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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

STATE AGENCY: Department of Justice
Department of State Hospitals

ADOPTION

MULTI-COUNTY: Pajaro Valley Health Care District

A written comment period has been established commencing on December 29, 2023 and closing on February 12, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested

person, will approve, or revise and approve, or return the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than February 12, 2024. 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 4. GAMBLING CONTROL
COMMISSION**

UPDATE TO ANNUAL FEES
CGCC–GCA–2023–03–R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections, and recommendations received concerning the proposed action. Comments, objections, and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45–day public comment period, which closes on **February 12, 2024**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or email, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission’s consideration, all written comments must be **received at its office no later than February 12, 2024. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

PUBLIC HEARING

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

ADOPTION OF PROPOSED ACTION

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811(b), 19823, 19824, 19826, 19840, 19841, 19876(a), 19951, 19954, 19955 and 19984 of the Business and Professions Code; and to implement, interpret or make specific sections 19826, 19841, 19951, and 19984 of the Business and Professions Code, the Commission is proposing to adopt the following changes to Chapters 3 and 7 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND
POLICY STATEMENT

Introduction:

The Commission is the state agency charged with the administration and implementation of the Gambling Control Act (Act).¹ The Commission is authorized to adopt regulations as necessary to implement the Act.

In 2022 and 2023, the Commission adopted annual fee amounts for Third-Party Proposition Player Services (TPPPS) business licensees² and cardroom business licensees.³ Those annual fee amounts were based on a cost and fee analysis that utilized point-in-time workload data and fiscal information from the Commission and the Department of Justice (DOJ), and information collected from the industry. However, that analysis was based on available data through fiscal year 2021–22, and during the rulemaking process, the Commission acknowledged that over time, that data may no longer reflect the most accurate annual fee amounts. The Commission also committed to conducting annual cost and fee analyses to ensure its fees

¹ Business and Professions Code, Division 8, Chapter 5, section 19800 et seq.

² OAL Matter Number 2022–1021–06.

³ OAL Matter Number 2023–0306–03.

appropriately reflect workload–based costs incurred, and attribute costs appropriately to cardroom business licensees and TPPPS business licensees, based on workload attributable to each portion of the industry. As the result of the most recent cost and fee analysis, the Commission is proposing to update the amounts for the 2025 annual fees, which will be invoiced in October 2024, utilizing the latest available data through fiscal year 2022–23. The Commission has utilized the same calculation methods, detailed below, as were utilized to determine the annual fee amounts in the current regulations.

EXISTING LAW

Business and Professions Code (BPC) section 19824 provides that the Commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of the Act.

BPC section 19826 provides the responsibilities of the DOJ, including to receive and process applications for any license, permit, or other approval, and to collect all related fees.

BPC section 19840 provides that the Commission may adopt regulations for the administration and enforcement of the Act. Additionally, the Commission’s regulations, to the extent appropriate, shall take into consideration the operational differences of large and small businesses.

BPC section 19841 provides a list of regulations that the Commission must adopt, including regulations prescribing the manner and method of collection and payment of fees and implementing the provisions of the Act relating to licensing and other approvals.

BPC section 19951 provides that the Commission may collect fees sufficient to fund the reasonable regulatory expenditures of the DOJ and Commission to fully carry out their duties and responsibilities under the Act.

BPC section 19955 provides that if an owner licensee fails to make timely payments under BPC section 19951(b)(2), the Commission may order the temporary closure of the gambling establishment and if the fees remain unpaid after 90 days, the Commission may deem the license surrendered.

BPC section 19984 provides that the Commission shall establish regulations related to TPPPS, including the establishment of reasonable fees and deposits as necessary to defray the costs of providing regulation and oversight.

EFFECT OF REGULATORY ACTION

This proposed action updates the annual fee amounts for cardroom business licensees and TPPPS business licensees, based upon the calculation method

recommended by MGT Consulting Group (MGT) in response to the State Auditor’s Report (Audit Report)⁴ released on May 16, 2019.

ANTICIPATED BENEFITS OF PROPOSED REGULATION

This proposed action will have the benefit of requiring cardroom business licensees and TPPPS business licensees to pay total annual fees in an amount necessary for the Commission and DOJ to maintain proper funding levels, while aligning the annual fees paid by each portion of the industry (cardrooms and TPPPS) with the costs associated with workload attributable to that portion of the industry.

SPECIFIC PROPOSAL

This proposed action will make changes within the California Code of Regulations, Title 4, Division 18 as follows:

Chapter 3. Conditions of Operation for TPPPS Businesses

Article 1. General Provisions

Amend Section 12252. TPPPS Annual Fee.

Section 12252 provides the process and timelines for a TPPPS business licensee to submit their annual fee.

The title of Section 12252 is modified with a non–substantive change from “TPPPS Annual Fee” to “TPPPS Business Licensee Annual Fee.”

Subsection (a) provides that no later than October 1 of each year beginning on October 1, 2022, an invoice in an amount determined by the Commission pursuant to Section 12368.2 will be sent by the Bureau of Gambling Control within the DOJ (Bureau) to each TPPPS business licensee. This provision is modified to change the invoice date to October 5 of each year beginning on October 5, 2024.

Subsection (c) provides the timeline and standard for disapproval by the Bureau of a request for installment payments, and specifies annual fee payment deadlines for TPPPS business licensees. Specifically, subsection (c) requires TPPPS business licensees approved for installment payments to make those payments by January 1, April 1, and June 30 of the payment year. If the TPPPS business licensee did not request installment payments or their request was disapproved by the Bureau, subsection (c) requires the TPPPS business licensee to pay the entire annual fee amount by January 1. This provision is modified to change the first two installment payment deadlines to January 5 and April 5, respectively, and to change the lump sum

⁴ State Audit Report 2018–132.

payment deadline if the TPPPS business licensee is not making installment payments to January 5.

Paragraph (2) of subsection (g) provides that for the first full calendar year of licensure, a TPPPS business licensee will be invoiced the unadjusted annual fee required of an active licensee with a gross revenue under \$1,500,000, as provided in Section 12252.2, for the following calendar year. Additionally, paragraph (2) specifies that if the license is approved after October 1, this invoice will be issued concurrently with the invoice required in paragraph (1) of subsection (g). This provision is modified to change the date after which approval of the license will result in issuance of the invoice concurrently with the invoice required in paragraph (1) of subsection (g), from October 1 to October 5.

Subsection (h) is proposed to be added to specify that if three years of gross revenue data is unavailable for an active TPPPS business licensee, the Commission will utilize the available gross revenue data to determine that TPPPS business licensee’s annual fee pursuant to Section 12252.2. Paragraph (1) of subsection (h) specifies that if only one year of gross revenue data is available within the previous three years, that year’s gross revenue will serve as the three-year average gross revenue to determine the TPPPS business licensee’s annual fee pursuant to Section 12252.2. Paragraph (2) of subsection (h) specifies that if only two years of gross revenue data are available within the previous three years, the average of those two years’ gross revenue will serve as the three-year average gross revenue to determine the TPPPS business licensee’s annual fee pursuant to Section 12252.2.

Amend Section 12252.2. TPPPS Annual Fee Amounts.

Section 12252.2 provides the annual fee amounts required of TPPPS business licensees. The title of Section 12252.2 is modified with a non-substantive change from “TPPPS Annual Fee Amounts” to “TPPPS Business Licensee Annual Fee Amounts.”

Section 12252.2 specifies that the annual fee amounts for TPPPS business licensees include:

- \$0 for surrendered or revoked licensees;
- \$2,035 for non-operational licensees;
- \$4,069 for active licensees with a three-year average gross revenue under \$1,500,000; or,
- 1.54% of the three-year average gross revenue for active licensees with a three-year average gross revenue of \$1,500,000 or more.

To determine the current annual fees, the Commission used a step-by-step calculation method that began with the Commission’s and Bureau’s operational costs that are not directly related to any direct fees or deposits — which are charged directly to an applicant,

cardroom or TPPPS — following the MGT cost and fee study. The Commission used this same calculation method to determine the proposed annual fees for this action, which are:

- \$0 for surrendered or revoked licensees;
- \$2,411 for non-operational licensees;
- \$4,823 for active licensees with a three-year average gross revenue under \$1,500,000; or,
- 1.48% of the three-year average gross revenue for active licensees with a three-year average gross revenue of \$1,500,000 or more.

Chapter 7. Conditions of Operation for Gambling Establishments

Article 1. General Provisions

Amend Section 12368. Cardroom Business License Annual Fee.

Section 12368 provides the process and timelines for a cardroom business licensee to submit their annual fee.

The title of Section 12368 is modified with a non-substantive change from “Cardroom Business License Annual Fee” to “Cardroom Business Licensee Annual Fee.”

Subsection (a) provides that no later than October 1 of each year beginning on October 1, 2022, an invoice in an amount determined by the Commission pursuant to Section 12368.2 will be sent by the Bureau to each cardroom business licensee. This provision is modified to change the invoice date to October 5 of each year beginning on October 5, 2024.

Subsection (c) provides the timeline and standard for disapproval by the Bureau of a request for installment payments, and specifies annual fee payment deadlines for cardroom business licensees. Specifically, subsection (c) requires cardroom business licensees approved for installment payments to make those payments by January 1, April 1, and June 30 of the payment year. If the cardroom business licensee did not request installment payments or their request was disapproved by the Bureau, subsection (c) requires the cardroom business licensee to pay the entire annual fee amount by January 1. This provision is modified to change the first two installment payment deadlines to January 5 and April 5, respectively, and to change the lump sum payment deadline if the cardroom business licensee is not making installment payments to January 5.

Paragraph (2) of subsection (g) provides that for the first full calendar year of licensure, a cardroom business licensee will be invoiced the unadjusted annual fee required of an active licensee with a gross revenue under \$1,500,000, as provided in Section 12252.2, for the following calendar year. Additionally, paragraph (2) specifies that if the license is approved after October 1, this invoice will be issued concurrently with the invoice required in paragraph (1) of subsection (g).

This provision is modified to change the date after which approval of the license will result in issuance of the invoice concurrently with the invoice required in paragraph (1) of subsection (g), from October 1 to October 5.

Subsection (h) is proposed to be added to specify that if three years of gross revenue data is unavailable for an active cardroom business licensee, the Commission will utilize the available gross revenue data to determine that cardroom business licensee’s annual fee pursuant to Section 12368.2. Paragraph (1) of subsection (h) specifies that if only one year of gross revenue data is available within the previous three years, that year’s gross revenue will serve as the three–year average gross revenue to determine the cardroom business licensee’s annual fee pursuant to Section 12368.2. Paragraph (2) of subsection (h) specifies that if only two years of gross revenue data are available within the previous three years, the average of those two years’ gross revenue will serve as the three–year average gross revenue to determine the cardroom business licensee’s annual fee pursuant to Section 12368.2.

Amend Section 12368.2. Cardroom Business License Annual Fee Amounts.

Section 12368.2 provides the annual fee amounts required of cardroom business licensees. The title of Section 12368.2 is modified with a non–substantive change from “Cardroom Business License Annual Fee Amounts” to “Cardroom Business Licensee Annual Fee Amounts.”

Section 12368.2 specifies that the annual fee amounts for cardroom business licensees include:

- \$0 for surrendered or revoked licensees;
- \$5,237 for non–operational licensees;
- \$10,473 for active licensees with a three–year average gross revenue under \$1,500,000; or,
- 1.29% of the three–year average gross revenue for active licensees with a three–year average gross revenue of \$1,500,000 or more.

To determine the current annual fees, the Commission used a step–by–step calculation method that began with the Commission’s and Bureau’s operational costs that are not directly related to any direct fees or deposits — which are charged directly to an applicant, cardroom, or TPPPS — following the MGT cost and fee study. The Commission used this same calculation method to determine the proposed annual fees for this action, which are:

- \$0 for surrendered or revoked licensees;
- \$6,234 for non–operational licensees;
- \$12,468 for active licensees with a three–year average gross revenue under \$1,500,000; or,

- 1.33% of the three–year average gross revenue for active licensees with a three–year average gross revenue of \$1,500,000 or more.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

The Commission anticipates a statewide decrease in annual fee collection of approximately \$357,877 in TPPPS annual fees and a statewide increase of \$399,524 in cardroom annual fees per state fiscal year when compared to what is currently being collected, for a combined statewide cost increase of approximately \$41,647 per year. These fees offset the Commission’s and DOJ’s existing costs.

NON–DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made a determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This determination is based on the following facts or evidence/documents/testimony:

This proposed action imposes no new mandatory requirements on businesses.

The Commission anticipates a statewide savings of approximately \$357,877 in TPPPS annual fees. This savings would directly impact TPPPS business licens-

ees. This is reflected as an average savings of approximately \$78,118 in annual fees for a typical TPPPS business and approximately \$2,064 for a small business TPPPS. These estimates were calculated based on the difference between 2024 annual fees invoiced to TPPPS business licensees in October 2023 based on the annual fee amounts in the current regulations, compared to the 2024 annual fees that would have been invoiced to TPPPS business licensees based on the proposed amendments to the annual fee amounts. The calculation method was weighted to ensure that those businesses whose three-year average gross revenue is under \$1,500,000 per year pay a lower proportion of the total fees necessary in order to ensure that no TPPPS business licensee is significantly impacted.

The Commission anticipates an additional statewide cost of approximately \$399,524 in cardroom annual fees. This cost would directly impact cardroom business licensees. This is reflected as an average increase of approximately \$25,515 in annual fees for a typical cardroom business and approximately \$2,327 for a small business cardroom. These estimates were calculated based on the difference between 2024 annual fees invoiced to cardroom business licensees in October 2023 based on the annual fee amounts in the current regulations, compared to the 2024 annual fees that would have been invoiced to cardroom business licensees based on the proposed amendments to the annual fee amounts. The calculation method was weighted to ensure that those businesses whose three-year average gross revenue is under \$1,500,000 per year pay a lower proportion of the total fees necessary in order to ensure that no cardroom business licensee is significantly impacted.

For purposes of estimating the impact to typical businesses and small businesses, the Commission utilized federal Small Business Administration (SBA) definitions of a small business for casinos and other gambling industries. An average annual gross gaming revenue of \$34 million was used as the threshold for small business cardrooms, as specified in the North American Industry Classification System (NAICS) Code section 713210 and referenced by the SBA in Section 121.201 of Title 13, Part 121 of the Electronic Code of Federal Regulations.

Cardroom business licensees having a three-year average gross revenue of no more than \$34 million were identified as small businesses. An average annual gross gaming revenue of \$40 million was used as the threshold for small business TPPPS, as specified in NAICS Code section 713290 and referenced by the SBA in Section 121.201 of Title 13, Part 121 of the Electronic Code of Federal Regulations. TPPPS business licensees having a three-year average gross revenue of no more than \$40 million were identified as small businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The Commission anticipates an impact on a typical TPPPS business licensee resulting from the decrease to their annual fee. As noted above, the Commission estimates the average decrease to be \$78,118 per typical TPPPS business. The proposed regulation will have no impact on a representative private person.

The Commission anticipates an impact on a typical cardroom business licensee resulting from the increase to their annual fee. As noted above, the Commission estimates the average increase to be \$25,515 per typical cardroom business. The proposed regulation will have no impact on a representative private person.

EFFECT ON SMALL BUSINESS:

The Commission anticipates an impact on a small TPPPS business licensee resulting from the decrease to their annual fee. As noted above, the Commission estimates the average decrease to be \$2,064 per small business TPPPS.

The Commission anticipates an impact on a small cardroom business licensee resulting from the increase to their annual fee. As noted above, the Commission estimates the average increase to be \$2,327 per small business cardroom.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ ANALYSIS IMPACT ON JOBS/NEW BUSINESSES:

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

The basis for this determination is that this proposed action only adjusts TPPPS business licensees' and cardroom business licensees' annual fees to better align with costs incurred by the Commission and DOJ, which is unlikely to result in additional or reduced industry participation or performance.

BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of requiring TPPPS business licensees and cardroom business licensees to pay total annual fees in an amount necessary for the Commission and DOJ to maintain proper funding levels, while aligning the annual fees paid by each portion of the industry (cardrooms and TPPPS) with the costs associated with workload attributable to that portion of the industry.

HEALTH AND WELFARE OF CALIFORNIA RESIDENTS:

It has been determined that the proposed action will protect the health, safety, and general welfare of California residents by aiding and preserving the integrity of controlled gambling.

WORKER SAFETY:

It has been determined that the proposed action will not affect worker safety because it does not pertain to working conditions or worker safety issues.

STATE’S ENVIRONMENT:

It has been determined that the proposed action will not affect the state’s environment because it does not pertain to environmental issues.

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.

Between December 28, 2022, through March 1, 2023, the Commission solicited from all stakeholders alternative methodologies to determine the annual fees for cardrooms and TPPPS. The Commission received one response that provided a detailed alternative methodology within the Commission’s regulatory authority. Set forth below is a description of the alternative that was considered and the reasons that alternative was rejected. No other reasonable alternative methodology has been developed or otherwise identified and brought to the attention of the Commission.

In summary, the differences between the annual fee methodology the Commission utilizes and the alternative methodology provided were as follows:

- Although there was no proposed change in the Cost Pools or how to determine the amount of each Cost Pool, it was proposed that the amount of each Cost Pool would be divided amongst active and non-operational cardrooms and TPPPS based on the following methodology:

Cardrooms:

- The percentage of Cost Pool 1 and 2 costs to be attributed to active cardrooms would be determined by dividing the total number of authorized tables for all active cardrooms by the total number of all authorized tables.
- The percentage of Cost Pool 1 and 2 costs to be attributed to non-operational cardrooms would be determined by dividing the total number of authorized tables for all non-operational cardrooms by the total number of all authorized tables.
- Cost Pools 3–6 would be attributed only to active cardrooms.

TPPPS:

- The percentage of Cost Pool 1 and 2 costs to be attributed to active TPPPS would be determined by dividing the total number of licensed employees for all active TPPPS by the total number of all licensed TPPPS employees.
- The percentage of Cost Pool 1 and 2 costs to be attributed to all non-operational TPPPS would be determined by dividing the total number of licensed employees for all non-operational TPPPS by the total number of all licensed TPPPS employees.
- Cost Pools 3–6 would be attributed only to active TPPPS.
- The total amount of costs identified in Cost Pools 1 and 2 for non-operational cardrooms and non-operational TPPPS would be divided by the number of cardroom and TPPPS non-operational entities, respectively, to determine a base cost for each non-operational cardroom or TPPPS.
- The total amount of costs identified in Cost Pools 1–6 for active cardrooms and TPPPS would be divided by the total number of authorized tables for active cardrooms and the total number of licensed employees for active TPPPS to determine a per-table or per-licensed-employee cost. The per-table amount multiplied by the number of authorized tables for each active cardroom would be that active cardroom’s annual fee amount due. The per-licensed-employee amount multiplied by the number of licensed employees for each active TPPPS would be that active TPPPS’ annual fee amount due.

The reasons this alternative methodology was not utilized are as follows:

- When the methodology was applied using real industry data, 72 percent of cardrooms’ annual fees and 85 percent of TPPPS’ annual fees increased compared to the annual fees calculated utilizing the Commission’s current methodology.
- Among the entities whose annual fees would have increased, the average increase of the amount to be billed was 89 percent for cardrooms and 288 percent for TPPPS.
- Non-operational entities’ annual fee amounts — which are fixed amounts in both the current and alternative methodologies — would have increased by 35 percent for cardrooms and 560 percent for TPPPS.
- The alternative methodology shifted a larger share of costs to small businesses, compared to the current methodology. When compared to the current methodology, the alternative method-

ology shifted a statewide total of approximately \$527,902 in annual fees from typical (non-small business) cardrooms to small business cardrooms, and a statewide total of approximately \$1.4 million in annual fees from typical (non-small business) TPPPS to small business TPPPS.

- The increases to non-operational and smaller cardrooms and TPPPS could have significantly jeopardized whether the entities could maintain a license/business.
- The methodology would have caused inconsistencies between how cardrooms and TPPPS are charged annual fees, which is in direct contrast to the State Auditor's recommendation to increase uniformity in the licensing process.
- The proposal not to apply costs associated with Cost Pools 3-6 to non-operational entities is not justified. Non-operational entities choose to maintain a license in a highly regulated industry. The costs associated with Cost Pools 3-6 are costs associated with regulating the industry as a whole.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request to the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact 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 one of the contact persons named below or by accessing the Commission's website also listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

Joshua Rosenstein, Legislative and Regulatory Specialist
Legislative and Regulatory Affairs Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 274-5823
Fax: (916) 263-0499
Email: jrosenstein@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Alex Hunter, Legislative and Regulatory Specialist
Legislative and Regulatory Affairs Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-1301
Fax: (916) 263-0499
Email: ahunter@cgcc.ca.gov

WEBSITE ACCESS

Materials regarding this proposed action are also available on the Commission's website at www.cgcc.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

AMEND COMMISSION REGULATION 1205 DEFINITIONS RELATED TO SERIOUS MISCONDUCT

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

Public Comments Due by February 12, 2024.

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to Michelle Weiler, at michelle.weiler@post.ca.gov or by letter to:

Commission on POST
 Attention: Michelle Weiler
 860 Stillwater Road, Suite 100
 West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations), and PC § 13510 (Senate Bill 2). This proposal is intended to interpret, implement, and make specific PC § 13510, which authorizes POST to establish a certification program for peace officers in the state of California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. On January 1, 2023, Commission Regulation 1205 — Serious Misconduct was adopted and became effective.

This rulemaking action clarifies and makes specific the definition of “demonstrating bias” in relation to PC § 13510.8. POST is proposing to amend this regulation to address the criteria the Peace Officer Standards Accountability Advisory Board (Board) and Commission shall consider in determining whether a demonstration of bias occurred.

The proposed amendment to the text of Commission Regulation 1205 in this rulemaking action will create additional regulatory language strictly for the definition of serious misconduct as it relates to the demonstration of bias. This amendment will be adopted as Commission Regulation 1205(a)(5)(A)–(B).

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed regulatory adoption will establish the factors the Board and Commission shall consider in determining whether an act of demonstrating bias occurred which will increase the ability of POST to meet its mandates and protect the public health and welfare. The proposed

amendments will have no impact on worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference in this proposed action.

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations concern the conduct of peace officers and not small business. Additionally, the Commission’s main function to develop and maintain standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

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

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in meeting its mandates surrounding enforcement of peace officer standards of professional conduct. The adoption provides clarity related to the factors the Board and Commission will consider when determining whether an act of demonstrating bias occurred. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michelle Weiler, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to Katelynn Poulos at (916) 227-4894.

TEXT OF PROPOSAL

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

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

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

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

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

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

**TITLE 16. COURT REPORTERS
BOARD**

**EXAMINATION RESULTS AND
TRANSCRIPT FORMAT**

NOTICE IS HEREBY GIVEN that the Court Reporters Board of California (CRB or Board) proposes to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her au-

thorized 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 email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on Tuesday, February 13, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 8007, 8008, and 8025 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 135, 8005, 8015, 8020, 8023, and 8025, the Board is considering amending sections 2420, 2422, and 2473 of Title 16, Division 24, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations at CCR sections 2420 and 2422 set forth examination requirements and related provisions for certified shorthand reporters, including permission for examinees to inspect their examination transcripts and a copy of the Board’s official transcripts upon written request, as well as the ability of examinees to request reconsideration of their exam results. Existing regulatory language at CCR section 2473 sets forth minimum transcript format standards with which shorthand reporters must comply.

BPC section 135 sets forth requirements relating to examinations and re-examinations after a failed attempt, including for a divisible part of an examination. BPC section 8005 authorizes the Board to appoint committees and an executive officer and to employ employees as necessary. BPC section 8008 outlines powers and duties of the Board, including the ability to investigate and discipline licensees. Section 8015 establishes and maintains a standard of competency for shorthand reporters for the protection of the public and litigants. Section 8020 sets forth requirements for admittance into the licensing examination. Section 8023 prohibits the issuance of a court reporting certificate until the applicant has passed the required examination. Section 8025 outlines causes under which a license may be suspended, revoked, denied, or otherwise subject to disciplinary action.

This regulatory proposal will amend CCR section 2420 to add a requirement that the Board notify examinees of their examination results, relocating this requirement from existing CCR section 2422(a) that is being repealed under this rulemaking. The proposal will repeal CCR section 2422 in its entirety to rescind examinees’ permission to inspect their examination transcripts and a copy of the Board’s official transcripts and to rescind examinees’ ability to request reconsideration of their examination results. The proposal will also amend CCR section 2473 to establish a new minimum transcript format standard that the text be offered in a full text–search capable electronic format, if requested. Furthermore, the proposal will make other minor, technical non–substantive changes to address punctuation and grammar. This proposal aligns with the Board’s mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a full text–search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

The Board proposes the following changes:

Amend Section 2420, Examination Required, Passing Grades and Conditional Examination Credit.

Existing law sets forth provisions relating to the three–part licensing examination for certified shorthand reporters, including how passing grades are determined and how and for what duration conditional credit is granted for an examination that has been passed.

This regulatory proposal will

- Amend the section title by changing the comma after “Required” to a semicolon, adding “; Results Notification;” after “Grades,” and deleting “and.”
- Adding a new subsection (b) regarding the notification of exam results.
- Renumbering existing subsection (b) to (c).
- Renumbering existing subsection (c) to (d).
- Renumbering existing subsection (d) to (e) and changing “(b)” to “(c)” in the body of the subsection.
- Renumbering existing subsection (e) to (f), changing “(b)” to “(c)” in the body of the subsection, and adding a space in the middle of “maybe” to make it two words.
- Amend the Reference Note by adding a comma after “8020” in the Reference Note.

Repeal Section 2422, Inspection of Examination Papers; Notification.

Existing law sets forth requirements and processes for notification of examination results, examinees' inspection of transcripts relating to a failed examination, and examinees' request for reconsideration of examination results.

This regulatory proposal will

- Repeal CCR section 2422 in its entirety.

Amend Section 2473, Minimum Transcript Format Standards.

Existing law sets forth minimum transcript format standards with which a certified shorthand reporter must comply when producing a transcript in a legal proceeding under certain situations.

This regulatory proposal will

- Amend subsection (a)(2) by changing "time-stamping" to "timestamping."
- Amend subsection (a)(3)(A) by changing the semicolon into a comma.
- Amend subsection (a)(3)(C) by changing the period into a semicolon.
- Amend subsection (a)(4) by changing "is" to "shall be."
- Amend subsection (a)(5) by changing "is to" to "shall."
- Amend subsection (a)(6) by changing "is to" to "shall" and uncapitalizing "Symbols."
- Amend subsection (a)(7) by changing "to" to "shall."
- Amend subsection (a)(8) by changing the first "to" to "shall" and changing the second "to" to "beginning at."
- Amend subsection (a)(9) by changing the first "to" to "shall," deleting the second "to," and adding "ning" to change "begin" to "beginning."
- Amend subsection (a)(10) by deleting "and" at the end of the sentence.
- Amend subsection (a)(11) by changing the period into a semicolon and adding "and" at the end of the sentence.
- Add a new subsection (a)(12) regarding a full text-search capable electronic format.
- Amend the Authority Note by adding a comma after "8008" in the Authority Note.

**ANTICIPATED
BENEFITS OF THE PROPOSAL**

The Board has determined that this regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

The proposed amendments to CCR sections 2420, 2422, and 2473 will relocate and clarify existing regulatory language, help ensure the integrity and security of the certified shorthand reporter exam, and help ensure that minimum transcript format standards for shorthand reporters are up to date and consistent with other laws and industry standards.

The relocation of the exam results provisions from CCR section 2422(a) to section 2420(b) will help consolidate examination-related information under one regulation. The repeal of CCR section 2422 will help ensure proper examination security for the current online format of the exam.

When the dictation examination was administered in person, the content was used only once and then discarded, so there were no exam security issues related to the release of examinees' transcripts or the Board's official transcripts. However, if the Board continues allowing transcript inspections currently authorized under subsection (b) of CCR section 2422, examination security would be jeopardized because the current online testing uses an item bank of exam content that is reused multiple times and cannot be exposed to examinees while it is still actively being used and administered to other examinees. The use of exam item bank content is a cost-effective method of achieving broad availability of reusable exam content for licensure exams. With online administrations that have multiple exam forms in the item bank, the testing vendor can track which exam forms they administered to an examinee in the past and ensure that they do not give an examinee the same form again in the event an examinee fails the exam and must retest. The Board does not have sufficient funding to develop dozens of unique forms of the dictation exam for use throughout the year.

In addition to non-substantive changes, the transcript format revisions contained in CCR section 2473 will help update the minimum standards to reflect the current practice of offering transcripts in electronic format that is text searchable, if requested, when there are no other transcript format guidelines established within a jurisdiction.

This proposal aligns with the Board's mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a full text-search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

EVALUATION OF CONSISTENCY AND
COMPATIBILITY WITH EXISTING
STATE REGULATIONS

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

INCORPORATION BY REFERENCE

No forms are incorporated by reference in the proposed regulations.

DISCLOSURES REGARDING THIS
PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state. The amendments are intended to better align CRB’s regulations with current law and existing practice. As a result, no additional workload or costs are anticipated.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate Imposed on Local Agency or School Districts: None.

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

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Board 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. This initial determination is based on the following facts/evidence/documents or testimony:

This regulation will not have a significant adverse economic impact on businesses because CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to relocate a requirement that the Board notify examinees of their examination results, rescind examinees’ permission to inspect their examination transcripts and a copy of the Board’s official transcripts, rescind examinees’ ability to request re-

consideration of their examination results, establish a new minimum transcript format standard that the text be offered in a full text–search capable electronic format, if requested, and to make other minor, technical non–substantive changes to address punctuation and grammar.

Cost Impact on Representative Private Person or Business

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

The amendments are intended to better align CRB’s regulations with existing practice and are not anticipated to change the number of examinations taken per year or result in a change in the number of individuals issued an initial certificate annually.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs and will not have an impact on new or existing businesses in the State of California.

CRB has been licensing certified shorthand reporters since 1951 and will continue to do so. The proposed regulations are intended to relocate a requirement that the Board notify examinees of their examination results, rescind examinees’ permission to inspect their examination transcripts and a copy of the Board’s official transcripts, rescind examinees’ ability to request reconsideration of their examination results, establish a new minimum transcript format standard that the text be offered in a full text–search capable electronic format, if requested, and to make other minor, technical non–substantive changes to address punctuation and grammar.

The proposed regulation will have no impact on the amount of work that is available for certified shorthand reporters or on the demand for certified shorthand reporter services; therefore, it will not create new or eliminate jobs or businesses within California.

Benefits of Regulation

The Board has determined that this regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state’s environment.

The proposed amendments to CCR sections 2420, 2422, and 2473 will relocate and clarify existing regulatory language, help ensure the integrity and security of the certified shorthand reporter exam, and help ensure that minimum transcript format standards for shorthand reporters are up to date and consistent with other laws and industry standards. The relocation of

the exam results provisions from CCR section 2422(a) to section 2420(b) will help consolidate examination-related information under one regulation. The repeal of CCR section 2422 will help ensure proper examination security for the current online format of the exam.

When the dictation examination was administered in person, the content was used only once and then discarded, so there were no exam security issues related to the release of examinees' transcripts or the Board's official transcripts. However, if transcript inspections currently authorized under subsection (b) of CCR section 2422 were allowed to continue, examination security would be jeopardized because the current online testing uses an item bank of exam content that is reused multiple times and cannot be exposed to examinees while it is still actively being used and administered to other examinees.

In addition to non-substantive changes, the transcript format revisions contained in CCR section 2473 will help update the minimum standards to reflect the current practice of offering transcripts in electronic format that is text searchable, if requested, when there are no other transcript format guidelines established within a jurisdiction.

This proposal aligns with the Board's mission to protect and serve the public by ensuring that shorthand reporter examinees have properly and successfully completed the licensing examinations and that certified shorthand reporters offer transcripts in a full text-search capable electronic format upon request, which can reduce administrative costs such as printing and mailing and also aligns with the technological advancement of the legal and justice system.

Business Reporting Requirements

The regulatory action requires no business reporting requirements.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. Although some CRB licensees may be small businesses, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

This regulatory proposal will not have a significant statewide adverse economic impact directly affecting small businesses including the inability of California small businesses to compete with businesses in other states.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subsection (a)(13), the Board 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, would be 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 Board in writing relevant to the above determinations at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 during the written comment period or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

CRB has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information upon 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, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposal substantially as described herein or may modify such proposal 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 comments 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 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: Betsy Figueira
Address: Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Telephone Number: (916) 263-3660
Fax Number: (916) 263-3664
Email Address: Betsy.Figueira@dca.ca.gov

The backup contact person is:

Name: Yvonne Fenner
Address: Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Telephone Number: (916) 263-3660
Fax Number: (916) 263-3664
Email Address: Yvonne.Fenner@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed and modified text, if any, can be accessed through the Board's website at <https://www.courtreportersboard.ca.gov/lawsregs/index.shtml>.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

PESTICIDE APPLICATION NOTICE REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (SPCB) is proposing to take action as described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The SPCB has not scheduled a public hearing for this action. However, the SPCB will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing and 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 email to the addresses listed under "Contact Person" in this Notice, must be received by the SPCB at its office no later than **by 5:00 p.m., Tuesday, February 13, 2024**, or must be received by the SPCB at the hearing, should one be scheduled. Both oral and written comments may also be made at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority granted by Business and Professions Code (BPC) section 8525 and to implement, interpret and make specific BPC sections 8505.5, 8505.13, 8525, and 8538 the SPCB is proposing to amend Title 16, California Code of Regulations (16 CCR) section 1970.4 and add 16 CCR, sections 1970.41, 1970.42, and 1970.43.

INFORMATIVE DIGEST

Currently, 16 CCR section 1970.4 outlines the notification requirements related to Branch 1 (fumigation), Branch 2 (general household pests), and Branch 3 (wood destroying organisms) pesticide applications.

Currently, 16 CCR section 1970.4(a) applies to Branch 1 applications and specifies the information that must be included on Form 43M-48, Occupants Fumigation Notice & Pesticide Disclosure (OFN) and requires that the OFN be signed by the occupants or the designated agent of the structure to be fumigated.

This regulatory proposal isolates into stand-alone sections the component parts of 16 CCR 1970.4.

In this proposal, Branch 1 notification requirements, currently written into 16 CCR 1970.4(a), are isolated so that 16 CCR 1970.4 will now exclusively specify Branch 1 notification requirements by detailing the information that must be included on the OFN.

Additionally, the image of Form 43M-48, the OFN, is stricken. The OFN has been re-designed in a manner consistent with the proposed changes to 16 CCR 1970.4 and is being incorporated by reference.

Currently, 16 CCR section 1970.4(b) requires that any death or serious injury related to the application or use of pesticides, is to be reported immediately to the nearest SPCB office.

This regulatory proposal strikes 16 CCR 1970.4(b) and moves its provisions to a newly created 16 CCR 1970.43. Additionally, this regulatory proposal adds language to clarify that any death or serious injury, whether to the homeowner, structural pest control company, or member of the public, must be immediately reported to both the SPCB and the County Agricultural Commissioner's office in county in which the pesticide application occurred.

Currently, 16 CCR section 1970.4(c) requires Branch 2 and Branch 3 registered companies to post notice in a conspicuous location after a pesticide application has been made. Additionally, 16 CCR 1970.4(c) specifies the information that must be included on the notice, allows for the notice to be given to the owner or the designated agent in the case of multiple family structures, and lists the types of documents (door hangers, invoices, billing statements, or similar documents containing the company's name, address, and telephone number) that are acceptable means of notice.

This regulatory proposal strikes 16 CCR 1970.4(c) and creates 16 CCR 1970.41 and 1970.42 in its place.

In this proposal, 16 CCR 1970.41 further defines the term "conspicuous place" as it is used in BPC 8538.

In this proposal, 16 CCR 1970.42 outlines the post-application notice requirements for Branch 2 and Branch 3 registered companies. There are several scenarios addressed in this section including, pesticide applications around and/or to the exterior of residential, commercial, and industrial structures, as well as pesticide applications within both single family and multi-unit residential structures. Additionally, 16 CCR 1970.42 describes the types of documents that satisfy the notification requirement as well the information that must be included on them.

Currently, 16 CCR section 1970.4(d) requires that all licensees (Operators, Field Representatives, and Applicators) as well as any non-licensed employees comply fully with BPC section 8538. Additionally, 16 CCR 1970.4(d) states that failure to comply with BPC section 8538 constitutes a misdemeanor and is grounds for disciplinary action.

In this proposal 16 CCR 1970.4(d) is stricken.

Currently, 16 CCR section 1970.4(e) specifies pre-application notification requirements for multiple family dwellings that are greater, and less than or equal to 4 units.

For multiple family dwellings greater than 4 units 16 CCR section 1970.4(e) requires that the owner or designated agent be given notice and that the notice be posted in heavily frequented and highly visible ar-

reas such as mailboxes, and laundry and community rooms.

For multiple family dwellings of less than 5 units 16 CCR section 1970.4(e) requires each affected unit to be individually notified.

Lastly, 16 CCR 1970.4(e) states that in all cases, any pest control servicing to be performed inside a tenant's unit requires that the tenant be individually notified in accordance with BPC section 8538.

In this proposal 16 CCR 1970.4(e) is stricken and 16 CCR 1970.41 is added. The pre-application notice requirements currently outlined in 16 CCR 1970.4(e) are already specified in BPC 8538 and the addition of 16 CCR 1970.41 defines the term "conspicuous place" and lists some examples that meet the definition.

Currently, 16 CCR 1970.4(f) states that any registered company that applies a pesticide within, around, or to any structure shall provide, within 24 hours, the common, generic, or chemical name of the pesticide to any person who requests it.

In this proposal 16 CCR 1970.4(f) is stricken, and its provisions are moved to 16 CCR 1970.42(c).

POLICY STATEMENT OVERVIEW/ ANTICIPATED BENEFITS

The SPCB anticipates that consumers, the structural pest control industry, and the SPCB itself will benefit as a result of the proposed regulation. Currently, 16 CCR 1970.4 establishes pre and post application notice requirements for all branches of pest control and all locations where a pesticide application might occur. By separating 16 CCR 1970.4 into sections addressing specific pesticide application scenarios for both pre and post application in each branch of pest control, the SPCB anticipates that the resulting increase in clarity and added conveniences will benefit all stakeholders.

Specifically, in this proposal, 16 CCR 1970.4 has been updated to clearly list the information that must be included on the OFN. Additionally, the OFN itself has been re-designed to match up with the text of 16 CCR 1970.4 more intuitively. Consumers, pest control industry, and the SPCB all benefit from the increased clarity these changes accomplish.

16 CCR 1970.41 and 1970.42 create stand-alone sections for Branch 2 and 3, pre and post application notice requirements. The SPCB anticipates that the increased clarity and added convenience will benefit consumers, industry, and the SPCB itself.

This proposal adds 16 CCR 1970.43 as a stand-alone section outlining protocols should a serious injury or death occur related to pesticide use or application. The SPCB believes this addition is necessary and beneficial for consumers and the structural pest control industry. Currently, these protocols are outlined in CCR 1970.4(b) however, because 16 CCR 1970.4 is being

split into stand-alone sections that apply to various branches and circumstances, it is prudent to create a stand-alone section applicable to any death or serious injury related to pesticide use or application.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing this regulatory proposal the SPCB conducted a search for any regulations relating to this topic. At the conclusion of its search the SPCB determined that this regulatory proposal is not inconsistent or incompatible with existing regulations.

INCORPORATION BY REFERENCE

Occupants Fumigation Notice and Pesticide Disclosure, Form 43M-48 (Rev. 10/2022).

FISCAL IMPACT ESTIMATES

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

Non-Discretionary Costs or Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

BUSINESS IMPACT STATEMENT

The SPCB made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The SPCB made this determination because the proposed regulation imposes no new requirements or restrictions on structural pest control businesses nor does the proposed regulation increase costs to those businesses. The proposed regulation clarifies existing requirements and re-organizes them in a manner that is easier to find and understand.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SPCB 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

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation does not impose any new requirements or restrictions that would affect the creation or elimination of jobs within the state.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation does not impose any new requirements or restrictions that would affect the creation new businesses or elimination of existing businesses within the state.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation does not impose any new requirements or restrictions that would affect the expansion of businesses within the state.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California’s residents, worker safety, and the state’s environment in the following ways:

The proposed regulation will benefit the health and welfare of California residents by clarifying and updating the notification requirements governing pesticide application. Currently, the notification requirements outlined in 16 CCR 1970.4 cover all branches of structural pest control and all application scenarios. This regulatory proposal identifies the different branches of pest control along with the different types of application scenarios for each branch and creates new sections outlining the appropriate notification requirements. The improved clarity for both industry and consumers is beneficial to the health and safety of California residents.

EFFECT ON HOUSING COSTS

The SPCB has determined that the proposed regulation will have no effect on housing costs. The SPCB made this determination because the proposed regulation is not relevant to housing costs.

BUSINESS REPORTING REQUIREMENT STATEMENT

The regulatory action requires businesses to file a report by requiring that a death/injury notice be sent to the local County Agricultural Commissioner’s office in the county in which the pesticide application

occurred. The purpose of requiring that the County Agricultural Commissioner also be notified of a serious injury or death is that the County Agricultural Commissioners provide street level enforcement of pesticide applications and therefore should also be notified in the event of a serious injury or death. Considering this, the SPCB has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply to businesses.

EFFECT ON SMALL BUSINESS

The proposed regulation will have no effect on small businesses because it creates no new requirements or restrictions.

CONSIDERATION OF ALTERNATIVES

The SPCB 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, would be 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 SPCB in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, 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 SPCB office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <https://pestboard.ca.gov/pestlaw/index.shtml>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the SPCB may adopt the proposed regulations substantially as described in this notice. If the

SPCB 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 SPCB adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Heather Jackson at the address indicated above. The SPCB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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.

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board's website at: <https://pestboard.ca.gov/pestlaw/index.shtml>

CONTACT PERSON

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

Name: Heather Jackson
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 279-236-2503
Fax Number: 916-263-2469
Email Address: Heather.Jackson@dca.ca.gov

The backup contact person is:

Name: Sophia Azar
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 279-236-2502
Fax Number: 916-263-2469
Email Address: Sophia.Azar@dca.ca.gov

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF EFFECTIVE DATES FOR SECTION 2196.2 OF THE HEAVY-DUTY INSPECTION AND MAINTENANCE PROGRAM — CALIFORNIA CODE OF REGULATIONS TITLE 13, CHAPTER 3.7, SECTIONS 2195 THROUGH 2199.1

The California Air Resources Board (CARB) has established an effective date of April 1, 2024, for California Code of Regulations, title 13, section 2196.2 within the Heavy-Duty Inspection and Maintenance Regulation.

Background and Discussion

The Heavy-Duty Inspection and Maintenance (HD I/M) regulation¹ subjects nearly all non-gasoline vehicles with a gross vehicle weight rating over 14,000 pounds that operate in California to periodic emissions testing. These testing requirements help ensure that heavy-duty vehicles operating in California remain equipped with properly functioning emissions controls, and when malfunctioning, that these systems get repaired in a timely manner. Through the repair of malfunctioning emissions control systems, the HD I/M regulation will substantially reduce toxic particulate matter and emissions of oxides of nitrogen from the heavy-duty vehicle sector. This will help reduce air pollution and improve public health across the state, especially in communities disproportionately impacted by heavy-duty vehicle activity.

The HD I/M regulation is being implemented through a multi-phased approach with each phase building on the efforts of the previous one. In January 2023, the regulation began the first implementation phase with deployments of roadside emissions monitoring equipment to screen for vehicles operating with potentially high emissions. Vehicles identified as potential high emitters receive a Notice to Submit to Testing and are required to submit a passing compliance test to CARB within 30 days of receipt of the notice.

On September 22, 2023, CARB established an effective date of December 31, 2023, for sections 2196.1, subdivision (f), 2196.8, 2197, and 2197.2, subdivision (b), of the HD I/M regulation. This announcement meant that owners of vehicles subject to the HD I/M regulation must report their vehicles to CARB (§ 2197.2(b)) and pay the annual compliance fee (§ 2196.1(f)) by Decem-

ber 31, 2023. Further, the announcement established, through section 2197, that freight contractors, brokers, and applicable freight facilities must verify that vehicles they contract with for services or that enter their facilities are compliant with the HD I/M regulation as of December 31, 2023. Finally, this announcement established that the parts unavailability compliance time extension provisions of section 2196.8 are enacted as of December 31, 2023, to provide vehicle owners a compliance extension mechanism for situations when a repair component necessary to bring a vehicle back into compliance is unavailable.

Before beginning the implementation of the final phase of the program, the HD I/M regulation requires CARB to notify entities of the effective date through publication in the California Regulatory Notice Register at least 90 days prior to the effective date. Through the publication of this notice, CARB is establishing that the effective date for section 2196.2 of the HD I/M regulation is April 1, 2024.

As of April 1, 2024, vehicles subject to the HD I/M regulation must pass an emissions compliance test twice per year, except motorhomes and agricultural vehicles, which must pass an emissions compliance test once per year. Following the initial three years of periodic testing requirements, the compliance testing frequency increases to four times per year on April 1, 2027, for vehicles equipped with onboard diagnostics systems.

For further details on these enacted regulatory requirements, refer to CARB's HD I/M *regulation webpage*².

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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 (“Board”) of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING:

On **February 15, 2024**, at 10:00 a.m.

in the Council Chambers of the Burbank City Hall
275 E. Olive Avenue, Burbank, California

¹ Cal. Code Regs., title 13, §§ 2195–2199.1.

² <https://ww2.arb.ca.gov/our-work/programs/heavy-duty-inspection-and-maintenance-program>.

as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- 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 **February 15, 2024**, at 10:00 a.m.

in the Council Chambers of the Burbank City Hall
275 E. Olive Avenue, Burbank, California

as well as via the following:

- Videoconference at www.webex.com (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- 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 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.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986**

**CHEMICAL LISTED EFFECTIVE
DECEMBER 29, 2023**

**AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE REPRODUCTIVE
TOXICITY: BISPENOL S (BPS)**

Effective December 29, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) is adding bisphenol S (BPS) to the list of chemicals known to the State of California to cause reproductive toxicity (female reproductive endpoint) under the Safe Drinking Water and Toxic Enforcement Act of 1986, sections 25249.5 et seq. of the Health and Safety Code, otherwise known as Proposition 65.

At a public meeting on December 12, 2023, the Developmental and Reproductive Toxicant Identification Committee (DARTIC) in its official capacity as the “state’s qualified experts” determined that BPS was clearly shown through scientifically valid testing according to generally accepted principles to cause female reproductive toxicity. Regulations for the listing of chemicals by the DARTIC are set out in Title 27, California Code of Regulations, section 25305(b)(1).

A [complete, updated Proposition 65 chemical list](#) is available on the OEHHA website.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

**NOTICE OF INDEX OF PRECEDENTIAL
DECISIONS (GOVERNMENT CODE
SECTION 11425.60 SUBDIVISION (c))**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of its precedential decisions. The index and the

text of the precedential decisions can be viewed on the Board’s website at http://bvnpt.int.dca.ca.gov/about-us/precedential_decisions.shtml and may also be reviewed in the public lobby at the Board’s offices at the address listed above during normal business hours. The index is available to the public by email subscription, upon request. A request for subscription may be made by using the index subscription feature on the Board’s website or by email at bvnpt@dca.ca.gov.

**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 Department of Tax and Fee
Administration
File # 2023–1205–01
Tax on Cannabis Gross Receipts

This emergency action seeks to further specify the phrase “gross receipts of any retail sale by a cannabis retailer,” as used in Revenue and Taxation Code section 34011.2, for purposes of the cannabis excise tax imposed by that section. This action is deemed to be an emergency and shall remain in effect for two years pursuant to Revenue and Taxation Code section 34013.

Title 18
Adopt: 3802
Amend: 3700
Filed 12/15/2023
Effective 12/15/2023
Agency Contact: Kim DeArte (916) 309–5227

Department of Health Care Access and Information
File # 2023–1208–02
Material Change Transactions and Pre–Transaction
Review

This emergency action implements the California Health Care Quality and Affordability Act (Senate Bill (SB) 184, Chapter 47, Statutes of 2022) by establishing the Cost and Market Impact Reviews (CMIR) program, under which the Office of Health Care Affordability within the Department of Health Care Access and Information will collect, analyze, and publicly report

data on total health care expenditures, including market consolidation transactions that are likely to significantly impact competition and health care costs. This is a deemed emergency action pursuant to Health and Safety Code section 127501.2, subdivision (a).

Title 22
Amend: 97431, 97435, 97437, 97438, 97439, 97440, 97441, 97442
Filed 12/18/2023
Effective 12/18/2023
Agency Contact:
Heather Cline Hoganson (916) 326–3657

State Allocation Board
File # 2023–1208–01
Leroy F. Greene School Facilities Act of 1998; GSD
Extension 1/1/2026

This emergency rulemaking action by the State Allocation Board extends, from January 1, 2024 to January 1, 2026, the sunset date for subdivision (d) of section 1859.76 of Title 2 of the California Code of Regulations concerning the General Site Development Grant that schools may be eligible for under the School Facility Program. This grant helps schools cover the extra costs involved in building new schools or adding additions to existing schools requiring the development of new acreage. These extra costs include: landscaping, finish grading, driveways, walkways, outdoor play facilities, permanent playground equipment, and athletic fields.

Title 02
Amend: 1859.76
Filed 12/18/2023
Effective 12/18/2023
Agency Contact: Lisa Jones (916) 376–1753

CalSavers Retirement Savings Board
File # 2023–1207–01
CalSavers Retirement Savings Program Amendments

In this deemed emergency readopt pursuant to Government Code section 100048, the CalSavers Retirement Savings Board is amending regulations to require an Eligible Employer registering with the CalSavers Retirement Savings Program to provide both their Federal Employer Identification Number and California Employer Payroll Tax Account Number.

Title 10
Amend: 10002
Filed 12/14/2023
Effective 01/10/2024
Agency Contact:
Jonathan Herrera (916) 653–1744

Department of Toxic Substances Control
File # 2023-1208-03
Addition to the List of Covered Electronic Devices

This is a readoption of emergency action number 2021-1209-03E, which added the following to the list of Covered Electronic Devices (CED), bringing them within the scope of the Covered Electronic Waste Recycling Program pursuant to Health and Safety Code, Division 20, Chapter 6.5, Article 10.3: (1) Organic light-emitting diode (OLED)-containing laptop computers; (2) OLED-containing tablets; (3) OLED-containing desktop monitors; (4) OLED-containing televisions; (5) Liquid crystal display (LCD)-containing tablets; and (6) LCD-containing smart displays.

Title 22
Amend: 66260.10, 66260.201, Appendix X of div. 4.5, chapter 11, art. 5
Filed 12/18/2023
Effective 12/18/2023
Agency Contact:
Gabby Nepomuceno (916) 251-8328

California Conservation Corps
File # 2023-1121-03
Conflict-of-Interest Code

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

Title 02
Amend: 43000
Filed 12/13/2023
Effective 01/12/2024
Agency Contact: Tabatha Chavez (916) 341-3137

California Student Aid Commission
File # 2023-1204-03
Golden State Teacher Grant Program

In this request for filing and printing pursuant to Government Code section 11343.8, the California Student Aid Commission is amending regulations pertaining to the Golden State Teacher Grant Program. This action is exempt from the Administrative Procedure Act pursuant to Education Code section 69617(g)(3).

Title 05
Amend: 30520, 30523, 30524, 30526, 30527, 30528
Filed 12/18/2023
Effective 12/18/2023
Agency Contact:
Synequeen Alasa-as (916) 464-6411

Department of Industrial Relations
File # 2023-1204-04
Civil Penalties for Cal/OSHA Citations

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

Title 08
Amend: 336
Filed 12/19/2023
Effective 12/19/2023
Agency Contact:
T. Michelle Henson (559) 290-1054

Department of Health Care Access and Information
File # 2023-1103-02
HCAI Patient Data Reporting Regulations

In this submission without regulatory effect, the Department of Health Care Access Information (HCAI) is removing obsolete, out-of-date language, updating the identification numbers and dates on certain forms, and correcting punctuation based non-substantive issues.

Title 22
Amend: 97215, 97219, 97222, 97226, 97231, 97240, 97241, 97246, 97255, 97259, 97264
Filed 12/14/2023
Agency Contact:
Natasha Warrington (916) 326-3946

Court Reporters Board of California
File # 2023-1101-01
Voice Writers

In this rulemaking action, the Board amends its regulations to add voice writing as a means of practicing shorthand reporting and as a method of qualifying for the certified shorthand reporter examination, in accordance with Business and Professions Code section 8017.

Title 16
Amend: 2403, 2411, 2414
Filed 12/18/2023
Effective 04/01/2024
Agency Contact: Betsy Figueira (916) 263-3660

State Water Resources Control Board

File # 2023–1030–01

Sacramento/San Joaquin River Basins and Tulare
Lake Basin Plan Update

In this Basin Plan Update for the Sacramento/San Joaquin River Basins the Waterboards add three definitions for new types of beneficial use to the Basin Plans: Tribal Tradition and Culture, Tribal Sustenance Fishing, and Subsistence Fishing.

Title 23

Adopt: 3949.17

Filed 12/14/2023

Effective 12/14/2023

Agency Contact: Lauren Leles (916) 464–4668

Department of Corrections and Rehabilitation

File # 2023–1120–02

Level IV 180/270 Design Housing Facility

This action by the Department of Corrections and Rehabilitation (“CDCR”) amends regulations pertaining to the placement of an inmate in a Level IV 180–design facility or 270–design facility and incorporates an automated Classification Committee Chrono (05/19) form (replacing the previously incorporated CDC Form 128G, Classification Chrono (Rev. 10/89)).

Title 15

Amend: 3375, 3375.1

Filed 12/19/2023

Effective 12/19/2023

Agency Contact: Rosie Ruiz (916) 445–2244

**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.