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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: Sacramento County Office of Education

STATE AGENCY: Fiscal Crisis and Management Assistance Team
Ocean Science Trust

A written comment period has been established commencing on June 9, 2023 and closing on July 24, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than July 24, 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. EMPLOYMENT TRAINING
PANEL**

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

NOTICE IS HEREBY GIVEN that the **Employment Training Panel**, 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 9, 2023 and closing on July 24, 2023. All inquiries should be directed to the contact listed below.

The **Employment Training Panel** 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: updated to reflect new positions or position titles.

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 24, 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 10, 2023*.

The **Employment Training Panel** 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: Michael Cable, (916) 764-8295, Michael.cable@etp.ca.gov

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

REPORTS BY
GRAPE PROCESSORS

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to adopt or make changes to Title 3 of the California Code of Regulations (CCR), Division 3, Chapter 2, Article 1, Section 1700.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on August 11, 2023 in the auditorium located at the Department's headquarters at 1220 N Street, Sacramento, CA 95814. The Auditorium is wheelchair accessible. At the hearing, any person may present comments, orally or in writing, relevant to the proposed action. The Department requests, but does not require, that persons who make oral comments also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail, fax, or email.

Submit comments to:

Kacie Fritz, Special Assistant
California Department of Food and Agriculture
Marketing Services Division
1220 N Street
Sacramento, CA 95814
(916) 900-5011
FAX: (916) 900-5341
Kacie.Fritz@cdfa.ca.gov

The written comment period closes on **August 11, 2023**. The Department will consider only timely received comments.

AUTHORITY AND REFERENCE

Notice is hereby given that the Department, pursuant to the authority vested by California Food and Agricultural Code (FAC) section 407, proposes to amend Title 3 CCR Section 1700 to implement FAC section 55601.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action modifies the boundary between Grape Pricing Districts 5 and 17 utilized for the Grape Crush Report.

Summary of the Existing Laws and Effect of the Proposed Action

The FAC section 55601.5 (a) requires every processor who crushes grapes to furnish the Secretary, prior to January 10 each year, a Grape Crush Report that includes all grape tonnage crushed in California during the crop year season, including variety and price, including any bonuses or allowances, and sugar calculations. Degrees Brix, sugar content, tonnage to be marketed as grape concentrate, and weighted average prices are reported by grape type and variety, as well as by 17 grape pricing districts. Grape Pricing Districts are defined in Section 55601.5 (i)(3) of the FAC as districts used by the federal–state cooperative market news services, as provided in Section 58231 of the FAC.

The CCR section 1700 defines the boundaries of the 17 grape pricing districts in the state which are required to report the information required by Section 55601.5 of the FAC.

The amendment proposed in this rulemaking action would modify the boundary between Grape Pricing Districts 5 and 17 utilized for the Grape Crush Report to include the Ryer Island region as part of District 17.

Objectives and Anticipated Benefits of the Proposed Regulation

The broad objective of the regulation is to ensure market data accuracy and equity of average grape price reports in the annual grape crush report. The specific benefits anticipated from the regulation are to correct unintended negative economic impacts to the western viticultural areas of District 5 due to the inclusion of the Ryer Island area in District 5 and to better align the grape pricing districts with federal American Viticultural Areas (AVAs).

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department evaluated the proposed regulation and determined that the proposed regulation is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: The Department has determined that the proposed regulation may have a minimal effect on small businesses. Many wine grape producers and processors in the western parts of District 5 are classified as small businesses, and accurately reported grape prices may help them secure higher priced grape contracts and land valuation. While many processors required to submit grape crush data to the Secretary can be classified as small businesses, there is no additional cost to these small businesses due to this regulation nor any anticipated adverse economic impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is (1) unlikely that the proposal will create or eliminate any jobs within California, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the State of California, (3) likely that the proposal will affect the expansion of businesses currently doing business within the State of California, (4) unlikely that the proposal will affect the health and welfare of California residents, worker safety, and the state’s environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5 (a)(13), the Department must determine that no reasonable alternative is considered or that has

otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

Inquiries and comments concerning the proposed action may be directed to:

Kacie Fritz, Special Assistant
California Department of Food and Agriculture
Marketing Services Division
1220 N Street
Sacramento, CA 95814
(916) 900-5011
Kacie.Fritz@cdfa.ca.gov

The backup contact person for this proposed action is:

Beth Jensen, Staff Services Manager
California Department of Food and Agriculture
Marketing Services Division
1220 N Street
Sacramento, CA 95814
(916) 900-5011
Beth.Jensen@cdfa.ca.gov

AVAILABILITY OF DOCUMENTS

Availability of Statement of Reasons, Text of Proposed Regulation, and Rulemaking File

The Department will have the entire rulemaking file available for inspection throughout the rulemaking process. A copy of this Notice, the Proposed Regulation Text, and the Initial Statement of Reasons may be obtained by contacting Beth Jensen at the information provided in the “Contact Persons” section.

Availability of Changed or Modified Text

After holding the hearing and considering all timely and relevant comments received during the comment period, the Department may adopt the proposed amendment substantially as described in this notice. If the Department makes modifications which differ, but 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 prior to amendment. Please send requests for copies

of any modified regulations to the attention of Beth Jensen at the information provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Beth Jensen at the information provided in the “Contact Persons” section.

Availability of Documents on the Internet

Copies of this Notice, the proposed text of the regulation, and the Initial Statement of Reasons can be accessed on the Department’s website at: <https://www.cdfa.ca.gov/mkt/grapepetition/>.

TITLE 14. TAHOE CONSERVANCY

REGULATIONS ON THE USE OF CONSERVANCY LAND

NOTICE IS HEREBY GIVEN that the California Tahoe Conservancy (Conservancy) is proposing to amend and adopt the regulations as described below, after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Conservancy proposes to amend Article 1, § 12052, and to adopt Article 6, §§ 12130 to 12133, within Title 14, Division 5.3 of the California Code of Regulations. The proposed regulations concern the use of lands and facilities under the Conservancy’s ownership or control.

WRITTEN COMMENT PERIOD

Any person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Conservancy. The written comment period ends **on July 26, 2023**. The Conservancy will only consider written comments it receives by the end of the written comment period.

Written comments may be submitted by any of the following methods:

1. By email to: public.comment@tahoe.ca.gov. The Conservancy requests, but does not require, that persons submitting comments by email include “**Comment Letter — Proposed Regulations on the Use of Conservancy Land**” in the subject line to facilitate timely identification and review of the comment.
2. By mail or hand delivered to:

California Tahoe Conservancy
 Attention: Samantha Sellers
 1061 Third Street
 South Lake Tahoe, CA 96150

Please note that under the California Public Records Act (Gov. Code § 7920 et seq.), your comments, attachments, and associated contact information become part of the public record and can be released to the public upon request.

PUBLIC HEARING

The Conservancy will hold a virtual public hearing on the proposed regulatory action on **Wednesday, July 26, 2023, from 10:00 a.m. to 12:00 p.m.**

Attendees may participate via the Zoom webinar platform or connect by phone. Instructions for how to access the public hearing, including the specific Zoom link, can be found on the Conservancy’s website at: <https://tahoe.ca.gov/regulations-on-the-use-of-conservancy-land>.

During the public hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice. The Conservancy may impose reasonable limits on oral presentations. The Conservancy requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email. All comments made during the virtual public hearing will be collected and recorded.

SPECIAL ACCOMMODATION NOTICE

If any member of the public has a disability or language needs and requires accommodation to participate in the public hearing, please contact the Conservancy at info@tahoe.ca.gov or (530) 542-5580 no later than five (5) working days prior to the public hearing.

AUTHORITY AND REFERENCE

Authority: Government Code §§ 66906.4, 66907.9; Vehicle Code § 21113.

References: Government Code §§ 66906.6, 6907.9; Vehicle Code §§ 21113, 40200, 40203.5.

INFORMATIVE DIGEST

Summary of Existing Laws and Effects of the Proposed Regulations

Pursuant to Government Code § 66590.5, the Conservancy is authorized to acquire, hold, and manage real property on behalf of the State for the purposes of “protecting the natural environment, providing public access or public recreational facilities, preserving wildlife habitat areas, or providing access to or man-

agement of acquired lands.” Today, the Conservancy owns and manages approximately 4,700 properties in the Lake Tahoe Region, which total approximately 6,500 acres. Many of these are small parcels scattered throughout urban areas. Several of the Conservancy’s properties include amenities for public use and recreation, such as day use areas, trails, or interpretive signage. The Conservancy must operate and maintain these facilities to ensure public safety and health.

Government Code § 66907.9 directs the Conservancy to “take whatever actions are reasonably necessary and incidental to the management of lands and facilities under its ownership and control,” and authorizes it to “adopt and enforce regulations governing the use of those lands and facilities.” To that end, the objective of this proposed rulemaking is to enhance the Conservancy’s ability to manage the lands and facilities under its control, by addressing the use of such lands and facilities by the public.

Specifically, this rulemaking proposes to amend Article 1 (Definitions), § 12052, and adopt a new Article 6 (Use of Conservancy Land), §§ 12130 to 12133, within Division 5.3 of Title 14 of the California Code of Regulations, as follows:

- The proposed amendments to § 12052 define additional terms related to the provisions below.
- New § 12130 describes the procedures by which the Conservancy’s Executive Officer may temporarily close Conservancy land to minimize risks to public health and safety, or to protect habitat, wildlife, or natural or cultural resources.
- New § 12131 establishes parking restrictions on Conservancy land. It prohibits parking outside of “designated parking areas,” as defined. It also allows the Executive Officer to prohibit parking in a designated parking area, seasonally or during certain hours, by posting notice at the parking area. In conjunction with a use permit, license, or other written authorization to use or perform work on Conservancy land, the Executive Officer or designee may authorize individuals or groups to park in other areas or during prohibited hours.
- New § 12132 specifies that the public hours of use for the Conservancy’s recreation sites are sunset to sunrise, unless otherwise posted. It also requires that the hours of use be posted at each recreation site and on the Conservancy website. In conjunction with a use permit, license, or other written authorization to use or perform work on Conservancy land, the Executive Officer or designee may authorize individuals or groups to enter or remain in a recreation site outside of the hours of use.
- New § 12133 prohibits unauthorized damage to or removal of trees, shrubs, bushes, and other

vegetation growing or standing on Conservancy land.

Other state laws related to the use of public land and to the proposed regulations include the following:

- Vehicle Code § 21113, which provides that a person shall not drive or park a vehicle on State grounds served by the California Highway Patrol, except with the permission with, and subject to any regulations imposed by, the state agency having jurisdiction over such grounds.
- Penal Code § 384a, which makes it a misdemeanor to willfully or negligently cut, destroy, mutilate, or remove plant material that is growing on public land without a written permit, signed by the owner of the land or an authorized agent.

Anticipated Benefits of Proposed Regulations

The anticipated benefits of the proposed regulations include protecting public health and safety and the environment. For example, establishing specific procedures for the temporary closure of Conservancy land when there are risks to public health and safety, habitat, wildlife, or natural or cultural resources will help to mitigate those risks. Such procedures also promote transparency regarding the reasons for and duration of such closures. In addition, reasonable restrictions on the hours of use of Conservancy recreation sites, and where and when vehicles may park on Conservancy land, protect the environment by reducing potential impacts to sensitive habitat and wildlife. The anticipated benefits to state property and to the public outweigh minor limitations on public access and are consistent with the Conservancy’s responsibility as a land steward.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The proposed regulations are not inconsistent or incompatible with existing state regulations. To date, the Conservancy has not adopted any regulations concerning the use or management of its land or facilities. Regulations adopted by other state agency land managers are not applicable to Conservancy properties.

Forms Incorporated by Reference

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

The Conservancy is not aware of any federal regulations or statutes that address the specific subject matter addressed by the proposed regulations.

OTHER STATUTORY REQUIREMENTS

There are no other requirements prescribed by statute applicable to the Conservancy, or to the specific regulations or class of regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Pursuant to Government Code § 11346.5(a)(5), (6), (7), (8), and (12), the Conservancy has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any other state agency: None.
- Cost to any local agency or school district which is required to be reimbursed: None.
- Other nondiscretionary costs or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: None.
- Significant effect on housing costs: None.

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Government Code § 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend a regulation. The following is a summary of the results from the economic impact analysis:

- *Creation or Elimination of Jobs within the State of California:* The proposed regulations are not expected to create or eliminate jobs within the State of California.
- *Creation or Elimination of Businesses within the State of California:* The proposed regulations are not expected to create or eliminate businesses in the State of California.
- *Expansion of Businesses Currently Doing Business within the State of California:* The proposed regulations are not expected to encourage or

discourage businesses from expanding their business in the State of California.

- *Benefits of Regulation to Health and Welfare of California Residents, Worker Safety, and the State's Environment:* The proposed regulations will benefit the health and welfare of California residents, and the State's environment, by providing the Conservancy with additional tools to manage Conservancy-owned public lands. Specifically, the proposed regulation will benefit the health and welfare of California residents by clarifying the procedures needed to close Conservancy property to the public when risk for harm is present. The proposed regulation will benefit the State's environment by protecting natural resources within Conservancy land from damage and degradation. Better land management tools for the Conservancy will ultimately result in healthier ecosystems and a more balanced relationship between the natural environment and manmade impacts/urban development/California residents.

CONSIDERATION OF ALTERNATIVES

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

The Conservancy invites interested persons to provide comments regarding any alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed action or regulatory process to:

California Tahoe Conservancy
 Attention: Samantha Sellers
 1061 Third Street
 South Lake Tahoe, CA 96150
 Phone: (530) 318-7013
 Email: Samantha.sellers@tahoe.ca.gov

The backup contact person is Casey Strong, by email at casey.strong@tahoe.ca.gov or by phone at (530) 307-8006.

AVAILABILITY OF RULEMAKING PACKAGE

The Conservancy will have the entire rulemaking file available for inspection and copying at its office at the address above. A copy of this notice, the proposed regulation text, and the Initial Statement of Reasons can be accessed through the Conservancy's website at: <https://tahoe.ca.gov/regulations-on-the-use-of-conservancy-land>; or may be obtained by contacting the agency contact person(s) named in this notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Conservancy may adopt the proposed regulations substantially as described in this notice. If the Conservancy makes modifications which differ, but 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 prior to amendment. A copy of any modified regulation may be obtained from the agency contact person(s) named in this notice or on the Conservancy's website at the URL provided above. The Conservancy will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on the Conservancy's website at the URL provided above and may be requested from the contact person(s) named in this notice.

TITLE 22. DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION

HEALTH FACILITY DATA — EXPANDING MANAGED CARE PAYER CATEGORIES SECTIONS 97019 AND 97041

The Department of Health Care Access and Information (HCAI) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

Pursuant to the Health Data and Advisory Council Consolidation Act (the Data Act), Health and Safety Code (HSC) § 128765-128810, HCAI has established uniform systems of accounting for all California health facilities pursuant to Chapter 2 of Division 2 of

the Health and Safety Code. As part of its responsibility to maintain a uniform system of accounting, HCAI is obligated to update that system to meet the current needs of facilities using the system. Pursuant to HSC § 128735, long-term care (LTC) facilities are required to file an annual financial disclosure report with HCAI. The report is known as the Long-Term Care Facility Integrated Disclosure and Medi-Cal Cost Report (LTC Report). As the title indicates, the LTC Report also serves as the Medi-Cal Cost Report for those facilities, pursuant to HSC § 128730. HCAI's *Accounting and Reporting Manual for California Long-term Care Facilities*, Second Edition (LTC Manual) is being amended to reflect an evolving healthcare delivery system in California, and the specifications for software used to prepare the annual reports are also being updated.

The current accounting and reporting system requirements do not provide the necessary guidance or information from which meaningful decisions can be made regarding managed care. The LTC Manual establishes the accounting system health facilities must use and details methods for completing and filing the required report. The LTC Manual, as well as the specifications for software used to prepare the required report, are incorporated by reference in current regulation.

For several decades, Medicare and Medi-Cal have been transitioning away from a Fee-for-Service (FFS) payment and delivery system to a Managed Care system. Under the FFS system, beneficiaries can see any provider who accepted Medicare or Medi-Cal, and providers are reimbursed for each individual service or visit. Under Managed Care, health plans are contracted to deliver benefits to members in exchange for a monthly member fee.

Due to this transition, stakeholders have requested that HCAI establish payer categories that more accurately represent what is seen in the LTC industry. Currently, the LTC system of accounts includes five payer categories:

- 1) *Medicare* is a Federal third-party reimbursement program administered by the Centers for Medicare and Medicaid Services that underwrites the medical costs of persons 65 and over, and some qualified persons under 65. Data related to Medicare patients enrolled in health maintenance organizations (HMOs) should not be reported in the Medicare payer category but are part of the "Managed Care" payer category.
- 2) *Medi-Cal* is a Federal-State funded, State operated and administered, Medicaid program which provides medical benefits for certain low-income and needy persons. Data related to Medi-Cal patients enrolled in HMOs are not included in

the Medi-Cal payer category but are part of the "Managed Care Payer" category.

- 3) *Self-Pay* includes patients who are financially responsible for their own care and who are not covered by a third-party payer program.
- 4) *Managed Care* includes patients who belong to groups (HMOs, PPOs, or others) that have a contractual relationship with the facility. Managed Care includes patients enrolled in managed care plans funded by Medicare, Medi-Cal or other government programs, as well as patients enrolled in commercial managed care programs.
- 5) *Other Payers* includes all payers other than Medicare, Medi-Cal, Managed Care and Self-Pay.

This system can be confusing when classifying certain payers, like Medicare Managed Care. Although it is specified in the LTC Manual, facilities often report this incorrectly in the Medicare payer category when it should be in the Managed Care category. To increase transparency and accuracy in reporting, in addition to remaining current in the LTC industry, HCAI is opting to update our system of accounts. The update will expand the number of payer categories from five to eight including:

- 1) *Medicare FFS* includes patients covered under the Medicare Program. These patients are primarily seniors and people with disabilities. It does not include those covered by a managed care plan funded through Medicare.
- 2) *Medicare Managed Care* includes patients covered by a managed care plan that is funded through Medicare.
- 3) *Medi-Cal FFS* includes patients that are enrolled in Medi-Cal — California's Medicaid program for low-income people. It does not include those covered by a managed care plan funded through Medi-Cal.
- 4) *Medi-Cal Managed Care* includes patients covered by a managed care plan that is funded by Medi-Cal.
- 5) *Commercial Coverage FFS* includes patients who have private coverage that is employer/employment-sponsored or privately purchased. This includes Covered California plans. It does not include coverage funded by Medicare, Medi-Cal, a county, Workers' Compensation, or other government programs. It does not include those covered by a managed care plan.
- 6) *Commercial Coverage Managed Care* includes patients who have private coverage that is employer/employment-sponsored or privately purchased. This includes Covered California plans. It does not include coverage funded by Medicare,

Medi-Cal, a county, Workers' Compensation, or other government programs; including patients covered by managed care plans.

- 7) *Self-Pay* includes patients who are financially responsible for their own care and who are not covered by a third-party payer program.
- 8) *Other Payers* includes all patients who are not included in one of the listed categories.

HCAI is proposing to adopt regulations to implement the new payer categories and other minor updates into the LTC system of accounts and the LTC Manual, accordingly, to stay relevant with the changing health-care industry to become effective for reporting periods ending on or after January 1, 2024.

I. PUBLIC HEARING

HCAI has not scheduled a public hearing on this proposed action. However, HCAI 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.

II. WRITTEN PUBLIC 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 no later than July 24, 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 hand-delivered or mailed.

Lexie Boyd, Audit Supervisor
 Information Services Division
 Department of Health Care Access and Information
 Tel: (916) 326-3833
 Email: lexie.boyd@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 at the same mailing address:

Ty Christensen, Audit Manager
 Information Services Division
 Tel: (916) 326-3856
 Email: ty.christensen@HCAI.ca.gov

Comments should include the author's name, U.S. Postal Service address, and email address, if applicable, for HCAI to provide copies of any notices for

proposed changes to the regulation text on which additional comments may be solicited.

III. AUTHORITY AND REFERENCE

Authority: California Health and Safety Code, Section 128810.

Reference: California Health and Safety Code, Sections 128680, 128730, 128735, and 128760.

IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. Summary of Existing Law

Pursuant to the Health Data and Advisory Council Consolidation Act (the Data Act), Health and Safety Code (HSC) § 128675-128810, HCAI has established uniform systems of accounting for all California health facilities licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.

Pursuant to Health and Safety Code § 128735, LTC facilities are required to file annual financial disclosure reports with HCAI. The report is known as the Long-Term Care Facility Integrated Disclosure and Medi-Cal Cost Report (LTC Report). These reports also serve as their Medi-Cal Cost Reports, pursuant to HSC § 128730.

HCAI's *Accounting and Reporting Manual for California Long-Term Care Facilities*, Second Edition (LTC Manual) is incorporated by reference in current regulation. The LTC Manual establishes the accounting systems health facilities must use and details methods for preparing and filing required reports. Section 4001 of the Manual states that every skilled nursing and intermediate care facility required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, Health and Safety Code, must complete and file this report. If Medi-Cal providers, the report must also be completed and filed to satisfy the requirements of Section 51511.2, Title 22, California Code of Regulations (CCR).

B. Policy Statement Overview/Specific Benefits of the Proposed Regulations

For several decades, Medi-Cal has been transitioning away from a Fee-For-Service (FFS) payment and delivery system to a Managed Care system. Under the FFS system, beneficiaries could see any provider who accepts Medi-Cal, and providers were reimbursed for each individual service or visit. Under Managed Care, health plans and insurers are contracted to deliver benefits to members in exchange for a monthly member fee.

Due to this transition, facility representatives, along with patient and labor advocates have asked that HCAI expand the managed care payer category to represent more accurately what is seen in the LTC industry.

Currently, the LTC system of accounts allows for five payer categories: 1) Medicare, 2) Medi-Cal, 3) Self-Pay, 4) Managed Care, and 5) Other Payers.

This system can be confusing when reporting certain payers, like Medicare Managed Care. Although it is specified in the LTC Manual, facilities often report this incorrectly in the Medicare payer category when it should be in the Managed Care category.

To address this issue, expanded Managed Care payer categories are being added to the chart of accounts for the annual Long-Term Care Integrated Disclosure and Medi-Cal Cost Report to separately account and report patients covered by managed care plans. The update will expand the number of payer categories from five to eight including: 1) Medicare FFS, 2) Medicare Managed Care, 3) Medi-Cal FFS, 4) Medi-Cal Managed Care, 5) Commercial Coverage FFS, 6) Commercial Coverage Managed Care, 7) Self-Pay, and 8) Other Payers.

The proposed regulations update the LTC Manual to reflect new reporting requirements required by the addition of Managed Care payer categories.

Chapter 2000 of the LTC Manual includes the Chart of Accounts that LTC facilities must use when preparing the LTC Report. Revenue accounts and the related Contractual Adjustments are broken down by payer category.

Section 97019 of Title 22, California Code of Regulations, is being amended to reflect the effective date of the above-mentioned changes to the LTC Manual.

Section 97041 of Title 22, California Code of Regulations is being amended to update references to the Instructions and Specifications for Developing Approved Software to Submit the annual Long-Term Care Facility Integrated Disclosure and Medi-Cal Cost Report.

C. Determination of Inconsistency/Incompatibility with Existing Law

As required by Government Code Section 11346.5(a)(3)(D), HCAI evaluated the language contained in the proposed regulation and determined these proposed regulations are not inconsistent with or incompatible with existing state regulations. HCAI also determined there are no comparable federal regulations or statutes.

D. Documents Incorporated by Reference

The proposed rulemaking incorporates by reference the *Accounting and Reporting Manual for California Long-term Care Facilities*, Second Edition, as amended * _____, to be utilized for report periods ended on or after January 1, 2024.

In addition, proposed amendments to Title 22, CCR, Section 97041 incorporate by reference the following updated software specifications for preparing annual disclosure reports:

- “Instructions and Specifications for Developing Approved Software to Prepare the California Long-Term Care Facility Integrated Disclosure & Medi-Cal Cost Report”, published by HCAI * _____ Date TBD.

*Date to be completed by OAL as the applicable effective date pursuant to Government Code Section 11343.4(a).

V. DISCLOSURES REGARDING THE PROPOSED ACTION

HCAI has made the following initial determinations:

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: None. Costs are absorbable with current resources.
- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- D. Other nondiscretionary cost or savings imposed on local agencies: None.
- E. Cost or savings in federal funding to the state: None.
- F. Cost impact on a representative person or business: Long-term care facilities may initially incur \$6,000 to make changes to their existing systems to implement the updated Chart of Accounts.
- G. Statewide adverse economic impact directly affecting business and Individuals: HCAI has made an initial determination that the regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.
- H. Significant effect on housing costs: None.
- I. Effect on small business: HCAI determined that forty-six (46) health facilities match the small business definition stated in Government Code Section 11342.610. This represents 3.7% of all California-licensed long-term care facilities.
- J. Business Reporting Requirement: HCAI determined it is necessary for the welfare of the people of the State of California that this regulation, which requires a report, apply to business.

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

HCAI prepared an Economic Impact Analysis in the Initial Statement of Reasons and concludes that:

- A. this regulatory action will not create jobs within the state;

- B. this regulatory action will not eliminate jobs within the state;
- C. this regulatory action will not create new businesses;
- D. this regulatory action will not eliminate existing businesses;
- E. this regulatory action will not affect the expansion of businesses currently doing business in the state; and
- F. the benefits to the public are that expanded payer categories will lead to more accurate, dependable information that HCAI will make available to the public. The proposed regulations are not expected to affect worker safety or the state's environment.

VII. REASONABLE ALTERNATIVES

HCAI must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of HCAI 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.

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 changes to the regulations including the proposed changes to the LTC Manual incorporated by reference, the initial statement of reasons, and an economic impact analysis contained in the initial statement of reasons.

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 the changes clearly indicated) available to the public for at least 15 days before 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 the 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

The Final Statement of Reasons, including all the comments and responses, will be available, after its completion, through the HCAI 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

The Notice of Proposed Action, Initial Statement of Reasons, the text of the proposed regulations in italics and strikeout, and documents incorporated by reference can be accessed through HCAI's website at <https://HCAI.ca.gov/about/laws-regulations/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
FRENCH CREEK SPAWNING AND
REARING HABITAT PROJECT
RKM 3.65-3.85
(TRACKING NUMBER:
1653-2023-113-001-R1)
SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 30, 2023, that the Scott River Watershed Council (Council) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing 6 large wood structures, adding spawning gravels, excavating a side channel, and non-native vegetation removal with native replanting on French Creek. The proposed project will be carried out on French Creek, located near Etna, Siskiyou County, California.

On April 26, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the French Creek Spawning and Rearing Habitat Project RKM 3.65–3.85. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A23058WNSI; ECM PIN No. CW–888089) for coverage under the General 401 Order on 5/25/2023.

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

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

DEPARTMENT OF FISH AND WILDLIFE

**FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
BEAVER HAVEN RESTORATION PROJECT
(TRACKING NUMBER:
1653–2023–112–001–R1)
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 30, 2023, that the Scott River Watershed Council (Council) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves using process-based restoration methods to install 58 log jams and up to 70 beaver dam analogs on Sugar Creek. The proposed project will be carried out on Sugar Creek, located near Callahan, Siskiyou County, California.

On May 2, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Beaver Haven Restoration Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A23057WNSI; ECM PIN No. CW–888088) for coverage under the General 401 Order on 5/25/2023.

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

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

DECISION NOT TO PROCEED

HIGHWAY PATROL

**TITLE 13, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2, CHAPTER 6,
ARTICLE 3, AMEND SECTION 1160.2
GENERAL HAZARDOUS
MATERIALS REGULATIONS
(CHP–R–2021–06205)**

PURPOSE OF REGULATORY ACTION

Pursuant to Government Code Section 11347, the California Highway Patrol (CHP) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on October 14, 2022, Register 2022, No. 40–Z.

The proposed rulemaking concerned General Hazardous Materials Regulations contained in Title 13,

California Code of Regulations, Division 2, Chapter 6, Article 3, Section 1160.2.

Any inquiries concerning this rulemaking should be directed to Sergeant Dave Kelly, CHP, Commercial Vehicle Section, at (916) 843-3400, or by electronic mail to cvsregulations@chp.ca.gov. The Department will also publish this Notice of Decision Not to Proceed on its Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
SECRETARY OF STATE**

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

California Debt Limit Allocation Committee
File # 2023-0418-01
Permanent Adoption of 2022 QRRP Regulations

This certificate of compliance amends definitions and requirements pertaining to the Qualified Residential Rental Project (QRRP) Program by making permanent the regulatory changes adopted in emergency rulemaking actions 2022-0721-01E and 2023-0130-01EE.

Title 04
Amend: 5000, 5020, 5022, 5035, 5036, 5052, 5054, 5100, 5105, 5133, 5144, 5146, 5170, 5190, 5193, 5200, 5230, 5231, 5240, 5241
Filed 05/31/2023
Effective 05/31/2023
Agency Contact: Emily Burgos (916) 952-7161

Department of Justice
File # 2023-0418-02
Chapter 41 Unserialized Firearms Regulations

This action by the Department of Justice makes changes to regulations relating to applications for unique serial numbers for unserialized firearms and firearm precursor parts.

Title 11
Amend: 5505, 5506, 5507, 5508, 5509, 5511, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522
Repeal: 5510
Filed 05/31/2023
Effective 05/31/2023
Agency Contact: Marlon Martinez (213) 269-6437

Department of Public Health
File # 2023-0417-03
Updated Regulatory References to Health Care Standards of Practice

The California Department of Public Health is updating its regulatory references regarding health care standards of practice.

Title 22
Amend: 70741, 70839, 70849, 71243, 71539, 71643, 71653, 72335, 72639, 72649, 73325, 73549, 73637, 73647, 76363, 76649, 76659, 77077, 78319, 79213, 79685
Filed 05/30/2023
Effective 05/30/2023
Agency Contact: David Martin (916) 440-7673

Department of Veterans Affairs
File # 2023-0413-01
Veterans Board Appeals

This rulemaking action by the Department of Veteran Affairs adopts a regulation to establish procedures for veterans appeals to the California Veterans Board.

Title 12
Adopt: 715
Filed 05/25/2023
Effective 07/01/2023
Agency Contact: Phil McAllister (916) 653-1961

New Motor Vehicle Board
File # 2023-0503-03
Representation in Protests or Petitions

In this regular rulemaking, the New Motor Vehicle Board (the "Board") is adopting regulations to permit any party to appear at any hearing by representing itself, by counsel, or by other representative.

Title 13
Adopt: 551.26
Filed 05/25/2023
Effective 07/01/2023
Agency Contact: Danielle R. Phomsopha (916) 244-6777

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 (RWQCB) adopted Resolution No. R7-2022-0032, amending the Water Quality Control plan for the Colorado River Basin Region to establish a Total Maximum Daily Load (TMDL) 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 No. R7-2022-0032.

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

Bureau of Automotive Repair
File # 2023-0511-01
Citation and Remedial Training for Automotive
Repair Dealers

In this resubmitted rulemaking action, the Bureau adopts regulations related to administration citations and fines for Automotive Repair Act violations. The adoptions further set forth an informal citation review conference and hearing process for automotive repair dealers to contest the citation. In addition, the adoptions establish a remedial training program to allow the nondisclosure of the automotive repair dealer's citation. The Bureau also amends its regulations to make minor grammatical changes.

Title 16
Adopt: 3394.50, 3394.51, 3394.52, 3394.53,
3394.54, 3394.55, 3395.7, 3395.8, 3395.9, 3395.10
Amend: 3394.25, 3394.26, 3394.27, 3394.40,
3394.41, 3394.42, 3394.43, 3394.44, 3394.45,
3394.46
Filed 05/31/2023
Effective 07/01/2023
Agency Contact: Kayla Shelton (916) 403-0307

Department of Corrections and Rehabilitation
File # 2023-0427-02
Reading Glasses

This action defines canteen open line and reading glasses and describes the process for accessing reading glasses.

Title 15
Amend: 3000, 3095, 3999.98, 3999.205, 3999.396
Filed 05/31/2023
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.