



California Regulatory Notice Register

REGISTER 2024, NUMBER 15-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 12, 2024

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION
Committee Jurisdiction — Notice File Number Z2024-0402-03 405

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION
Cryptocurrency Reporting — Notice File Number Z2024-0402-04 406

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
False Codling Moth Eradication Area — Notice File Number Z2024-0402-02 408

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
Signature Requirements — Notice File Number Z2024-0402-07 411

TITLE 5. STATE BOARD OF EDUCATION
School Nutrition Programs — Notice File Number Z2024-0320-02 414

TITLE 10. DEPARTMENT OF INSURANCE
California Automobile Assigned Risk Plan of Operations (CAARP) — Notice File Number Z2024-0402-05 418

TITLE 10. DEPARTMENT OF INSURANCE
Revisions to California Low Cost Automobile Plan of Operations — Notice File Number Z2024-0402-06 420

TITLE 11. DEPARTMENT OF JUSTICE
Verification of Hunting Licenses — Notice File Number Z2024-0402-101 423

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
AB 1311 Alternative Schedule Regulations — Notice File Number Z2024-0402-09 426

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION
Field Executive Review Committee — Notice File Number Z2024-0402-08 431

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA Concurrence Request for Implementation of the San Joaquin River Restoration Program and Accompanying Hatchery and Genetic Management Plan, 2080–2024–002–04, Butte, Napa, Yolo, and Fresno Counties. 433

AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX

STATE TEACHERS’ RETIREMENT SYSTEM

Notice of Availability of Precedential Decisions and Decisions Index 434

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 434

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$338.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <https://oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **May 16, 2024** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **May 14, 2024**.

BACKGROUND/OVERVIEW

A “general purpose committee” is one which is formed or exists primarily to support or oppose more than one candidate or ballot measure. (Section 82027.5.) Depending upon its level of activity, a general purpose committee files its original campaign statements and reports in one of three places: with the state, with a county, or with a city. Regulation 18227.5 provides a brightline rule for general purpose recipient committees to determine where they file. For example, during a specified time period, a committee with more than “70 percent of contributions or expenditures” made to support or oppose candidates, measures, or other committees within a city would file its original campaign statements and reports with the city.

Within the past year, the Commission has received inquiries from two local ethics agencies inquiring as to whether all expenditures by the committee are taken into account when making the determination of where to file. As the statutory language, regulatory language, regulatory history and longstanding infor-

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

mal advice support the interpretation that only those contributions and independent expenditures made to support or oppose candidates, measures, and other committees are taken into account when making the calculation, staff recommends codifying this advice in the Regulation. Therefore, staff proposes adding a definition of “70 percent of contributions and expenditures” for purposes of calculating the filing jurisdiction for specified general purpose committees in Regulation 18227.5.

Additionally, staff recommends amending the term “or” to “and” in calculating total contributions and expenditures made for the 70 percent threshold in paragraphs (c)(1), (c)(2), and (d)(2) of Regulation 18227.5. These paragraphs currently refer to “contributions *or* expenditures” for calculating the 70 percent threshold, potentially implying that a total of either could be used. But based upon the previous regulatory language, and longstanding interpretation, the calculation should include “contributions *and* expenditures.”

REGULATORY ACTION

Amend 2 Cal. Code Regs., Section 18227.5 — General Purpose Committees: State, County or City

The Commission may consider adding subdivision (c)(4) to Regulation 18227.5 to add a definition of “70 percent of contributions and expenditures.” The proposed definition specifies that only those contributions and expenditures made to support or oppose candidates, measures or other committees are taken into account when calculating the 70 percent threshold and cross-references Section 84211(k)(5), which requires supplemental information for these specified expenditures.

The Commission may also consider changing “or” to “and” in subdivisions (c)(1), (c)(2), and (d)(2) to clarify that both contributions and expenditures are taken into account for the 70 percent calculation.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on any local entity or program.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Section 82027.5.

CONTACT

Any inquiries should be made to Erika M. Boyd, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, CA 95811; telephone (916) 322–5660 or 1–866–ASK–FPPC, or by email at eboyd@fppc.ca.gov. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **May 16, 2024**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **May 15, 2024**.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

BACKGROUND/OVERVIEW

Proposed amendments to Regulation 18237 and 18421.2 would clarify reporting requirements for cryptocurrency holdings. Regulation 18237 clarifies that cryptocurrency does not fall under the definition of “investment” for purposes of the Act and therefore need not be reported on statements of economic interests. Regulation 18421.2 would clarify that cryptocurrency campaign contributions should be reported as monetary contributions rather than “in-kind” or non-monetary contributions because after the contribution goes through a payment processor, as required by the Regulation, the funds are received in U.S. dollars.

Currency (also referred to as “real” currency) as defined by federal regulations is “the coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance.”² In contrast to real currency, “virtual” currency is a medium of exchange that operates like a currency in some environments, but does not have all the attributes of real currency. Virtual currency includes cryptocurrencies, such as Bitcoin. In particular, virtual currency does not have legal tender status in any jurisdiction, is not backed by a governmental body, and is entirely digital.³ Cryptocurrency is a digital, encrypted, and decentralized medium of exchange. There is no central authority that manages and maintains the value of a cryptocurrency. Instead, these tasks are broadly distributed among cryptocurrency’s users via the internet.⁴

Cryptocurrency can be exchanged in two ways; either directly, person to person, as a “peer to peer” transaction, or through an intermediary such as a cryptocurrency exchange or payment processor. A cryptocurrency exchange is a platform on which you can buy and sell cryptocurrency. Exchanges can be used to trade one crypto for or to buy cryptocurrencies using regular currency, like the U.S. Dollar. Exchanges reflect current market prices of the cryptocurrencies they offer. Exchanges can also be used to convert cryptocurrencies back into the U.S. Dollar or another currency on an exchange, to leave as cash within an account or withdraw to a user’s regular bank account.⁵

A cryptocurrency payment gateway is a payment processor for digital currencies, similar to a payment

² 31 CFR § 1010.100(m).

³ Department of the Treasury, Financial Crimes Enforcement Network, FIN–2013–G001.

⁴ <https://www.forbes.com/advisor/investing/cryptocurrency/what-is-cryptocurrency/>.

⁵ <https://time.com/nextadvisor/investing/cryptocurrency/what-are-cryptocurrency-exchanges/>.

processor for a credit card.⁶ Cryptocurrency gateways enable clients to accept digital payments and receive real currency immediately in exchange. They pay the client an amount equal to the digital currency’s fair market value at the time of the transaction, and the cryptocurrency payment service instantly converts the payment into the currency of the client’s choice, such as U.S. dollars. (*Ibid.*) The money is added to that account with the payment processor and is deposited to the client’s designated bank account in intervals decided on in the client’s service contract. The client does not need a cryptocurrency wallet and does not need to handle any cryptocurrency conversions when using a payment processor. (*Ibid.*)

Most of payment gateway services are required to implement some degree of know–your–customer (“KYC”) rules, therefore linking a real–world identity to addresses and transactions. KYC rules are a procedure for verifying a customer’s identity. This is standard practice for financial institutions and financial service businesses, including banks, stockbrokers, and is now applicable to cryptocurrency exchanges.⁷ Customers typically need to provide during the KYC process: date of birth, Social Security number, and physical address. In addition, exchanges and payment processors also generally ask for a photo of valid government–issued identification, such as a driver’s license, state ID, or a passport. (*Ibid.*) After a user provides the requested information, the exchange or payment processor will use that to verify the user’s true identity.

Cryptocurrency holdings are highly volatile and unlike investments in stocks or bonds, cryptocurrency markets are unregulated and engage in short–term speculative trading.⁸ When a person purchases cryptocurrency they are not buying a security or ownership interest in a business. In this way, holdings of cryptocurrency are more similar to holdings of gold or foreign currency than investments in stocks or bonds.

Regulation 18237

Under the Act, an “investment” is: “any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned... by the public official... if the business entity ... has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement

or other action is required under this title.” (Section 82034.) Section 82005 defines a business entity as “any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.”

One of the main draws for purchasers of cryptocurrency is that the system is decentralized, placing the task of managing and maintaining the system on users, not a centralized authority, there is not one centralized “business entity” through which to purchase the cryptocurrency. When a person purchases cryptocurrency, they are not buying a security in a business, or an ownership interest, they are essentially making an exchange of one type of currency to another that is less stable and subject to constant changes in value. For that reason, staff believes that cryptocurrency is more akin to investing in gold, which is volatile and an exchange from currency to an asset that fluctuates constantly, and like gold, would not be an investment under the Act. If cryptocurrency is not an investment, then it need not be reported on statements of economic interests because it does not fall under any other reportable category.

Regulation 18421.2

Under the Act, a contribution is “a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, except to the extent that full and adequate consideration is received or if it is clear from the surrounding circumstances that the payment is not made for political purposes.” (Section 82015.) Contributions include tickets to events, the granting of a discount or rebate not provided to the public, and payments for personal services that benefit the candidate. (*Ibid.*) Contributions can be both monetary, as simple as a payment, and nonmonetary, like a discount or personal service.

As Regulation 18421.2 currently stands, if a contributor wishes to contribute cryptocurrency, they must send the payment through a payment processor that employs KYC procedures. As a result of this requirement, when the contribution is ultimately received by the candidate or committee it is received in U.S. dollars. However, Regulation 18421.2 currently requires the contribution be reported as nonmonetary. It has become apparent to staff that, in practice, these contributions act more as a monetary contribution than an in–kind or nonmonetary contribution because the committee or candidate receives a monetary sum after the conversion through a payment processor. Under the Regulation there is never a circumstance where the candidate or committee would receive a contribution that is an amount of cryptocurrency, like Bitcoin. Because the contribution comes to the candidate or committee through a processor and is received in

⁶ <https://www.investopedia.com/tech/bitcoin-payment-services-introduction/>.

⁷ See <https://www.investopedia.com/terms/k/knowyourclient.asp>.

⁸ <https://www.fca.org.uk/investsmart/investing-crypto>.

U.S. dollars, staff believes it is more accurate to report these contributions as monetary contributions.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Sections 18237 and 18421.2

Commission staff proposes amended Regulation 18237 and 18421.2 for adoption. Proposed amendments to Regulation 18237 are intended to make clear that cryptocurrency holdings are not considered investments under the Act. Proposed amendments to Regulation 18421.2 are intended to make clear that cryptocurrency campaign contributions should be reported as monetary contributions.

SCOPE: The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issue identified above or any related issue.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. None.

Fiscal Impact on State Government. None.

Fiscal Impact on Federal Funding of State Programs. None.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

Government Code sections 82015, 82034 82025, 84211 and 84306.

CONTACT

Any inquiries should be made to Valerie Nuding, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, CA 95811; email: vnuding@fppc.ca.gov; telephone (916) 322-5660; or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

SECTION 3591.22 FALSE CODLING MOTH ERADICATION AREA

The California Department of Food and Agriculture (Department) proposes to make an amendment to

Title 3 of the California Code of Regulations (CCR) Section 3591.22 False Codling Moth Eradication Area to make multiple clarity edits, corrections to the host list species, and an addition to the Method and Means section.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on May 28th, 2024. The Department will consider only comments received at the Department offices by that date or postmarked no later than May 28th, 2024. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor

California Department of Food and Agriculture

1220 N Street

Sacramento, CA 95814

Permits@cdfa.ca.gov

916.403.6650

916.651.2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Dean Kelch at (916) 261-9252 or dean.kelch@cdfa.ca.gov, FAX number (916) 651-2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3591.22 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

A review of Section 3591.22 has resulted in the Department making multiple clarifications, corrections to the host list species, and an addition to the Method and Means section. Section 3591.22's host list was last updated in 2008, and since then other species have been found to be hosts. There have also been name changes among some species. An inaccurate host list in Section 3591.22 provides a source of potential confusion to the public and could result in host material unknowingly being moved, which could lead to furthering an infestation.

EXISTING LAWS & REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC section 5761, provides that regulations which are adopted pursuant to Article 2 (commencing with Section 5321) of Chapter 5, Part 1 of this division may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC section 5762, provides that any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC section 5763, provides that the director, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, in-

cluding removal or destruction, with reference to any such public nuisance, which they think is necessary.

ANTICIPATED BENEFITS OF THE
PROPOSED AMENDMENT

The implementation of this amendment will prevent potential future issues should false codling moth be found in California. Functional, accurate host lists and eradication strategies help prevent the spread of pests within California; this will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There are no existing, comparable federal regulations or statutes regulating false codling moths.

There are no known specific benefits to worker safety or the health of California residents.

EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS

The Department considered any other possible regulations addressing the pest false codling moth, and it found that the proposed amendment is the only regulation dealing with this subject, and the Department is the only State agency which can manage eradication areas. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.22 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended)

and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

There is no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of 3591.22.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed regulation would be unlikely to affect small business. The Department has been conducting eradication actions throughout the state for over 30 years without causing significant creation or elimination of jobs or causing any other significant impact on businesses..

**RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California,(3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state’s environment, (6) not expected to benefit workers’ safety, and (7) maintain the economic baseline.

The health and welfare of California residents: The regulation benefits industries (fruit for domestic use and exports, packing facilities), the environment (urban landscapes), and the overall California economy

by allowing a quick response to prevent the spread of false codling moth. The agricultural industry is one of the economic engines in the state.

Negative impacts to agriculture impact the state’s economy and the general welfare of the State.

The state’s environment: The amendment of this regulation benefits environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the false codling moth over short and long distances. False codling moth spread could cause an increase in pesticide use by industry and homeowners, as well as the loss of home fruit.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After the comment period and considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the original proposed text, it will make the modified text (with

the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

SIGNATURE REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter “Bureau”), is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on Wednesday, May 29, 2024**, or must be received by the Bureau at the hearing, should one be scheduled. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 94801, 94801.5, 94803, 94873, 94877, 94885, 94885.5, 94888, 94890, 94891 and 94895 of the Education Code (Ed. Code), and to implement, interpret, or make specific Ed. Code sections 94801.5, 94802, 94821, 94822, 94823, 94823.5, 94850.5, 94874.1, 94874.7, 94886, 94887, 94888, 94889, 94890, 94893, 94894, 94895, 94896, 94898, 94909, 94911, 94923, 94924, 94930.5 and 94931 and Section 2015.5 of the Code of Civil Procedure, the Bureau is considering amending sections 70000, 71100, 71380, 71390, 71395, 71396, 71475, 71480, 71500, 71550, 71630, 71640, 71650, 71652, and 71653 of Title 5 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations at sections 70000, 71100, 71380, 71390, 71395, 71396, 71475, 71480, 71500, 71550, 71630, 71640, 71650, 71652, and 71653 outline definitions and relate to application forms for various types of institutions that the Bureau oversees, notices from exempt institutions, as well as renewals. Under existing regulations, nonprofit organizations are required to have signatures by every member of their Board of Directors. Organizations with dispersed Boards have found it difficult to acquire a wet signature from every Board member. The current requirement for multiple signatures also requires the Bureau to verify every signature as an authorized person, which increases the Bureau’s workload.

At the February 23, 2022, meeting of the Bureau’s Advisory Committee, Bureau staff outlined existing application signature requirements and solicited input on whether existing applications warranted changes, while ensuring that applications are only submitted by the authorized owner or operator of the institution and are approved by an institution’s governing body.

The Bureau received Advisory Committee Member and public feedback that existing requirements, such as requiring signatures from each member of a nonprofit institution’s governing body, may be unnecessarily burdensome, and that the range of application types may warrant requirements that vary by application. Subsequently, Bureau staff have considered how to modify signature requirements to streamline approval processes without compromising their integrity or undermining the Bureau’s authority.

In addition, in 2022 the legislature adopted Senate Bill (SB) 1433 (Chapter 544, Statutes of 2022) which, among other things, expanded the Bureau’s authority to grant an approval to an out-of-state public institution with a physical presence in California. It is

necessary to consider these potential new applicants (public institutions under the Bureau’s jurisdiction) in establishing who needs to be a signatory on an application for approval.

The Bureau has drafted the following proposed regulatory changes:

- Amend section 70000(j) to add a definition for “digital signature” to have the same meaning as that in Government Code section 16.5.
- Amend sections 71100, 71390, 71395, 71396, 71480, 71500, 71550, 71640, 71650, 71652, and 71653, to update form revision dates.
- Amend sections 71380, 71390, 71395, 71475, 71480, 71500, 71550, 71640, 71650, 71652, and 71653, to allow digital signatures, require each partner in a partnership to sign applications, add “president” as an alternative to “chief executive officer,” and delete the present requirement that an application from a non-profit corporation be signed by every member of its governing body and replacing it with the requirement that a non-profit corporation’s application can be signed by the chief executive officer or the president.
- Apply revision of dates and signatory requirements on 4 forms, which are all previously incorporated by reference:
 - Form Application 94801.5 — Application for Registration or Re-Registration of Out of State Institutions — Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions (rev. 8/24)
 - Form AID — Application for Authorization for Institution to Begin (rev. 8/24) Participation in Student Financial Aid Programs (Title IV of the Higher Education Act of 1965) (rev. 8/24)
 - Form CREDIT — Application for Authorization to Change from Clock Hours to Credit Hours (rev. 8/24)
 - Form OBJ — Application for Change in Educational Objectives or Clock or Credit Hours Required to Complete a Program (An Increase or Decrease by 25% or More) (rev. 8/24)

This proposed rulemaking intends to allow digital signatures on certain forms and applications, clarify that all partners are to sign or just a Chief Executive Officer (CEO) or president of a nonprofit or public institution when appropriate, and allow leaders with differing titles (who have authorization) to enter a signature on an institution’s behalf. These amendments benefit consumer protection by ensuring that owners of private postsecondary institutions, especially non-profit corporations, still comply with application requirements that are less burdensome, which allows institutions the ability to devote resources to their educational programs.

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to welfare of California residents:

This proposal benefits California consumers and students by ensuring that owners of private postsecondary institutions, especially non-profit corporations, still comply with application requirements that are less burdensome, which allows institutions the ability to devote resources to their educational programs. The proposed changes will still be substantial enough to assure that applications are legitimate and account for owners that can be identified and verified through the approval process. The proposed regulatory language will also reduce workload for Bureau staff when processing applications, allowing staff to process other submitted forms more quickly. The proposed changes will also facilitate the Bureau’s new role in providing oversight for out-of-state public institutions that may now apply for Bureau approval.

Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

- Form Application 94801.5 — Application for Registration or Re-Registration of Out of State Institutions — Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions (rev. 8/24)
- Form AID — Application for Authorization for Institution to Begin (rev. 8/24) Participation in Student Financial Aid Programs (Title IV of the Higher Education Act of 1965) (rev. 8/24)
- Form CREDIT — Application for Authorization to Change from Clock Hours to Credit Hours (rev. 8/24)
- Form OBJ — Application for Change in Educational Objectives or Clock or Credit Hours Required to Complete a Program (An Increase or Decrease by 25% or More) (rev. 8/24)

DISCLOSURES REGARDING THIS
PROPOSED ACTION

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

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 regulations result in one-time (absorbable) workload and costs of approximately \$3,500 for the Bureau to update and post the application forms on its website.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Effect on Housing Costs: None.

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in California because businesses are required to submit the current version of application forms. This proposal is intended to simplify the application process.

Benefits of Regulation:

The proposed regulation will benefit the welfare of California residents by clarifying the process for determining who needs to sign an application submitted to the Bureau. This proposal is not anticipated to benefit health, worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 provisions of law.

Any interested person may submit comments to the Bureau writing relevant to the above determinations at: Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF
REASONS AND RULEMAKING FILE

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

BUSINESS IMPACT ESTIMATES

Business Impact: The Bureau has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to simplify the application process for private postsecondary educational institutions and are not anticipated to result in any economic impacts to businesses in the state.

Impact on Jobs/New Business: None. The proposed regulations are intended to simplify the application process for private postsecondary educational institutions and are not anticipated to result in the creation or loss of jobs or businesses in the state.

Cost Impact on Private Person or Business: The proposed regulations are not anticipated to result in additional costs to individuals or business. The regulations are intended clarify application signature requirements, as specified.

Business Reporting: The proposed regulations do not require a report to be made.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations will not affect small businesses. The regulations clarify who is authorized to sign an application submitted to the Bureau, and not anticipated to result in economic impacts on small businesses.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon

request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798–0818.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written 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: David Dumble
Address: P.O. Box 980818
West Sacramento, CA 95798–0818
Telephone Number: (279) 895–6091
Fax: (916) 263–1897
Email Address: David.Dumble@dca.ca.gov

The backup contact person is:

Name: Yvette Johnson
Address: P.O. Box 980818
West Sacramento, CA 95798–0818
Telephone Number: (279) 895–6099
Fax: (916) 263–1897
Email Address: Yvette.Johnson@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 Bureau’s website at <http://bppe.ca.gov/lawsregs/current.shtml>. An archive of the Bureau’s prior regulatory actions can be found at <http://bppe.ca.gov/lawsregs/archive.shtml>.

**TITLE 5. STATE BOARD
OF EDUCATION**

SCHOOL NUTRITION PROGRAMS

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual meeting at 9:00 a.m. on May 28, 2024.

Any interested person may participate in the public hearing via Zoom by logging in per the following instructions:

- Click the following link or paste the link to the browser to join the meeting and enter the password:

<https://us02web.zoom.us/j/85005454181>

Meeting ID: 850 0545 4181

Passcode: 468855

- To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:

213–338–8477

669–219–2599

669–900 6833

Meeting ID: 850 0545 4181

Passcode: 468855

For persons intending to attend the Zoom meeting, those persons may check their computers by:

- Clicking on the test link: <https://zoom.us/test>.

- For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

During the meeting, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public meeting.

ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to participate in a public meeting on proposed regulations, may request assistance by contacting Frances Swann of the Nutrition Services Division, 1430 N Street, Suite 4503, Sacramento, CA, 95814, telephone, 916–445–0850. It is recommended assistance be requested at least two weeks before the hearing. Please note that Live Captioning will be available during the online meeting.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator
 Administrative Support and Regulations Adoption Unit
 California Department of Education
 1430 N Street, Room 5319
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916–322–2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on May 28, 2024. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Sections 221.1, 222, 8235.5, 8261, 32289, 33031, 33315, 46015, 48645.7, 48853, 48853.5, 49069.5, 49431, 49431.2, 49431.5, 49492, 49531, 49536, 49551, 49559, 51223, 51225.1, 51225.2, 51228.3, 52075, 54445, 52355, 52451, and 56100, Education Code.

References: Sections 200, 220, 234.1, 260, 8235.5, 33315, 35186, 49013, 49430, 49431, 49431.2, 49431.5 and 49556, Education Code; Sections 38181, 38191 and 38211, Food and Agricultural Code; Section 11135, Government Code; 42 United States Code Section 1758, 7 Code of Federal Regulation Sections, 210.2, 210.4, 210.7, 210.8, 210.10, 210.11, 220.2, 220.4, 220.8, 220.11, 220.12, 220.23 and 225.16; 21 Code of Federal Regulations, Section 101.9; and 34 Code of Federal Regulations, Sections 106.1–106.8 and 299.10–299.11.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 1976, the SBE adopted articles 2, 3 and 4 found in the California Code of Regulation (CCR), title 5 (5 CCR), division 1, chapter 15, subchapter 1. Article 2 included section 15510, which provided definitions for mandatory meals for needy pupils and sections 15530, 15531, 15532, 15533, 15534 and 15535 in article 3 specified the scope, eligibility, procedures and criteria for filing and approving applications, procedure for funding, and procedure for project management of Nutrition Education Program grants. Article 4 sections 15551, 15556, 15562, 15563, 15564 and 15565 contained definitions, payment of reimbursement claims, kind of meals eligible for reimbursement, meal requirements for needy students, claim reimbursement procedures and notification of changes in reimbursement rates for school lunches and breakfasts. In 2008, the SBE adopted article 6, which included sections 15575, 15576, 15577 and 15578. These sections provided definitions for foods and beverages, and food and beverages restrictions.

Articles 2, and 4 of 5 CCR have not been updated since their adoption in 1976. Article 6 of 5 CCR has not been updated since its adoption in 2008. Therefore, upon review of these regulations in 5 CCR, the SBE determined that amendments were necessary to bring these regulations into alignment with the related Code of Federal Regulations (C.F.R.) and to be consistent with current practices for the school nutrition programs administered by the CDE. The CDE also determined that a need for a definition of fluid milk substitutes, as the National School Lunch and School Breakfast Programs allow for the provision and reimbursement of fluid milk substitutes served to students who require this type of beverage due to a disability or medical need.

The CDE also determined that article 3 should be repealed. These six CCR sections are related to the Nutrition Education and Training (NET) program, which was established under the Child Nutrition Act of 1966 (Child Nutrition Act), Public Law 89–642. Under 42 U.S.C. section 1787, effective January 4, 1995, funds were authorized to make grants to all states for a nu-

trition education program that targets school children, teachers, parents, and food service workers. Between its inception in 1977 and 1994, the NET program had time-limited authorization and funding (averaging \$5 million per year), which was provided via annual appropriations. In 1994, the Child Nutrition Act was amended by Public Law 103–448 to make NET permanent and funding of \$10 million annually was mandated for the program. However, on August 22, 1996, the Child Nutrition Act was amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and repealed 42 U.S.C. section 1787, restored NET to temporary status, and again made funding for it subject to appropriations. The Personal Responsibility and Work Opportunity Act categorized NET as a discretionary spending program.

Since mandatory funds cannot be used to fund a discretionary program, NET has been without a funding source since Federal Fiscal Year (FFY) 1996–1997. Due to the lack of a federal funding source since FFY 1996–1997, and the fact that NET has not been funded since FFY 1997–1998, the relevant 5 CCR sections 15530, 15531, 15532, 15533, 15534 and 15535 are proposed to be deleted.

In 1991, the SBE adopted 5 CCR, section 4610. This section provides the purpose and scope of the Uniform Complaint Procedures for the child nutrition programs administered by the CDE. In 2020, the SBE adopted article 7 of 5 CCR, which included sections 15580, 15581, 15582, 15583 and 15584. These sections define the scope of the article 7, describe the process for filing a complaint, state the requirement to refer complaints to the U.S. Department of Agriculture (USDA), and define the local education agency investigation procedures and complainant appeal rights to the CDE as well as the CDE investigation and appeal procedures. Article 7 was adopted to implement Education Code section 33315(a)(2) regarding complaints relating to child nutrition programs established pursuant to Education Code sections 49490 through 49570. In 2020, the Early Childhood Development Act of 2020 (Sen. Bill Number 98, chapter 24, Stats 2020) authorized the transfer of childcare and development programs, including the Child and Adult Care Food Program, administered by the CDE to the California Department of Social Services effective July 1, 2021. Therefore, upon review of this regulation in 5 CCR, the SBE determined that an amendment is necessary to bring section 4610 in 5 CCR into alignment with current state law and Education Code.

Policy Statement Overview

Articles 2, 3 and 4 of 5 CCR have not been updated since their adoption in 1976. Article 6 of 5 CCR has not been updated since its adoption in 2008. Amendments are necessary to bring these regulations into

alignment with the related C.F.R. and to be consistent with current practices for the school nutrition programs administered by the CDE.

Anticipated Benefits of the Proposed Regulation

The anticipated benefits from updating the regulations are:(1) effective and consistent implementation of school nutrition program requirements statewide; (2) alignment with CDE nutrition program procedures, federal regulations, and state statutes; (3) consistency between federal and state regulations and statutes and (4) repealing state regulations pertaining to federal programs that are no longer receiving funding.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the school nutrition programs and found that the proposed amended regulations are not inconsistent/incompatible with existing regulations, pursuant to Government section 11346.5(a)(3)(D).

INCORPORATION BY REFERENCE

The U.S. Department of Agriculture’s Food Buying Guide for Child Nutrition Programs, sections 1, 2, and 3, dated February 28, 2020, and section 4, dated on May 31, 2022, are hereby incorporated by reference and can be found on the USDA Food Buying Guide web page at <https://www.fns.usda.gov/tn/food-buying-guide> or by requesting a copy from the Regulations Coordinator

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

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

Mandate on local agencies and school districts: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Cost or savings to any state agency: None.

Other non-discretionary costs or savings imposed on local agencies, including local educational agencies: None.

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

Effect on housing costs: None.

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

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

Report required: The proposed regulations do not require a report to be made.

Effect on small businesses: The amended and proposed regulations would not have an effect on any small business *because they are designed to update and clarify current school nutrition program requirements and procedures and will not result in the expansion or the elimination of small businesses currently doing business within the State of California.*

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment — Gov. Code Section 11346.5(a)(10):

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The amended and proposed regulations will have no adverse effect nor benefit on the health and welfare of California residents, worker safety, or the State’s environment.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

David Jang, Nutrition Services Division
 California Department of Education
 1430 N Street, Room
 Sacramento, CA 95814
 Telephone: 916-327-3952
 Email: djang@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst. The Regulations Coordinator and the Regulations Analyst may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INFORMATION

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, the Initial Statement of Reasons (ISOR), the agenda and a recording of the SBE meeting where the SBE approved commencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents on which the proposed action is based may be obtained from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE’s website at <http://www.cde.ca.gov/re/lr/rr/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The SBE 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**

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information on which the proposed regulations are based is in the rulemaking file available for public inspection by contacting the Regulations Coordinator.

**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 highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE's website at <http://www.cde.ca.gov/re/lr/rr/>.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2024-00007

**REVISIONS TO CALIFORNIA
AUTOMOBILE ASSIGNED RISK PLAN
PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara ("Commissioner") will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan ("CAARP" or "Plan") of Operations. California Code of Regulations, Title 10, Chapter 5, Section 2498.4.9 references this plan.

**AUTHORITY TO ADOPT
RATES AND REFERENCES**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Insurance Code Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret and make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date and Time: June 19, 2024 1:00 p.m.
**Location: Department of Insurance Hearing
Room**
1901 Harrison Street 3rd Floor
Oakland, CA 94612

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:
Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (510) 238-7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538-4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner

at the address listed above **no later than 5:00 p.m. on June 19, 2024**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW
CA 24–04**

When coverage for an additional or replacement vehicle is requested, a Policy Change Request form must be completed by the producer and submitted directly to the assigned insurer. Upon receipt of the Policy Change Request form, the assigned insurer endorses the in-force Plan policy. It then issues the identification cards. Temporary insurance identification cards are not issued at the time of the request for a policy change.

CAARP proposes allowing the producer with the option to issue a Temporary Insurance Identification Card to the insured when a vehicle is added or replaced and submit a copy along with the Policy Change Request form to the assigned insurer. Saving time and confusion for the insured.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR
SCHOOL DISTRICTS OR COSTS WHICH
MUST BE REIMBURSED PURSUANT TO
GOVERNMENT CODE SECTIONS 17500
THROUGH 17630**

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE
AGENCY; FEDERAL FUNDING**

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal 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. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACTS ON PRIVATE
PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

**SPECIFIC TECHNOLOGIES
OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

**TEXT AND INITIAL
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the con-

tact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2024-00006

**REVISIONS TO CALIFORNIA LOW COST
AUTOMOBILE PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara ("Commissioner") will hold a public hearing to address the proposed amendments to the proposed amendments to the California Low Cost Automobile ("CLCA") Plan of Operations. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

**AUTHORITY TO ADOPT
RATES AND REFERENCES**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Insurance Code Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret and makes

specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date and Time: June 19, 2024 1:00 p.m.
Location: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor
Oakland, CA 94612

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney
 California Department of Insurance
 Enforcement Bureau
 1901 Harrison Street
 Oakland, CA 94612
riordanm@insurance.ca.gov
 Telephone: (415) 538–4226
 Facsimile: (510) 238–7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
 California Department of Insurance
 Rate Enforcement Bureau
 1901 Harrison Street
 Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
 Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on June 19, 2024**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEE

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
 Office of the Public Advisor
 300 Spring Street 12th Floor
 Los Angeles, CA 90013
 Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW LC 24–05

When coverage for an additional or replacement vehicle is requested, a Policy Change Request form must be completed by the producer and submitted directly to the assigned insurer. Upon receipt of the Policy Change Request form, the assigned insurer endorses the in-force Plan policy. It then issues the identification cards. Temporary insurance identification cards are not issued at the time of the request for a policy change.

CAARP proposes allowing the producer with the option to issue a Temporary Insurance Identification Card to the insured when a vehicle is added or replaced and submit a copy along with the Policy Change Request form to the assigned insurer. Saving time and confusion for the insured.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal 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. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP’s application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner’s mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department’s website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

TITLE 11. DEPARTMENT OF JUSTICE

**DIVISION 5. FIREARMS REGULATIONS
CHAPTER 2. CENTRALIZED LIST OF
FIREARMS DEALERS**

The Department of Justice (Department) proposes to adopt section 4027 of title 11, division 5, chapter 2 of the California Code of Regulations concerning a dealer’s verification of a purchaser’s hunting license.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on May 29, 2024 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Q. Farris
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2377
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 28215, Penal Code.
Reference: Sections 16685, 27510, 28215 and 28220, Penal Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Summary of Existing Laws and Regulations:

Existing law prohibits the sale or transfer of a firearm to any person who does not have a firearm safety certificate. (Pen. Code, §§ 31615, 31700.)¹ Existing law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. (§ 27505.)

Existing law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, or a recently expired hunting license, as specified. (§ 31700, subdivision (c).) Existing law also allows the sale or transfer of a firearm, other than a handgun, semiautomatic centerfire rifle, completed frame or receiver, or firearm precursor part to a person 18 years of age or older who possesses a valid, unexpired hunting license. (§ 27510, subdivision (b)(1).)

Effective January 1, 2022, Senate Bill 715 defines a valid and unexpired hunting license as a hunting license issued by the Department of Fish and Wildlife for which the time period authorized for the taking of birds or mammals has commenced but not expired. (§ 16685.) In addition, Penal Code section 31700 was

¹ All statutory citations are to the Penal Code unless otherwise noted.

amended to no longer allow a person with a hunting license from the immediately preceding year to be exempt from the firearm safety certificate requirement in Penal Code section 31615, subdivision (a).

As relevant here, the SB 715 prohibits a dealer from delivering a firearm if they are unable to confirm the hunting license is valid and unexpired upon visual inspection. (§ 28215, subdivision (a)(5).) The dealer must also record the license document number, the GO ID issued by the Department of Fish and Wildlife, and the dates valid as listed on the hunting license. (§§ 28210, 28215, subdivision (a)(4).)

Commencing July 1, 2025, the Department shall verify the validity of the purchaser’s hunting license with the Department of Fish and Wildlife. (§ 28220, subdivision (a)(2).) If the Department is unable to ascertain the validity of the hunting license, the Department shall immediately notify the dealer to cancel the sale of the firearm. (§ 28220, subdivision (f)(5).) The Department shall notify the purchaser by mail that the hunting license was not valid and unexpired or the Department of Fish and Wildlife was unable to verify the license based upon the information provided. (*Ibid.*)

These new safety requirements were established in response to the Poway Shooting. In April 2019, a 19-year-old armed with a semi-automatic rifle opened fire at a synagogue in Poway, California killing one person. The shooter obtained a semi-automatic firearm, despite being under the age of 21, with a hunting license that was not yet valid. (Assem. Com. on Appropriations, Rep. on Sen. Bill Number 715 (2021–2022) Reg. Sess. as amended June 21, 2021, p. 2.)

Effect of the Proposed Rulemaking:

The proposed regulation creates the procedure for a dealer or salesperson to confirm the validity of a hunting license and report the document number, GO ID, and dates valid to the Department. The dealer or salesperson will also confirm that they visually inspected the license, and that it is valid and unexpired. The dealer or salesperson will report this information electronically via the Dealer Record of Sale (DROS) Entry System (DES).²

Anticipated Benefits of the Proposed Regulations:

The proposed regulations describe the procedure for a dealer or salesperson to meet their obligation of recording the document number, GO ID, and dates valid listed on the hunting license. Commencing July 1, 2025, the Department will use this information to verify the validity of the purchaser’s hunting license with the Department of Fish and Wildlife. This regulation protects public safety by implementing a statutory

requirement that persons under 21 years old may only purchase or receive a firearm if the dealer or salesperson verifies that the person’s hunting license is valid and unexpired.

Comparable Federal Regulations:

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

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the dealer’s verification of a purchaser’s hunting license.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department’s Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department estimates \$146,198 in additional expenditures in the current Fiscal Year.

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

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

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

Cost impacts on representative person or business: The Department estimates that a representative private person or business will necessarily incur \$1.33 to complete and submit the required report. The average firearms dealer will face the above scenario approximately three times a year.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that the proposed action 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.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in

² The Department maintains the DES, a web-based application used by firearms dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Department, as required by state law. (§ 28205; Cal. Code Regs., title 11, § 4200 et seq.)

the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by creating a procedure for a dealer or salesperson to verify that the hunting license is valid and unexpired, and to report to the Department the document number, GO ID, and dates valid listed on the hunting license. The regulation would protect public safety by implementing a requirement that persons under 21 years old may only purchase or receive a firearm if the dealer or salesperson verifies that the person's hunting license is valid and unexpired.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would benefit the state's environment by establishing an electronic format for the required report and thereby preventing paper waste.

Business report requirement: The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed section 4027, which requires a report, applies to businesses.

Small business determination: The Department has determined that this proposed action affects small businesses. Requiring the dealer to notify the Department electronically via the DES is the easiest way to make sure that the dealer provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.

CONSIDERATION OF ALTERNATIVES

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

The Department has determined that the proposed regulation is the most effective way for a dealer or salesperson to report the document number, GO ID, and dates valid listed on the hunting license. Requiring the dealer or salesperson to notify the Department electronically via the DES is the least burdensome way to make sure they provide all required information. Dealers are already familiar with using the DES to report transactions to the Department.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Q. Farris
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210-2372
bofregulations@doj.ca.gov

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

G. Mac
 Department of Justice
 P.O. Box 160487
 Sacramento, CA 95816
 (916) 210-2153
bofregulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it

will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

AB 1311 ALTERNATIVE SCHEDULE PERMANENT REGULATIONS

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to amend the California Code of Regulations, Title 14, Division 2, Chapter 5, Subchapter 2, commencing with Section 2030. CalRecycle also proposes to amend Subchapter 6, commencing with Section 2500, and to add Section 2503. The proposed regulations are intended to clarify the eligibility process for which certified recycling centers can apply to operate on an alternative schedule. After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

PUBLIC HEARING

CalRecycle will hold a hybrid public hearing starting at 10:00 a.m. (PDT) on May 29, 2024 and concluding

upon submission of any public hearing comments. The public hearing will be accessible in person in the Byron Sher Auditorium located on the 2nd floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California. The Byron Sher Auditorium is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or Webcast (no registration required), can be found on CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom. No registration is necessary to view the Webcast.

At the public hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. CalRecycle requests, but does not require, that any person who makes oral comments also submit a written copy of their testimony at the hearing. All comments at the public hearing will be collected and recorded.

Simultaneous Spanish interpretation will be available in-person at the public hearing and remotely via Zoom or Webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the hearing. If interpretation services are needed in a language other than Spanish, please notify CalRecycle at regulations@calrecycle.ca.gov by May 20, 2024, and CalRecycle staff will do their best to accommodate this request.

WRITTEN COMMENT PERIOD

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed regulations, should indicate the section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on April 12, 2024, and ends on May 29, 2024. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

Postal mail:

Csilla Richmond
 AB 1311 Alternative Schedule Permanent
 Regulations
 Department of Resources Recycling and
 Recovery, Regulations Unit
 1001 “I” Street, MS–24B
 Sacramento, CA 95814

Electronic submittal: [AB 1311 Alternative Schedule Regulations \(45–Day Public Comment Period\)](#)

AUTHORITY AND REFERENCES

Public Resources Code Sections 14530.5, 14536, and 14539 provide authority for this regulation. The purpose of the proposed actions is to implement, interpret, and make specific law(s) related to the implementation and administration of the Beverage Container Recycling Program related to the operational hours of certified recycling centers. The following is a list of references cited in this proposed regulation: Public Resources Code Sections 14501, 14511.7, 14513.4, 14514.7, 14515.6, 14525.5.1, 14526.6, 14538, 14539, 14540, 14541, 14552, 14571, 14571.3, 14571.8, 14572, 14572.5, and 14585.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

The California Beverage Container Recycling and Litter Reduction Act (Act) (Chapter 1290, Statutes of 1986) was established to promote beverage container recycling and reduce litter by utilizing the California Refund Value (CRV) deposit and return system. Consumers pay the CRV when purchasing beverages in containers subject to the program. The CRV deposit is returned to the consumer when they redeem the empty beverage container at a certified recycling center.

The Act requires CalRecycle to designate convenience zones located within a one-mile radius from a supermarket that has gross annual sales of \$2 million or more and is considered a “full-line” store selling dry groceries, canned goods, or non-food items and some perishable items.

The Act requires that each convenience zone be served by at least one certified recycling center in order to provide consumers convenient opportunities to redeem CRV beverage containers near places where beverages are purchased. If there is no recycling center within a convenience zone, the zone is considered unserved. Beverage dealers (retailers that sell beverages in beverage containers) in unserved zones must either redeem empty CRV containers in-store or pay a daily \$100 fee. The Act and related regulations require

that certified recycling centers be operational for a period of not less than 30 hours per week if not located in a rural area. This requirement does not take into consideration unique business needs, flexibility for emergencies, or consumer desires.

Recycling center operators have made requests to CalRecycle to be allowed to close temporarily due to wildfires, the global coronavirus (COVID–19) pandemic, or even to reduce their business hours just to meet community needs. Except in the Governor’s Executive Order issued during the beginning of the COVID–19 pandemic, CalRecycle has been unable to allow such flexibility. This puts an unreasonable burden on small businesses or family-owned businesses, which most recycling center operators fall into.

Assem. Bill Number 1311 (Reg. Sess. 2021–2022) (AB 1311) provided language to allow this much needed flexibility in specific situations, while still providing consumers convenient opportunities for redemption.

These regulations will amend section 2030 of title 14 of the California Code of Regulations (CCR) to remove the prohibition on a recycling located in a convenience zone from operating less than 30 hours per week, establish and list criteria for CalRecycle approval for a recycling center to operate less than 30 hours per week.

These regulations will amend section 2045 of title 14 of the CCR to put in place requirements for a recycling center apply for an alternative schedule, to allow a recycling center application to be approved without an alternative schedule, and to make other non-substantial or ordering conforming changes.

These regulations will amend section 2500 of title 14 of the CCR to delete a 15 hour requirement for a recycling center to operate other than Monday through Friday 9 a.m. to 5 p.m., deletes a hearing requirement that was superseded by Sen. Bill Number 332 (Reg. Sess. 1999–2000), and makes other non-substantial or conforming changes

These regulations will add section 2503 of title 14 of the CCR to define “family-owned business”, “natural disaster”, “small business”, “state of emergency”, establish the two types of alternative schedules, add forms to request an alternative schedule, establish timeframes for CalRecycle review of an alternative schedule request, establish criteria for qualifying to make an alternative schedule request, clarify what happens in the event of an incomplete request for an alternative schedule, add regulatory mechanisms for lowering or raising the amount of hours in an alternative schedule, establish signage requirements for the approved alternative schedule, establish criteria for the denial of a request for an alternative schedule, and establish a method for when CalRecycle may issue a general notice in certain circumstances for a group of recycling centers to be on an alternative schedule.

These regulations will amend section 2516 of title 14 of the CCR to clarify that a recycling center operating under an approved alternative schedule is not eligible for handling fees.

Existing regulations generally use the phrase “of these Regulations” after citing to a section of the regulations.

These regulations will generally make conforming changes to remove “these regulations” in any section being amended in this rulemaking action.

Sen. Bill Number 353 (Reg. Sess. 2023–2024) (SB 353) provided that the department, instead of the Division of Recycling within the department, succeeds to and is vested with the specified authority, duties, powers, purposes, responsibilities, and jurisdiction that once belonged to the Department of Conservation regarding the Act.

These regulations will change “Division” to “department” in the above specified regulation sections to more accurately reflect which entity is actually vested with the authority to enforce the Act as most recently amended by SB 353.

Policy Statement Overview/Anticipated Benefits of Proposal

The goal of AB 1311 is to help certified recycling centers by providing more flexibility and expanding eligibility for recycling centers to operate on an alternative schedule other than the schedule established in PRC 14571(a)–(b).

The proposed regulations and amendments to existing regulations provide the following benefits that are aligned with the goals of AB 1311:

- Allow flexibility for recycling centers to operate on alternative schedules.
- Reduce recycling center closures by allowing existing certified recycling centers to stay in operation rather than closing when working less than 30 hours a week.
- Benefits to the environment as operational recycling centers help reduce litter by collecting and sorting plastics and glass containers.
- Benefits to the health and safety of workers by allowing recycling centers to close during natural disasters and states of emergency reduces the risk of employees being exposed to unhealthy or dangerous situations.
- Reduce labor needs and cost for recycling centers in situations where operators are unable to find adequate staffing to operate 30 hours a week.

Consistency With State Regulations

Pursuant to Government Code Section 11346.5(a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and

that CalRecycle is the only agency that can implement this proposed regulation.

INCORPORATION BY REFERENCE

No documents or forms are incorporated by reference in the proposed regulation.

EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE

CalRecycle has determined that the proposed regulations do not significantly differ from federal law because there are no existing comparable federal statutes or regulations in this subject area.

OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5(a)(4))

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CalRecycle has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

Local Agencies or School Districts Subject to Reimbursement

CalRecycle has determined that the proposed regulations do not result in costs to any local agency or school district that must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 of Division 4 of the Government Code Section 17500 et seq.

Cost or Savings to Any State Agency

CalRecycle has determined that adoption of these regulations does not have a cost to state agencies.

Non-Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are not non-discretionary costs or savings imposed upon any local agencies.

Cost or Savings in Federal Funding to the State

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.

HOUSING COSTS

CalRecycle has determined that adoption of these regulations will not have a significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

CalRecycle has determined that the proposed regulations 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. CalRecycle relied on the Division of Recycling Integrated Information System and conversations with subject matter experts in the Division to support this determination. This proposal is not intended to create, expand, or eliminate businesses within the State of California. The scope of the proposed regulations is limited to developing and implementing a process pursuant to which certified recycling centers can voluntarily apply to CalRecycle for authorization to operate on an alternative schedule.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs within the State of California

CalRecycle has determined that the proposed action will not create or eliminate jobs within California.

Creation of New Businesses or Elimination of Existing Businesses within California

CalRecycle has determined that the proposed action will not create new businesses or eliminate existing businesses within California.

Expansion of Businesses Doing Business within the State

CalRecycle has determined that the proposed action will not create an expansion of business doing business within California.

Benefits to the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

CalRecycle has determined that the proposed action will provide benefits to the health and welfare of California residents, worker safety, and the state’s environment.

These regulations will provide potential benefits to both the health and welfare of California residents and the state’s environment by allowing recycling centers the flexibility to stay open under an alternative schedule or temporarily close without the requirement to decertify and reapply for certification, and thus ensuring that more recycling centers can serve residents

and continue to divert beverage containers from landfills in a manner that addresses concerns for a family-owned or small business recycling center.

The proposed regulations will benefit worker safety by allowing recycling centers to close during a natural disaster or state of emergency, ensuring that workers can stay home and protect their own safety in such situations.

COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Recycling centers will be directly impacted by the regulations and will incur costs associated with filling out the forms and providing appropriate documentation. These costs are estimated to be a combined total of \$4245.30 over a span of 5 years split among all the certified recycling centers, which would result in a cost of \$8.01 annually per recycling center for a span of 5 years.

BUSINESS REPORT

The proposed regulation does not require a report, nor does a reporting requirement apply to businesses.

DETERMINATION OF EFFECT ON SMALL BUSINESS

CalRecycle has determined that the proposed regulations will affect small businesses.

AB 1311 requires that CalRecycle allow a subset of recycling centers, those that are family-owned or are a small business, to be allowed the option to implement an alternative schedule. CalRecycle estimates that 70% of recycling centers in California are considered small business, as most employ fewer than 100 people; however, the legislation requires CalRecycle to make a determination that such a schedule does not significantly decrease the ability of consumers to conveniently return beverage containers for the refund. As a result, CalRecycle is further defining small businesses for the purpose of alternative schedules to cover more than 70% of the recycling center operators, thereby allowing them to meet the small business definition of this section.

Recycling centers will be directly impacted by the regulations and will incur costs associated with filling out the forms and providing appropriate documentation. These costs are estimated to be a combined total of \$4245.30 over a span of 5 years split among all the certified recycling centers, which would result in a cost of \$8.01 annually per recycling center for a span of 5 years.

One of the reasons that the costs are relatively small is that this process is only for recycling centers that

want to operate for fewer than 30 hours a week; since recycling centers make more money based on the volume of material collected in direct correlation to how many hours a recycling center is open to the public, it is likely only a small portion of recycling centers will apply for an alternative schedule.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Csilla Richmond
AB 1311 Alternative Schedule Permanent
Regulations
Department of Resources Recycling and
Recovery, Regulations Unit
1001 I Street, MS-24B
Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

The backup contact person is:

Craig Castleton
AB 1311 Alternative Schedule Permanent
Regulations
Department of Resources Recycling and
Recovery, Regulations Unit
1001 I Street, MS-24B
Sacramento, CA 95814
Phone: (916) 327-0089
Email: regulations@calrecycle.ca.gov

AVAILABILITY STATEMENTS

Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons, the documents relied upon for the proposed action, and the economic and fiscal impact statement. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes substantial changes to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle's website at www.calrecycle.ca.gov/Laws/Rulemaking.

INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage for the rulemaking at www.calrecycle.ca.gov/Laws/Rulemaking. All rulemaking files published through CalRecycle's internet website will be available on that page.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND
REHABILITATION**

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Section 3268.3 into Title 15, Division 3, Chapter 1, regarding the Field Executive Review Committee (FERC).

Date and Time: **May 29, 2024 —
10:00 a.m.–11:00 a.m.**
Place: Department of Corrections and
Rehabilitation
Room 150 N
1515 S Street — North Building
Sacramento, CA 95811

PUBLIC COMMENT PERIOD

AUTHORITY AND REFERENCE

The public comment period begins **April 12, 2024**, and closes on **May 28, 2024**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

CONTACT PERSONS

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

Primary Contact

R. Ruiz
Telephone: (916) 445-2244
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the department require adoption, amendment, or repeal of regulation on an emergency basis.

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Program Contact

A. Olivarez
Telephone: (925) 596-3655
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend section 3268.3 of the California Code of Reg-

ulations (CCR), Title 15 concerning the FERC. The FERC reviews all Use of Force (UOF) incidents and every allegation of excessive or unnecessary use of force.

This action will:

- Increase the FERC review time frame from 30 calendar days to 60 calendar days.
- Establish that if the FERC determines that a potential UOF violation occurred, the case shall be referred to the Office of Internal Affairs (OIA) for an investigation.
- Establishes that when the UOF case is referred to OIA, the 60 calendar day review timeframe shall be tolled and resume after the case is forwarded to the Hiring Authority for final determination.
- Establish that a review may be paused to request additional information or clarification if needed.
- Establish that a re-review of cases that were paused shall be completed within 30 calendar days of the initial review.
- Replace reference to outdated term “Regional Parole Administrator” with current title “Assistant Deputy Director, Field Operations.”

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS**

The proposed regulatory action will ensure the department conducts thorough reviews of use of force incidents in a timeframe that allows for the department to request and review additional information for an incident, if needed. Allowing for additional time for conducting more thorough reviews of use of force incidents will benefit the persons who are identified in the use of force incident reports, as the department will be able to gather and review additional details of the use of force incidents. Providing more thorough reviews will benefit reviewers of the use of force incident reports, including reviewing courts.

Additionally, this regulatory action allows the department to address any use of force issues, if needed, resulting from the incident review. The department anticipates the proposed regulatory action will benefit CDCR’s FERC by establishing review deadlines, as well as by establishing when an incident shall be referred to the Office of Internal Affairs for investigation.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern the FERC.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

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

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. As stated above, the proposed regulation will benefit the health and welfare of California residents, specifically persons who are identified in use of force incident reports, as well as the department's ability to conduct more thorough reviews of use of force incident reports, including reviewing courts. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment."

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**CESA CONCURRENCE REQUEST FOR
IMPLEMENTATION OF THE SAN JOAQUIN
RIVER RESTORATION PROGRAM AND
ACCOMPANYING HATCHERY AND
GENETIC MANAGEMENT PLAN**

2080-2024-002-04

**BUTTE, NAPA, YOLO AND
FRESNO COUNTIES**

The California Department of Fish and Wildlife (CDFW) received a notice on April 2, 2024, that U.S. Fish and Wildlife Service (Service) has received and enhancement of survival permit (Permit 20571-2R) pursuant to U.S. Code, title 16. Section 1539(a)(1)(A) of the Federal Endangered Species Act (ESA) from the National Oceanic and Atmospheric Administration (NOAA).

NOAA issued Permit 20571-2R to the Service on March 6, 2024, which authorizes take of Central Valley spring-run Chinook salmon (*Onchorhynchus tshawytscha*), a federally threatened species, for hatchery propagation, research, and enhancement activities at the San Joaquin Conservation Hatchery

Facilities, to establish and maintain an experimental population of spring-run Chinook salmon in the San Joaquin River. More specifically, Permit 20571-2R authorizes the Service to collect, transport, rear, handle, and tag juveniles and eggs from the Feather River Fish Hatchery, as well as wild stocks in Butte Creek and the San Joaquin River, to implement a broodstock program. The Permit also authorizes intentional take of individuals by holding fish as captive broodstock, juvenile rearing and release, and take associated with research, monitoring, and evaluation studies. The proposed project will occur in Butte, Napa, Yolo and Fresno Counties, California.

Spring-run Chinook salmon is designated as a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(C).) Pursuant to California Fish and Game Code section 2080.3, the Service is requesting a determination that Permit 20571 and the associated Extension Letter will further the conservation of the species. If CDFW determines Permit 20571-2R and the associated Extension Letter will further the conservation of the species, no further authorization or approval is necessary under CESA for the Service to take spring-run Chinook salmon as identified in, and in accordance with, the Permit 20571-2R.

Office of the General Counsel
CalSTRS
P.O. Box 15275
Sacramento, CA 95851-0275
Telephone: (916) 414-1724
Email: LegalServices@CalSTRS.com

**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.

Board of Education
File # 2024-0321-02
CAASPP Regulations

This action advances, from July 15 to June 30, the close of the annual California Assessment of Student Performance and Progress (CAASPP) testing window for Local Education Agency administration of these assessments.

Title 05
Amend: 855
Filed 04/02/2024
Effective 04/02/2024
Agency Contact: Lori Adame (916) 319-0860

Department of Public Health
File # 2024-0327-02
PNS Sex Chromosome Aneuploidies Screening

This request for emergency filing and printing by the Department of Public Health amends regulations pertaining to the Prenatal Screening Program (PNS) including definitions, laboratories and analytical methods, clinician requirements, program participation fees, and requirements for approval. This action is exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 124977(d).

Title 17
Amend: 6520, 6523, 6527, 6540, 6541
Filed 04/03/2024
Effective 04/03/2024
Agency Contact:
Jasmine Fullwood (279) 217-0681

**AVAILABILITY OF
PRECEDENTIAL DECISIONS
INDEX**

**STATE TEACHERS'
RETIREMENT SYSTEM**

**NOTICE OF AVAILABILITY OF
PRECEDENTIAL DECISIONS AND
DECISION INDEX**

Notice is hereby given that the California State Teachers' Retirement System, pursuant to subdivision (c) of Section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public at calstrs.com/precedential-decisions.

To subscribe to receive notification when the index is updated, email LegalServices@CalSTRS.com. For additional information, contact:

CalSavers Retirement Savings Board

File # 2024–0325–03

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 Retirements Savings Program to provide both their Federal Employer Identification Number and California Employer Payroll Tax Account Number.

Title 10

Amend: 10002

Filed 04/03/2024

Effective 04/10/2024

Agency Contact:

Tristan Woolacott (916) 653–1744

Acupuncture Board

File # 2024–0214–02

Amend and Repeal Curriculum and Educational and Training Regulation

This action for changes without regulatory effect by the Acupuncture Board (“Board”) updates terminology in existing regulations to be consistent with terminology as it is currently used and reflected in statute; revises cross–references; and changes a reference citation.

Title 16

Amend: 1399.415, 1399.438

Filed 03/27/2024

Agency Contact: Kristine Brothers (916) 471–0735

Bureau for Private Postsecondary Education

File # 2024–0220–01

Substantive Change of Method

In this rulemaking action, the Bureau amends its regulation to incorporate by reference the Significant Change in Method of Instructional Delivery or Change in Distance Education Learning Management System form (INS rev. 8/23). The content of the form is deleted from the regulation and moved to the form with some added content.

Title 05

Amend: 71600

Filed 04/03/2024

Effective 07/01/2024

Agency Contact: David Dumble (279) 895–6091

California Department of Tax and Fee Administration

File # 2024–0221–04

Lead–Acid Battery Fees Regulations

This action implements the Battery Recycling Act (Assembly Bill (AB) 2153 (Stats. 2016, Chapter 666), amended by AB 142 (Stats. 2019, Chapter 860) by adopting definitions and the procedures and minimum requirements for claiming exemptions from the Manufacturer Battery Fee and California Battery Fee.

Title 18

Adopt: 3210, 3220, 3230, 3240, Appendix A

Filed 04/03/2024

Effective 07/01/2024

Agency Contact: Kim DeArte (916) 309–5227

California Horse Racing Board

File # 2024–0319–02

Corticosteroid High–Motion Joint Injection

This action amends the California Horse Racing Board’s regulations to include a prohibition on administration of corticosteroid intra–articular joint injections into high–motion joints of horses, unless diagnostic imaging of the joint is performed within seven days preceding the injection.

Title 04

Amend: 1866.3

Filed 04/02/2024

Effective 07/01/2024

Agency Contact: Rick Pimentel (916) 274–6043

Fish and Game Commission

File # 2024–0301–02

Recreational Sea Urchin Bag Limit Exemption

This action by the Fish and Game Commission amends purple sea urchin regulations to extend the sunset date of restrictions at Caspar Cove by five years.

Title 14

Amend: 29.06

Filed 03/28/2024

Effective 04/01/2024

Agency Contact: Jennifer Bacon (916) 902–9285

Board of Pharmacy

File # 2024–0213–02

Notice to Consumers

In this rulemaking action, the Board of Pharmacy updates the language of its required notice posters so that consumers are more likely to read and understand the poster.

Title 16
Amend: 1707.6
Filed 03/27/2024
Effective 07/01/2024
Agency Contact: Lori Martinez (916) 518-3078

Bureau of Automotive Repair
File # 2024-0314-02
Vehicle Safety Systems Inspection Program

Assembly Bill 471 (Stats. 2021, chapter 372) (“AB 471”) requires the Bureau of Automotive Repair (“Bureau”) to adopt regulations establishing: inspection criteria and standards for specific vehicle safety systems and components to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components; the application process and fee(s) for the issuance of licenses to stations and technicians to conduct inspections of, and repairs to, these safety systems and components; and the certification process and fee(s) for vehicles subject to these inspections and repairs. AB 471 also specifies that vehicle safety systems inspection (“VSSI”) station and technician licenses replace licenses issued pursuant to the existing statutory and regulatory provisions governing the licensure of lamp and brake adjusting stations and adjusters, and repeals those existing provisions upon the effective date of the new regulations. Accordingly, this rulemaking action by the Bureau adopts 11 regulations and makes amendments to 12 existing regulations to implement the above-referenced requirements of AB 471. The 11 regulations being adopted add Article 2.5 (commencing with Section 3311.1), titled “Vehicle Safety Systems Inspection Program,” to Chapter 1, Division 33, Title 16 of the California Code of Regulations (“Article 2.5”), and incorporate by reference forms and a manual associated with the new inspection program. Amendments to the 12 existing regulations include defining “vehicle safety systems,” changing licensure terminology, revising processing time for licensure

applications, and inserting “sunset” provisions in regulations governing the licensure of lamp and brake adjusting stations and adjusters, which are located in Articles 2 (commencing with Section 3305), 3 (commencing with Section 3315), 4 (commencing with Section 3320), of Chapter 1, Division 33, Title 16 of the California Code of Regulations (“Articles 2, 3, and 4”).

Title 16
Adopt: 3311.1, 3311.2, 3311.3, 3312.1, 3312.1.1, 3312.2, 3313.1, 3313.2, 3314.1, 3314.1.1, 3314.2
Amend: 3303, 3303.2, 3305, 3306, 3307, 3308, 3309, 3310, 3315, 3316, 3320, 3321
Filed 03/27/2024
Effective 03/27/2024
Agency Contact: Kayla Shelton (916) 403-0307

**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.