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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Inland Empire Regional Composting Authority
 San Joaquin Valley Unified Air Pollution Control District
 Yosemite Community College District

A written comment period has been established commencing on January 12, 2024 and closing on February 26, 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 26, 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 2. OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) is proposing amendments to its conflict-of-interest code contained in the Title 2, Section 54700 of California Code of Regulations. OEHHA is taking this action pursuant to the authority vested in it by section 87306 of the Government Code. A comment period has been established commencing on January 12, 2024, and closing on February 26, 2024.

Individuals holding designated positions specified in this conflict-of-interest code are required to file Statements of Economic Interests (Form 700s). Form 700s provide the public information about public officials' personal financial interests to help ensure that they are making decisions in the best interest of the public, and abstain from participating in governmental activities that are considered conflicts of interest. OEHHA proposes to amend its conflict-of-interest code to include employee positions that involve making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. Additionally, the proposed amendments include adding a new disclosure category and changing the disclosure category for specified positions. The amendments carry out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments to the conflict-of-interest code include:

- a. Adding a new disclosure category designated as disclosure Category 3. This disclosure category requires disclosure of investments and business positions in business entities and sources of income if the business entity or source provides information technology or telecommunications

goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services.

- b. Renumbering the existing Category 3 disclosure requirement to Category 4.
- c. Changing the disclosure category for branch chiefs in the Administrative Services Division from disclosure Category 1 to Category 2.
- d. Removing the Air Quality Advisory Committee from the list of OEHHA committees.
- e. Changing the disclosure category for members of OEHHA committees from Category 3 to Category 4 to account for the disclosure category renumbering. This change has no substantive impact on the reporting requirements for committee members.
- f. Adding as designated positions required to report under disclosure Category 3 personnel in the Information and Technology Branch not previously specified.
- g. Making other non-substantive changes for clarification including the addition of "All" to several designated positions and separating some previously designated positions without amending the disclosure category for these positions.

The proposed amendments and explanation of the reasons can be obtained from the office's contact provided at the bottom of this notice.

PUBLIC COMMENTS

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. To be considered, **OEHHA must receive comments by February 26, 2024**, the designated close of the written comment period. All written comments will be posted on the OEHHA website after the close of the public comment period.

OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments>, rather than in paper form. Comments submitted in paper form can be mailed or delivered in person to the address below. Thus comments can be made by one of the following:

Electronic Submission (preferred):

Through OEHHA website at: <https://oehha.ca.gov/comments>

Mailed Submission:

Attention: Monet Vela
 Office of Environmental Health Hazard
 Assessment
 1001 I Street, 23rd Floor
 P. O. Box 4010
 Sacramento, California 95812–4010

In-person Delivery Submission:

Attention: Monet Vela
 Office of Environmental Health Hazard
 Assessment
 1001 I Street, 23rd Floor
 Sacramento, California 95814

OEHHA encourages electronic submission of comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.03 and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology and those with visual impairments are able to listen to them.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and email may be available to third parties.

Inquiries concerning the action described in this notice may be directed to Monet Vela, in writing at the address given above, by email at monet.vela@oehha.ca.gov, or by telephone at: 916–323–2517.

LOCAL MANDATE/FISCAL IMPACT

The Office of Environmental Health Hazard Assessment has determined that the proposed amendments:

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

TITLE 16. DENTAL HYGIENE BOARD

FACULTY TO STUDENT RATIO

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board or CDHB) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, 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 on Tuesday, February 27 by 5:00 p.m.**

The Board has not scheduled a public hearing on this proposed action. The Board will, however, 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.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations 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 the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, and 1906, and to implement, interpret or make specific BPC sections 1905, 1906, and 1941, and section 8625 of the Government Code, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the California Code of Regulations (CCR). The

Board’s core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving Dental Hygiene Educational Programs (DHEPs), and monitoring licensees placed on disciplinary probation by the Board.

At the March 18, 2023 Full Board Teleconference, staff advised the Board that at the open session of the February 10, 2023 meeting of the Commission on Dental Accreditation of the American Dental Association (CODA), there was discussion concerning increasing the faculty to student ratio for DHEPs. The Board discussed the faculty to student ratio information and received several comments urging the Board to develop language to maintain the current faculty to student ratio in the Board’s educational regulations.

On Friday, March 24, 2023, Executive Officer Anthony Lum inquired with California DHEP directors as to their and their faculty’s thoughts and opinions about this change and how it would or wouldn’t affect their DHEP should the CODA Standard change. Executive Officer Lum received 13 letters from DHEP directors with six students replying between March 24, 2023 and April 7, 2023. All DHEP director letters and student letters were opposed to a change in the faculty to student ratio, citing concerns about the competence of graduating students who have not had enough clinical guidance and that a higher faculty to student ratio would negatively impact the ability to deliver safe patient care.

From June 14, 2023 until July 1, 2023, the Board received an additional 49 letters from the California Dental Hygienists’ Association, program directors, faculty, students, and licensees urging the Board to address the faculty to student ratio at the next scheduled Board meeting.

This proposal amends section 1105 by establishing a faculty to student ratio in regulation which maintains the faculty to student ratio currently in place in DHEPs.

The Board approved the proposed language after review at the July 22, 2023, Full Board meeting and delegated authority to the Board’s Executive Officer to make any technical, non–substantive changes, if necessary.

Anticipated Benefits of the Proposed Regulation:

The anticipated benefits of the proposed regulation of establishing the faculty to student ratio in regulation are:

- First, by maintaining the faculty to student ratio currently in place in DHEPs, it will protect the data the Board utilized in their decision to eliminate the clinical board exam in statute, thereby protecting consumer safety in newly licensed RDHs.

- Second, by maintaining the faculty to student ratio currently in place in DHEPs, it provides for adequate supervision of RDH students during preclinical and clinical sessions, thereby protecting the consumer safety during their treatment as patients at DHEPs.
- Third, as students of DHEPs are also considered consumers, it protects their right to receive adequate faculty guidance in their quest to gain foundational knowledge to be a well–educated and safe practitioner.
- Fourth, by placing the current faculty to student ratio currently in regulation, it places the faculty to student ratio under the purview of the Board, thereby ensuring adequate supervision of RDH students during preclinical and clinical practice should CODA be inclined to change the faculty to student ratio indiscriminately at a future date.

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

**DISCLOSURES REGARDING
PROPOSED ACTION**

The DHBC has made the following initial determinations:

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

None. The proposed regulations do not result in additional workload or costs to the state or costs/savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact

The proposed regulation 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 initial determination is based on the following facts:

The proposed amendments to the regulation will simply maintain the current faculty to student ratio already in place at DHEPs.

Cost Impacts on a Representative Private Person or Businesses:

The Board is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action because the Board is simply maintaining the current faculty to student ratio already in place at DHEPs.

Significant Effect on Housing Costs: None.

Business Reporting Requirement:

This regulation does not have any business reporting requirements.

Results of the Economic Impact Analysis/Assessment:

Impact on Jobs/Businesses: The Board has determined this regulatory action will not impact job availability within the State of California because the proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

The Board determined this regulatory action will not create new businesses or eliminate existing businesses and will not affect the expansion of businesses currently doing business within the State of California. The proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

The Board has determined this regulatory action would not impact new businesses within the State of California. The proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

Benefits of the Proposed Action:

This regulatory proposal positively impacts the health and welfare of California residents as the proposed language in the regulation ensures student supervision learning is maintained at the current standard, maintains a manageable caseload for each faculty, and optimizes student/faculty interaction, thereby ensuring proper oversight of students and maintenance of patient safety.

This regulatory proposal will not impact worker safety because this proposed regulation does not involve worker safety.

This regulatory proposal will not affect the state’s environment because this proposed regulation does not involve environmental issues.

Effect on Small Business:

The Board determined this regulatory action will not impact small businesses, including the ability of small business to compete in this state because the proposed language in the regulation is simply maintaining the current faculty to student ratio already in place at DHEPs.

CONSIDERATION OF ALTERNATIVES

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

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
 Attention: Adina A. Pineschi–Petty DDS
 2005 Evergreen Street, Suite 1350
 Sacramento, CA 95815
 Phone: 916–576–5002
 Email: adina.petty@dca.ca.gov

Backup Contact Person:

Attention: Anthony Lum
 2005 Evergreen Street, Suite 1350
 Sacramento, CA 95815
 Phone: 916–576–5004
 Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi–Petty at the above address. In her absence, please contact the designated back-up contact person.

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

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

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**OAL REGULATORY
DETERMINATION**

DEPARTMENT OF STATE HOSPITALS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS

(Pursuant to Government Code
Section 11340.5 and Title 1, sections 270, of the
California Code of Regulations)

The attachments are not being printed for practical reasons or space consideration. However, if you would like to view the attachments, please contact Margaret Molina at (916) 324-6044 or Margaret.Molina@oal.ca.gov.

2023 OAL DETERMINATION NUMBER 3
(OAL MATTER NUMBER CTU2023-0612-01)

REQUESTED BY:

Allan Fletcher

CONCERNING:

**Administrative Directive Number 843
regarding Patient Living Areas issued by the
Department of State Hospitals — Coalinga
DETERMINATION ISSUED PURSUANT TO
GOVERNMENT CODE SECTION 11340.5.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. OAL review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA).

If a rule meets the definition of "regulation" but was not adopted pursuant to the APA and should have

been, it is an underground regulation as defined in the California Code of Regulations.¹ Nothing in this analysis evaluates the advisability or wisdom of policy issues involved in the underlying action or enactment.

CHALLENGED RULE

At issue is whether Administrative Directive Number 843 (AD 843), issued by the Department of State Hospitals — Coalinga (DSH–C), regarding Patient Living Areas, contains underground regulations. AD 843 is attached as Exhibit A.²

DETERMINATION

OAL determines AD 843 contains rules meeting the definition of “regulation” that the Department of State Hospitals (Department) should have adopted pursuant to the APA but did not.

FACTUAL BACKGROUND

On June 12, 2023, OAL received the petition from Allan Fletcher (Petitioner). On August 11, 2023, OAL accepted the petition for consideration.

On August 25, 2023, OAL published a summary of the petition in the California Regulatory Notice Register and solicited comments from the public until September 25, 2023. OAL received public comments from 9 commenters, mostly asserting AD 843 is an underground regulation, that DSH–C amends AD 843 without notice to patients, and that DSH–C makes AD 843 available to patients only in binders among hundreds of other Administrative Directives in a library.

On October 9, 2023, OAL received a response to the petition from the Department, which was due no later than October 9, 2023. The Department’s timely response indicates the Department provided a copy of the response to the Petitioner on October 9, 2023.

OAL received no rebuttal from the Petitioner, which was due no later than October 24, 2023.

¹ “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA. (Cal. Code Regs., title I, § 250, subdivision. (a).)

² Although the petition includes AD 843 (12/24/2021), the Department also furnished AD 843 (12/20/2022) for this matter. This determination is based upon the more recent version, which replaced prior versions.

THE DEPARTMENT’S RESPONSE TO THE PETITION

In its response, the Department asserts AD 843 does not meet the definition of a regulation because it is not applied generally and does not meet the elements set forth in *Tidewater v. Marine Western, Inc. v. Victoria Bradshaw*.³ The Department also asserts AD 843 is not a regulation because it is merely a guide to DSH–C staff.

Also relevant to the analysis in this determination, the Department asserts AD 843 is exempt from the APA for the following six reasons:

1. It relates only to the internal management of DSH–C;⁴
2. It relates to a form utilized only by DSH–C staff;⁵
3. It relates to DSH–C audits and the defense and settlement of topical litigation;⁶
4. It embodies the only legally tenable interpretation of provisions of law;⁷
5. It governs the general control and direction of the property and concerns of each facility and the duty to maintain an effective inspection of the hospital;⁸ and
6. It governs hospital contraband.⁹

EXISTING LAWS AND REGULATIONS RELATING TO THE CHALLENGED RULE

The following existing laws and regulations, which are relevant to the analysis of this determination, relate to AD 843.

1. [The Department] ... may adopt and enforce rules and regulations necessary to carry out [its] ... duties under this division [regarding the care and treatment of persons with mental health disorders under the custody of the Department].¹⁰
2. [The Department] shall have jurisdiction over the execution of the laws relating to care and treatment of persons ... under [its] custody.¹¹
3. [The Department] may adopt regulations concerning [its] patients’ rights and related proce-

³ *Tidewater v. Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557.

⁴ Government Code (Gov. Code), § 11340.9, subdivision (d).

⁵ Gov. Code, § 11340.9, subdivision (c).

⁶ Gov. Code, § 11340.9, subdivision (e).

⁷ Gov. Code, § 11340.9, subdivision (f).

⁸ Welfare and Institutions Code (Welf. & Inst. Code), § 4109.

⁹ Welf. & Inst. Code, § 7295.

¹⁰ Welf. & Inst. Code, § 4005.1.

¹¹ Welf. & Inst. Code, § 4011, subdivision (a).

- dures applicable to the ... treatment of ... persons receiving treatment.¹²
4. [The Department] has general control and direction of the property and concerns of each state hospital ... The department shall ... [t]ake care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law and establish regulations ... for regulating the duties of officers and employees of the hospital, and for its internal government ... and management. The Department shall [maintain] an effective inspection of the hospital.¹³
 5. Each person committed to a state hospital shall ... have the ... rights ... to keep and use his or her own personal possessions [and] to have access to individual storage space for his or her private use.¹⁴
 6. Patients shall have the right ... [to] retain and use [their] personal clothing and possessions as space permits, unless to do so would infringe upon the health, safety or rights of the patient or other patients.¹⁵
 7. Each [hospital] resident shall be provided clean, comfortable and reasonably private living accommodations.¹⁶
 8. Patients shall be provided with closet or locker space for ... personal belongings.¹⁷
 9. General and specialized storage space shall be maintained adequate to meet the needs of patients, for efficient operation of the facility and as required at the time of licensure.¹⁸
 10. Non–peace officer staff must visually monitor for contraband at all times within ... patient living areas, and may conduct searches of any room, common area, or bathroom at any time, either announced or unannounced, to locate and secure contraband.¹⁹
 11. [A non–Lanternman–Petris–Short Act patient has] a right to personal visits during regularly scheduled visiting days and hours.²⁰

12. Facility visiting hours shall be scheduled seven days a week for a minimum of five hours each day.²¹
13. Patients have the right [to] have daily visiting hours established.²²
14. [The Department] shall develop a list of items that shall be deemed contraband [and prohibited] at every state hospital. A state hospital shall ... develop [its] list of contraband items. Notwithstanding [the APA], the hospital and the department may implement, interpret, or make specific this section without taking regulatory action.²³

UNDERGROUND REGULATIONS

Existing law bars a state agency from issuing or utilizing a rule unless it adopts the rule pursuant to the APA:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].²⁴

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5, it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA.²⁵ An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to due deference in any subsequent litigation of the issue.²⁶

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a regulation subject to the APA. This analysis will determine (1) whether the challenged rule is

¹² Welf. & Inst. Code, § 4027.

¹³ Welf. & Inst. Code, § 4109, subdivision (a), (b).

¹⁴ Welf. & Inst. Code, § 5325, subdivision (a), (b).

¹⁵ Cal. Code Regs., title 22, § 73523, subdivision (a)(16).

¹⁶ Cal. Code Regs., title 22, § 73611, subdivision (b).

¹⁷ Cal. Code Regs., title 22, § 73613.

¹⁸ Cal. Code Regs., title 22, § 73659, subdivision (a).

¹⁹ Cal. Code Regs., title 9, § 4351, subdivision (a).

²⁰ Cal. Code Regs., title 9, § 884, subdivision (b)(4).

²¹ Cal. Code Regs., title 9, § 4300, subdivision (a).

²² Cal. Code Regs., title 22, § 73523, subdivision (a)(18).

²³ Welf. & Inst. Code, § 7295, subdivision (a)–(c), (j).

²⁴ Gov. Code, § 11340.5, subdivision (a).

²⁵ Gov. Code, § 11340, subdivision (b).

²⁶ *Grier v. Kizer* (1990) 219 Cal.App.3d 422.

a regulation within the meaning of Government Code section 11342.600; and (2) whether the challenged rule falls within any recognized APA exemption.

1. AD 843 satisfies the elements of a regulation.

A “regulation” is defined in Government Code section 11342.600:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater v. Marine Western, Inc.*, the California Supreme Court expanded on this definition:

A regulation subject to the [APA] has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure.²⁷

As stated in *Tidewater*, the first element used to identify a regulation is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.²⁸

AD 843 applies to all staff, patients, and visitors at DSH–C and, therefore, applies to a class of persons. Moreover, each class of persons impacted by AD 843 is an open class with individuals regularly working at, committed to, discharged from, or visiting the facility. The Department’s assertion that AD 843 does not apply generally because it applies only to DSH–C staff is without merit because DSH–C staff, patients, and visitors are open classes of persons, bringing AD 843 squarely within the first element of *Tidewater*.

The second element of a regulation under *Tidewater* is that the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure. AD 843 contains multiple examples of rules doing just that. For example, many provisions in AD 843 govern the possession and use of personal property and Section V.K.3. sets forth many detailed procedures for the timing of searches of patient rooms, related notice requirements, documentation and reporting requirements, and the

handling and disposition of a patient’s items that purportedly violate the rules. As another example, Section V.G.1.j. limits a patient’s wall coverings to 10% of the room’s wall space. Yet another example, Section V.C., establishes fixed hours of accessibility for different parts of DSH–C.

These sections implement, interpret, and make specific the Welfare and Institutions Code enforced or administered by the Department and govern the Department’s procedure in at least the following four ways:

1. They implement, interpret, and make specific sections 4005.1 and 4011 (a), because they are regulations presumably necessary to carry out the Department’s duty to execute the laws relating to care and treatment of persons under the Department’s custody.
2. They implement, interpret, and make specific section 4027 because they concern patients’ rights and related procedures applicable to their treatment.
3. They implement, interpret, and make specific section 4109 because they provide for the general control and direction of the concerns of DSH–C and its interests, they seek to ensure the purpose, rules, and regulations of the Department and DSH–C are carried into effect according to law, and they govern the duties of officers and employees of the hospital and its procedures as well as the duty to maintain effective inspections.
4. Rules governing the possession and use of personal property, Section V.K.3. regarding searches and disposition of personal property, and Section V.G.1.j. regarding the limit on a patient’s wall covering, implement, interpret, and make specific section 5325(a) and (b) because they govern a patient’s rights to keep and use personal possessions and to make private use of individual storage space.

AD 843 rules restricting possession and use of personal property, Section V.K.3. regarding searches and disposition of personal property, and Section V.G.1.j. regarding the limit on a patient’s wall covering, also implement, interpret, and make specific the California Code of Regulations in at least the following four ways:

1. They implement, interpret, and make specific title 22, section 73523(a)(16), because they govern a patient’s right to retain and use his or her personal clothing and possessions as space permits and govern whether doing so would infringe upon the health, safety, or rights of a patient.
2. They implement, interpret, and make specific title 22, section 73611(b), because they govern DSH–C’s duty to each hospital resident to pro-

²⁷ *Tidewater, supra*, at 571.

²⁸ See also *Roth v. Department of Veterans Affairs* (1980) 110 Cal.App.3d 622, 630.

vide clean, comfortable, and reasonably private living accommodations.

3. They implement, interpret, and make specific title 22, section 73659(a) because they govern maintenance of adequate general and specialized storage space to meet the needs of patients and for efficient operation of the facility.
4. Section V.K.3. regarding searches and disposition of personal property, implements, interprets, and makes specific title 9, section 4351(a), because it provides parameters and procedures for non–peace officer staff to visually monitor a patient’s possessions and to conduct searches of a patient’s room.

Section V.C. regarding facility hours, implements, interprets, and makes specific title 22, section 73523(a)(18), and title 9, sections 884(b)(4) and 4300(a), because it governs a patient’s right to schedule visitors and limits visitor access to hospital patients.

These examples illustrate how AD 843 meets the definition of “regulation” for purposes of Government Code section 11342.600 under *Tidewater*.

2. All of AD 843 is not APA exempt.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. In any event, the procedural requirements established in the APA shall not be superseded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.²⁹

A. AD 843 does not relate only to internal management.

A regulation that relates only to the internal management of the state agency is exempt from the APA.³⁰ This exemption applies only if a rule satisfies two conditions:

1. The rule affects only the employees of the issuing agency;³¹ and
2. The rule does not involve a matter of serious consequence involving an important public interest.³²

Courts have interpreted the internal management exemption narrowly:

The internal management exception is a narrow one, as demonstrated by a line of cases consistently rejecting its application — even

where the policies govern internal administrative matters — if the policies or procedures affect the interests of persons other than the agency itself.³³

The many AD 843 rules restricting possession and use of personal property, Section V.K.3. regarding searches and disposition of personal property, and Section V.G.1.j. regarding the limit on a patient’s wall covering, for example, directly affect a DSH–C patient’s statutory rights to keep and use personal possessions, to have access to individual storage space for private use, to retain and use personal clothing and possessions as space permits, and to clean, comfortable, and reasonably private living accommodations. Section V.C. regarding facility hours directly affects a patient’s right to schedule visitors as well as visitor access to patients.

AD 843 does not affect only the employees of DSH–C. Further, these rules involve matters of serious consequence involving important public interests. Thus, AD 843 is not APA exempt based upon the internal management exemption.

B. AD 843 is not APA exempt because it references a form utilized only by DSH–C staff.

The APA contains a limited exemption applicable to state agency forms.

The [APA] does not apply to ... [a] form prescribed by a state agency or any instructions relating to the use of the form, but this provision is not a limitation on any requirement that a regulation be adopted pursuant to [the APA] when one is needed to implement the law under which the form is issued.³⁴

The Department asserts AD 843 is exempt because *Confiscated/Destroyed Staff Property Form (23–104)*, identified in Section V.K.3.g., is a form utilized by DSH–C staff. The statutory exemption is clear on its face that it does not apply to a form containing a rule the APA requires to be adopted as regulation. To the extent this form contains a regulation, where no other exemption applies, the agency must adopt the form into regulation under the APA. The lone fact that a form may be used only by agency staff is of no import if the content of form is regulatory and does not satisfy the internal management exemption, discussed above, or some other APA exemption.

Without knowing the content of the form, OAL cannot analyze it. Regardless, the assertion that a form is APA exempt solely because only agency staff utilizes it is incorrect.

²⁹ Gov. Code, § 11346.

³⁰ Gov. Code, § 11340.9, subdivision (d).

³¹ See *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729, 736; *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 204.

³² See *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 943; *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 436.

³³ *California School Boards Assn. v. State Board of Education* (2010) 186 Cal.App.4th 1298, 1334.

³⁴ Gov. Code, § 11340.9, subdivision (c).

C. AD 843 is not APA exempt as audit criteria or guidelines or in the defense or settlement of a case.

The APA contains a limited exemption regarding agency audits and material to be used in defense or settlement of a case.

[The APA] does not apply to ... [a] regulation that establishes criteria or guidelines to be used by the staff of an agency in performing an audit, investigation, examination, or inspection, ... or in the defense, prosecution, or settlement of a case, if disclosure of the criteria or guidelines would do any of the following:

- (1) Enable a law violator to avoid detection.
- (2) Facilitate disregard of requirements imposed by law.
- (3) Give clearly improper advantage to a person who is in an adverse position to the state.³⁵

AD 843 has been distributed to patients and the public. Therefore, it is clear that “disclosure of the criteria or guidelines” was acceptable or necessary. In that it is necessary for patients to know the rules, the exemption for audits/investigations does not apply.

D. AD 843 does not embody the only legally tenable interpretation of a provision of law.

Generally, a rule is excepted from the APA if it is the only legally tenable interpretation of a provision of law.

The exception for the lone “legally tenable” reading of the law applies only in situations where the law “can reasonably be read only one way: such that the agency’s actions or decisions in applying the law are essentially rote, ministerial, or otherwise patently compelled by, or repetitive of the statute’s plain language.”³⁶

But to the extent any of the contents of the [statement of policy or procedure] depart from, or embellish upon, express statutory authorization, the [agency] will need to promulgate regulations.³⁷

The provisions of AD 843 governing searches and disposition of personal property, a patient’s wall covering, and DSH–C hours are not the only legally tenable interpretations of the relevant provisions of the Welfare and Institutions Code or the California Code of Regulations, discussed above. The Department could have adopted any number of other rules, procedures, frequencies, and methods for these activities to ensure their patients’ safety and wellbeing, such as

different detailed search parameters, different notice requirements, different recording requirements, different property disposition rules, different amounts of allowable wall covering, or different access hours than those DSH–C chose to include in AD 843.

The specific procedures DSH–C put into AD 843 are not the only legally tenable interpretations of existing law. The Department has many options available under existing law which existing law does not patently compel. Provisions in AD 843 are not a plainly ineluctable result of existing law. AD 843 includes multiple provisions which are neither the only legally tenable interpretation of a provision of law nor a restatement of existing law.

E. AD 843 is not APA exempt because it governs the general control and direction of the property and concerns of each facility and the duty to maintain an effective inspection of the hospital.

The Department asserts that AD 843 is APA exempt because existing statute provides that the Department has the general control and direction of the property and concerns of each facility and the duty to maintain an effective inspection of the hospital.³⁸ Although the statute may delegate **authority** to the Department to implement the statutes the Department cites, the question is whether implementation requires the adoption of AD 843 pursuant to the APA.

As discussed above, the procedural requirements established in the APA shall not be superseded or modified by any legislation except to the extent that the legislation shall do so expressly.³⁹ The statute the Department relies upon to support its assertion provides no express APA exemption. The Department must adopt regulations pursuant to the APA to implement, interpret, or make specific this statute unless an express statutory exemption applies.

F. It is unclear whether AD 843 contains items that have been developed as contraband.

The Welfare and Institutions Code expressly provides an APA exemption for the Department to develop a list of contraband items prohibited statewide on hospital grounds and for an individual hospital to develop its own hospital contraband list using statutorily enumerated procedures.⁴⁰

The Department asserts AD 843 contains various limits, restrictions, and prohibitions on possession and use of personal property items of DSH–C patients and concludes any item of personal property held in “excess quantities” or used, stored, or otherwise held in a manner inconsistent with the provisions of AD 843 is contraband. Accordingly, the Department asserts

³⁵ Gov. Code, § 11340.9, subdivision (e).

³⁶ *Morning Star Co. v. State Board of Equalization* (2006) 38 Cal.4th 324, 336–337 (internal citations omitted).

³⁷ *Engelmann v. State Board of Education* (1991) 2 Cal.App.4th 47, 62.

³⁸ Welf. & Inst. Code, § 4109.

³⁹ Gov. Code, § 11346.

⁴⁰ Welf. & Inst. Code, § 7295, subdivision (a)–(c), (j).

AD 843 falls within the contraband exemption with respect to its personal property restrictions.

For purposes of the exemption, “contraband” means materials, articles, or goods that a patient is prohibited from having in his or her possession because the materials, articles, or goods present a risk to the safety and security of the facility.⁴¹ To qualify for the contraband exemption, the Department or hospital must have added the item to the applicable contraband list pursuant to the enumerated statutory procedures. Development of the list must occur through a duly formed contraband committee with the participation of patient representatives and the Office of Patient’s Rights. A contraband list must be subject to timely review and approval of the Department’s Director. A hospital must post a contraband list prominently in every unit of the hospital, throughout the hospital, and online.⁴²

This record contains no evidence that the Department or DSH-C adopted the items sought to be characterized as prohibited contraband pursuant to these requirements. The Department did not furnish the statewide or DSH-C contraband list in response to the petition. In addition, multiple commenters objected to how DSH-C developed AD 843 and stated that AD 843 has not been posted prominently in every unit of the hospital, throughout the hospital, and online. It is, therefore, unclear if DSH-C adopted the purported contraband elements of AD 843 pursuant to the requirements of Welfare and Institutions Code section 7295 or whether the contraband exemption applies to any of them.

CONCLUSION

OAL determines AD 843 contains rules meeting the definition of a “regulation”, such as fixed hours of accessibility for different parts of DSH-C, that should have been adopted pursuant to the APA.

Date: December 26, 2023

/s/

Mark Storm
Senior Attorney

Copy:
Sunny Lowell
Department of State Hospitals
1215 O Street
Sacramento, CA 95814

⁴¹ Welf. & Inst. Code, § 7295, subdivision (i).

⁴² Welf. & Inst. Code, § 7295, subdivision (c)-(h).

AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX

GAMBLING CONTROL COMMISSION

NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS AND DECISION INDEX

Re: Government Code section 11425.60, subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual email subscription from the Commission. The index and the text of the precedential decisions can be viewed, by appointment, at the Commission’s office below or on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions. For subscription or additional information, or to schedule an appointment to view precedential decisions, contact:

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SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Justice
 File # 2023–1117–01
 Tobacco Fire Safety

This certificate of compliance adopts regulations implementing the statutory certification requirements for cigarettes pursuant to the California Cigarette Fire Safety and Firefighter Protection Act upon transition the administration of the state’s fire safety compliant cigarette program from the State Fire Marshal to the Department of Justice (DOJ) effective January 1, 2023. (Health & Safety Code, §§ 14950–14959; AB 1742.) This emergency is deemed pursuant to Health & Safety Code, section 14954, subdivision (e). This action also amends regulations to implement the California tobacco directory related to the DOJ fire safety certifications. This emergency is deemed pursuant to Revenue and Taxation Code, § 30165.1, subdivision (n).

Title 11
 Adopt: 999.30
 Amend: 999.10, 999.12
 Filed 12/28/2023
 Effective 12/28/2023
 Agency Contact:
 Marlon Martinez (213) 269–6437

Occupational Safety and Health Standards Board
 File # 2023–1219–05
 Occupational Exposures to Respirable Crystalline Silica

This emergency rulemaking action by the California Occupational Safety and Health Standards Board amends regulations relating to occupational exposure to respirable crystalline silica.

Title 08
 Amend: 5204
 Filed 12/29/2023
 Effective 12/29/2023
 Agency Contact:
 Autumn Gonzalez (916) 274–5721

Department of Justice
 File # 2023–1222–01
 Carry Concealed Weapons Licenses

This emergency action by the Department of Justice (DOJ) establishes the qualifications necessary to become a Carried Concealed Weapon (CCW) DOJ Certified Instructor; establishes the grounds for revoking a CCW DOJ Certified Instructor’s certification; establishes the process for the CCW license applicant’s background check so DOJ can determine the applicant’s eligibility to possess, receive, own, or purchase a firearm; and provides the manner for a licensing authority to send certain CCW license records to DOJ.

This action is a deemed emergency and exempt from OAL review pursuant to Penal Code section 26225(d).

Title 11
 Adopt: 4400, 4410, 4411, 4412, 4420, 4421, 4422, 4430, 4431, 4432, 4440
 Filed 01/02/2024
 Effective 01/02/2024
 Agency Contact:
 Marlon Martinez (213) 269–6437

Department of Industrial Relations
 File # 2023–1117–02
 Order Regulating Wages and Hours in Agricultural Occupations

This action amends Wage Order 14–2001 regarding wages and working conditions for agricultural operations, including making statutorily mandated conforming changes relating to sheepherders and goatherders.

Title 08
 Amend: 11140
 Filed 01/02/2024
 Effective 01/02/2024
 Agency Contact:
 Robert Villalovos (916) 205–9145

Natural Resources Agency
 File # 2023–1127–02
 Conflict–of–Interest Code

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

Title 14
 Amend: 15411
 Filed 01/02/2024
 Effective 02/01/2024
 Agency Contact: Heather Leslie (916) 695–0034

Public Employees’ Retirement System
 File # 2023–1211–02
 Conflict–of–Interest Code

This is 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: 560
 Filed 01/02/2024
 Effective 02/01/2024
 Agency Contact: Andrea Peters (916) 795–3038

CALIFORNIA REGULATORY NOTICE REGISTER 2024, VOLUME NUMBER 2–Z

Fair Political Practices Commission

File # 2023–1128–02

Quasi–Legislative Administrative Action

This action by the Fair Political Practices Commission amends the definition of Quasi–Legislative Actions.

Title 02

Amend: 18202

Filed 12/28/2023

Effective 01/27/2024

Agency Contact:

Amanda Apostol (916) 322–5660

California Architects Board

File # 2023–1113–03

Zero Net Carbon Design Continuing Education

Business and Professions Code section 5600.05 requires licensed architects to obtain five hours of continuing education regarding zero net carbon design during each two–year license renewal period prior to the license expiration date as a condition of license renewal. This action adopts a definition for zero net carbon design, requirements for course qualification and completion, issuing certificates of completion, and enforcement.

Title 16

Adopt: 166

Filed 12/28/2023

Effective 12/28/2023

Agency Contact: Timothy Rodda (916) 575–7217

Fish and Game Commission

File # 2023–1115–03

Inland Sport Fish Updates

This action amends various water body boundaries, fishing seasons, and bag and possession limits established within existing inland sport fishery regulations.

Title 14

Amend: 7.40, 7.50

Filed 12/28/2023

Effective 01/01/2024

Agency Contact: David Haug (916) 902–9286

Air Resources Board

File # 2023–1113–02

Chrome Plating Airborne Toxic Control Measure

This resubmittal action amends the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations (Chrome Plating ATCM or ATCM). Two types of facilities are covered by the Proposed Amendments: (1) decorative chrome plating, and (2) functional chrome plating, which include both hard chrome plating, and chromic acid anodizing (collectively referred to as “chrome plat-

ing”). The amendments are designed to further reduce hexavalent chromium emissions in stages.

Title 17

Amend: 93102, 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9,

93102.10, 93102.11, 93102.12, 93102.13, 93102.14,

93102.15, 93102.16

Filed 12/28/2023

Effective 01/01/2024

Agency Contact: Chris Hopkins (279) 208–7347

Bureau of Real Estate Appraisers

File # 2023–1130–04

License Requirements

This action by the by the Bureau of Real Estate Appraisers (“Bureau”) amends existing regulations that concern real estate appraisal licenses issued by the Bureau. The amendments will allow license applicants to complete a Practical Applications of Real Estate (“PAREA”) program approved by the Appraisal Qualifications Board (“AQB”) to satisfy a percentage of the experience requirement depending on the PAREA program completed and the license level being applied for. In addition, the amendments reduce the educational requirement for trainee licenses from 150 hours to 75 hours. The Bureau also made technical and grammatical nonsubstantive changes.

Title 10

Amend: 3541, 3568

Filed 01/03/2024

Effective 01/03/2024

Agency Contact: Whitney Spatz (916) 610–9927

Department of housing and community development

File # 2023–1115–02

Prohousing Designation Program

In this resubmitted certificate of compliance, the Department makes permanent its emergency regulations pursuant to Government Code section 65589.9(d)(2), to establish the Prohousing Designation Program. The regulations set forth an application process, evaluation criteria, designation criteria requirements, and a process to revoke prohousing designations.

Title 25

Adopt: 6600, 6600.1, 6601, 6601.1, 6602, 6602.1,

6603, 6603.1, 6604, 6604.1, 6605, 6605.1, 6606,

6606.1, 6607, 6607.1, 6608

Filed 01/02/2024

Effective 01/02/2024

Agency Contact: Chelsea Lee (916) 284–4847

Department of Human Resources
File # 2023-1120-01
Investments

In this rulemaking, the Department of Human Resources updates its regulations regarding the required investment options in the State's deferred compensation plan.

Title 02
Amend: 599.942
Filed 12/29/2023
Effective 04/01/2024
Agency Contact: Joseph Mesich (916) 324-9395

Department of Motor Vehicles
File # 2023-1215-04
Driver's License/ID Cards: Name Change

This action by the Department of Motor Vehicles amends name change request regulations to allow applicants seeking a name change on driver licenses or identification cards issued under Vehicle Code sections 12801.5 or 12801.9 to apply and submit supporting documentation online.

Title 13
Amend: 20.04
Filed 12/28/2023
Effective 01/01/2024
Agency Contact: Randi Calkins (916) 282-7294

**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.