



California Regulatory Notice Register

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***Time-
Dated
Material***

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to amend Sections 438, 438.1, 442, and 548.130 in order to clarify, streamline or correct the deficiencies of, rules related to temporary assignments or loans in general, period of time for the temporary assignment or loan, and interjurisdictional employee exchanges for both career executive assignment (CEA) positions and non-CEA positions. (Cal. Code Regs., title 2, §§ 438, 438.1, 442, 548.130.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on June 11, 2024, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link:

<https://spb-meetings.webex.com/spb-meetings/j.php?MTID=m50f7986dd9ca44e14bd787afef513175>

Then enter the following information to gain access to the hearing:

Meeting Number: 2553 081 1859
Meeting password: hZGXVmHz624

- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: +1-408-418-9388
Participant Code: 25530811859##

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Any interested party, or their duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Michelle La Grandeur, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Email: michelle.lagrandeur@spb.ca.gov

The written comment period closes on June 10, 2024. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to amend sections 438, 438.1, 442, and 548.130 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article VII, section 3, and Government Code sections 18502, 18701, and 19050.8. The proposed regulation will implement, interpret, and make specific the provisions of the California Constitution, article 7, section 3, and Government Code sections 18500, 18546, 18547, 19050.3, 19050.8, and 19401.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a constitutional body responsible for enforcing California’s civil service statutes. (Cal. Const., article VII, §§ 1, subdivision (b), & 3; Gov. Code, § 18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act, except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.)

The amendments will ensure that California Code of Regulations related to interjurisdictional employee exchanges are consistent with current Government Code.

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ON PUBLIC AGENCIES

- Mandate on local agencies and school districts: None.

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

**SIGNIFICANT EFFECT ON
HOUSING COSTS**

None.

ECONOMIC IMPACT ON BUSINESS

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: None. The proposed regulations only set standards related to temporary assignments. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

**COST IMPACT ON A REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action since the regulatory change only impacts the temporary assignments within state civil service.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state's environment.

The adoption of these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service selection process.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Michelle La Grandeur, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-0924
Email: michelle.lagrandeur@spb.ca.gov

The backup contact person for these inquiries is:

Carlos Gomez, Analyst
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-8350
Email: carlos.gomez@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Compliance Review Division Chief, Michelle La Grandeur, at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and initial statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for

public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board's website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed on the Board's website at www.spb.ca.gov under "What's New?"

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

FUEL SPECIFICATIONS AND LABELING OF NATURAL GAS

The California Department of Food and Agriculture (Department) proposes to adopt California Code of Regulations (CCR) Title 4, Sections 4192.1 and 4192.2 relating to fuel quality specification requirements for natural gas used as motor vehicle fuel. The Department proposes to amend CCR Title 4, Section 4206

relating to labeling requirements for natural gas motor vehicle fuel dispensers. The Department also proposes to relocate Federal Trade Commission (FTC) natural gas motor vehicle fuel dispenser labeling requirements from CCR Title 4, Section 4207 to Section 4206.

PUBLIC HEARING

The Department did not schedule a public hearing. One will be scheduled if any interested person or his or her duly authorized representative submits a written request to the Department no later than 15 calendar days prior to the close of the written comment period. Address the request for a hearing to the primary contact person below.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit to the Department written comments relevant to the proposed regulatory action by email, fax, or mail addressed to the primary contact person listed below. Please include "Fuel Specifications and Labeling of Natural Gas" in the subject line of any email, fax, or letter regarding this rulemaking. The written comment period begins on April 26, 2024, and closes at 5:00 p.m. on June 11, 2024.

AUTHORITY/REFERENCE

The secretary of the Department is granted authority to adopt such regulations as is reasonably necessary to carry out the provisions of Division 5 of the Business and Professions Code (BPC) Section 12027. Pursuant to BPC Section 13440, the Department is required to establish specifications for automotive spark-ignition engine fuels and to adopt by reference the latest standards established by a recognized consensus organization, i.e., ASTM International or SAE International. This includes natural gas motor vehicle fuels. BPC Section 13440 further stipulates that natural gas motor vehicle fuels shall meet the latest specification set forth by ASTM International or the SAE International. BPC Section 13480(a) requires that any person selling any motor vehicle fuel at retail must display a plainly visible statement that includes both the product name and grade designation. BPC Section 13480(c) requires the Department to adopt regulations as are reasonably necessary to define and enforce motor vehicle fuel antiknock index or other labeling requirements. BPC Section 13484 requires that the displayed statements described in BPC Section 13480 must be placed on each customer-facing side of a dispenser.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Natural Gas Fuel Quality Specifications

Currently, BPC Section 13440 requires that the Department establish fuel specifications for natural gas sold as a motor vehicle fuel and adopt by reference the latest specifications set forth by ASTM International or SAE International. The Department has yet to adopt fuel specifications for natural gas sold as motor vehicle fuel. On May 4, 2021, ASTM International published *ASTM D8080 Standard Specification for Compressed Natural Gas (CNG) and Liquefied Natural Gas (LNG) Used as a Motor Vehicle Fuel*. Additionally, on July 17, 2023, ASTM International published *ASTM D8487 Standard Specification for Natural Gas, Hydrogen Blends for Use as a Motor Vehicle Fuel*. With this rulemaking and pursuant to BPC Section 13440, the Department proposes to adopt and incorporate by reference the latest versions of *ASTM D8080* and *D8487* with the exception that natural gas motor vehicle fuel must not be sold with a total sulfur content of more than 16 parts per million by volume (ppmv) to remain consistent with existing state law.

CNG and LNG Dispenser Labeling Requirements

In 2018, the Department adopted interim labeling requirements for CNG and LNG motor vehicle fuel dispensers in CCR Section 4206, and Federal Trade Commission fuel rating label requirements in CCR Section 4207. These requirements are not compatible with the proposed adoption of *ASTM D8080* and *D8487*. With this rulemaking and pursuant to BPC Sections 13480 and 13484, the Department proposes to adopt new labeling requirements that align with *ASTM D8080* and *D8487* and to relocate and consolidate the FTC labeling requirements into Section 4206. The Department proposes to limit the fuel grade designations as determined in *ASTM D8080* and *D8487*.

Anticipated Benefits of the Proposed Regulation

Adoption and enforcement of *ASTM D8080* and *D8487* by the Department will immediately benefit owners of CNG and LNG vehicles because the fuel that meets either of these specifications sold at retail will help assure these vehicle owners that it will not impair their vehicle's engine performance and durability. Fuel grade labeling requirements will give customers a benchmark of comparison when choosing a natural gas fuel that meets their specific engine performance requirements. Updating and clarifying fuel grade and unit price labeling requirements further helps customers make informed value-based decisions.

Adopting both fuel specifications will permit the sale of a larger variety of natural gas fuels and allow for higher levels of hydrogen in retail-available natural gas fuel. This may benefit natural gas producers be-

cause blending in hydrogen produced from renewable resources could improve natural gas marketability in a future energy market focused on decarbonization.

Consistency and Compatibility with Existing State Regulations

The Department has determined that this proposal is consistent and compatible with existing California regulations.

DOCUMENT INCORPORATED
BY REFERENCE

This proposed rulemaking will adopt and incorporate by reference the latest versions of *ASTM D8080 Standard Specification for Compressed Natural Gas (CNG) and Liquefied Natural Gas (LNG) Used as a Motor Vehicle Fuel* and *ASTM D8487 Standard Specification for Natural Gas, Hydrogen Blends for Use as a Motor Vehicle Fuel*, in accordance with BPC Section 13440. These documents are under copyright by ASTM International and the latest versions are available for purchase at <https://www.astm.org/d8080-21.html> and <https://www.astm.org/d8487-23.html>.

MANDATED BY FEDERAL LAW

The Federal Trade Commission (FTC) adopts CNG/LNG motor vehicle fuel dispenser labeling requirements in the Code of Federal Regulations (CFR), Title 16, Section 306.12 for LNG and Sections 309.15 and 309.17 for CNG. The Department has already adopted the FTC labeling requirements for CNG and LNG motor vehicle fuel. However, there is no federal requirement that the State of California adopt a fuel specification for natural gas motor vehicle fuel.

OTHER STATUTORY REQUIREMENTS

No other statutory requirements apply to this proposed rulemaking.

LOCAL MANDATE/FISCAL IMPACT/
HOUSING COSTS

The Department determined that this proposed regulation:

1. does not impose a mandate on local agencies or school districts;
2. does not incur costs to any local agency or school district requiring reimbursement pursuant to Government Code Sections 17500 et seq.;
3. does not incur costs or savings to any state agency;
4. does not incur other non-discretionary costs or savings imposed on local agencies;

5. does not incur costs or savings in federal funding to the state; and
6. does not have a significant effect on housing costs.

**STATEWIDE ADVERSE
ECONOMIC IMPACT**

The Department determined that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

The Department determined that the proposed regulation:

1. does not create or eliminate jobs in California;
2. does not create new businesses or eliminate existing businesses in California; and
3. does not affect the expansion of businesses in California.

The proposed regulation simply adopts natural gas fuel specifications and updates CNG/LNG dispenser labeling requirements that result in businesses incurring a nominal cost to meet regulatory compliance. This proposed regulation does not provide any pathways, barricades, or incentives to the expansion of businesses or to the creation or elimination of jobs and businesses.

Other Anticipated Benefits of the Proposed Regulation

Compared to other fossil-based motor vehicle fuels such as gasoline and diesel, natural gas fuels are a lower-carbon alternative fuel with significantly lower pollution forming emissions and greenhouse gas (GHG) emissions. Continued support of low-carbon alternative fuels will help in the reduction of GHG emissions as California transitions to a net-zero carbon future. Furthermore, lowering emissions promotes public health by improving air quality, particularly for communities located near high-traffic transport corridors. This reduction in emissions is further attained by increasing the concentration of hydrogen blended into natural gas. Water is the only emission of hydrogen combustion. Another benefit of natural gas fuels is that they can be produced from renewable biomass-based sources such as capturing and refinement of emissions from dairies. Renewable natural gas (RNG) can be wholly used as motor vehicle fuel or blended with non-renewable natural gas fuel and can help further reduce GHG and pollution forming emissions.

**COST IMPACTS ON A REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The Department is aware of cost impacts that a representative business, affected by this rulemaking, would necessarily incur in reasonable compliance with the proposed action. The proposed regulation protects the interests of and does not incur additional costs to private persons who use natural gas to fuel their natural gas vehicles. The Department does not anticipate any costs or savings to private persons who purchase natural gas motor vehicle fuel.

BUSINESS REPORTING

No reporting requirements apply to this proposed rulemaking.

EFFECT ON SMALL BUSINESS

The Department is not aware of any small businesses involved in the retail sale of natural gas motor vehicle fuel to the public. The Department is not aware of any financial cost or benefit impacts that representative small businesses would incur to reasonably comply with the proposed regulation.

CONSIDERATION OF ALTERNATIVES

Government Code Section 11346.5(a)(13) requires the Department to 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 statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT INFORMATION

Primary and Secondary Contacts:

Andrew Adkins, Senior Environmental Scientist
(Specialist)
Samuel Ferris, Senior Environmental Scientist
(Specialist)
California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin Perkins Road, Suite 100
Sacramento, CA 95828-1812
Main: (916) 229-3000
Fax: (916) 229-3055
Email: dms@cdfa.ca.gov

**AVAILABILITY OF DOCUMENTS IN THE
RULEMAKING FILE**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons, and all supporting documents and information relied upon in the development of this proposed regulation. Please submit a request to the address above to receive a copy of the rulemaking file.

AVAILABILITY OF MODIFIED TEXT

After receiving and considering all timely and relevant comments, the Department may adopt the proposed regulation substantially as described in this notice. If, however, the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available for public comment for at least 15 calendar days before the Department adopts the modified regulation. Please submit a request to the above address for a copy of the modified text of the regulation. Include "Fuel Specifications and Labeling of Natural Gas" in the subject line of any email, fax, or letter regarding this rulemaking.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by submitting a request to the address above.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Department posts electronic copies of this rulemaking file on its website at www.cdfa.ca.gov/dms/regulations.html

TITLE 11. DEPARTMENT OF JUSTICE

LICENSED FIREARMS DEALERS

The Department of Justice (Department) proposes to amend sections 4017, 4018, and 4021 of title 11, division 5, chapter 2 of the California Code of Regulations concerning licensed firearms dealers' (licensees) annual renewal for placement on the Department's Centralized List of all persons licensed to sell firearms pursuant to Penal Code section 26715.

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 June 11, 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) 210-2372
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: Sections 26705, 26715, and 26806, Penal Code.

Reference: Sections 26705, 26715, and 26806, Penal Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Prior to the passage of Senate Bill (SB) 1384, state law imposed no requirements on licensees regarding the maintenance of a digital video and audio surveillance system. Effective January 1, 2024, SB 1384 requires licensees to install a digital video and audio surveillance system outside their business, including permanently mounted interior and exterior cameras that: record 24 hours a day; record audio inside the premise; and has a visible timestamp with the date and time. The new law also requires licensees to maintain the recordings for a minimum of one year in a manner that protects them from tampering or theft. SB 1384 also requires licensees to certify that their digital video and audio surveillance system is in proper working order when annually renewing their continued placement on the Department’s Centralized List of Firearms Dealers. (Penal Code, § 26806, subdivision (d))

Effect of the Proposed Rulemaking:

This proposed regulation updates the procedure for licensees’ annual renewal for placement on the Department’s Centralized List of Firearms Dealers to include certification to the Department that a digital video and audio surveillance system is in proper working order and complies with the requirements set forth in Penal Code section 26806.

The proposed regulation also updates the process applicants must follow to apply for placement on the Centralized List. Assembly Bill (AB) 28 (stats. 2023, chapter 231) amended Penal Code Section 26705, subdivision (b), to update the seller permit requirement by replacing “Board of Equalization” with “California Department and Fee Administration (CDTFA).” AB 28 also added a new requirement for placement on the Centralized List. Commencing July 1, 2024, applicant must provide a valid certificate of registration issued pursuant to Revenue and Taxation Code section 36036.

Anticipated Benefits of the Proposed Regulations:

This rulemaking action will enhance public safety by implementing security standards for licensed firearms dealers in California. Prior to SB 1384, no state laws imposed requirements on licensees regarding the maintenance of a digital video and audio surveillance system. The proposed regulation will ensure that licensees meet their obligation to have a digital video and audio surveillance system in proper working order by providing annual certification to the Department as a condition of their continued placement on the Department’s Centralized List of Firearms Dealers. If the licensee fails to provide the annual certification or timely renew their license, the licensee shall be

removed from the Centralized List, lose access to the Dealer Record of Sale (DROS) Entry System (DES), and be prohibited from submitting new DROS transactions (Penal Code, § 26715, subdivision (b)(3)).

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 relate to or affect this area, the Department has concluded that these are the only regulations that concern licensees’ annual certification to the Department that a digital video and audio surveillance system is in place and in proper working order at their business.

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 \$177,000 in additional expenditures for the current Fiscal Year to implement the certification requirement by updating regulations and administrative and technology processes.

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

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 proposed regulation will create or eliminate jobs

within the state, (2) unlikely that the proposed regulation will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposed regulation will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposed regulation will benefit the health and welfare of California residents by updating the initial and annual procedure for licensees to renew their placement on the Department's Centralized List of Firearms Dealers. The annual procedure now mandates licensees comply with state law and provide certification to the Department that their location has a digital video and audio surveillance system in proper working order. The regulation will protect public safety by implementing stronger firearms dealers' security measures, which helps curb gun store theft.
- (2) The proposed regulation will not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposed regulation will not benefit the state's environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small business determination: The Department has determined that this proposed regulation does not affect small businesses because licensees are currently required to submit a hard copy, via United States mail, of the annual renewal form BOF 4080 and pay the annual renewal fee by January 31 of each year for continued placement on the Department's Centralized List of Firearms Dealers. The Department will now mail annual renewal application forms to replace BOF 4080. The Department will mail Centralized List of Firearms Dealers and Dealer Inspection Program Annual Renewal Fee Transmittal and Certification Notice (BOF/CL-0004), and a Centralized List of Firearms Dealers and Dealer Inspection Program Annual Renewal Fee Transmittal and Certification (BOF/CL-0012), to all licensees. Licensees shall continue to have until January 31 of each year to submit their renewal applications and pay the annual renewal fee via United States Mail. When completing the new form, licensees will be required to certify on form BOF/CL-0012 that their digital video and audio surveillance system is in proper working order and complies with state law.

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 proposed regulation requires licensees to provide necessary information on forms prescribed by the Department. Prescribing forms is the easiest way to make sure that licensees provide all required information, including certifying they are complying with state law by having a digital video and audio surveillance system in proper working order. This is the most efficient way to ensure the licensees provide all required information. Licensees are already required to fill out a form to annually renew their placement on the Department's Centralized List of Firearms Dealers.

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) 210-2322

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 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Section 82.00 in Article 2.3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Insurance Cards.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly

authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **June 10, 2024**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/ repeal these regulations under the authority granted by Vehicle Code sections 1651, 4000.37, and 16020, in order to implement, interpret, or make specific Vehicle Code sections 4000.37, 16020, and 16056.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 16020 requires all drivers and owners of a motor vehicle to be able to establish financial responsibility and carry in the vehicle evidence of the form of financial responsibility in effect for the vehicle. Upon application for renewal of vehicle registration, Vehicle Code section 4000.37 requires the applicant to submit a form approved by the department, but issued by the insurer, as evidence of financial responsibility.

Currently, Section 82.00 in Article 2.3, Title 13 of the California Code of Regulations, establishes the uniform format of an evidence of liability insurance document and provides a sample image of an approved insurance document. The department is amending Section 82.00 to allow insurance companies greater flexibility when developing their insurance document while also retaining the information requirements of Vehicle Code section 4000.37. Due to the increased availability of services through mobile devices, the department is also including language that ensures evidence of liability offered on a mobile device will contain the same information that is required on a paper insurance card.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this action will benefit insurance companies that will be able to provide pol-

icy holders written proof of financial responsibility in a format of their own choosing to satisfy Vehicle Code section 16028 requirements, and will benefit insured drivers in California by ensuring consistent information will be available whether the insurance information is on a paper insurance card or through a mobile device.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of other state regulations and has determined that this action is neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

The department is the only state entity responsible for identifying the contents of the evidence of liability insurance card. Therefore, there are no comparable federal statutes or regulations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The proposed regulatory text does not impact private persons. The amended rule identifies the information required to appear on an evidence of liability insurance card. There is no cost impact on businesses. The rule is amended to remove outdated form content requirements and ensures that vehicle insurance companies can continue to use the document they are currently providing to customers.

- *Small Business Impact:* This amendment may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* This proposed action identifies information requirements for an evidence of liability form that is provided to drivers in California. This action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

The department does not anticipate any specific benefit other than potential non-monetary benefits by ensuring this rule aligns with business practices followed by insurance companies during the time they have been providing electronic insurance updates to the department.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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 effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Specialist
 Department of Motor Vehicles
 Legal Affairs Division
 P.O. Box 932382, MS C-244
 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
 Facsimile: (916) 657-6243
 Email: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
 Department of Motor Vehicles
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3000, 3004, 3031, 3040, 3041, 3041.1, 3044.1, 3120, 3192, 3220, 3269, 3303, 3318, 3344, 3341.3, and 3370; and adopt new Sections 3269.5, 3312.1, 3335.5, 3369.5, 3369.6, 3369.7, 3369.8, 3369.9, 3369.10, 3369.11, 3369.12, 3369.13, and 3376.2 in Title 15, Division 3, regarding the Developmental Disability Program.

PUBLIC COMMENT PERIOD

The public comment period begins on **April 26, 2024**, and closes on **June 12, 2024**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpm@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.

CONTACT PERSONS

Primary Contact

S. Pollock
 Telephone: (916) 445-2308
 Regulation and Policy
 Management Branch
 P.O. Box 942883
 Sacramento, CA 94283-0001

Back-Up

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

Program Contact

Tim Fleshman
Telephone: (916) 322-2315
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time:

June 12, 2024 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Conference Room 150
1515 S Street — North Building
Sacramento, CA 95811

AUTHORITY AND REFERENCE

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.

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.

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.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Currently, the Developmental Disability Program (DDP) is described in the *Clark* Remedial Plan, which is the result of the *Clark vs. California* settlement order and various agreements between the department and plaintiffs. This remedial plan concerns the care and treatment of inmates with developmental disabilities. The proposed regulatory action provides for equal opportunities for developmentally disabled inmates and will bring the department into compliance with the *Clark v. California* settlement order by establishing policies for immediate and ongoing compliance with provisions of the Americans with Disabilities Act (ADA). Revisions provide for the identification, classification, housing, protection, and nondiscrimination of inmates in the DDP. Inmates will be assessed to determine their DDP designation level, and they will be provided with adaptive support services commensurate with their adaptive support needs. No qualified inmate with a disability, because of that disability, shall be subjected to discrimination or be denied the benefits of programs, services, or activities of the department.

This action will:

- Provide for new definitions in section 3000 related to the Developmental Disability Program (DDP).
- Establish that library staff shall provide orientation to inmates in the DDP for the law library and other library services.
- Require that staff meet privately with inmates in the DDP with potential victimization concerns, to query for possible victimization.
- Incorporate by reference, into Title 15, Division 3, four new CDCR Forms: CDCR Form 128C-2 (Rev. 01/24), Developmental Disability Program Adaptive Supports Screening Results; CDCR Form 200-A (01/24), Developmental Disability Program Adaptive Support Log — Housing Unit; CDCR Form 200-B (01/24), Developmental Disability Program Adaptive Support Log — Work/School; and CDCR Form 0201 (01/24), Condemned Incarcerated Persons — Waiver of Developmental Disability Program Screening and Inclusion.

- Establish new section 3269.5 for DDP Housing, which will take into account an inmate in the DDP’s safety when making housing determinations. Inmates in the DDP shall not be housed with inmates with a history of sexual or predatory behavior.
- Establish new section 3312.1, Disciplinary Methods for Inmates in the DDP, which requires staff to take into consideration the inmate in the DDP’s adaptive support needs as they relate to the misconduct.
- Add language regarding the Staff Assistant (SA), which is mandatory for all inmates in the DDP. New language specifies the duties that the SA shall assist the inmate in the DDP with.
- Establish new section 3335.1, Restricted Housing for Inmates in the DDP, which provides that inmates in the DDP shall be provided their adaptive support services regardless of their housing setting.
- Establish new Article 9.1, Developmental Disability Program, and sections 3369.5 through 3369.13, which set forth provisions regarding the DDP such as: general policy, DDP categories, screening and processing, adaptive support services, interdisciplinary support team, work and program assignments, and academic assignments.
- Establish new section 3376.2, Classification of Inmates in the DDP, ensuring that inmates in the DDP are not exposed to a significant risk of harm, abuse, or harassment.

DOCUMENTS INCORPORATED
BY REFERENCE

- CDCR Form 128C–2 (Rev. 01/24), Developmental Disability Program Adaptive Supports Screening Results.
- CDCR Form 200–A (01/24), Developmental Disability Program Adaptive Support Log — Housing Unit.
- CDCR For 200–B (01/24), Developmental Disability Program Adaptive Support Log — Work/School.
- CDCR Form 0201 (01/24), Condemned Incarcerated Persons — Waiver of Developmental Disability Program Screening and Inclusion.

SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS

The proposed regulatory amendments will provide for equity, inclusivity, and nondiscrimination of developmentally disabled inmates. Revisions to state-wide standardized practices will allow for inmates in the Developmental Disability Program (DDP) to have

equal access and opportunity to participate in programs, services, and activities within the department. By providing inmates in the DDP with their adaptive support needs, it will help provide an even playing field so that they are able to function and perform to the best of their ability. For inmates in the DDP, safety will be enhanced by ensuring their appropriate housing, and that they are monitored for any victimization concerns. Lastly, the proposed regulations will provide compliance with existing court orders and evolving ADA law.

EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
LAWS AND 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 Developmental Disability Program.

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 business 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 effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on the state's environment or worker safety. The welfare of CDCR inmates in the DDP may benefit by allowing for them to be treated with equity, inclusivity, and nondiscrimination, and protecting them from harassment or discrimination, which will preserve their dignity and self-esteem.

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.

**TITLE 22. EMPLOYMENT
DEVELOPMENT DEPARTMENT**

**FAMILY TEMPORARY DISABILITY
INSURANCE — QUALIFYING EXIGENCY**

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), Title 22, Sections 2706-1, 2706-2, 3302-1, and 3303.1(a)-1. The amendments would assist in the Department's administration and implementation of Senate Bill 1123 (Chapter 849, Statutes of 2018), which adds a new eligibility component to the Paid Family Leave program, as well as clarify the claimant identification and wage verification process for claimants applying for State Disability Insurance benefits.

The Department will amend these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Department administers the State Disability Insurance (SDI) program. The SDI program was established in 1946 to provide a partial wage replacement benefit to eligible workers in California who are unable to work due to a non-work-related illness or injury.

Senate Bill (SB) 1661 (Chapter 901, Statutes 2002) added the Family Temporary Disability Insurance (FTDI) benefit to the California Unemployment Insurance Code (CUIC). The FTDI benefit, otherwise known as Paid Family Leave (PFL), expanded the scope of the SDI program to provide a partial wage replacement benefit to eligible workers who take time off work to care for a seriously ill eligible family member or to bond with a new child.

SB 1123 (Chapter 849, Statutes of 2018) added a new eligibility component to the PFL program. SB 1123 allows employees to take time off work to participate in a qualifying exigency related to a covered active duty or call to covered active duty of the employee's child, spouse, domestic partner, or parent in the Armed Forces of the United States (AFUS). SB 1123 addresses the military member on covered active duty or call to covered active duty with a unique need for assistance or participation from an eligible family member in California's workforce. This new law became effective January 1, 2019, but the relevant provisions had a delayed operative date of January 1, 2021. Assembly Bill (AB) 2399 (Chapter 348, Statutes of 2020) clarified definitions in the CUIC that are relevant to administering the military exigency leave pursuant to SB 1123.

On January 1, 2021, SB 1123 expanded the scope of the PFL program to include time off work to participate in a qualifying exigency related to the covered active duty or call to covered active duty of the individual's spouse, domestic partner, child, or parent in the AFUS. When an employee for the first time requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty, or notification of an impending call or order to covered active duty, of the employee's spouse, domestic partner, child, or parent in the AFUS, SB 1123 provides that the Department may require the employee to provide documentation, such as a copy of the covered active duty orders or other documentation issued by the military that indicates that the employee's spouse, domestic partner, child, or parent is in the AFUS, is on covered active duty or call to covered active duty, and the dates of the covered active duty service.

This regulatory package would solve the problem of implementing SB 1123 by providing amendments to

the regulations allowing the Department to administer SB 1123's new eligibility component.

This regulatory package would, in part, solve the problem of incorporating and implementing the new eligibility component and administrative requirements of SB 1123 into the Department's regulatory provisions.

The proposed regulatory amendments to Title 22, Sections 2706-2, 3302-1, and 3303.1(a)-1 of the CCR would, in part:

- Update existing and identify new elements for a properly completed initial or continued claim for PFL benefits due to participation in a qualifying exigency
- Update relevant definitions of terms for consistency pursuant to AB 2399 and SB 1123
- Add definitions of the terms "military assist claim," "military member," and "qualifying event" that are necessary to determine claimant's eligibility for PFL benefits due to participation in a qualifying exigency
- Provide examples of claimant's eligibility for PFL benefits due to participation in a qualifying exigency for clarity purposes

Beyond SB 1123, the proposed regulatory amendments to Title 22, Sections 2706-1 and 2706-2 would remove the social security number verification language from Sections 2706-1 and 2706-2, which is enumerated in an identical manner in both sections. The social security number verification language provides the Department the discretion to verify social security numbers as those belonging to claimants. The claimant identity and wage verification process are more comprehensively explained in existing Title 22, Section 2706-8, which currently applies to, and will continue to apply to, both Sections 2706-1 and 2706-2.

The proposed regulatory amendments are necessary for compliance with and implementation of new obligations pursuant to SB 1123. The amendments would ensure the Department's proper administration of the SDI program, which includes the proper administration of claimant identity and wage verification, and would achieve SB 1123's goal of providing benefits to claimants who participate in a qualifying exigency related to the covered active duty or call to covered active duty.

ANTICIPATED BENEFITS FROM THE
PROPOSED REGULATION

The anticipated benefits from this proposed regulatory action would support the Department's administration of PFL by codifying the new eligibility elements and the related definitions into existing regu-

lations, providing consistency with the statutory authority for determining eligibility for benefits as established by SB 1123, and strengthening the Department’s regulatory authority when making eligibility determinations, including claimant identity and wage verification.

This regulatory action would clarify existing definitions to include reference to military members on covered active duty or call to covered active duty in the AFUS and add definitions of terms related to participation in a qualifying exigency to align with SB 1123. Also, the proposed regulatory action would make clear the identity and wage verification process for claimants applying for SDI benefits by removing the discretionary social security number verification language to align with existing claimant identity and wage verification process that is delineated in the regulations.

Furthermore, the proposed regulatory action benefits the health and welfare of California residents by supporting the new eligibility component pursuant to SB 1123 and would offer families of members of the military relief from the challenges of deployment by permitting them to participate in a qualifying exigency. For example, military assist benefits can be used by an eligible California worker to make legal, childcare, and parental care arrangements and to attend military-sponsored events while their family member is deployed or getting ready to deploy.

**DETERMINATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS**

The Department has determined that this proposed regulatory action is not inconsistent nor 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 Family Temporary Disability Insurance — Qualifying exigency.

AUTHORITY AND REFERENCE

Sections 305 and 306, Unemployment Insurance Code.

Sections 2701.5, 2706 and 3303.1, Unemployment Insurance Code.

Sections 140.5, 1253, 2656, 3300, 3301 and 3302, Unemployment Insurance Code.

Section 3303.1, Unemployment Insurance Code.

Sections 2602, 2608, 2626, 2701.5, and 2706, Unemployment Insurance Code.

ECONOMIC AND FISCAL IMPACT

Anticipated costs or savings in federal funding to the State: None.

Anticipated costs or savings to any State Agency: The Department is the state agency responsible for administering SDI and, therefore, the new exigency leave component of PFL pursuant to SB 1123. The Department anticipates \$111,785 in initial costs and \$600,000 per year for the subsequent years to implement its obligations pursuant to SB 1123. The Disability Branch of the Department estimates \$111,785 of that amount to implement its obligations pursuant to SB 1123, which includes the cost to develop business requirements for the programming efforts; update forms and publications; update information on the Department website; update manuals and procedures for staff; and provide training to staff regarding SB 1123 requirements. The remaining anticipated costs to the EDD derive from the necessary technological programming changes to the Department’s databases and systems that will be carried out by the Information Technology Branch of the Department in order to implement its obligations pursuant to SB 1123, which includes project management, development, testing, implementation, and stabilization. The Department anticipates a cost of \$600,000 per year for the subsequent years. This is the cost for the amount of time required for six Disability Insurance Program Representative positions to process the increased workload.

Anticipated costs or savings to any local agency or school district: The proposed regulations will not have significant anticipated costs or savings any local agency or school district.

Anticipated non-discretionary costs or savings imposed upon local agencies: The proposed regulations will not have significant anticipated non-discretionary imposed upon local agencies.

Anticipated impact on housing costs: The proposed regulations will have no effect on housing costs.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The Department has made the determination that the proposed regulatory 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: The Department has made the determination that the proposed regulatory action will not significantly affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently do-

ing business within the State of California. This is because businesses do not pay for the SDI benefits of their employees. The SDI program is funded through a payroll deduction from employees' wages. Businesses will continue to withhold and send SDI contributions of their employee(s) to the Department. SDI contributions are deposited into a dedicated fund that is used to pay benefits to eligible employees and finance the program's operating costs. Businesses may likely have costs of approximately \$74.58 to comply with SB 1123, and, in turn, to comply with the proposed regulatory action that administers SB 1123.

The proposed regulatory action benefits the health and welfare of California residents by supporting the new eligibility component pursuant to SB 1123 and would offer relief to families of members of the military from the challenges of deployment by permitting them to participate in a qualifying exigency. For example, military assist benefits can be used by an eligible California worker to make legal, childcare, and parental care arrangements and to attend military-sponsored events while their family member is deployed or getting ready to deploy. The proposed regulatory action will assist in the administration of PFL by providing required elements when filing a PFL claim to participate in qualifying exigency, defining related terms and providing consistency with existing regulations and the provisions of SB 1123. The Department has made the determination that the proposed regulatory action does not affect worker safety and the state's environment.

The cost impact on representative private persons or businesses: As stated above, the Department has determined a cost of approximately \$74.58 for businesses to comply with SB 1123 and, in turn, comply with the proposed regulatory action that administers SB 1123. The cost includes the time a business allocates for communicating with an employee who has filed for the leave, reviewing and responding to EDD correspondence if needed, and updating the employee's personnel forms, if any.

Small business impact: The Department has determined that the proposed regulatory action will not have a significant impact on small businesses, as the exigency leave pursuant to SB 1123 is paid for by employee contributions to the SDI program. A small business will continue to withhold and send SDI contributions of its employee(s) to the Department. A small business may have a cost of approximately \$40.30 to comply with SB 1123, and, in turn, comply with the proposed regulatory action that administers SB 1123. The cost includes the time a small business allocates for communicating with an employee who has filed for the leave, reviewing and responding to EDD correspondence if needed, and updating the employee's personnel forms, if any.

LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with section 11346.5(a)(13) of the Government Code, the Department 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.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Taran Kaler via U.S. mail, email, or fax (see U.S. mail and email addresses and fax number indicated below). ***Email comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, email, or fax, must be received by the Department no later than JUNE 10, 2024.*** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Taran Kaler, Attorney
Employment Development Department
P.O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Taran Kaler, Attorney
Employment Development Department
800 Capitol Mall, Room 5040
Legal Office, MIC 53
Sacramento, CA 95814
Telephone Number: (916) 654-8410
Fax Number: (916) 654-9069
Email Address: ProposedRegulations@edd.ca.gov

Note: In the event Mr. Kaler is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Name: Linda Saeturn-Rodriguez, Senior Legal Analyst

Telephone Number: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Taran Kaler, Attorney

Telephone Number: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is on June 10, 2024.** A request for hearing can be made by contacting the persons noted above.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled) whose comments were received by the agency during the public comment period and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; the initial statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

GENERAL PUBLIC INTEREST

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PETITION HEARING REGARDING MEDICAL STAFF MEMBERSHIP P-23-002

This hearing will be held by videoconference with no physical public locations.

Notice to the Public

The California Department of Public Health (Department) will hold a hearing via Zoom on **May 8th, 2024, at 11:00 a.m.** in response to a petition. Instructions to connect to the hearing can be found at the end of this notice. To view and download the hearing materials, please visit the following link: <https://www.cdph.ca.gov/Programs/OLS/Pages/Office-of-Regulations.aspx> and click on "Petitions for Regulatory Actions."

Please consider submitting written public comments to Regulations@cdph.ca.gov or by fax: (916) 440-5747 or mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. Written comments can be submitted now and will be accepted after the hearing until **June 9th, 2024**. The public will also be able to provide public comment when prompted during the hearing.

The Department plans to webcast this hearing online. Webcast availability cannot be guaranteed due to limitations on resources or technical difficulties that may arise. To access the Zoom hearing on **May 8th, 2024, at 11:00 a.m.**, please register for the webinar at the follow-

ing webpage: https://cdph-ca-gov.zoom.us/webinar/register/WN_2SyHQybhQpKpd7KdOMjWfA.

Specific instructions for joining the meeting will be automatically emailed to individuals who have registered using the above link.

Assistive Services

For individuals with disabilities, the Department will provide assistive services. To request these assistive services, please call (916) 558–1710, California Relay at 711, or 1–800–735–2929, or email Regulations@cdph.ca.gov, or write to the Office of Regulations at the address noted below. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to public hearing.

Requests for further information should be directed to the California Department of Public Health, Office of Regulations at (916) 558–1710 or Regulations@CDPH.CA.Gov.

**SUMMARY OF
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
SECRETARY OF STATE**

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

California Alternative Energy and Advanced Transportation Financing Authority

File # 2024–0403–02

GoGreen Home Energy Financing Program

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority amends the GoGreen Home Energy Financing Program to allow for the use of investor–owned utility energy efficiency ratepayer funds to credit enhance loans for comprehensive clean energy measures. This is a deemed emergency pursuant to Public Resources Code section 26009.

Title 04

Adopt: 10091.7

Amend: 10091.1, 10091.2, 10091.5, 10091.6, 10091.7 [renumbered to 10091.8], 10091.8 [renumbered to 10091.9], 10091.9 [renumbered to 10091.10], 10091.10 [renumbered to 10091.11], 10091.11 [renumbered to 10091.12], 10091.12 [renumbered to 10091.13], 10091.13 [renumbered to 10091.14], 10091.14 [renumbered to 10091.15], 10091.15 [renumbered to 10091.16], 10091.16 [renumbered to 10091.17], 10091.17 [renumbered to 10091.18]

Filed 04/15/2024

Effective 04/15/2024

Agency Contact: Kelly Delaney (916) 651–5581

State Water Resources Control Board

File # 2024–0409–01

Fiscal Year 2023–24 Sustainable Groundwater Management Act (SGMA) Fees

This emergency rulemaking action amends the volumetric portion of the annual filing fee associated with certain groundwater extraction reporting required under the Sustainable Groundwater Management Act of 2014. Pursuant to Water Code section 1530, these emergency regulations shall remain in effect until revised by the State Water Resources Control Board.

Title 23

Amend: 1040

Filed 04/17/2024

Effective 04/17/2024

Agency Contact: Sarah Fong (916) 341–5129

Department of Justice

File # 2024–0403–01

Carry Concealed Weapons Licenses Readoption

This emergency readoption action by the Department of Justice (“DOJ”) readopts, with amendment, regulations that establish qualifications necessary to become a Carried Concealed Weapon (“CCW”) DOJ Certified Instructor. This action further readopts, without amendment, regulations that establish the grounds for revoking a CCW DOJ Certified Instructor’s certification; establish the process for the CCW license applicant’s background check so DOJ can determine the applicant’s eligibility to possess, receive, own, or purchase a firearm; and provide the manner for a licensing authority to send certain CCW license records to DOJ. This action is a deemed emergency and exempt from review by the Office of Administrative Law (“OAL”) pursuant to subdivision (d) of Penal Code section 26225.

Title 11
Adopt: 4410, 4412
Filed 04/10/2024
Effective 04/10/2024
Agency Contact: Marlon Martinez (213) 269-6437

California Gambling Control Commission
File # 2024-0227-02
Remote Caller Bingo

This action repeals remote caller bingo regulations for lack of statutory authority due to Senate Bill 1304 (stats. 2014, chapter 71) repealing Penal Code section 326.3 as of January 1, 2017.

Title 04
Repeal: 12500, 12501, 12503, 12504, 12505, 12508, 12510, 12511, 12514, APPENDIX C
Filed 04/10/2024
Agency Contact: Doris Pires (916) 263-1362

California Prison Industry Authority
File # 2024-0308-01
Definitions, Incarcerated Individuals, Personnel

This action without regulatory effect amends various regulations of the Prison Industry Authority to make grammar, syntax, and punctuation corrections and to eliminate redundancies, substitute gender-neutral language, and reorder provisions with corresponding renumbering of subdivisions.

Title 15
Amend: 8004, 8004.1, 8004.3, 8004.4, 8008, 8100, 8108, 8114, 8115, 8116, 8116.1, 8117, 8118
Filed 04/16/2024
Agency Contact: Kelly Mortenson (916) 413-1140

Delta Stewardship Council
File # 2024-0322-02
Adding and Reordering Chapter 1, Article 1

As a change without regulatory effect, the Delta Stewardship Council is reorganizing regulations in Title 23 to adopt "Chapter 1" and "Article 1" in Division 6.

Title 23
Adopt: Chapter 1 and Article 1 in Division 6
Filed 04/11/2024
Agency Contact: Eva Bush (916) 284-1619

California Victim Compensation Board
File # 2024-0306-03
Indemnification of Victims of Crime

This regular rulemaking action by the California Victim Compensation Board amends sections 649.7, 649.15, 649.16, 649.18, 649.19, 649.24, 649.28 and 649.50 of Title 2 of the California Code of Regulations regarding indemnification of victims of crime.

Title 02
Amend: 649.7, 649.15, 649.16, 649.18, 649.19, 649.24, 649.28, 649.50
Filed 04/17/2024
Effective 07/01/2024
Agency Contact: Neil Ennes (916) 491-3728

Department of Corrections and Rehabilitation
File # 2024-0227-01
Canteen Privilege Levels

This action by the Department of Corrections and Rehabilitation ("CDCR") amends regulations to increase the maximum monthly inmate canteen draw limit from \$220.00 to \$300.00, and convert fractional language to percentage.

Title 15
Amend: 3044, 3090
Filed 04/10/2024
Effective 07/01/2024
Agency Contact: Rachel Orr (916) 445-2314

Department of Corrections and Rehabilitation
File # 2024-0304-02
Inmate Pay Rates, Schedules, and Exceptions

This rulemaking action by the California Department of Corrections and Rehabilitation amends regulations to increase incarcerated person pay rates statewide for general pay schedules and creates a new conservation camp pay schedule.

Title 15
Amend: 3041.2
Filed 04/16/2024
Effective 04/16/2024
Agency Contact: Dmitriy Kostyuk (916) 445-2276

Department of Food and Agriculture
File # 2024-0304-01
Oriental Fruit Fly Eradication Area

This regular rulemaking action amends the existing pest eradication area proclamation for the Oriental fruit fly (*Bactrocera dorsalis*) by adding Fresno County to the list of California counties that comprise the eradication area.

Title 03
Amend: 3591.2
Filed 04/15/2024
Effective 04/15/2024
Agency Contact: Rachel Avila (916) 698-2947

Fish and Game Commission
File # 2024-0307-01
Klamath River Dam Removal Sport Fishing

In this regular rulemaking, the Fish and Game Commission is amending special fishing regulations for the Klamath River Basin.

Title 14
Amend: 7.40, 7.50
Filed 04/11/2024
Effective 04/11/2024
Agency Contact: David Thesell (916) 902-9291

**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.

