



California Regulatory Notice Register

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Southern Humboldt Community Healthcare District
Special District Risk Management Authority
Superior California Economic Development District
STATE AGENCY: California Department of Human Resources

ADOPTION

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East Bay Community Energy Authority

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

- MULTI-COUNTY:** Laguna Irrigation District
 Southern Humboldt
 Community Healthcare District
 Special District Risk Management Authority
 Superior California Economic Development District
- STATE AGENCY:** California Department of Human Resources

ADOPTION

- MULTI-COUNTY:** California Statewide Automated Welfare System
 East Bay Community Energy Authority

A written comment period has been established commencing on June 2, 2023 and closing on July 17, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than July 17, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 323-9103.

TITLE 2. CALIFORNIA CONSERVATION CORPS

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Conservation Corps, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **June 2, 2023** and closing on **July 17, 2023**. All inquiries should be directed to the contact listed below.

The California Conservation Corps proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include:

Additions:

- *Associate Construction Analyst* – newly added classification from the Capital Outlay Unit.
- *Business Service Officer (BSO)* – this classification is always considered when hiring an Administrative Officer I (AOI). In the past, a BSO has been hired in place of an AOI.
- *Associate Governmental Program Analyst (AGPA) (Purchaser), Special Projects* – added to reflect the one AGPA position in the Special Projects Unit that conducts purchasing for the unit.
- *Information Technology Manager I* – revised to include all levels.

- *Staff Services Manager I (Business Services)* – revise to include all levels.

Deletions:

- *Energy Program Development Director* – classification no longer exists at the CCC.
- *Career Executive Assignment* –
 - Deputy Director – removed Energy as this classification no longer exists at the CCC.

Technical Changes:

- *Chief Deputy Director* – modify the title to reflect as Senior (Chief) Deputy Director.
- *Career Executive Assignment* –
 - Revise the title of Chief Admin Svs to Admin Services.
 - Revise the title Chief Lead Counsel to Lead Counsel.
- *Conservation Supervisor* – Revised Conservation Supervisor to Conservationist Supervisor.
- *Information Technology Supervisor II* – revised to include all levels.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **July 17, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **July 2, 2023**.

The **California Conservation Corps** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Ava Loe, COI Filing Officer, (916) 313-6598, Ava.Loe@ccc.ca.gov.

TITLE 2. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Human Resources pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on June 2, 2023 and closing on July 17, 2023. All inquiries should be directed to the contact listed below.

The Department of Human Resources proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include:

1. Added new Divisions;
2. Moved designated positions into their rightful new Divisions;
3. Added/Deleted/Renamed designation positions;
4. Amended categories in designated positions, and other technical changes (grammatical corrections).

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than July 17, 2023, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than July 2, 2023.

The Department of Human Resources has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Aicha Nakamura, CalHR Training Manager, (916) 445-9904, Aicha.Nakamura@CalHR.ca.gov.

TITLE 2. CALIFORNIA CULTURAL AND HISTORIC ENDOWMENT

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Cultural and Historical Endowment, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on June 2, 2023 and closing on July 17, 2023. All inquiries should be directed to the contact listed below.

The California Cultural and Historical Endowment, proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: Add new positions CEA, SSM I and AGPA which all participate in making governmental decisions on grant awards. The positions of Associate Parks and Rec Specialist and Associate Governmental Program Analyst are filled by CA Natural Resources employees, but act in a staff capacity for the Endowment and also makes other technical changes.

Information on the code amendment is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than July 17, 2023, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than July 2, 2023.

The California Cultural and Historical Endowment has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part

7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Becki Abrams, Grant Administrator, 916-902-6354 and becki.abrams@resources.ca.gov.

TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The Department of Alcoholic Beverage Control (ABC) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

ABC 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 authorized representative, may submit written comments relevant to the proposed regulatory action to ABC. The written comment period closes at 12 p.m. on July 18, 2023. ABC will consider only comments received at ABC Headquarters by that time. Submit comments to:

Law and Policy Unit
Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Comments may also be submitted by email to rpu@abc.ca.gov, please include "Boat Licenses" in the subject line of your email.

AUTHORITY AND REFERENCE

Authority: Sections 23320, 23321.6, 23321.7, and 25750, Business and Professions Code.

Reference: Sections 23397, 23800, 23985, 23986, 24040, and 25753 Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action is in response to a petition that ABC received from stakeholders requesting amendments to Rule 55.5. The petition was made specifically to address restrictions to the sale of alcohol with respect to the hours of operation of boats while docked. Additional amendments are included to comply with current rulemaking standards and clarify interactions of the regulation with further laws changing the privileges of other on-sale alcoholic beverage licenses and clarify noticing requirements in an application for these license types.

Summary of Existing Laws and Regulations

Current law authorizes ABC to issue alcoholic beverage licenses to a lessee or operator of a boat carrying passengers for hire under certain circumstances outlined in the ABC Act. Alcoholic beverages may be served only when the vessels are in the operation of transporting passengers with a limited exception immediately prior and after a voyage. Licensed vessels are currently authorized to sell alcohol to passengers and off duty employees one-half hour prior, during, and one-half hour after returning from scheduled trips. Alcohol is not permitted to be sold at any other time while the licensed boat is docked. Licensees may also designate yearly up to ten other docks in addition to their home port where they may exercise this privilege.

Additionally, the current regulation requires applicants for these licenses are to post notice of the intent to sell alcohol in specific and conspicuous locations both on the dock at the primary home port as well as on the vessel. Notice on the boat is not required if the boat is under construction or is being constructed.

Summary of Effect

The proposed regulations seek to accomplish two objectives. This regulation aims to address the concerns of the business that petitioned the ABC to promulgate new regulations to extend the hours of service for boats. This change creates consistency between boat license terms and other similar entertainment licenses. Additionally, this proposed regulation seeks to amend Rule 55.5 to clarify commonly used terms and make it consistent with current statutory and regulatory standards.

Comparable Federal Statute or Regulations

ABC has determined that this proposed regulation does not have a comparable federal statute or regulation.

Policy Statement Overview

The mission of ABC is to provide the highest level of service and public safety to the people of the State through licensing, education, and enforcement. This

proposed regulation supports the commitment that ABC has to its licensees by working to alleviate and end economic harms boat licensees faced during and after the COVID-19 Pandemic. This regulatory change is like other recent statutory changes the legislature has authorized to foster the recovery of on-sale licensees from the economic distress of the pandemic. By unifying the limitations on time before and after events for boats, theaters, and other entertainment venues, it simplifies enforcement and public understanding of all alcoholic beverage licensees while continuing to protect the public safety.

Benefits Anticipated

This proposed regulation may provide an economic benefit to ABC licensed businesses, and certainly the request was made to seek a better economic recovery for the boating industry post-pandemic. Implementing this regulation may provide benefits to the businesses that utilize alcohol licenses for boats and their passengers by increasing the time that passengers can enjoy alcoholic beverages. This would provide additional time for concession sales and could generate higher profits.

This regulation also benefits Californians and businesses by clarifying commonly used industry terms and specifying privileges of alcohol licenses for boats, there is an increase in openness and transparency of the law for Californians and business owners.

Determination of Inconsistency/Incompatibility with Existing State Regulations

ABC reviewed the existing state regulations and statutes currently enforced and has determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations.

Effect Upon Small Businesses in California

Although licensees are often small business owners, this proposed regulation will have negligible regulatory effect on them. In the wake of the Covid-19 pandemic, many businesses that rely on alcohol sales suffered greatly. It is anticipated that there may be a benefit of slightly greater income to small businesses that utilize alcohol licenses for boats providing for additional time for concessions including alcoholic beverages.

DISCLOSURES REGARDING THE PROPOSED ACTION

The ABC has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Costs or Savings to any state agency: None.
3. Cost to any local agency or school district that is required to be reimbursed by the state: None.

4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Cost impacts on housing costs: None.

DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The ABC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability to compete.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

ABC concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) that the proposal will not likely create additional jobs, (3) that the proposal will not likely create additional new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state, (6) unlikely that the proposal will impact worker safety.

ABC has determined that the proposed regulation has no effect upon the current health and welfare of California residents.

ABC has determined this proposed regulation will have no effect upon the environment.

Cost Impacts on Representative Person or Business

The ABC 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 Need to Require Report from Businesses

The proposed regulation does not require any reports from ABC licensees or any other business. It does require the keeping of records in compliance with the ABC Act to ensure the extended hours are not being abused and can be enforced and restricted by actual scheduled voyages.

CONSIDERATION OF ALTERNATIVES

ABC considered three main alternatives for the request by the industry for extended hours of alcoholic beverage sales and service. The most restrictive alternative excluded any extension of sales or service. This would restrict boats or vessels from extending the sales and service of alcohol from the current allowance, which is one-half hour before, during, and one-half hour after a scheduled voyage. While this option would simplify the execution of the regulation,

the industry has requested an exception to account for unexpected docking for inclement weather or other unforeseen causes. This restriction could potentially limit some economic growth in the industry, especially in an industry that was significantly harmed during the recent pandemic.

The second alternative considered by ABC would align the sales and service of alcohol with the current hours of service for certain theaters with performances. The period for sales and service of alcohol would be limited to two hours before departing, during, and one hour after returning to the designated commercial dock. These limitations are consistent with other entertainment venues allowed through the ABC Act.

The extended hours requested by the industry consisted of two hours prior to departing, during, and two hours following the scheduled return. This is an extra hour after an event that is not afforded to any other ABC licensee by either statute or regulation. ABC does not see any reason or necessity to give more time to the licenses under this regulation than to others established by the legislature.

ABC must determine that no reasonable alternative considered by the department, or may be 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 effected private persons, than the proposed action, or would be more cost-effective to effected private persons and equally effective in implementing the statutory policy or other provision of law. ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

AGENCY CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to the agency representative Robert de Ruyter, Assistant General Counsel, (916) 419-8958, (designated backup contact) Sarah Easter, Associate Governmental Program Analyst, Law and Policy Unit, (916) 823-1310 or via email at rpu@abc.ca.gov.

AVAILABILITY OF DOCUMENTS

The ABC prepared an Initial Statement of Reasons for the proposed action. Copies of the Initial Statement of Reasons, and the full text of the proposed regulations may be accessed on ABC's website listed below or may be obtained from the Law and Policy Unit, Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834, on or after *June 2, 2023*.

ABC staff has compiled a record for this rulemaking action, which includes all the information upon

which the proposal is based. This material is available for inspection upon request to the contact persons.

CHANGE TO THE PROPOSED FULL TEXT OF THE REGULATION ACTION

If there is any change to the proposed full text of the regulation action in a substantial, or sufficiently related way, it will be made available for comment for at least 15 days prior to the date on which the department adopts the resulting regulation.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested, from the department contact persons in this notice or may be accessed on ABC's website listed below.

INTERNET ACCESS

This notice, the Initial Statement of Reasons, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on ABC's website for this rulemaking at <https://www.abc.ca.gov/law-and-policy/regulations-rulemaking/>.

TITLE 10. DEPARTMENT OF CONSUMER AFFAIRS

PROFESSIONAL AND VOCATIONAL REGULATIONS CHAPTER 6.5

BUREAU OF REAL ESTATE APPRAISERS

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING: LICENSE REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (hereafter Bureau) 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 18, 2023**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 11313, 11314, 11327 and 11340 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 11340 and 11341, the Bureau is considering amending sections 3541 and 3568 of title 10 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau of Real Estate Appraisers (Bureau) issues licenses to applicants who meet the minimum requirements for licensure, which includes an experience requirement. For trainee licenses, these minimum requirements also include an educational requirement.

This regulatory proposal will allow a new path for licensees to meet part or all of their experience requirements. Currently, applicants must be trained by appraisers to gain the experience hours necessary to obtain a license. This new path will allow applicants to complete a Practical Applications of Real Estate Appraisal (PAREA) program approved by the Appraisal Qualifications Board (AQB) to satisfy part or all their experience requirement depending on the PAREA program completed and license level sought. A PAREA program is designed to offer practical experience in a simulated and controlled virtual environment. A PAREA program will include mentors and participants will demonstrate to their mentor that they have satisfied the training objectives. This new path will allow those interested in a Residential (AL) license or Certified Residential (AR) license without access to an appraiser outside of a PAREA program to gain the experience necessary to become a licensed appraiser.

This regulatory proposal will also reduce the educational requirement for trainee licenses from 150 hours to 75 hours. Currently, trainees complete the same education as residential (AL) license applicants. The Bureau believes this is not necessary for a trainee (AT) license. The minimum federal requirement is 75 hours

for a trainee license and the Bureau believes this is an appropriate level of education. Currently, trainees can upgrade to a residential license without completing additional education. While this is a common path, those upgrading to a certified general license will have taken residential courses that do not apply to the certified general license. This can discourage people from obtaining a trainee license as half of their educational hours will not apply to the certified general license. Another reason for this proposal is the Bureau seeks to reduce barriers for trainees licensed outside of California to become licensed in California. If the trainee comes from a state that adheres to the federal minimum education requirements, the applicant would need to complete 75 additional residential educational hours to obtain a trainee license in California. For these reasons, the Bureau seeks to reduce its trainee educational requirement from 150 hours to 75 hours.

Lastly, this regulatory proposal seeks to align the Bureau’s experience credit requirements for all license types with AQB Criteria (The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, January 2022, Page 43, section (F), Generic Experience Criteria) by allowing practicum courses to satisfy 100 percent of the non-client experience requirement for all license types by eliminating the language “no more than 50 percent of the total minimum experience requirement.”

Anticipated Benefits of Proposal

This regulatory proposal will allow those without access to appraisers outside of a PAREA program to become licensees and will encourage more individuals to apply for the AT license.

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state’s environment.

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 duplicative, inconsistent, nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

The Bureau has made the following initial determinations:

FISCAL IMPACT ESTIMATES

The proposed regulations are anticipated to increase licensing and enforcement workload and costs to the Bureau.

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

Licensing Costs: The Bureau estimates AT licensing costs ranging from \$40,176 to \$144,036 per year and up to \$1,068,040 over ten-year period.

The Bureau estimates AL and AR licensing costs ranging from \$11,160 to \$57,320 per year and up to \$342,400 over ten-year period.

Enforcement Costs: The Bureau anticipates additional enforcement-related costs to regulate the additional licensees. Based on historical data the Bureau estimates approximately 3 percent of licensees will have a complaint filed against them, which would result the number of enforcement-related cases ranging from 1 to 4 cases per year.

The Bureau notes, enforcement-related workload and costs typically take up to two or more years to materialize due to the complaint, investigation, and adjudication process. As a result, enforcement-related workload and costs are projected to begin no earlier than year three of implementation.

The Bureau estimates enforcement costs of \$18,000 per case, plus \$10,000 in Attorney General and \$5,000 Office of Administrative Hearings costs or total costs of \$33,000 per case, which would result in costs ranging from \$33,000 (1 case) to \$132,000 (4 cases) per year.

Revenues: The regulations are projected to increase initial and biennial renewal license fee revenues as follows:

Appraisal Trainee: Revenues are projected to range from \$33,480 to \$109,980 per year and up to \$835,900 over a ten-year period.

Residential Licensee & Certified Residential: Revenues are projected to range from \$10,200 to \$50,200 per year and up to \$302,000 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 affecting business, including the ability of California businesses to compete with businesses in other states.

The appraiser regulatory program is under a national umbrella, so adopting the AQB criteria for trainee education requirements is conforming to a national standard that does not disadvantage the Bureau. As to adopting PAREA, it is an additional pathway/option for licensure that other states may or may not adopt.

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, other than the creation of jobs for individuals who may not otherwise qualify to be a licensee under the current license requirements.

Benefits to the health and welfare of California residents

The regulatory proposal benefits the health and welfare of California residents because it adds a new pathway to licensure and aligns California regulations with the federal minimum requirements. This proposal will create new appraisers to serve the residents of California.

The regulatory proposal benefits do not affect worker safety because it addresses licensing requirement and does not address worker safety.

The regulatory proposal benefits do not affect the state's environment because it addresses licensing requirement and does not address worker safety.

Business Reporting Requirements

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

Effect on Small Business

The amendments are intended to reduce barriers to licensure and anticipated to increase the number of initial trainee (AT), licensed residential (AL) and certified residential (AR) applicants per year. As a result, the proposed regulations will help to improve individual professional opportunities by increasing the AT, AL, and AR licensee populations.

Cost Impact on Representative Private Person or Business

The Bureau estimates the proposed regulations will increase license applications and result in economic impacts as follows:

Appraisal Trainee: The regulations are estimated to result in an increase of 116 Appraisal Trainee (AT) applications in year-one of implementation and 36 annually thereafter. Applicants will be required to pay initial license fees of \$930 and biennial renewal fees of \$850, plus continuing education fees of \$658 (28 hours @ \$23.50) biennially, which would result in costs ranging from approximately \$33,480 to \$169,200 per year and up to \$1,163,200 over a ten-year period.

Residential Licensee & Certified Residential: The regulations are estimated to result in an increase of four Residential Licenses (AL) and six Certified Residential (AR) applications per year. Applicants will be required to pay initial license fees of \$1,035 (AL) and \$1,010 (AR) and biennial renewal fees of \$955 (AL) and \$1,050 (AR), plus continuing education fees of \$658 (28 hours @ \$23.50) biennially, which would result in costs ranging from approximately \$10,200 to \$76,520 per year and up to \$433,600 over a ten-year period.

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.

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 (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

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 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, 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 the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Bureau's website at <https://www.brea.ca.gov/html/Rulemaking.html>.

**TITLE 10. DEPARTMENT OF
INSURANCE**

**MEDICARE SUPPLEMENT NEW OR
INNOVATIVE BENEFITS
REG-2022-00011**

SUBJECT OF PROPOSED RULEMAKING

Notice is given that California Insurance Commissioner Ricardo Lara proposes to add Title 10, Chapter 5, Subchapter 2, Article 1.6, section 2220.59 (“Notice of New or Innovative Benefits”), pursuant to the authority granted by Insurance Code section 10192.91 after considering any comments from the public.

PUBLIC HEARING

At this time, no public hearing is scheduled concerning the proposed regulations. However, any person, or the person’s duly authorized representative, may request a public hearing pursuant to Government Code section 11346.8; such request for public hearing must be made *no later than 15 days prior to the close to the written comment period.*

**PRESENTATION OF WRITTEN
COMMENTS; CONTACT PERSON**

All persons are invited to submit written comments on the proposed regulations during the public comment period. The last day of the public comment period shall be July 18, 2023. Please direct all written comments to the following contact person:

Lucas Young, Attorney
California Department of Insurance
1901 Harrison Street, 6th Floor
Oakland, CA 94612
Telephone: (415) 538-4352
Email: lucas.young@insurance.ca.gov

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

Ethan Lavelle, Attorney III
California Department of Insurance
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3648
Email: ethan.lavelle@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above by the end of July 18, 2023. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL

The Commissioner will accept written comments transmitted by email, provided they are sent to the following email address: lucas.young@insurance.ca.gov.

Comments sent to other e-mail addresses will not be accepted. Comments sent by e-mail are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The Commissioner proposes to add Title 10, Chapter 5, Subchapter 2, Article 1.6, section 2220.59 pursuant to the authority granted by Insurance Code section 10192.91.

The proposed adoption will implement, interpret, and make specific the provisions of Insurance Code section 10192.91.

INFORMATIVE DIGEST

Summary of Existing Law

Insurance Code section 10192.91(f)(1) allows an issuer of Medicare Supplement insurance (“issuer”) to offer plans with new or innovative benefits in addition to standardized Medicare Supplement benefits. Pursuant to Insurance Code section 10192.91(f)(1), new or innovative benefits shall include only benefits that are appropriate to Medicare supplement insurance, are new or innovative, are not otherwise available, and are cost-effective, but shall exclude an outpatient prescription drug benefit.

Insurance Code section 10192.91(f)(2) states that in the interest of full and fair disclosure, and to ensure the availability of necessary consumer information to current and prospective policyholders and certificate holders, the Department shall collaborate with the Department of Managed Health Care, consumer group representatives, and issuers to develop and implement policies and procedures, as necessary, including the development and dissemination of information and

material about any new or innovative benefits approved for sale.

Pursuant to this mandate and the authority provided in Insurance Code section 10192.91(f)(3), the Department issued a guidance on June 30, 2020. The guidance included a standardized Notice of New or Innovative Benefits that an issuer must complete and provide to current and prospective policyholders and certificate holders to inform them of the issuer's Medicare Supplement plans with new or innovative benefits and of the new or innovative benefits covered under those plans. The guidance required a Notice of New or Innovative Benefits to contain specified information, including descriptions of all new or innovative benefits covered under a plan, any limitations that apply to those benefits, out-of-pocket costs for each new or innovative benefit, and the annual premium applicable to the new or innovative benefits. The guidance also required issuers to attach the Notice of New or Innovative Benefits to the annual notice of open enrollment that is sent to current policyholders and certificate holders of any of the issuer's Medicare Supplement plans. Finally, the guidance required issuers to provide the Notice of New or Innovative Benefits to a prospective policyholder or certificate holder at any time an application for Medicare Supplement is presented to that person. Pursuant to Insurance Code section 10192.91(f)(3), the guidance expired on December 31, 2022.

Effect of Proposed Action

The requirements of the proposed regulations are similar to the requirements of the guidance which expired on December 31, 2022. The Department seeks to adopt the proposed regulations to ensure that consumers continue to benefit from the receipt of information about Medicare Supplement plans with new or innovative benefits.

Although they are similar, the proposed regulations improve upon the guidance. Where the proposed regulations provide identical requirements to the guidance, the proposed regulations use more precise language to improve clarity. Also, the proposed regulations provide different requirements than the guidance in some ways. For example, the guidance required a Notice of New or Innovative Benefits to include the issuer's contact information but did not specify the types of contact information that must be included. The proposed regulations specify that a Notice of New or Innovative Benefits must include, at a minimum, the issuer's mailing address and telephone number. This change provides clarity and ensures that all Notices of New or Innovative Benefits include common forms of contact information. Another example is the format of the table within the Notice of New of Innovative benefits that lists each new or innovative benefit and the out-of-pocket cost for each benefit. The guidance required

that the table include separate columns displaying the out-of-pocket costs for in-network and out-of-network benefits regardless of whether the plan utilizes a network of providers. The proposed regulations differ from the guidance by requiring issuers to remove a column when it is necessary to accurately represent a plan that does not use a network of providers.

Comparable Federal Law

After evaluation of current federal regulations and statutes, the Department has determined that there are no existing comparable federal regulations or statutes.

Policy Statement Overview

The broad objectives of the proposed regulations are to ensure that current and prospective policyholders and certificate holders of Medicare Supplement insurance are notified of the existence of, and details concerning, plans with new or innovative benefits so that they may make informed decisions about which Medicare Supplement plans are right for them. The anticipated benefits of the proposed regulations are:

- Enhancing openness and transparency by providing consumers necessary information that details new or innovative benefits included in Medicare Supplement insurance plans offered by health insurance companies.
- Promoting openness and transparency by facilitating side-by-side comparisons by consumers among Medicare Supplement plans with respect to new or innovative benefits offered.
- Protecting the public health by making it easier for consumers to know what health benefits are available so that they may enroll in plans that best meet their health care needs.
- Promoting fairness for individuals considering new or innovative treatments by requiring insurers to detail out-of-pocket cost information.
- Promoting openness and transparency by detailing the extra premium cost of insurance due to the policy providing new or innovative benefits.
- Fostering competition among disability insurers, and health care service plans, that offer or provide Medicare Supplement plans that include new or innovative benefits, and/or stand-alone disability insurance products, by requiring insurers to state the total premium for such Medicare Supplement plans and detail the additional out-of-pocket costs relating to each new or innovative benefit.

Consistency or Compatibility with Existing State Regulations

The Department has conducted an evaluation of existing law and determined that the proposed regulations are not inconsistent or incompatible with any existing state regulations.

OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue, and determined that there were no such requirements.

LOCAL MANDATE

The Department has determined that the proposed regulation will not impose a mandate on a local agency or school district that requires reimbursement pursuant to Government Code section 17500 et seq.

FISCAL IMPACT

There is no anticipated fiscal impact on the Department, and there are no costs or savings to any other State agencies. There is no cost to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement. There are no other non-discretionary costs or savings to local agencies, nor do the regulations impose a cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The only type of business that would be directly affected is health insurance companies. The proposed regulations require certain insurance companies to use a standardized notice to inform consumers about Medicare Supplement plans with new or innovative benefits. The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit additional proposals. Submissions may include the following considerations:

- (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (2) Consolidation or simplification of compliance and reporting requirements for businesses.
- (3) The use of performance standards rather than prescriptive standards.
- (4) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

Reasonable compliance with the proposed regulations requires a representative health insurer to provide specified notices to consumers. Such communications from the insurer are assumed to occur through U.S. mail, and it is assumed that the insurer would include the notices with other required mailings. The proposed regulations are expected to require one impacted insurer to mail up to 82,200 notices, annually. The Department is unable to determine how the inclusion of these notices will impact the bulk postage costs of existing insurer mailings. As a proxy, the following cost estimate assumes that the increase in postage due to the proposed regulation will not exceed the cost of standard First-Class Mail delivery. As a result, the Department estimates that reasonable compliance with the proposed regulations will result in a direct cost to a representative health insurer of no more than \$49,300 (82,200 x \$0.60), annually.¹

BUSINESS REPORT

The Commissioner has found that it is necessary for the health and welfare of the people of the state that the regulation applies to business.

STATEMENT OF RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Economic Impact on Jobs, Businesses, and the State Economy

The Department evaluated the potential changes in economic variables, including output and employment, which could result from the proposed regulation. Employment and total output effects were assessed using the Regional Input-Output Modeling System (RIMS II) multipliers.² The RIMS multipliers are used to es-

¹ United States Postal Service lists the price of mailing a first-class letter as \$0.60. <https://www.usps.com/ship/first-class-mail.htm>. Accessed August 4, 2022.

² U.S. Department of Commerce, Bureau of Economic Analysis: Table 1.5 Regional Input-Output Modeling System (RIMS II) Multipliers (2012/2020). RIMS II multipliers calculate how changes in economic activity result in new rounds of spending. For example, building a new road requires increased production of asphalt and concrete, causing an increase in mining. Workers who benefit from increased hours will spend more, perhaps by eating out or seeing a movie. RIMS multipliers estimate that a new \$1 million road creates 8.6 new jobs and increases total output by \$1.9 million. Similarly, a decrease in initial economic activity will lead to a decrease in jobs and total output.

timate the economic impacts resulting from changes to demand and work best as a modeling tool during periods of economic stability. The RIMS model is dependent on assumptions that predict how households and businesses will react to economic stimuli. The impact of major events that cause supply shocks to the economy are not modeled by RIMS, and may result in changes to the initial demand assumptions.

Creation or Elimination of Jobs within the State

The job impact estimates are based on aggregated data presented as full-time equivalents, not necessarily full-time jobs. Insurers are expected to incur additional expenses related to the requirement that they continue providing consumers the *Notice of New or Innovative Benefits*. The job impacts for insurers were calculated using the RIMS II multipliers for insurance carriers. The RIMS II employment multiplier for Insurance carriers, except direct life insurance is 7.1279. This is a ratio of 7.1279 jobs lost throughout California for every one million dollars in added costs. The ratio multiplied by the estimated total direct cost of the regulation (\$49,300), equals the projected number of jobs lost, which is 0.3 (7.1279 x \$0.049 million).

The proposed regulation is expected to have a minimal effect on total statewide employment. According to the Department of Finance, the projected total nonfarm employment for 2024 is nearly 18.1 million in California.³ When dividing the projected number of jobs lost by the projected number of people employed in nonfarm jobs in California, the result is that the proposed regulations would not affect even one hundred-thousandth of a percent of the projected total nonfarm employment in California (0.3 / 18,095,259 = 0.000002%).

Creation of New Businesses or the Elimination of Existing Businesses, and the Expansion of Businesses

To address Government Code sections 11346.3(b)(1)(B) and (C) and determine the effect of the proposed regulation on the creation of new businesses, the elimination of existing businesses, and the expansion of businesses within the state, the Department uses a broad approach. Factors affecting the creation, elimination, and expansion of businesses are intertwined and very similar, so they are analyzed together.

The Department calculated the effect of the regulation on California’s economic output. Output measures the total market value, including the value of all intermediary goods and services, used in the production of a final good or service. The RIMS II multiplier for output of 1.9410 represents a \$1.94 million total eco-

nomical impact (accounting for all direct, indirect, and induced costs/benefits) for every one million dollars of direct impact on insurers. Multiplying the direct cost of the regulation by the RIMS II output multiplier results in an estimated loss to economic output of up to \$95,100 (1.9410 x \$0.049 million).

The calculated impact on total output represents a very small share of California’s total economic output. This suggests that the regulation will have very little impact on insurers and the California economy as a whole. The regulation is not likely to lead to a measurable impact on the creation or elimination of existing businesses, or the ability of existing businesses to expand.

Health and Welfare Effects, the Impact on Worker Safety and Environmental Effects

The Department also assessed whether, and to what extent, the proposed regulation might affect the other criteria set forth in Government Code section 11346.3(b)(1)(D).

Worker Safety and Environmental Effects

Compliance with the proposed regulation does not change the job responsibilities of employees in the affected industries in a way that would impact their safety. Thus, the proposed regulation will neither increase nor decrease worker safety. The Department also concludes that there will be no measurable effect on the state’s environment.

Health and Welfare Effects

Adoption of the proposed regulations is expected to result in a benefit to the health and welfare of Californians by providing consumers information in a clear and transparent format. This detailed information makes it easier for consumers to know what health benefits are available and will help individuals enroll in plans that best meet their health care needs.

IMPACT ON SMALL BUSINESS

The Department has determined the proposed action will not affect small business because the regulations apply only to the conduct of insurers doing business in California, and pursuant to Government Code section 11342.610(b)(2), an insurer by definition is not a small business.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed regulation will not have a significant effect on housing costs.

ALTERNATIVES STATEMENT

The Department must determine that no reasonable alternative considered by the Department or that has

³ California Department of Finance. <http://dof.ca.gov/forecasting/Economics/economic-forecasts-u-s-and-california/> California Labor Force and Employment May Revise 2022–23. Accessed June 14, 2022.

otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this 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 underlying Insurance Code section 10192.91.

**AVAILABILITY OF EXPRESS TERMS
(TEXT OF REGULATIONS), INITIAL
STATEMENT OF REASONS, AND
RULEMAKING FILE**

The Department will make the express terms of the proposed adoption available to the public for inspection and copying on request to the contact person listed above and on its public website.

The Department has prepared an Initial Statement of Reasons that describes the reasons for the proposed adoption. The Initial Statement of Reasons will be made available for inspection and copying on request to the contact person listed above and on the Department's public website.

The file for this proceeding, which includes a copy of the proposed text of regulation, the Initial Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including reports, documentation, and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 300 Capitol Mall, 16th Floor, Sacramento, CA 95814, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Please direct appointment requests to the contact person listed above.

MODIFIED TEXT

If the Department adopts a regulation that differs from the one that has originally been made available but is sufficiently related to the original proposed adoption, the full text of the amended regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulation. Interested persons should request a copy of the amended regulation from the contact person listed above.

AUTOMATIC MAILING

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed adoption) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemakings.

FINAL STATEMENT OF REASONS

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person listed above.

INTERNET ACCESS

Documents concerning proposed regulation, including the proposed text of regulation and Initial Statement of Reasons, and are available on the Department's website at the following link: <https://legaldocs.insurance.ca.gov/publicdocs/RegulationList>.

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

**TRACTOR OPERATIONS AND CABLE
YARDING AMENDMENTS, 2023**

NATURE OF PROCEEDING

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

PUBLIC HEARING

The Board will hold a public hearing on July 26, 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 the online meeting platform or telephone conferencing. To participate via the 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 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, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 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 delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

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

Authority cited: Sections 4551, 4551.5 and 4553, 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...” and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

Furthermore, PRC § 4551.5 requires that these regulations adopted by the Board “...apply to the conduct of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, for water quality and watershed control, for flood control, for stocking, for protection against timber operations that unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease...”.

Prior to the 2020 amendment of 14 CCR §§ 914.3(e) [934.3(e), 954.3(e)], the RPF could propose an exception to the prohibition of the use of tractors in Cable Yarding areas under limited, specific circumstances, including areas of insufficient deflection and “long corners” where cable equipment could not reach. The 2020 amendment provided for Tractor Operations in Cable Yarding areas on slopes up to 50% without accounting for any of the specific conditions identified in the prior rule.

The *problem* that this proposed rulemaking aims to address is that the current regulations do not provide the RPF the ability to propose an exception to the limitation of tractor operations to 50% slope on areas designated for Cable Yarding. Further, the 2020 change in the rules has created the perception that the regulated public can no longer describe a “Cat–Cable Yarding Option” in Plans where there is uncertainty about the timely availability of cable or tractor operators, and either method is “pre–approved” as long as the operational constraints applicable to each are adhered to.

The *purpose* of the proposed action is to re–establish the ability for the RPF to propose an exception that would allow for tractor operations in Cable Yarding areas on slopes greater than 50% where necessary to meet the objectives of 14 CCR §§ 914 [934, 954]. It seeks to establish a clear and comprehensive set of rules for the use of tractor yarding in cable areas, removing any ambiguity or confusion that may have existed previously. This would enable RPFs to propose exceptions to the limits of Tractor Operations where necessary licensed operators to carry out their activities in a more streamlined and efficient manner, while also ensuring that the relevant environmental requirements and safety considerations are met.

The *effect* of the proposed action will be to provide simplicity and guidance for the implementation and

enforcement of regulations governing cable and Tractor Operations in logging activities. By establishing clear and inclusive guidelines, the regulatory framework will ensure that licensed operators are aware of the permissible practices for conducting Tractor Operations in cable areas.

This increased precision will contribute to more effective, safe, and efficient logging practices, benefiting the forest products industry, forestry professionals, and the environment. The established guidelines will help RPFs make informed decisions regarding the selection of appropriate harvesting methods and ensure that Licensed Timber Operators are following regulatory requirements. This, in turn, will reduce confusion and promote a more consistent approach to harvesting practices.

The *benefit* of the proposed action is to improve regulatory clarity related to the use of tractors in areas designated for Cable Yarding. This increased clarity will result in better worker safety, particularly in areas where traditional cable operations are particularly dangerous due to challenging terrain or other obstacles that make access difficult.

In addition, the increased regulatory clarity resulting from the proposed action will benefit forestry professionals and other stakeholders. It will enable them to better understand the rules and regulations related to tractor and cable operations, and to operate within a consistent and transparent regulatory framework. This will promote better communication, cooperation, and coordination among licensed operators and regulatory authorities, resulting in more effective and efficient forest management practices.

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 the use of cable yarding in 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 1, 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 the definition of “ford” as pertains to timber harvesting. No existing Federal regulations meeting the same purpose as the proposed action were identified.

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

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

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

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

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

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

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

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

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

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

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

The proposed action will not significantly affect housing costs.

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

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

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

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

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

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

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will result in increased clarity concerning the use of tractor and cable operations. The use of more precise equipment in such areas will help to minimize environmental damage and ensure compliance with relevant regulations. The proposed

action will not affect the health and welfare of California residents or worker safety.

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

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

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

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

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

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

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

ALTERNATIVES INFORMATION

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

CONTACT PERSON

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

Board of Forestry and Fire Protection
Attention: Andrew Lawhorn
Regulations Program
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 619–9795

The designated backup person in the event Mr. Lawhorn is not available is Jane Van Susteren, Regulations Coordinator for the Board of Forestry and Fire Protection. Ms. Van Susteren 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 14. BOARD OF FORESTRY AND FIRE PROTECTION

“MAXIMUM SUSTAINED PRODUCTION AMENDMENTS, 2023”

NATURE OF PROCEEDING

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

PUBLIC HEARING

The Board will hold a public hearing on July 26, 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 the online meeting platform or telephone conferencing. To participate via the online meeting platform please email PublicComments@bof.ca.gov by 4:30 p.m. on July 25, 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 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, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attention: Andrew Lawhorn
 Regulations Program
 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 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 and 4554.5, 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 describes the mechanism through which forest policy is implemented through the authorization of the Board of Forestry and Fire Protection (Board) to “...adopt district forest practice rules and regulations for each district in accordance with the policies

set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.” PRC § 4553 requires the Board to continuously review those rules in consultation with other interests and make appropriate revisions.

PRC § 4513 clarifies that “It is the intent of the Legislature to create and maintain an effective and comprehensive system of regulation and use of all Timberlands so as to ensure both of the following: (a) Where feasible, the productivity of Timberlands is restored, enhanced, and maintained. (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.”

Current regulation in the Forest Practice Rules accounts for possible constraints to timber production due to consideration of other forest values such as “recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment and aesthetic enjoyment” (as listed in §§ 913.11(a)(1), 933.11(a)(1), 953.11(a)(1)) but does not account for constraints to production that result from fire protection activities or the impacts to production from fire damage or fire risk.

Over the last several years, large-scale wildfire has become common, with 14 of the 20 largest wildfires in recorded state history occurring within the last decade. Increases in the size and severity of wildfires have caused widespread forest damage, impacting timber production due to immediate damage and long-term impacts on forest growth. Current regulatory requirements for maximizing forest production of high quality timber products do not account for the increasingly common impacts of catastrophic wildfire on forests. The existing regulatory definitions of maximum sustained production also do not include provisions for fire protection actions such as a linear fuelbreak along a transportation corridor. These fire protection measure may reduce long-term timber yield within the fuelbreak, but that feature will lessen the risk of wildfire impacts on the adjacent timberlands.

The *problem* is current regulations related to maximum sustained production of high quality timber products do not address the changing climate and increased risk of wildfire which cause widespread forest damage.

The *purpose* of the proposed action is to specifically address fire protection and fire risk as factors affecting the production of timber products.

The *effect* of the proposed action is to allow for consideration of fire risk and fire protection when determining methods for maximum sustained production of high quality timber products.

The *benefit* of the proposed action is it allows timberland owners to account for fire risk and increase fire protection without conflicting with the goal of maximum sustained production of high quality timber products.

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 the use of fords in 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 1, 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 the definition of “ford” as pertains to timber harvesting. No existing Federal regulations meeting the same purpose as the proposed action were identified.

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

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

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

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

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

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

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

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

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

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

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

The proposed action will not significantly affect housing costs.

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

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

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

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

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

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

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will result in access to management options for landscape-level wildfire hazard mitigation. It allows for forest management that leads to lower-intensity wildfire, which will provide for protection of wildlife and plant habitats from high-intensity wildfire, improving environmental outcomes. It provides for worker safety for those workers who work in forests and fight wildfires, as well as potentially limiting wildfire smoke impacts to the health of California residents.

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 nec-

essarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

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

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

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

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

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

ALTERNATIVES INFORMATION

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

CONTACT PERSON

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

Board of Forestry and Fire Protection
Attention: Andrew Lawhorn
Regulations Program
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 619-9795

The designated backup person in the event Mr. Lawhorn is not available is Jane Van Susteren, Regulations Coordinator for the Board of Forestry and Fire

Protection. Ms. Van Susteren 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 14. BOARD OF FORESTRY AND FIRE PROTECTION

FORD DEFINITION AMENDMENT, 2023
DIVISION 1.5, CHAPTER 4, SUBCHAPTER 1

NATURE OF PROCEEDING

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

PUBLIC HEARING

The Board will hold a public hearing on July 26, 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 the online meeting platform or telephone conferencing. To participate via the 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 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, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title

of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 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 delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

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

Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7 and 4591.1, 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.

The North Coast Regional Water Quality Control Board responded to the Board’s 2022 call for Regulatory Review with a request for greater clarity on the definition of the word “ford”, as the ambiguity of the current definition leads to confusion in the plan review process. The current definition includes any circumstance where the road grade passes through a watercourse channel, including crossings where the road passes through a native watercourse channel, crossings where the roadway is reinforced by rock,

and crossings where low water flow passes through a structure below the road while high water flow passes over the road. Some of the allowed forms of construction result in the placement of fill into the watercourse, while others rely on the native surface.

The **problem** is that the current definition of “ford” lacks regulatory clarity as to the specific type of watercourse crossing in plans, because different types of ford have different levels of impact on watercourses.

The **purpose** of the proposed action is to provide sub-definitions for “ford” to promote clarity as to the type of watercourse crossing in plans.

The **effect** of the proposed action is to provide common vocabulary describing the crossing types that fall under the definition for “ford”.

The **benefit** of the proposed action is a more efficient and effective regulatory scheme.

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 the use of fords in 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 1, 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 the definition of “ford” as pertains to timber harvesting. No existing Federal regulations meeting the same purpose as the proposed action were identified.

OTHER STATUTORY REQUIREMENTS

(pursuant to GOV § 11346.5(a)(4))

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

LOCAL MANDATE

(pursuant to GOV § 11346.5(a)(5))

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

FISCAL IMPACT

(pursuant to GOV § 11346.5(a)(6))

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

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

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

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

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

HOUSING COSTS

(pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

(pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

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

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

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

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will improve clarity in the enforcement of the Forest Practice Rules. The proposed action will not affect the environment of the state, health and welfare of California residents or worker safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV § 11346.5(a)(9))

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

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

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

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

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

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

ALTERNATIVES INFORMATION

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

CONTACT PERSON

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

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

The designated backup person in the event Ms. Van Susteren is not available is 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 14. CALIFORNIA COASTAL COMMISSION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Coastal Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on June 2, 2023 and closing on July 17, 2023. All inquiries should be directed to the contact listed below.

The California Coastal Commission proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: updating designated positions for the current organization, updating the disclosure categories according to FPPC direction, and technical changes.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than July 17, 2023, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than July 2, 2023.

The California Coastal Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Robin Mayer, Senior Attorney, Cali-

fornia Coastal Commission, Robin.Mayer@coastal.ca.gov or (415) 904-5220.

TITLE 14. NATURAL RESOURCES AGENCY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Natural Resources Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing **Friday, June 2, 2023** and closing on **Friday, July 21, 2023**. All inquiries should be directed to the contact listed below.

The California Natural Resources Agency proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code primarily include renaming positions in code in accordance with changes that were already made at the California Natural Resources Agency and adding newly created positions to the code. While other technical changes are made, the disclosure categories did not change for any positions that were already included in the conflict-of-interest code and no existing positions that were not already in conflict-of-interest code were added.

Information on the code amendment is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **Friday, July 21, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **Thursday, July 6, 2023**.

The California Natural Resources Agency has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Heather Leslie, Assistant General Counsel, heather.leslie@resources.ca.gov, 916-695-0034.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 265, 331, 332 and 1050 of the Fish and Game Code and to implement, interpret or make specific sections 200, 203, 203.1, 265, 331, 332, 713, 1050, 1055, 1055.1, 1570, 1571, 1572, 1573, 1745, 3682.1, 3950, 3951, 4302, 4330, 4331, 4332, 4333, 4336, 4340, 4341, 4652, 4653, 4654, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 10500 and 10502 of said Code, proposes to amend sections 702 and 715, Title 14, California Code of Regulations (CCR), relating to special hunt permit issuance and drawings in the automated license data system.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The amendments to Section 715, Title 14, CCR, are designed to facilitate the implementation of the goals and strategies outlined by the California Department of Fish and Wildlife’s (Department) Recruitment, Retention and Reactivation (R3) Action Program and the R3 Action Plan and R3 Implementation Strategy. The R3 Program focuses on reversing the decline and reducing barriers associated with hunting, fishing, foraging and shooting sports participation.

Among the goals found in the R3 Implementation Strategy are to improve marketing and outreach activities that support outdoor pursuits, and the creation and integration of electronic resources to aid the public in accessing those outdoor pursuits. In part, the Department’s R3 strategy highlights a need for the establishment of a better system to provide uniquely tailored hunting opportunities and social support to new adult and junior (under age 16) hunters, disabled/mobility impaired hunters, and military veteran hunters. Bringing new hunters into the field is essential to developing their experience and confidence, thus the Department’s facilitation of these special hunt mentorship opportunities is key to securing a future for recreational hunting in California.

Presently, the Department provides special hunting opportunities according to the Policy and Definitions for Upland Game Bird Apprentice Hunts. In accordance with the policy, and since 2011, the Department has offered new and junior hunters opportunities through the Special and Apprentice Hunts Online Registration System (SAHORS) accessible only through the Department’s website. There are substantial limitations for available hunts due to the outdated SAHORS system. The current provisions of Section 715 are limited to upland wild bird hunts, and do not include other hunting opportunities offered by the Department. Section 715 does not provide additional opportunity to new, disabled, or veteran hunters.

Subsection 702(c)(1)(X) specifies the Upland Game Bird Special Hunt Drawing Application Fee.

The new provisions of Section 715 change the Special Hunt Draws to the Automated License Data System (ALDS) which can store, query and reference customer data to provide a more tailored electronic resource for the public as well as provide the data integration and management necessary for the Department to assess the implementation of current strategies outlined in the R3 Implementation Strategy. ALDS is capable of adding new functionality to accommodate these special hunt opportunities. This will result in improved efficiency of permit application and issuance for the public. ALDS provides greater equity and transparency to the process of permit issuance and drawings. ALDS also has significant IT support within the Department.

Accessing drawing opportunities in ALDS is much more straight-forward for new hunters since all hunters must use this system to purchase licenses and validations and to apply for tags and other draws. ALDS is continuously updated to recognize a new hunter’s eligibility for hunt groupings based on the upload of a recent California Hunter Education Certificate to that graduate’s ALDS profile. Facilitation in ALDS is expected to increase application rates for these opportunities. This was observed when spring turkey hunts were moved from SAHORS to ALDS. Therefore, this move would support the Department’s R3 Plan by providing information on the activity status of new hunters through time, something the Department needs in order to assess whether these hunting opportunities have an impact on retaining new hunters.

The Department recommends the following changes to sections 702 and 715, Title 14, CCR:

702(c)(1)(X) The Upland Game Bird Special Hunt Drawing Application fee will be renamed the Special Hunt Permit Application and will be increased to \$2.50.

715(a) will define terminology and provide opportunities for new hunters, apprentice hunters, mobility impaired/disabled hunters and veterans.

715(b) will enable the use of ALDS for special applications and the equitable distribution of available permits.

715(c) will set forth the issuance procedures for additional method “Issued Upon Request.”

715(d) will provide procedures for “Draw–By–Choice.”

715(e) will provide procedures for “Draw–By–Hunt.”

715(f) will provide an easy method for successful applicants to access drawing results online through ALDS.

Benefits of the regulations:

The benefits of the proposed regulations are improved access to hunting opportunities for new and apprentice hunters, mobility impaired/disabled hunters and veterans. This is in accord with the goals of the Department and the Commission.

Evaluation of incompatibility with existing regulations:

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 702 and Section 715 are neither inconsistent nor incompatible with existing State regulations. No other state agency has the authority to promulgate hunting regulations.

**PUBLIC PARTICIPATION
COMMENTS SUBMITTED BY
MAIL OR EMAIL**

It is requested, but not required, that written comments be submitted on or before August 9, 2023 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 17, 2023.** If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

MEETINGS

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Natural Resources Headquarters Building Auditorium, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, June 14, 2023, and may continue at 8:30 a.m. on Thursday, June 15, 2023. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available

at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California, which will commence at 8:30 a.m. on Tuesday, August 22, 2023, and may continue at 8:30 a.m. on Wednesday, August 23, 2023. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number. **Matt Meshriy, Upland Game Biologist, Department of Fish and Wildlife, (916) 801–8708, has been designated to respond to questions on the substance of the proposed regulations.**

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations

prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION/
RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

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 because this action is a Department administrative procedure.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is administrative in nature and relates to internal Department processes for implementing existing Department-sponsored special hunting opportunities that will not affect existing businesses or prompt the expansion businesses in California. The Commission anticipates generalized benefits to the health and welfare of California residents, and no impacts to worker safety, or to the state's environment.

- (c) Cost Impacts on a Representative Private Person or Business:

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

with the proposed action. However, eligible hunters that choose to apply for special hunt drawings will incur an application fee of \$2.50 to enter each draw for special hunts.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department projects an estimated \$12,000 increase in special hunt draw application fee revenue in the current year and ongoing. The fee is established to re-cover the per item implementation costs of the program. No costs/savings to federal funding to the state is anticipated.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 22. DEPARTMENT OF
HEALTHCARE ACCESS AND
INFORMATION**

**HEALTH CARE PAYMENTS DATA
PROGRAM DATA USE,
ACCESS, AND RELEASE**

**TITLE 22, DIVISION 7,
CHAPTER 11, ARTICLE 8
SECTIONS 97380 TO 97416**

NOTICE IS HEREBY GIVEN that the Department of Health Care Access and Information (HCAI) proposes, for the Health Care Payments Data Program, to add Article 8, “Data Use, Access and Release,” (sections 97380, 97382, 97384, 97386, 97388, 97390, 97392, 97394, 97396, 97398, 97400, 97402, 97404, 97406, 97408, 97410, 97412, 97414, and 97416), to Title 22, Division 7, Chapter 11 of the California Code of Regulations.

The Department proposes to adopt the regulations described herein after considering all comments, objections, and recommendations regarding the proposed action.

I. PUBLIC HEARING

HCAI has not scheduled a public hearing. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to Section 11346.8(a) of the Government Code. The written request for a hearing must be received by HCAI’s contact person, designated below, no later than 15 days prior to the close of the written comment period.

**II. WRITTEN COMMENT PERIOD AND
CONTACT PERSON**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by HCAI by 5:00 p.m. on July 18, 2023.

Inquiries and written comments regarding the proposed action should be addressed to the primary contact person named below. Comments delivered by email are suggested. Comments may also be faxed, hand delivered, or mailed.

Sandra Bannerman, Research Data Manager
Office of Information Services
Department of Health Care Access and
Information
Tel: (916) 326–3733
Fax: (916) 445–7534
Email: hpddatarelease@hcai.ca.gov
Mailing address:
2020 West El Camino Avenue, Suite 1100
Sacramento, CA 95833–1880

Inquiries and comments may also be directed to the backup contact person:

Caily Langston, Assistant Branch Chief
Information Services Division
Department of Health Care Access and
Information
Tel: (916) 326–3812
Fax: (916) 445–7534
Email: hpddatarelease@hcai.ca.gov
Mailing address:
2020 West El Camino Avenue, Suite 1100
Sacramento, CA 95833–1880

Each comment may include the author’s name, U.S. Postal Service address, and e-mail address, if applicable, so that they may be included in future communications if the text of the currently proposed regulations changes.

III. AUTHORITY AND REFERENCE

Health and Safety Code section 127673, subdivision (f), authorizes HCAI to adopt these proposed regulations. These proposed regulations implement, interpret, and make specific sections 127673.5, 127673.6, 127673.8, 127673.81, 127673.82, 127673.83, 127673.84, and 127674 of the Health and Safety Code; section 1798.24 of the Civil Code; section 14100.2 of the Welfare and Institutions Code; and section 1396a of title 42 of the United States Code.

**IV. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

1. Summary of Existing Laws and Effect of the Proposed Regulations

The Department of Health Care Access and Information (HCAI) is required to establish the Health Care Payments Data Program (HPD) by California Health and Safety Code (HSC) sections 127671 to 127674.1. The HPD is to collect health care data from health care plans, health insurers, government agencies, and others and to use this data to provide greater transparency regarding health care costs, utilization, quality, and equity and to improve health care in California. A statutory purpose of the HPD is also to release HPD

data to members of the public and other state agencies so they can use the data to improve health care in California.

HCAI promulgated emergency regulations for the collection of HPD data on December 20, 2021 (Cal. Code of Regs., title 22, sections 97300 to 97370), HCAI started collecting routine HPD data in November 2022. This data includes a substantial amount of private personal data about Californians such as Social Security Numbers, dates of birth, medical diagnoses, prescribed drugs, and other medical information. For this reason, HPD statute makes clear that although HPD data should be released to data users, HCAI must preserve consumer privacy and must ensure that the privacy, security, and confidentiality of consumers' individually identifiable health information is protected.

These proposed regulations are to create the HPD's Data Use, Access, and Release Program to allow the public and other state agencies to access and use HPD data for the benefit of Californians while protecting the privacy of Californians.

2. Policy Statement Overview/Specific Benefits of Proposed Regulations

The intent for these proposed regulations that establish the program is to allow outside entities to receive and use HPD data to supplement and add to the work being done by HCAI to analyze HPD data and thus, maximize the usefulness of HPD data and bring more benefits to California.

Through the analysis and research of HPD data, healthcare entities will be able to innovate their services and programs to provide more cost-effective and responsive health care to Californians. In addition, the disclosure of HPD data to analysts and researchers will reveal and publicize gaps in health care and will help address inequities in health care access throughout the state. Data disclosure will also increase openness and transparency in businesses and governmental agencies involved in health care. As such, the public will become more aware of healthcare costs and utilization.

These regulations, while potentially providing access to a vast sum of highly sensitive data and private medical information as required by statute, will also diligently protect sensitive and private HPD data so that it will not be improperly used or disclosed to damage individual Californians. HCAI attempts to balance data access and data protection in these regulations, although HCAI will generally favor protection over access to prevent harm to individual Californians. In these regulations, HCAI defines what HPD data is protected and how members of the public and other state agencies can receive HPD data, including confidential HPD data. These proposed regulations will provide access but protect privacy primarily by screening data applicants through a comprehensive data application

process and restrictions on how HPD data can be used and publicized.

3. Determination of Inconsistency/Incompatibility with Existing State Regulations

HCAI evaluated the language contained in the proposed regulations. HCAI has determined that these proposed regulations are not inconsistent with or incompatible with existing state regulations. These regulations are necessary to establish a statutorily mandated program.

4. Documents to be Incorporated by Reference in the Proposed Regulations

The following are documents HCAI intends to incorporate by reference through these proposed regulations:

- The Federal Information Processing Standards Publication 200, "Minimum Security Requirements for Federal Information and Information Systems," dated March 2006.
- The National Institute of Standards and Technology (NIST) Special Publication 800-53, Revision 5, "Security and Privacy Controls for Information Systems and Organizations," dated September 2020.
- The NIST Special Publication 800-53B, "Control Baselines for Information Systems and Organizations," dated October 2020.
- The NIST Special Publication 800-88, Revision 1, "Guidelines for Media Sanitization," dated December 2014.
- The California Health and Human Services Agency's "Data De-Identification Guidelines (DDG)," version 1.0 dated September 23, 2016.

V. DISCLOSURES REGARDING THE PROPOSED ACTION

There is no economic impact of these regulations; no requirements are imposed and requesting and obtaining HPD data are voluntary actions. HCAI has made the following initial fiscal impact determinations:

- a. Mandate on local agencies and school districts: None.
- b. Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- c. Other nondiscretionary cost or savings imposed on local agencies: None.
- d. Cost or savings to any state agency: None. State agencies will be eligible to request program data and are exempt from application fees set by the Department. The California Health and Human Services Agency's institutional review board, the

Committee for the Protection of Human Subjects is required to review/approve projects requesting confidential data; DHCS is required to review/approve projects requesting Medi-Cal data. No administrative fiscal impact is expected.

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

VI. STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ANALYSIS (EIA)

The proposed regulations will only impact entities who choose to request and obtain HPD data. Therefore, economically, HCAI concludes that:

- (1) 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;
- (2) this regulatory action will not create jobs within the state;
- (3) this regulatory action will not eliminate jobs within the state;
- (4) this regulatory action will not create new businesses;
- (5) this regulatory action will not eliminate existing businesses;
- (6) this regulatory action will not affect the expansion of businesses currently doing business in the state;
- (7) Significant statewide adverse economic impact directly affecting business, including ability to compete. None. The agency has made an initial determination that proposal will not have such an impact.
- (8) this regulatory action will not impact small business because the proposed regulations create a voluntary program, as such, small business are not legally required to comply with the regulations, nor to enforce the regulations, and subsequently, do not derive a benefit from the enforcement of the regulation; nor incur a detriment from the enforcement of the regulation. It is optional to request HPD data, but small businesses may be affected by the proposed regulations if they choose to request program data; and
- (9) this regulatory action will not directly impact housing costs;

Regarding the benefits of the HPD Data Use, Access, and Release regulations to the health and welfare of California residents, worker safety, and the state's environment, a statutory purpose of the HPD is to release HPD data to members of the public and other state agencies so they can use the data to improve health care in California while properly protect-

ing individual privacy. There are no anticipated benefits to worker safety or the state's environment. The Legislature hoped that by having HPD data released, members of the public would use the data to develop innovative approaches, services, and programs that may have the potential to deliver health care that is both cost-effective and responsive to the needs of Californians and also would increase the transparency of health care costs and utilization. The benefit of having more comparable and useful cost transparency data is difficult to quantify as it can affect many aspects of healthcare and the economy.

VII. REASONABLE ALTERNATIVES STATEMENT

In accordance with Government Code Section 11346.5, subsection (a)(13), HCAI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed 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.

HCAI invites interested persons to present statements or arguments with respect to alternatives to the proposed rulemaking action during the written comment period.

At this time, HCAI has not identified any reasonable alternatives other than the proposed regulatory action.

VIII. AVAILABILITY OF EXPRESS TERMS, INITIAL STATEMENT OF REASONS, AND INFORMATION UPON WHICH PROPOSED RULEMAKING IS BASED

HCAI will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulations, the initial statement of reasons, economic impact assessment, and information upon which this proposed rulemaking is based, and all documents incorporated by reference. Copies may be obtained by contacting the listed contact person using the contact information above.

IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

After considering all timely and relevant comments received, HCAI may adopt the proposed regulations substantially as described in this notice. If HCAI makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days prior to the date HCAI adopts the regulations as revised.

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on HCAI's website at: <https://HCAI.ca.gov/about/laws-regulations/>.

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

X. AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

The Final Statement of Reasons and Rulemaking File including a summary of all comments and responses will be available, after its completion, through HCAI's website at: <https://HCAI.ca.gov/about/laws-regulations/>.

The Final Statement of Reasons will also be available for review from the designated contact person.

XI. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, text of the proposed regulations, the economic impact assessment, and information upon which this proposed rulemaking is based, and all documents incorporated by reference can be accessed through our website at: <https://hcai.ca.gov/about/laws-regulations/>.

GENERAL PUBLIC INTEREST

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has

set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING

On **July 20, 2023**, at 10:00 a.m. in the Byron Sher Auditorium of the Cal/EPA Building

1001 I Street, Sacramento, California

as well as via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On **July 20, 2023**, at 10:00 a.m. in the Byron Sher Auditorium of the Cal/EPA Building

1001 I Street, Sacramento, California

as well as via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or

services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

DAVE THOMAS, Chairman

DECISION NOT TO PROCEED

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

PURSUANT TO GOVERNMENT CODE
SECTION 11347

RE: NOTICE OF PROPOSED REGULATORY
ACTION CONCERNING THE AMENDMENT
OF COMMISSION REGULATIONS
1070 AND 1082

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 February 24, 2023, Register 2023, Number 8-Z. The proposed rulemaking concerned the amendment of Commission Regulations 1070 and 1082. (OAL Notice Z-2023-0214-02.)

Any interested person with questions concerning this rulemaking should contact Law Enforcement Consultant Thomas Chalk at either (916) 936-7964 or by e-mail at: thomas.chalk@post.ca.gov.

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

PETITION DECISION

**OFFICE OF THE STATE
FIRE MARSHAL**

Agency:

CAL FIRE – Office of the State Fire Marshal
(OSFM), pursuant to Government Code
Section 11340.7

Petitioner:

Sprinkler Fitters Association of California
483 669 709
Randy Roxson
P.O. Box 1089
Woodbridge, CA 95258

PROVISIONS AFFECTED

“Title 19, California Code of Regulations §XXX. Any company who installs, inspects, tests, maintains, and/or repairs a Fire Fighter Air Replenishment System (FARS) shall have a valid Fire Protection Contractors (C-16) license issued by the Contractors State License Board. Any person who installs, inspects, tests, maintains, and/or repairs a Fire Fighter Air Replenishment System (FARS) shall have a valid Sprinkler Fitter Certificate issued by the State Fire Marshal.”

AUTHORITY

Pursuant to Health and Safety Code Sections 13110, 13195, 13195.5, 13196, 13196.5, 13197, 13197.5, 13197.6, 13198, 13198.5, and 13199, the Office of the State Fire Marshal (OSFM) has statutory authority to operate the Automatic Extinguishing Systems Program, also known as the AES Program.

**REASONS SUPPORTING THE
AGENCY DETERMINATION**

With respect to the 30-day timeline, the OSFM denies this petition. The OSFM recognizes the importance of the proper installation and maintenance of a FARS system. However, there are several concerns about the proposal:

- The C-16 license is in the purview of the California Contractors Licensing Board.
- FARS systems are currently not required in California. This is an optional system that is covered by Appendix L in the California Fire Code, which is not adopted by the State Fire Marshal.

- This issue can be addressed by a local jurisdiction's ordinances if they choose to adopt this section in order to require FARS systems.

**AGENCY CONTACT PERSON AND
AVAILABILITY OF PETITION**

The Petition to amend regulations is available upon request directed to the agency contact person, Greg Andersen.

GREG ANDERSEN
Chief of Fire Engineering & Investigations
Division
715 P Street, Sacramento, CA 95814
(626) 712-4260

**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 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 Social Services
File # 2023-0427-01
RCFE: Infection Control Requirements

This nonsubstantive action by the Department of Social Services updates one term consistent with the defined term used throughout regulatory program.

Title 22
Amend: 87470
Filed 05/18/2023
Agency Contact: Everardo Vaca (916) 657-2363

Fish and Game Commission
File # 2023-0410-01
Mobile (Electronic) Display of Licenses

This regular rulemaking action by the Fish and Game Commission amends one section to permit electronic display of a required license using the Department of Fish and Wildlife's mobile license application.

Title 14
Amend: 700.4
Filed 05/22/2023
Effective 07/01/2023
Agency Contact: David Thesell (916) 902-9291

State Water Resources Control Board
File # 2023-0412-01
Colorado River Basin RWQCB TMDL Basin Plan
Amendment

On May 10, 2022, the Colorado River Basin Regional Water Quality Control Board adopted Resolution Number R7-2022-0032, amending the Water Quality Control plan for the Colorado River Basin Region to establish a Total Maximum Daily Load for organophosphate and organochlorine compounds in Imperial Valley surface waters. On November 15, 2022, the State Water Resources Control Board approved the Basin Plan amendment adopted under Resolution Number R7-2022-0032.

Title 23
Adopt: 3969.6
Filed 05/24/2023
Effective 05/24/2023
Agency Contact: Ravleen Kaur (916) 776-8960

Department of Corrections and Rehabilitation
File # 2023-0410-02
Medical Personnel

In this resubmitted rulemaking action, the California Department of Corrections and Rehabilitation (CDCR) updates the requirements for training and onboarding nurses, registered nurses, medical assistants. The rulemaking also updates the pronouncement of death process for registered nurses.

Title 15
Amend: 3999.98, 3999.131, 3999.133, 3999.147,
3999.325, 3999.327
Filed 05/22/2023
Effective 07/01/2023
Agency Contact: Robin Hart (916) 896-6780

**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.