Andrew Lawhorn, Forestry Assistant II for the Board of Forestry and Fire Protection. Mr. Lawhorn may be contacted at the above address or phone.

AVAILABILITY STATEMENTS

(pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using *UNDERLINE* to indicate an addition to the California Code of Regulations and *STRIKETHROUGH* to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested

notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

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

INTERNET ACCESS

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

TITLE 16. DEPARTMENT OF CONSUMER AFFAIRS

PROFESSIONAL AND VOCATIONAL REGULATIONS DIVISION 1

CALIFORNIA BOARD OF ACCOUNTANCY

CPA EXAMINATION REVISIONS AND EARLY ENTRY

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under *Contact Person* in this Notice, must be received by the CBA at its office no later than **5:00 p.m. on Tuesday, July 11, 2023**, or must be received by the CBA at the hearing

should one be held. The CBA, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to the authority vested by sections 5010 and 5095 of the Business and Professions Code¹ (BPC) and to implement, interpret, or make specific sections 5081, 5082, 5082.1, 5082.2, 5093, 5093.5, 5094, and 5095 of the BPC, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations² (CCR), as described herein.

INFORMATIVE DIGEST

A. *Informative Digest*

The CBA is a board within the Department of Consumer Affairs (DCA) responsible for regulating the practice of public accounting in California. The CBA proposes to amend sections 6, 7.1, 8.2, 9.2, and 13 and add sections 7.3 and 9.3 to title 16 of the CCR relating to early entry for the Uniform Certified Public Accountant Examination (CPA Exam) and the transition to the new version of the CPA Exam that will use the CPA Evolution licensure model.

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

In addition to general cleanup amendments, the proposed rulemaking package addresses two topics: early entry to the CPA Exam and CPA Evolution exam changes.

Early Entry to the CPA Exam

Business and Professions Code (BPC) sections 5081, 5082, 5093 and 5093.5 outline various requirements for admission to sit for the CPA Exam, including the requirement that applicants for the CPA Exam must

complete specified educational requirements prior to taking the exam. BPC section 5093.5, which became effective on January 1, 2022, provides an exception to this requirement. Specifically, the exception allows applicants to sit for the CPA Exam prior to completion of the educational requirements (*i.e.*, early entry) if the following are met:

- The applicant is enrolled in a degree-granting university, college, or other institution of learning as defined in BPC section 5094.
- The applicant is within 180 days of completing their educational requirements.
- The applicant must submit satisfactory evidence to the CBA within 240 days of application submission that verifies completion of the educational requirements.

Currently, there are no regulations that address early entry to the CPA Exam.

At its July 21–22, 2022 meeting, the CBA discussed BPC section 5093.5 and the CBA directed staff to include the following in a future rulemaking package:

1. A Certificate of Enrollment (COE) documenting enrollment, degree conferral (or expected conferral date), and courses that are in progress.
2. Transcripts and/or foreign credential evaluations documenting completed coursework and degree conferral at the time of early entry application.
3. Revocation of exam credit for applicants who fail to submit satisfactory evidence within 240 days of application submission unless they can provide evidence substantiating a reason consistent with those outlined in CCR section 7.1.

CPA Evolution Examination Changes

The CPA Evolution initiative is a joint effort of the National Association of State Board of Accountancy (NASBA) and the American Institute for Certified Public Accountants (AICPA) aimed to transform the CPA licensure model in recognition of the rapidly changing skills and competencies the practice requires today, and will require in the future. The CPA Exam will be reconfigured in January 2024 to use the CPA Evolution licensure model that requires candidates to pass three core test sections that include Auditing and Attestation (AUD), Financial Accounting and Reporting (FAR), and Taxation and Regulation (REG). Additionally, each candidate must pass one of the three discipline sections: Business Analysis and Reporting (BAR), Information Systems and Controls (ISC), or Tax Compliance and Planning (TCP).

Exponential growth in new rules, concepts, and standards, along with changes in the roles and responsibilities of newly licensed CPAs, have caused the body of knowledge required of newly licensed CPAs to grow. The CPA Evolution licensure model establishes a foundation for the most important and relevant

¹ Unless otherwise specified, all sections refer to the Business and Professions Code.

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

topics that all newly licensed CPAs need to know to protect the public interest.

On June 30, 2022, the AICPA released an exposure draft: *Maintaining the Relevance of the Uniform CPA Examination – Aligning the Exam with the CPA Evolution Licensure Model* that included the draft Uniform CPA Exam Blueprints. The exposure draft and blueprints represent the findings and conclusions of the practice analysis conducted by the AICPA and defines the new structure and content of the DCPA Exam to be implemented in January 2024. Once the AICPA launches this new version of the CPA Exam, the current version of the exam will no longer be available for us by states.

Additionally, the CBA was notified that NASBA recommended a credit extension policy that would allow candidates with CPA Exam credit(s) on December 31, 2023 to have such credit(s) extended to June 30, 2025.

B. Policy Statement Overview/Anticipated Benefits of Proposal

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

The transition to the new version of the CPA Exam will transform the CPA licensure model to recognize the rapidly changing skills and competencies the practice of accounting requires today and will require in the future with a focus on the most important and relevant topics that all newly licensed CPAs need to know to protect the public interest. These changes are necessary given the current version of the test will no longer be available once the new version is launched by the AICPA.

Additionally, this will standardize the process used by an applicant who applies to sit for the CPA Exam early. By clarifying what must be submitted to document an applicant meets the requirements established by BPC 5093.5 for early entrance to the CPA Exam, the CBA anticipates that more early entry applicants will be able to satisfactorily provide evidence at time of application.

Lastly, the repeal of CCR, title 16, section 13 will improve clarity and understanding of the educational requirements for candidates. CCR, title 16, section 13 is applicable to a point in time when there were two pathways available to applicants to meet the education and experience requirements for examination and licensure. Repealing CCR, title 16, section 13 is necessary as BPC section 5092 that set forth Pathway 1 became inoperative on January 1, 2014 and there is currently only one pathway.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

The following document is currently incorporated by reference:

- Form COE-1 (New 7/2022) Certificate of Enrollment – Early Entry

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The CBA estimates one-time workload costs of \$3,242 to update language and programming to online systems and to update publications posted to the CBA website related to the passing of AB298 which allows exceptions for early entry to take the CPA exam and CPA Evolution which is a re-configuration of the Uniform CPA examination.

Any costs will be absorbable within existing resources.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Effect on Housing Cost: None.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete: The CBA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would not affect small businesses. This regulatory proposal impacts individuals seeking early entry for the CPA Exam and those effected by the transition to the new version of the CPA exam.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

BUSINESS REPORTING REQUIREMENTS

The regulatory action does not require businesses to file a report with the CBA.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

This regulatory proposal will allow the transformation of the CPA licensure model in recognition of the rapidly changing skills and competencies the practice requires today, and will require in the future. The CPA Exam will be reconfigured in January 2024 to use the CPA Evolution licensure model that requires candidates to pass three core test sections and one discipline test section. Once the AICPA launches this new version of the CPA Exam, the current version of the exam will no longer be available for use by states.

Additionally, this action will standardize the process used by an applicant who applies to sit for the CPA Exam early. By clarifying what must be submitted to document an applicant meets the requirements established by BPC 5093.5 for early entrance to the CPA Exam, the CBA anticipates that more early entry applicants will be able to satisfactorily provide evidence at time of application. For example, the certificate of enrollment form (COE) will provide proof of, and enable the CBA to identify, that an early entry applicant is enrolled in a degree-granting university, college, or other institution of learning and is within 180 days of completing the necessary educational requirements.

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

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

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Name: Eulalio Ortega
 Address: 2450 Venture Oaks Way, Suite 300
 Sacramento, CA 95833
 Telephone Number: 916-263-3680
 Fax Number: 916-263-3673
 E-Mail Address: Regulations@cba.ca.gov

The backup contact person is:

Name: Jennifer Jackson
Address: 2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone Number: 916-561-1763
Fax Number: 916-263-3673
E-Mail Address: Regulations@cba.ca.gov

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

DECISION NOT TO PROCEED

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

PURSUANT TO GOVERNMENT CODE
SECTION 11347

RE: NOTICE OF PROPOSED RULEMAKING
CONCERNING TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING
DOMAIN 14

Pursuant to Government Code section 11347, the Commission on Peace Officer Standards and Training (POST) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on April 14, 2023, Register 2023, Number 15-Z. The proposed rulemaking concerned Training and Testing Specification for Learning Domain 14. (OAL Notice Z-2023-0329-01.)

Any interested person with questions concerning this rulemaking should contact Law Enforcement Consultant Raymund Nanadiego at either (916) 214-8378 or by e-mail at: raymund.nanadiego@post.ca.gov.

The Commission will also post this Notice of Decision Not to Proceed on its website.

**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.

Department of Food and Agriculture
File # 2023-0329-02
Industrial Hemp

In this resubmitted certificate of compliance, the Department makes permanent its emergency regulations, which consolidate definitions in one section, establish requirements related to planting locations and movement of industrial hemp nursery stock, put in place procedures for corrective action plans, and set forth an appeals process to challenge a determination by the commissioner that a violation has occurred.

Title 03
Adopt: 4890, 4943, 4934, 4936, 4951, 4952
Amend: 4900, 4901, 4902, 4930, 4935, 4940, 4941, 4942, 4944, 4946, 4950, 4950.1
Filed 05/11/2023
Effective 05/11/2023
Agency Contact: Rachel Avila (916) 403-6813

Department of Fish and Wildlife
File # 2023-0508-01
Free Hunting Days

This emergency rulemaking action adopts a new regulation to specify the conditions and requirements for unlicensed hunters to participate in two free hunting days in California pursuant to Fish and Game Code section 3040.

Title 14
Adopt: 700.1
Filed 05/16/2023
Effective 07/01/2023
Agency Contact: Ona Alminas (916) 902-9222

California State University
File # 2023-0406-01
Holidays

This action by the Board of Trustees of the California State University-submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations-adds June 19 (Juneteenth) to the list of observed holidays. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05
Amend: 42920
Filed 05/16/2023
Effective 05/16/2023
Agency Contact: Jason Taylor (562) 951-4500

Department of Motor Vehicles
 File # 2023-0405-02
 Conflict-of-Interest Code

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

Title 13
 Amend: 1
 Filed 05/10/2023
 Effective 06/09/2023
 Agency Contact: Randi Calkins (916) 282-7294

Department of Social Services
 File # 2023-0503-02
 Conflict-of-Interest Code

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

Title 22
 Amend: 20000
 Filed 05/17/2023
 Effective 05/17/2023
 Agency Contact: Matthew Johnson (916) 657-1678

Department of Pesticide Regulation
 File # 2023-0404-02
 Groundwater Spelling

This non-substantive action by the Department of Pesticide Regulation amends 10 sections to update the spelling of the word "groundwater".

Title 03
 Amend: 6000, 6416, 6457, 6487.1, 6487.3, 6487.4, 6487.5, 6512, 6568, 6800
 Filed 05/15/2023
 Agency Contact: Lauren Otani (916) 445-5781

California Department of Tax and Fee Administration
 File # 2023-0328-01
 Registration, Reporting, and Reimbursement

This regular rulemaking action by the California Department of Tax and Fee Administration adopts requirements for counties to register and report revenue determinations resulting from the Limitation on Property Tax Increases on Primary Residences for Seniors, the Severely Disabled, Wildfire and Natural Disaster Victims, and Families to receive reimbursement for any negative gains from the County Revenue Protection Fund.

Title 18
 Adopt: 35401
 Filed 05/10/2023
 Effective 05/10/2023
 Agency Contact: Kim DeArte (916) 309-5227

California Gambling Control Commission
 File # 2023-0404-01
 Subpoenas

This action modifies existing regulations regarding subpoenas to clarify discovery-related procedures available to parties to a Gambling Control Act hearing.

Title 04
 Amend: 12014, 12052, 12060, 12118
 Filed 05/16/2023
 Effective 07/01/2023
 Agency Contact: Josh Rosenstein (916) 274-5823

California Horse Racing Board
 File # 2023-0329-01
 Training and Racing Soundness Exams

This action by the California Horse Racing Board (the Board) requires a horse that has not recorded a work or race in the past 90 days to be subject to a veterinary examination for training soundness and health and to require the trainer to submit to the regulatory veterinarian, prior to the examination, the veterinary treatment and training records for the previous 60 days. The action defines the term "regulatory veterinarian" and amends regulations for racing soundness examinations and veterinary records for horses shipping into an inclosure to race or to work for removal from the Veterinarian's List to ensure accurate clinical assessments, provide improved consistency within the Board's rules, and to conform with federal regulations.

Title 04
 Adopt: 1846.2, 1846.3
 Amend: 1420, 1846, 1846.1
 Filed 05/11/2023
 Effective 07/01/2023
 Agency Contact: Rick Pimentel (916) 263-6000

California Horse Racing Board
 File # 2023-0404-03
 Administration of Multiple Intra-articular Injections

In this rulemaking, the California Horse Racing Board (CHRB) requires that horses which have received three or more intra-articular joint injections in a sixty-day period be placed on the Veterinarian's List for a period of thirty days.

Title 04
Adopt: 1867.2
Filed 05/15/2023
Effective 07/01/2023
Agency Contact: Rick Pimentel (916) 263-6000

Title 22, MPP
Adopt: 83075.1, 84075.1
Amend: 83001, 84001
Filed 05/16/2023
Effective 07/01/2023
Agency Contact: Tyler Penn (916) 657-2363

Department of Social Services
File # 2023-0406-02
AB 819 Regulations for Small Family Homes and
Group Homes

In this regular rulemaking action, the California Department of Social Services adopts regulations to specify who at Small Family Homes and Group Homes may administer injection medications to foster children, or assist foster children in self-administering injection medication. The Department also amends Small Family Home and Group Home regulations to define the term “self-administer.”

**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.