



California Regulatory Notice Register

REGISTER 2024, NUMBER 33-Z PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 16, 2024

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. DEPARTMENT OF HUMAN
RESOURCES**

The California Department of Human Resources (CalHR) proposes to amend the regulations described below after considering all comments, objections, and recommendations.

I. PUBLIC HEARING

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

II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalHR. Comments may also be submitted by facsimile (FAX) at (916) 327–1885 or by email to the Contact Person(s) listed below. Comments may also be submitted by mail to the Contact Person(s) listed below. The written comment period closes at 12:00 a.m. on October 1, 2024. CalHR will only consider comments received at CalHR’s office by that time. Submit comments to the following address:

Nicholas Wehr, Assistant Project Director
California Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, CA 95811
Telephone: 916–216–9002
Email: csps.project@calhr.ca.gov

III. AUTHORITY AND REFERENCE

Government Code (GC) section 19815.4 authorizes CalHR to formulate, adopt, amend, or repeal rules, and regulations affecting the purposes, responsibilities and jurisdiction of the department that are consistent with the law and necessary for administration of its programs. Furthermore, the proposed amendments

within this action are required to implement GC section 19824.

**IV. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

CalHR seeks approval to enact a new California Code of Regulation (CCR) and amend multiple regulations to implement GC section 19824 as amended in 2023 by Assembly Bill 130 (Chapter 39). This section stipulates that state officers and employees’ salaries shall be paid from the General Fund or relevant State fund, adhering to a uniform payroll cycle established by the department. These amendments are crucial to support the California State Payroll System (CSPS) project, which aims to transition the current monthly payroll cycle to a biweekly schedule. This regulatory package proposes to amend, add or delete regulations to be in alignment with CSPS requirements.

CalHR, in collaboration with the State Controller’s Office (SCO), is undertaking the CSPS Project to replace outdated payroll systems across the state. This initiative aims to modernize human resource management, travel and business expenses, and payroll services for approximately 300,000 state government employees. The project encompasses six primary capabilities: Personnel Administration, Benefits Administration, Time and Attendance Administration, Payroll processing, Position Control Administration, and Travel and Business Expense management.

Maintaining the existing monthly payroll cycle, based on a unique 21/22 workday pattern repeating over a 28–year cycle, is neither feasible nor cost-effective. Most modern commercial off–the–shelf solutions support biweekly payroll cycles, unlike the state’s outdated approach requiring extensive customization.

Following consultations with bargaining units, the CSPS Executive Steering Committee, and other stakeholders, it has been decided that all state departments and employees will transition to a standardized biweekly payroll cycle with the implementation of CSPS. This change aims to improve efficiency, accuracy, and service delivery across state payroll operations, aligning with modern standards in human resources and payroll management.

**V. EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS**

CalHR evaluated whether or not the proposed amendment is inconsistent or incompatible with existing state regulations. With the amendment of GC 19824 that was enacted in 2023, it became pertinent to update all payroll–related regulations. Therefore, the

proposed amendments are not inconsistent nor incompatible with other existing state regulations.

VI. ANTICIPATED BENEFITS FROM THIS PROPOSED REGULATION

The proposed regulation provides governance toward existing and future payroll-related activities that supports departments remaining on the monthly payroll cycle awaiting their transition date to CSPS, in addition to departments already converted to a biweekly cycle.

VII. DISCLOSURES REGARDING THE PROPOSED ACTION

CalHR has made the following initial determinations:

1. *Mandate on local agencies and school districts:* None.
2. *Cost or savings to any state agency:* The CSPS Project and its accompanying budget has been approved assuming a biweekly payroll cycle will be used. As such, this proposal aligns with the approved CSPS Project scope and associated budget and does not create additional fiscal impact above and beyond the existing CSPS Project budget.
3. *Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630:* None.
4. *Other nondiscretionary costs or savings imposed on local agencies:* None.
5. *Cost or savings in federal funding to the state:* None.
6. *Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:* None
7. *Cost impacts on representative private person or business:* CalHR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
8. *Results of the Economic Impact Assessment/Analysis:*

Adoption of these regulations will not:

- a. Create or eliminate jobs within California.
- b. Create new businesses or eliminate existing businesses within California; or
- c. Affect the expansion of businesses currently doing business within California.
- d. Create new benefits to worker safety and the state's environment.

Adoption of these regulations will:

- e. Provide benefits to the health and welfare of California residents, including to state employees who will receive their salaries on a more frequent schedule and to state employers who will be provided clear direction in establishing an updated, more modern payroll cycle, which, as stated above, will align the state with modern standards of human resources and payroll management.
9. *Significant effect on housing costs:* None.
 10. *Small Business Impact:* The proposed regulations will not affect small businesses because the applicability of the proposed regulations are confined to State civil service employees and appointing authorities. These regulations outline the administration of compensation and benefits for state employees and as such have no impact on the small business community.

VIII. CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), CalHR must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of 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; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed described in this Notice. CalHR invites interested people to present statements or arguments with respect to alternatives to the proposed regulation at the hearing, if one is requested, or during the written comment period.

IX. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Nicholas Wehr, Assistant Project Director
California Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, CA 95811
Telephone: 916-216-9002
Email: csps.project@calhr.ca.gov

The backup contact person for these inquiries is:

Jodi LeFebre, Assistant Deputy Director,
Legislative
California Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, CA 95811
Telephone: 916-909-3297
Email: jodi.lefebvre@calhr.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to these Contact Person(s) at the above address.

X. AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

CalHR will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during normal business hours. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons.

XI. AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalHR may adopt the proposed amendment to the regulation as described in this notice. If CalHR makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) availability to the public and will submit a copy to anyone who has submitted a written comment, for at least 15 days before CalHR adopts the regulation as revised. Please send requests for copies of any modified regulation to the attention of the Contact Person(s) at the address indicated above. CalHR will accept written comments on the modified regulation for 15 days after the date on which they are made available.

XII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained via the Contact Person(s) at the above address.

XIII. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strike out can be accessed through our website at www.calhr.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Conservation

A written comment period has been established commencing on August 16, 2024, and closing on September 30, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon their own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code. Any written comments must be received no later than September 30, 2024. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by

the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

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

**BUREAU OF LIVESTOCK
IDENTIFICATION**

**MODIFIED POINT OF ORIGIN
INSPECTION AREAS**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as “Department”) proposes to adopt the regulations described below in the Informative Digest/Policy Statement Overview after considering all comments, objections, and recommendations regarding this proposal. Publication of this notice commences a 45-day public comment period.

PUBLIC HEARING

The Department has not scheduled a public hearing for this proposal. However, a public hearing will be held if the Department receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments can be submitted via email to john.suther@cdfa.ca.gov, or mailed to the address listed below. The written comment period begins on **August 16, 2024** and closes **September 30, 2024**. The Department is not required to respond to comments that are outside the scope of this Notice or comments that are not received or postmarked during the written comment period.

**WRITTEN COMMENTS AND REQUEST
FOR PUBLIC HEARING**

All written comments and any requests for a public hearing should be directed to the following person:

John Suther, Branch Chief
Department of Food and Agriculture
Animal Health and Food Safety Services
Bureau of Livestock Identification
1220 N Street, Sacramento, CA 95814
Telephone (916) 900-5006
Email: john.suther@cdfa.ca.gov

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 407, 20171 and 21111, Food and Agricultural Code, and to implement, interpret or make specific sections 20017, 20021 and 21111, Food and Agricultural Code, the Department is proposing to amend section 850 of Article 1, Chapter 3, Division 2, of Title 3 of the California Code of Regulations, as described in the Informative Digest/Policy Statement Overview.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 20017 of the Food and Agricultural Code, defines a modified point-of-origin (MPO) inspection area as meaning any area in the state designated by regulation, pursuant to section 21111.

Existing law, section 21051 of the Food and Agricultural Code, authorizes the Department’s Bureau of Livestock Identification to inspect all cattle sold, transferred, moved out of state, moved out of an MPO inspection area, moved into a registered feedlot, public auction yard or sales yard, public or private sales market, out of a full point-of-origin inspection area, or from areas designated as quarantine, restricted, or isolated areas, with limited exceptions.

Existing law, section 21111 of the Food and Agricultural Code, specifies that the Secretary, by regulation, shall establish and maintain an MPO inspection area whenever cattle producers owning cattle in the affected area requires the action by a two-thirds vote of those cattle producers, who are either property taxpayers, lessees, or residents of the affected area and who are present at a public hearing held at a central location in the area.

Existing law, section 21111.5 of the Food and Agricultural Code, specifies that cattle producers owning cattle in the affected area may, upon written request or petition signed by at least 25 cattle producers owning cattle in that area, request that the Secretary repeal regulations establishing an MPO inspection area pursuant to section 21111 in the manner prescribed by the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Existing law, section 21112 of the Food and Agricultural Code, specifies that an MPO inspection area may consist of one or more counties or geographical areas.

Existing law, section 21172.2 specifies that the Department may, by regulation, provide that any person who ships any cattle from an MPO inspection area for inspection at destination, is required to notify the local brand inspector prior to shipment of such cattle,

if he finds, following a public hearing in the area, such requirement is needed to protect cattle owners from losses by theft or straying of their livestock.

Existing law, section 20021 of the Food and Agricultural Code, specifies that an MPO inspection area as provided in sections 21111 and 21112, pertains only to the inspection of cattle where there is no sale within a designated MPO inspection area prior to transportation for pasture-to-pasture purposes when crossing the area boundary.

Existing law, section 21288 of the Food and Agricultural Code, specifies that in a modified point-of-origin inspection area, as provided in section 21111, the fee for the inspection of cattle, other than suckling calves that are accompanying their mothers, is \$1.50 per head if the cattle are transported out of the area for purposes other than sale or slaughter and no change of ownership is involved.

To implement the above sections of law, the Department has in place regulations under Articles 1–4 of Chapter 3, Division 2, of Title 3 of the California Code of Regulations. This proposal pertains to section 850 of Article 1, Chapter 3, Division 2 of Title 3 of the California Code of Regulations, which describes the MPO inspection areas within California as designated by Areas 1 and 2. This proposal will remove Area #1 San Luis Obispo County from regulation section 850 because of a petition and vote from cattle producers in that county.

Anticipated Benefits of the Proposal

This proposal benefits the cattle producers in San Luis Obispo County that have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations. This will eliminate the need for a brand inspector to be called to the county to conduct a brand inspection when commingled cattle are moved out of the area by the owner or manager of the cattle. The reason for this is that cattle producers in San Luis Obispo County have not been experiencing significant loss of cattle in their county and therefore, brand inspections to determine ownership is no longer needed except when otherwise specified by existing statutes or regulations. When the cattle producers in the area need to ship the cattle to another location, the delay and cost of waiting for a brand inspector is not warranted. The Department inspects approximately 6,738 head of cattle annually in San Luis Obispo County at a cost to cattle producers of \$1.50 per head. The cattle producers in the area will be saving over \$10,310 in brand inspection fees annually with the deletion of their county as an MPO inspection area.

Consistency and Compatibility with Existing State Regulations

The Department has evaluated this proposal and it is not inconsistent or incompatible with existing state

regulations. It pertains to cattle brand inspections in San Luis Obispo County.

Material Relied Upon in Preparing Regulations

1. Petition dated February 16, 2022 from the San Luis Obispo County Cattlemen’s Association.
2. Response to the petitioner dated February 23, 2022 from the Bureau of Livestock Identification, accepting the petition.
3. April 12, 2022, San Luis Obispo County Cattlemen’s Association public meeting notice for the vote on whether to remove Area #1 San Luis Obispo County as an MPO inspection area.
4. April 12, 2022 tally and voting sheets showing 51 were in favor of removing Area #1 San Luis Obispo County as an MPO inspection area and 2 were against.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the fact that the proposal is necessary because cattle producers in San Luis Obispo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. The proposal is necessary because cattle producers in San Luis Obispo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code.

Persons/Businesses affected by the proposal:

- Affects cattle producers in San Luis Obispo County who have voted to delete their county as an MPO inspection area from section 850 of

Title 3 of the California Code of Regulations in accordance with section 21111.5 of the Food and Agricultural Code.

- The Department inspects approximately 6,738 head of cattle annually in San Luis Obispo County at a cost to cattle producers of \$1.50 per head. The cattle producers in the area will be saving over approximately \$10,310 annually in brand inspection fees with the deletion of their county as an MPO inspection area.

Anticipated compliance requirements as a result of this proposal:

- No paperwork, record-keeping or reporting requirements, and no brand inspection fees would be required in the affected area of San Luis Obispo County as a result of this proposal unless as otherwise specified by existing statutes or regulations.

Effect on Housing Costs: None.

Effect on Small Businesses: The Department’s proposal would affect small businesses. However, the affect would represent a cost savings to any small business cattle producer because cattle inspections would no longer be required in San Luis Obispo County as an MPO as specified in this proposal.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made a determination that this regulatory proposal:

- Will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services.
- Will not create or eliminate jobs or occupations.
- Does not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California.
- Does not impact multiple industries.
- Does not directly impact or affect human health, worker safety, or the State’s environment. It pertains to cattle brand inspections for the San Luis Obispo County MPO inspection area. Cattle may be moved out of that area without a brand inspection for purposes other than sale or slaughter and

no change in ownership is involved as specified in Food and Agricultural Code section 21051.

- Affects cattle producers in San Luis Obispo County who have voted to delete their county as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations in accordance with section 21111.5 of the Food and Agricultural Code.
- Represents a cost savings to cattle producers in San Luis Obispo County of over \$10,310 in brand inspection fees annually with the deletion of their county as an MPO inspection area. The Department inspects approximately 6,738 head of cattle annually in San Luis Obispo County at a cost to cattle producers of \$1.50 per head. The Department would no longer need to send brand inspectors to that area and can be further utilized at saleyards and auctions, with continued efforts working with local law enforcement agencies to prevent and mitigate activities involving cattle theft and misappropriation throughout the state.

The above determinations are based on the fact that this regulatory proposal is necessary as a result of a petition and vote by cattle producers to delete Area #1 San Luis Obispo County as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations, in accordance with sections 20017, 20021, 21111, 21111.5, and 21112 of the Food and Agricultural Code.

Benefits of the proposed regulation to the health and welfare of California residents, worker safety, and the State's environment: The proposed regulation does not directly impact or affect human health, worker safety, or the State's environment. It pertains to cattle brand inspections for the San Luis Obispo County MPO inspection area. Cattle may be moved out of that area without a brand inspection for purposes other than sale or slaughter and no change in ownership is involved as specified in Food and Agricultural Code section 21051. The proposal is necessary because cattle producers in San Luis Obispo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code.

The above determinations are based on the fact that this regulatory proposal is necessary as a result of a petition and vote by cattle producers to delete Area #1 San Luis Obispo County as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations, in accordance with sections 20017, 20021, 21111, 21111.5, and 21112 of the Food and Agricultural Code.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory

proposal will impact cattle producers in San Luis Obispo County who have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code. No brand inspections would be required to move cattle out of that county unless otherwise specified by existing statutes or regulations.

Comparable Federal Regulations: There are no comparable federal regulations. The Department of Food and Agriculture, Bureau of Livestock Identification, is the sole State authority to register and inspect cattle operations in accordance with Division 10 (commencing with section 20001) of the Food and Agricultural Code.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought 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. This proposal is a result of a petition and public vote from the cattle producers in San Luis Obispo County to delete their county as an MPO inspection area in accordance with section 21111.5 of the Food and Agricultural Code.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based. The rulemaking file at this time consists of this Notice, the proposed text, Initial Statement of Reasons and supporting factual material which is the petition to remove Area 1 San Luis Obispo County as an MPO, the Department's response to the petition, hearing notice, and tally and votes to remove Area 1 San Luis Obispo County as an MPO.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be

obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named below. The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office located at 1220 N Street, Sacramento, CA 95814.

Any person may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person(s) named below.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After 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 originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as modified. Please send requests for copies of any modified regulations to the attention of John Suther at the address listed below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the proposed regulations shown in strikeout and underline format, can be accessed through the Department's website at: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal, are to be addressed to the following:

John Suther, Branch Chief
Department of Food and Agriculture
Animal Health and Food Safety Services
Bureau of Livestock Identification
1220 N Street
Sacramento, CA 95814
Telephone (916) 900-5006
Email: john.suther@cdfa.ca.gov

The backup contact person is:

Nancy Grillo
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Sacramento, CA 95814
Telephone (916) 900-5000
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**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

MEAT INSPECTION

**MOBILE CUSTOM
LIVESTOCK SLAUGHTER**

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to adopt, amend, and repeal the proposed regulations described below in the Informative Digest/Policy Statement Overview after considering all comments, objections, and recommendations regarding the proposed action. Publication of this notice commences a 45-day public comment period.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed 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 to:

Dr. Fernando Umayam, Jr., Assistant Branch Chief
Department of Food and Agriculture
Meat, Poultry and Egg Safety Branch
1220 N Street, Sacramento, CA 95814
Telephone: (909) 730-0571
Email: fernando.umayam@cdfa.ca.gov

Comments may also be submitted by email to CDFA.MPES_Feedback@cdfa.ca.gov.

The written comment period begins on **August 16, 2024** and closes on **September 30, 2024**. The Department is not required to respond to comments that are outside the scope of this Notice or comments that are not received or postmarked during the written comment period. When commenting, please indicate the proposed rulemaking action to which your comment refers.

AUTHORITY AND REFERENCE

Food and Agricultural Code (FAC) section 14 authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the FAC grants the Department Secretary the authority to amend or repeal rules and regulations.

FAC section 407 authorizes the director to adopt such regulations as are reasonably necessary to carry out the provisions of this code which they are directed or authorized to administer or enforce.

FAC section 9562 specifies that:

(a) Subject to the rights and procedures established pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code, and in accordance with regulations adopted pursuant to this code, the State Veterinarian shall impose a quarantine if he or she believes, upon any basis reasonably supportable by standard epidemiological practice or credible scientific research, that a population of domestic animals or food product from animals has contracted, or may carry, an illness, infection, pathogen, contagion, toxin, or condition that, without intervention, could transmit an illness that could kill or seriously damage other animals or humans, including, in addition to the original condition, those clinically plausible secondary illnesses, infections, pathogens, contagions, toxins, or conditions arising from the effects of the original.

(b)(1) Because the authority conferred by this section is designed to protect the health and safety of the citizens of this state, the authority shall be interpreted broadly to give full effect to the purpose of protecting the public health and safety and shall be construed to include the imposition of quarantines in the circumstances of natural disaster, whether occurring or imminent, or declared emergencies.

(2) In furtherance of the objectives of the quarantine, the State Veterinarian may impose restrictions not only on the affected animals

themselves and the uses to which those animals may be put, but on products produced from, by, or with those animals in order to minimize the risk or spread of food-borne illness.

(3) The State Veterinarian's quarantine powers set forth in this section expressly include the power to order movement, segregation, isolation, or destruction of animals or food products, as well as the power to hold animals or food products in place.

FAC section 18693 specifies that the regulations which are adopted pursuant to this chapter shall conform, so far as possible, to the rules, regulations, and standards of the United States Department of Agriculture which govern the inspection, preparation, and processing of livestock and livestock products and poultry and poultry products.

Notwithstanding any provision of law to the contrary, the director may adopt, by regulation, standards and requirements equal to those of the federal acts, including, but not limited to, standards and requirements of inspection, sanitation, reinspection, preparation, processing, buying, selling, transporting, storing, identification, recordkeeping, registration, and labeling. The regulations shall not be less restrictive than state statutory requirements. The director may enter into cooperative agreements with the Secretary of Agriculture of the United States to enforce such standards and requirements in this state.

FAC section 18735 specifies that the director may adopt, by reference or otherwise, such provisions of the rules and regulations under the federal acts, with such changes therein as they deem appropriate to make them applicable to operations and transactions subject to this chapter, which shall have the same force and effect as if promulgated under this chapter, and promulgate such other regulations as he deems necessary for the efficient execution of the provisions of this chapter.

FAC section 18736 specifies that the director may appoint and prescribe the duties of such inspectors and other personnel as he deems necessary for the efficient execution of the provisions of this chapter.

FAC section 18960 authorizes the director to adopt, by regulation, standards and requirements relating to inspection, sanitation, facilities, equipment, reinspection, preparation, processing, buying, selling, transporting, storing, identification, recordkeeping, registration, and labeling, and marking for carrying out the purposes of this chapter.

FAC section 18961 authorizes the director, by regulations, to adopt provisions of the rules and regulations made under federal acts with such changes therein as he or she deems appropriate to make them applicable to operations and transactions subject to this chapter.

FAC section 18962 specifies that the department may adopt, by regulation, provisions to examine applicants for the positions of licensed livestock meat inspector and licensed processing inspector.

FAC section 18973 specifies that:

(a) Licensed livestock meat inspectors, licensed processing inspectors, and department inspectors are authorized to supervise the operations of licensed establishments, to order the establishments not to operate until required standards are met, and to cease operations when the standards are violated. These persons are also authorized to require withholding from movement, sale, or the delivery of products that may be unfit, because the products were derived from unfit animals or processed in unsanitary conditions and to require denaturing and condemnation of the unfit products.

(b) The department may immediately withdraw or refuse to provide inspection services to any establishment under this chapter that fails to cease operations, hold any retained product, or destroy any condemned product in accordance with the order of a department inspector or licensed livestock meat inspector or licensed processing inspector. It is unlawful to violate any such order.

FAC section 18980 specifies that:

(a) The application fee for a livestock meat inspector's license or a processing inspector's license is one hundred dollars (\$100). If an applicant for a license does not take the examination within one year after the date of the receipt of the application by the secretary, the application expires. Reexamination requires the payment of an additional application fee.

(b) Each license shall expire on the last day of the calendar year for which it is issued. The fee shall not be prorated.

(c) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.

FAC section 18981 that:

(a) Application for renewal of a license accompanied by a fee of one hundred dollars (\$100) shall be made on or before its expiration. Applicants for renewal of a license who have not paid the renewal fee by the expiration date of the license shall be assessed a twenty-five dollar (\$25) penalty. Failure to pay the renewal fee plus the penalty within 90 days of expiration shall cause a revocation of a license.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.

FAC section 18982 specifies that the department shall conduct periodic training for licensed livestock meat inspectors and licensed processing inspectors to maintain and increase their competence in the performance of their official duties.

FAC 18983 specifies that Licensed livestock meat inspectors and licensed processing inspectors shall participate in annual training meetings sponsored by the department to maintain and increase their competence in the performance of their official duties. Failure to participate may be a cause to revoke their license.

FAC 18991 specifies that:

(a) A licensed livestock meat inspector, in accordance with regulations adopted hereunder, shall conduct antemortem examination of each animal to be slaughtered in a licensed establishment and shall permit the slaughter of apparently healthy animals and withhold from slaughter all animals suspected, as well as those plainly showing evidence, of a disease. Animals so withheld shall be examined by a department employee who shall order the disposition of the animal pursuant to the regulations adopted hereunder.

(b) The licensed livestock meat inspector shall conduct a postmortem examination and make dispositions of carcasses and parts thereof in accordance with regulations adopted hereunder.

(c) A licensed livestock meat inspector shall conduct a sanitation inspection before the establishment commences operations for the day, and make periodic inspections throughout the day.

(d) The licensed livestock meat inspector shall order the establishment not to begin operations or to cease operations at any time that the establishment sanitation fails to meet the requirements of this chapter and the regulations adopted thereunder, or at any time any product is not handled, retained, condemned, or disposed of in violation of this chapter or the regulations thereunder.

(e)(1) Passed carcasses and parts of cattle, sheep, swine, and goat shall be stamped by the licensed livestock meat inspector or under his or her supervision with an approved California identification number.

(2) Passed carcasses and parts of fallow deer slaughtered and prepared for transportation or

sale shall be stamped with an approved mark of inspection.

FAC section 19014 specifies that plant sanitation, sanitary dressing procedures, processing procedures, vehicle equipment, facility standards, and sanitation, including transportation and storage of products, shall follow procedures which may be set forth in regulations or operations manuals adopted by the department.

FAC section 19020 specifies that:

This chapter does not apply to any of the following:

(a) Owners who slaughter, on their own premises, livestock of their own raising where the meat is not for sale, but used exclusively by the owners, members of the owner's household, the owner's employees, and nonpaying guests.

(b) A mobile slaughter operator who provides services to an owner as specified in subdivision (a) where the slaughter occurs on the owner's premises and the meat is thereafter transported for the owner to an establishment for further processing.

(c)(1) A mobile slaughter operator who provides services to an owner of livestock and slaughters multiple livestock from multiple owners, if the slaughter occurs on the premises of one of the owners of the livestock or on the premises of the producer, subject to the following conditions:

(A) Before the slaughter, if the livestock slaughtered are cattle, the cattle are inspected pursuant to Section 21051.

(B) After the slaughter, the meat is transported for the owner to an establishment for further processing.

(C) The meat is not for sale, but is used exclusively by the owner, members of the owner's household, the owner's employees, and nonpaying guests.

(D) The producer that has mobile slaughter operations conducted on their premises shall register with the department and maintain records pursuant to this chapter.

(E) The mobile slaughter operator shall be licensed as a custom livestock slaughter operation with the department pursuant to this chapter.

(F) The mobile slaughter operator shall be licensed as a livestock meat inspector with the department pursuant to this chapter and shall complete annual training as provided by the

Meat, Poultry and Egg Safety Branch of the department.

(G) The mobile slaughter operator licensed with the department shall maintain records pursuant to this chapter and the records shall be made available, upon request, to a department inspector, investigator, or peace officer.

(H) The premises or the mobile slaughter facility where slaughter is conducted shall have an adequate sewer, facilities, and potable water.

(2) The exemption in paragraph (1) shall apply to the slaughter of more than one head of livestock on a single premises in a calendar year.

(3) Slaughter activities conducted, including the proper disposition of inedible materials, pursuant to the exemption in paragraph (1) shall comply with all other applicable state and federal environmental and zoning laws.

(4) For purposes of this article, the following terms shall apply:

(A) "Livestock" means any cattle, sheep, goat, and swine used for human food.

(B) "Producer" means the person who owned and was responsible for feeding and caring for the livestock before its sale and slaughter on the person's premises.

(d) Persons solely engaged in cutting, wrapping, and otherwise processing farm or custom slaughter livestock or the processing and sale of fresh meats derived from United States Department of Agriculture inspected carcasses, except the curing, smoking, and preparing of cooked or smoked sausages or cooked pork products that are not exempted under subdivision (b) of Section 18814.

(e) Livestock slaughter and meat and poultry processing inspected by the United States Department of Agriculture.

FAC section 19021 specifies that:

(a) A mobile slaughter operator performing the service of slaughtering livestock pursuant to subdivision (c) of Section 19020 shall be licensed with the department as both of the following:

(1) A custom livestock slaughter operation pursuant to Sections 19010 and 19022 and is subject to Section 19023. The department shall establish a license fee and a renewal fee to cover costs associated with oversight and inspection of mobile slaughter operators. The fees shall not exceed the reasonable regulatory costs of

the department and in no event shall be more than five hundred dollars (\$500).

(2) A livestock meat inspector pursuant to Sections 18980 and 19022 and subject to Section 19023.

(b)(1) The producer of the livestock who conducts multiple slaughter operations on their premise pursuant to subdivision (c) of Section 19020 shall be registered with the department pursuant to Section 19022 and is subject to Section 19023. The one-time registration fee shall not exceed the regulatory costs of the department and in no event shall be more than one hundred dollars (\$100).

(2) The producer shall reregister with the department if the producer moves locations or if the operation changes ownership. The reregistration fee shall be the same amount as the registration fee specified in paragraph (1).

FAC section 19022 specifies that:

(a) A mobile slaughter operator performing the service of slaughtering livestock pursuant to subdivision (c) of Section 19020 shall file an application for a license that shows the names and addresses of the owners of the mobile slaughterer and any other information the secretary may require.

(b) The producer shall file a registration with the department that shows the name and address of every location where the slaughter of livestock will occur.

(c) The registration or license shall be filed with the Meat, Poultry and Egg Safety Branch of the department before a mobile slaughter operator may slaughter livestock pursuant to subdivision (c) of Section 19020.

(d) After notice and hearing, the secretary may cancel the registration of any producer or the license of a mobile slaughter operator operating pursuant to subdivision (c) of Section 19020 for failing to comply with this section or Section 19023.

FAC section 19023 specifies that:

(a) A mobile slaughter operator that slaughters livestock pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records expressly for that purpose for at least one year:

(1) The date of slaughter of all livestock.

(2) The name, address, and telephone number of producer of the livestock that are being slaughtered.

(3) The address or other location identifier of where the slaughter occurred.

(4) The number of each livestock slaughtered at the address on the date of slaughter.

(5) All ear tag numbers and all identification markings, if available, on all livestock slaughtered, and, if no identification number or marking is present, record “no identification number or marking.”

(6) The name, address, and telephone number of the owner for each livestock slaughtered.

(7) The name and address of the facility that each carcass was transported to for processing.

(b) Every producer that produces livestock that are slaughtered by a mobile slaughter operator pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records for at least one year:

(1) The name, address, and telephone number of the buyer.

(2) All ear tag numbers and all other identification markings of all livestock.

(3) The price paid for each livestock.

(4) A purchase receipt for each livestock.

(5) The date of purchase of each livestock.

(6) The date of slaughter of each livestock.

(c) All records maintained pursuant to this section shall be available on the demand of any inspector or peace officer

FAC section 19030 specifies that the director may, after a hearing conducted pursuant to Section 11346.8 of the Government Code, refuse to issue a license or renew a license and may revoke or suspend any license for any violation of or failure to comply with any provision of this chapter or any of the regulations thereunder. However, if the director finds evidence of willful or repeated violations, he or she may immediately suspend the license pending a final disposition of the matter.

FAC section 19032 specifies that any person that violates any provision of this chapter, or any regulation that is issued pursuant to it, is liable civilly for a penalty in an amount not to exceed five hundred dollars (\$500) for each such violation. If the court finds that the violation of this chapter was a serious violation, or that the violation is a second or subsequent violation, the person is liable civilly for a penalty not to exceed fifteen thousand dollars (\$15,000) for each such violation.

FAC section 19040 requires that:

(a) All fees, charges, and collections collected pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund.

(b) All fees, charges, and collections collected pursuant to this chapter shall be used for the enforcement of this chapter and shall be for a specific benefit or privilege conferred directly to the payer and such benefit or privilege shall not be provided to those not charged.

(c) Fees shall not exceed the reasonable costs associated with issuing the license or permit, performing investigations, inspections, and audits, enforcing provisions pursuant to the license or permit, and administrative enforcement and adjudication thereof.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific requirements for Mobile Slaughter Operation Licensing and Livestock Producer Registration with the Department.

This rulemaking action proposes to amend the California Code of Regulations (CCR) Title 3, Division 2, Chapter 4, Subchapter 1, Article 1 (sections 900, 900.1, and 900.3), Article 2 (sections 901, 901.3, 901.4, 901.7, 901.8, and 901.9), Article 3 (sections 902.2, 902.8, 902.9, 902.10, 902.11, and 902.14), Article 4 (section 903.1), Article 5 (section 904.6), Article 8 (section 907), Article 9 (sections 908.5, 908.10, and 908.11), Article 11 (sections 910.4 and 910.11), and Article 14 (section 913); repeal Article 3 (sections 902.1 and 902.15), Article 9 (sections 908.8 and 908.9), and Article 11 (section 910.7); and adopt sections 901.9.1 and 901.9.2 of Article 2, and Article 15 (section 914) to establish fees and make technical and organizational changes to the regulations as specified below.

The proposed regulations create a new registration and licensure program for a previously unregulated practice to ensure that animals are safely and humanely slaughtered. It is also meant to set effective requirements and standards to achieve food safety for the end consumer as well as to ensure there is an oversight of animal welfare and environmental impact during slaughter and transport conducted by a Mobile Slaughter Operator licensed as a Mobile Slaughter Operation and a Livestock Meat Inspector with MPES.

Other proposed actions to the regulation are to make technical and organizational changes so that the program can maintain the regulation’s consistency and to ensure only pertinent information is included in the regulation.

Summary of Existing Laws and Effect of the Proposed Action

On January 1, 2022, a new law, Assembly Bill (AB) 888 (Levine) (Chapter 378, Statutes of 2021) pertaining to Mobile Slaughter Operators of livestock animals, came into effect. AB 888 amended section 19020, and added sections 19021, 19022, and 19023 to the statutes pertaining to Mobile Slaughter Operator requirements, licenses, and renewal fees as well as the one-time Livestock Producer registration fee. This rulemaking action is to set Mobile Slaughter Operator requirements, licenses, and annual renewal fees as well as a one-time Livestock Producer Registration. A newly created fee structure will be used to set clear registration requirements and the fees will be utilized to cover the program’s regulatory oversight and inspection cost to ensure the safe and humane slaughter of livestock as defined in Food and Agricultural Code section 19020 (c)(4)(A) in California. The forms and fees that each Mobile Slaughter Operator and Livestock Producer will have to submit are itemized and listed below under “the Cost impact on a representative private person or business.”

The revision and adoption of the statutes mentioned above require the program to take regulatory actions and make necessary amendments so the program can carry out its core mission of providing inspectional oversight to protect food safety, animal welfare, and the environment while promoting the opportunity for livestock producers to market their livestock directly to consumers who are interested in purchasing livestock for their own personal use and consumption.

OBJECTIVES AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The benefits anticipated by the proposed regulation are expanded opportunities for Livestock Producers and consumers to utilize direct marketing and purchase so that consumers can directly purchase livestock sold for harvest from registered producers for personal use and consumption under the proposed regulatory actions that aim to enhance food safety assurance for the end consumer.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department determined that this proposed regulation is 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 Mobile Slaughter Operation

Licenses and Livestock Producer Registration requirements.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Branch has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with 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 impact on a representative private person or business: The Department anticipates there will be fees for the licensure, renewal, and registration. Applications and fees that need to be submitted prior to being licensed and/or registered are listed and itemized below:

An initial Application fee of \$500 (MPES Application for Mobile Slaughter Operation License Form 79-021B) and an annual renewal fee of \$500.

- An initial Application fee of \$100 (MPES Livestock Meat Inspector License Application 79-008A) and an annual renewal fee of \$100.
- A one-time registration fee of \$100 for each Livestock Producer who are required to register with MPES (MPES Livestock Producer Form 79-021A). If the Livestock Producer relocates and/or changes ownership, the Livestock Producer will have to re-submit a new registration form and fee of \$100.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other state: The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: The Department has initially determined that the proposed adoption of this regulatory action would affect small businesses.

The Department has made the initial determination that the proposed regulations would have a positive impact on the general public by protection of public health and safety, the creation of new small businesses, and the expansion of small businesses currently doing business within this state that would significantly affect a private person or small business. The proposed regulations would exclusively affect small businesses,

primarily Mobile Slaughter Operations and Livestock Producers under FAC sections 19020-19023.

Expanding direct sales of locally supplied meat, from locally produced livestock will be the result of Mobile Slaughter Operation regulations and will be an effective way to promote the fair and equitable marketing of meat products from livestock producers. Therefore, this regulation will contribute to an already robust body of statutory and regulatory precedent which will promote consumer confidence in the local food supply chain, the California livestock Industry and enhance the conditions for an equitable marketplace, thereby supporting continued growth of California's "Farm to Fork" approach to food. Conversely, if these regulations are not promulgated, enforcement activities would lack the tools to ensure that the sale of locally produced livestock meat products is free of fraud, deception and food safety issues. This could lead to a lack of consumer confidence and could be harmful to the animal industry.

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

The Department concludes that it is: (1) unlikely that the proposal will eliminate jobs, (2) likely that the proposal will create an unknown number of jobs for individuals and/or businesses interested in becoming a Licensed Mobile Slaughter Operation and a Registered Livestock Producer pursuant to FAC section 19020-19023, (3) unlikely that the proposal will eliminate any existing businesses, (4) unlikely that the proposal will result in the expansion of businesses currently doing business within the state, and (5) likely that this proposal will enhance enforcement activities that will protect animal welfare, general public safety, food safety, the environment, and the industry.

Benefits of the Proposed Action: Consumers of California will be assured that when they purchase live animals and have them slaughtered in their absence, minimum standards outlined in the regulations are being met. Livestock Producers will have a consistent standard applied equally across the industry for those that have multiple livestock slaughtered for multiple owners on their property sold to California consumers. Additionally, a fee structure, and licensure and registration system will set clear standards that all producers and Slaughter Operators will equally adhere to.

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 ac-

tion 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 during the written comment period or at the public hearing, if one is held.

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Dr. Fernando Umayam, Jr., Assistant Branch Chief
Department of Food and Agriculture
Meat, Poultry and Egg Safety Branch
1220 N Street, Sacramento, CA 95814
Telephone: (909) 730-0571
Email: fernando.umayam@cdfa.ca.gov

The backup contact persons are:

Han Lai, Senior Environmental Scientist
(Supervisory)
Department of Food and Agriculture
Meat, Poultry and Egg Safety Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 204-4438
Email: han.lai@cdfa.ca.gov

David Schurr, Senior Environmental Scientist
Department of Food and Agriculture
Meat, Poultry and Egg Safety Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 996-1159
Email: david.schurr@cdfa.ca.gov

Please direct requests for copies of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Dr. Fernando Umayam, Jr., using the contact information above.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION AND TEXT OF THE PROPOSAL

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office 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 the docu-

ments relied upon which at this time is the UC Davis White Paper on Small Harvest review. Copies may be obtained by contacting Dr. Fernando Umayam, Jr., using the contact information above.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dr. Fernando Umayam, Jr., using the contact information above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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 originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as modified. Please send requests for copies of any modified regulations to the attention of Dr. Fernando Umayam, Jr., at the address listed 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 DOCUMENTS ON THE INTERNET

Copies of this Notice, the proposed text of the regulation, and the Initial Statement of Reasons can be accessed on the Department's website at:

<https://www.cdfa.ca.gov/AHFSS/MPES/MeatPoultry.html>

TITLE 10. FILM COMMISSION

CALIFORNIA FILM AND TELEVISION TAX CREDIT PROGRAM 4.0

Notice is hereby given that the California Film Commission (CFC) proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The CFC proposes to adopt sections 5550, 5551, 5552, 5553, 5553.1, 5553.2, 5553.3, 5554, 5554.1, 5554.2, 5555, and 5556 in Article 5 of Chapter 7.75 of Title 10 of the California Code of Regulations in or-

der to implement, interpret and make specific Revenue and Taxation Code sections 17053.98.1 and 23698.1 relating to a film and television tax credit program.

No public hearing is scheduled; however, any interested person or their duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency through September 30, 2024. Submit comments to:

Name: Hedvig Marx
Address: California Film Commission, 7080
Hollywood Boulevard, Hollywood, CA 90028
Email: Hedvig.Marx@film.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation will be adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.98.1(e)(1)(A), 17053.98.1(g)(3)(D)(ii)(I)(id), 23698.1(e)(1)(A) and 23698.1(g)(3)(D)(ii)(I)(id). The proposed regulation implements, interprets, and makes specific Revenue and Taxation Code sections 17053.98.1 and 23698.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Film Commission (CFC) proposes to adopt new sections 5550, 5551, 5552, 5553, 5553.1, 5553.2, 5553.3, 5554, 5554.1, 5554.2, 5555, and 5556 in Article 5 of Chapter 7.75 of Title 10 of the California Code of Regulations. The regulations establish a procedure for allocating tax credits to qualified taxpayers in the motion picture industry.

Summary of Related Existing Laws and Regulations:

Existing law provides for two similar programs; the California Film and Television Program 3.0 (Program 3.0), allocating tax credits to qualified taxpayers in the motion picture industry until June 30, 2025, and the California Soundstage Filming Tax Credit Program (Soundstage Filming Program), allocating tax credits to qualified motion pictures produced in a certified studio construction project facility until June 30, 2032.

The provisions in the existing programs provide for applicants to file a written application for the allocation of the tax credit and for the CFC to estab-

lish criteria for allocating tax credits, determine and designate applicants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of an eligible and approved qualified motion picture. However, Program 3.0 expires June 30, 2025, and, while the Soundstage Filming Program can potentially accept applicants through June 30, 2032, that program is limited to a one-time tax credit fund of \$150 million. The Soundstage Filming Program also includes separate requirements relating to filming on certified soundstages, incurring qualified wages specifically on certified soundstages, and eligible motion picture projects being produced specifically by owners or long-term tenants of certified soundstages.

In 2023, the Legislature and Administration approved Senate Bill (SB) 132 (Ch. 56, Stat. 2023), which among other things, created a successor tax credit incentive program for film and television production in California. Specifically, the Legislature added sections 17053.98.1 and 23698.1 to the Revenue and Taxation Code, containing direction to the CFC to adopt regulations to implement the new California Film and Television Tax Credit Program 4.0 (Program 4.0). Program 4.0 continues California's tax credit program for motion picture production in the state, beginning July 1, 2025, and running through June 30, 2030.

Existing programs do not offer applicants the opportunity to elect to have their certified tax credits refunded at a ten percent (10%) fee over five years; SB 132 established this provision for Program 4.0. Existing programs do not contain requirements related to diversity, equity, inclusion, and accessibility (DEIA) to the same extent as Program 4.0; SB 132 expanded on DEIA provisions first instated in the Soundstage Filming Program to create an opportunity for more impactful DEIA practices and more robust CFC support for DEIA initiatives for Program 4.0 participants. Existing programs are not connected to the Safety on Productions Pilot Program established in the Labor Code through SB 132; SB 132 established a provision for Program 4.0 participants to participate in this first-of-its-kind set safety pilot.

Broad Objectives and Anticipated Benefits of the Proposed Regulations:

These tax credit incentives will encourage production companies, regardless of distribution outlet, to film in California instead of other states, provinces, and countries offering incentives. The California Film and Television Tax Credit Program 4.0 is structured to encourage job creation and provides separate funding categories to ensure tax credits for multiple types of productions. The program provides for applicants to file a written application for the allocation of the tax credit and for the CFC to establish criteria for allocating tax credits, determine and designate ap-

licants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of an eligible and approved qualified motion picture. The California Film and Television Tax Credit Program 4.0 will help create jobs and benefit the economy by building on the success of California’s previous and existing film and television tax credit programs, which have generated billions in production spending for the state.

Program 4.0 also seeks to increase diversity, equity, inclusion, and accessibility (DEIA) within the film and television production workforce via required submission of a DEIA best practice checklist for all applicants, as well as a DEIA workplan, interim assessment, and final assessment, for applicants opting in to the voluntary provisions. The CFC DEIA Resource Program Manager and staff will support applicants in this process.

Additionally, Program 4.0 extends both the Career Readiness and the Career Pathways Programs, which serve to build industry capacity and provide youth and early career professionals with access to industry training and jobs. The Career Pathways Program, funded by Program 4.0 applicants, specifically provides underserved communities with technical skills and soft skills training as well as established pathways into entry-level jobs in the motion picture industry.

SB 132 also established the Safety on Productions Pilot Program in sections 9150 et seq. of the Labor Code to address the implementation and oversight of safety practices and procedures in motion picture productions. Applicants that receive a motion picture tax credit allocation under Program 4.0 are required to participate in the Pilot, which will subsequently be evaluated by an organization selected by the CFC and the Industry-Wide Labor-Management Safety Committee to make recommendations to the Legislature.

The proposed regulations establish and clarify the specific processes necessary to implement the California Film and Television Tax Credit Program 4.0 in accordance with statute, enabling the state to operate the Program and realize its benefits.

Consistency And Compatibility with Existing State Regulations:

During the process of developing these regulations, the CFC 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. The CFC has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, the amended regulations duplicate California statute in part where the statute is cited as “authority” or “reference” for the proposed regulation and the dupli-

cation or overlap is necessary to satisfy the “clarity” standard of Government Code section 11349.1(a)(3).

**DOCUMENTS INCORPORATED
BY REFERENCE**

The following forms are incorporated by reference in the proposed regulation:

- Credit Allocation Letter, CFC Form D4 (January 1, 2025)
- Diversity, Equity, Inclusion, and Accessibility Checklist, CFC Form DEIA1 (January 1, 2025)
- Diversity, Equity, Inclusion, and Accessibility Workplan, CFC Form DEIA2 (January 1, 2025)
- Diversity, Equity, Inclusion, and Accessibility Interim Assessment, CFC Form DEIA3 (Jan. 1, 2025)
- Diversity, Equity, Inclusion, and Accessibility Final Assessment, CFC Form DEIA4 (Jan. 1, 2025)
- Career Pathways, CFC Form CPP4 (January 1, 2025)
- Career Readiness, CFC Forms CR4–1, CR4–2, CR4–3, CR4–4, CR4–5 (January 1, 2025)
- Local Community Expenditure Report, CFC Form LCER4 (January 1, 2025)
- Agreed Upon Procedures, CFC Form AUP (January 1, 2025)
- Tax Credit Certificate, CFC Form M4 (January 1, 2025)

ESTIMATES OF ECONOMIC IMPACT

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant 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.
- Potential cost impact on representative person or businesses: 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.

EFFECT ON SMALL BUSINESS

The California Film Commission has determined that the proposed regulations will not directly affect small businesses. The businesses that may elect to participate in the Programs and in such cases will be complying with these regulations are film production companies and are as such not small businesses, as defined in section 11342.610 of the Government Code. Small businesses in California may, however, provide goods and services to the businesses electing to comply with these regulations and thus benefit from the additional filming in California.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to paragraph (2) of subdivision (e) of sections 17053.98.1 and 23698.1 of the Revenue and Taxation Code the CFC is not required to provide an economic impact analysis. Due to the nature of tax credit incentives in relation to economic impact, the CFC has been exempted from the economic impact analysis throughout the existence of the California Film and Television Tax Credit Programs in all iterations; this exemption is consistent with previous practice.

REASONABLE ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Leah Medrano, Deputy Director
Email: Leah.Medrano@film.ca.gov
Phone Number: (323) 860-2960

The backup contact person for these inquiries is:

Name: Hedvig Marx
Email: Hedvig.Marx@film.ca.gov
Phone Number: (323) 817-4115 or (310) 290-6501

Questions on the substance of the proposed regulations may be directed to:

Name: Hedvig Marx
Email: Hedvig.Marx@film.ca.gov
Phone Number: (323) 817-4115 or (310) 290-6501

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the CFC may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the CFC regarding this proposal, the CFC may determine that changes to the proposed regulation are appropriate. If the CFC 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 CFC adopts the regulations as revised. The CFC will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held) and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Hedvig Marx at the above email address. The CFC will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The CFC has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9:00 a.m.–5:00 p.m.). Please contact Hedvig Marx at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Contact Person designated in this Notice.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

The CFC is required to prepare a Final Statement of Reasons. Once the CFC has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations can be accessed through our website at: www.film.ca.gov

**TITLE 10. DEPARTMENT OF
INSURANCE**

CATASTROPHE MODELING
AND RATEMAKING

REG–2023–00010

Pursuant to Government Code section 11340.9(g), this proceeding is exempt from the rulemaking provisions of the Administrative Procedure Act.

SUBJECT OF PROPOSED RULEMAKING

Notice is given that California Insurance Commissioner Ricardo Lara will hold a public hearing to consider amending California Code of Regulations, Title 10, Chapter 5, Subchapter 4.8, Article 4, sections 2644.4, 2644.5, 2644.8, and 2644.27, and adopting section 2644.4.5 and 2644.4.8, as well as adopting Article 8, section 2648.5.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, concerning these regulations, as follows:

Date: September 17, 2024

Time: 10:00 a.m. The public hearing shall continue until all in attendance wishing to provide comments have commented, or 1:00 p.m.

Location: https://us06web.zoom.us/webinar/register/WN_AIZHZOIOS_6LI9G0-BQYUQ

The telephonic call-in line that is available to access the public hearing is accessible to persons with hearing impairment. Persons with sight or hearing impairments are requested to notify one of the contact persons for this hearing (listed below) in order to review available accommodations, if necessary.

PRESENTATION OF WRITTEN
COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end on **September 17, 2024**. Please direct all written comments to the following contact person:

Sara Ahn, Staff Counsel
California Department of Insurance
Office of the Special Counsel
300 Capitol Mall, 16th Floor
Sacramento, CA 95814
Phone: (213) 346–6635
Email: CDIRegulations@insurance.ca.gov

The above contact person may be directly contacted with any questions regarding the substance of the proposed action at the following email address:

CDIRegulations@insurance.ca.gov

The following contact person may also serve as a backup to the contact person listed above:

Margaret Hosel, Staff Counsel
Office of the Special Counsel
300 Capitol Mall, 16th Floor
Sacramento, CA 95814
Phone: (415) 538–4383
Email: CDIRegulations@insurance.ca.gov

All other inquiries, including procedural questions related to submitting comments or participating in the hearing, should be addressed to the following contact person.

Abigail Gomez
California Department of Insurance
Office of the Special Counsel
300 Capitol Mall, 16th Floor
Sacramento, CA 95814
Phone: (916) 492–3507
Email: CDIRegulations@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), any written and oral comments, and associated contact information included in such comments (e.g., electronic or physical address, phone number, etc.) become part of the public record and can be released to the public upon request.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **September 17, 2024**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY EMAIL

The Commissioner will accept written comments transmitted by email provided they are sent to the following email address: CDIRegulations@insurance.ca.gov.

Comments sent to email addresses other than that which is designated in this notice will not be accepted. Comments sent by email are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The proposed regulations will implement the provisions of Insurance Code sections 730, 1850.4, 1858.6, 1861.01, 1861.05, 1861.07, 1861.09, 1861.10, and 12924, which also provide the rulemaking authority for this action. The Commissioner is authorized to promulgate regulations to implement Proposition 103. *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216.

INFORMATIVE DIGEST

Summary of Existing Law

Proposition 103 is codified in Insurance Code sections 1861.01 et seq., and requires, *inter alia*, that no insurance rate subject to its terms shall be inadequate, excessive, or unfairly discriminatory. To help determine whether rates are excessive, inadequate, or unfairly discriminatory, Insurance Code section 1861.05 requires any insurer desiring to change its rates for property and casualty insurance to file a complete rate application with the Insurance Commissioner for his review and approval prior to using the proposed rates. Additionally, Proposition 103 encourages public participation in the ratemaking process and allows consumer representatives to intervene in the review of rate filings. A complete rate application contains certain data specified by statutes and regulations as well as such other information as the Commissioner may require. Under Insurance Code section 1861.07, all information *provided to the Commissioner* as part of a complete rate application must be available for public inspection and therefore, made public.

California is currently the only state that prohibits insurers from using models to base projected losses in most property and casualty lines of insurance. The only exception to this prohibition is for projected losses for earthquakes and fire following earthquakes. For

all other risks, current regulations found in Title 10, sections 2644.4 and 2644.5 require insurers to base projected losses using historical experience, with catastrophe losses based on a long-term average of catastrophe claims of at least the past 20 years for homeowners coverage.

Effect of Proposed Action

The proposed amendments in this rulemaking will permit insurers to use forward-looking catastrophe models in their rate calculations and make necessary changes to the existing rate-making formula to ensure that the use of such catastrophe models in ratemaking will be actuarially sound. This rulemaking will also adopt and amend regulations to create a new procedure, the pre-application required information determination procedure (PRID procedure), to allow the public a fulsome opportunity to thoroughly investigate the inner workings of such models, irrespective of whether the information sought is actually relevant to rate-making, while at the same time respecting potentially trade-secret proprietary information of model vendors and owners. In addition, this rulemaking will provide that only insurers that commit to writing additional policies or maintaining policies in distressed areas may be permitted to use forward-looking catastrophe models in their commercial and residential property rate filings to calculate the wildfire component in their overall rates, because their historical experience may no longer accurately reflect their projected losses given the anticipated changes in their book of business as well as climate-related factors.

Given the importance of balancing consumers' rights to participate in a thorough investigation of the reliability of these forward-looking models for use in ratemaking with the third-party modelers' concerns regarding the protection of their proprietary information, the Department has built in necessary confidentiality protections as part of this rulemaking so that proprietary information about the model that is not relevant to rate-making is never made public. Ultimately, information and data relevant to ratemaking provided to the Commissioner as part of a complete rate application will be made public under Insurance Code section 1861.07 but other irrelevant information that the public would like to investigate during the PRID procedure would be kept confidential and not subject to Insurance Code section 1861.07.

Policy Statement Overview

While using historical experience may have allowed insurers to accurately project losses in prior eras, insurers and others working in the insurance field note that the progression of increased risk of loss due to wildfire, extreme weather events, and other climate risks, now renders historical experience increasingly unsuitable to accurately project losses. Additionally,

historic losses may not be as accurate in predicting future losses where insurers agree to change their historic books of business by writing or maintaining additional policies in higher-risk wildfire-prone areas. Proponents of models cite advances in modeling technology in support of reliance on these tools to more accurately project losses in an era of increasing climate risk.

Based on input from public workshops together with a thorough assessment of today’s insurance landscape, the Department believes that allowing companies to use catastrophe models in their rate calculations will give them the ability to more accurately anticipate future potential catastrophe losses, thereby supporting greater availability of insurance. The Department is mindful that the use of catastrophe models must fit within the existing rate approval process and informed by California’s goals of fairness, availability, and affordability. Further, the Department has been very clear that ensuring public participation in the rate-setting process is of utmost importance as it strives to increase the availability of reliable insurance from the admitted market, ensure the long-term sustainability of rates, and incentivize the accurate recognition of mitigation efforts.

Benefits Anticipated

The proposed regulation allows insurers to use catastrophe models to project annual aggregate losses for wildfire exposure if the insurers meet certain conditions to demonstrate a need to use such models. Allowing insurers to use forward-looking models to estimate projected losses for rate-making purposes is expected to provide benefits including:

- Improving pricing accuracy and rate stability by allowing insurers to use additional tools to assess prospective exposure to catastrophe losses in their rate calculations.
- Promoting availability of insurance in areas that have been underserved by improving pricing accuracy and encouraging a more competitive market.
- Promoting fairness as models can more timely account for risk mitigation trends as a result of risk mitigation actions taken at community and property levels.
- Encouraging uniformity and consistency in insurance ratemaking by allowing the use of scientifically, computationally, and actuarially sound models to project catastrophe losses in property and casualty lines, a practice allowed in all other states.
- Standardizing the usage of non-modeled losses to streamline the rate review approval process, minimize disputes, and allow for the more focused review and faster approval of rate applications.

The new, optional PRID procedure is intended to expedite the Department’s review and approval of rate filings that rely upon models by eliminating unnecessary pre-hearing discovery disputes regarding models that delay the process. Because a singular pre-application required information determination can be relied upon in multiple rate filings by various insurers, the proposed regulation will expedite the Department’s review and approval of rate filings, which will directly impact insurance availability and promote a robust and competitive insurance marketplace. Benefits anticipated to result from the PRID procedure include:

- Increasing openness and transparency in business and government by establishing a procedure to allow for thorough investigation of a model to determine what information and data is pertinent to using that model in ratemaking.
- Clarifying and expediting the review of modeled catastrophe loss projections and overall rate review process by establishing the role of a Model Advisor to direct a new procedure specified by these regulations and make determinations as to what constitutes required model information in a rate application. Without this procedure, model disputes would likely occur during the rate application, potentially leading to lengthy delays in the rate review and approval process.

Further, allowing insurers that commit to writing additional policies or maintaining policies in distressed areas to use forward-looking catastrophe models is expected to increase availability of residential and commercial property insurance options for Californians, because this requirement:

- Promotes market efficiency by providing insurers that commit to writing more business in distressed areas, and/or taking out of the FAIR Plan more policies insuring properties impacted by heightened wildfire risk, a mechanism for calculating rates more accurately than may be possible using historical loss trends, thus enabling insurers to charge rates commensurate with the associated increased risk of loss.
- Promotes fairness by creating an attainable standard that all companies must follow should they want to use catastrophe modeling in ratemaking.
- Increases competition in the voluntary insurance market for qualified residential insurance policies in distressed areas, as an insurance company will now need to write additional policies to meet, or maintain, its insurer commitment.
- Encourages FAIR Plan depopulation by incentivizing voluntary market insurers to write policies in distressed areas. FAIR Plan depopulation would alleviate insurer uncertainty due to high levels of risk in the FAIR Plan. In the event of a

large wildfire, insurers could be assessed to fund the FAIR Plan’s obligations. A FAIR Plan assessment would be an additional cost for insurers and cause further instability in the voluntary property insurance market.

- Increases the availability of commercial insurance policies in higher wildfire risk areas by requiring companies to write a number of additional policies equivalent to five percent of the company’s total insurable value in order to use catastrophe models.

Consistency or Compatibility with Existing State Regulations

The proposed amendments are not inconsistent or incompatible with any other existing regulations. The proposed amendments specifically address using catastrophe models in a manner that is consistent with the existing regulatory rate-making formula and ensures that the Commissioner’s system of prior rate approval remains grounded in actuarially sound principles. Additionally, these proposed amendments specifically address creating the PRID procedure to allow the public a fulsome opportunity to thoroughly investigate the inner workings of catastrophe models while at the same time respecting potentially trade-secret proprietary information of model vendors and owners.

NOT MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law. There are no existing federal regulations or statutes comparable to these proposed regulations as no federal statutes or regulations address property and casualty insurance rating factors.

OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue and determined that there were no such requirements.

LOCAL MANDATE

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

FISCAL IMPACT

The following anticipated fiscal impacts to the Department have been identified.

PRID Procedure

The regulations state the Commissioner shall delegate the authority to oversee a PRID procedure to a Model Advisor, who has the authority to issue subpoenas, administer oaths, and control the course of the PRID procedure. The Department will incur costs in the administration of the PRID procedure, the review and analysis of catastrophe models, bringing in outside consultants, questioning expert witnesses, and judicial review of decisions. The Department anticipates that the Model Advisor will be dedicated full-time to running PRID procedures for three years. The Model Advisor is expected to need support from attorneys and legal staff in order to efficiently conduct proceedings and serve subpoenas. The Department also anticipates the Model Advisor will need support from actuaries and data specialists in order to properly evaluate catastrophe models. Additionally, attorneys will be needed to represent the Department’s position during the PRID procedure, and to conduct judicial reviews. The expected additional time commitments from Department staff is equivalent to approximately 9 full-time positions and is calculated to result in a fiscal impact of \$1,894,000 in year 1, \$1,959,000 in year 2, and \$1,958,000 in year 3.

The Model Advisor has the ability to bring in outside consultants to assist with model review. The Department anticipates needing support from outside consultants who are experts in the fields of fire science, applied mathematics, civil and mechanical engineering, actuarial science, and software development. The Department’s reliance on outside consultants is expected to decrease as staff becomes more adept at evaluating models and running PRID procedures. The additional cost to bring in outside consultants is expected to result in a fiscal impact of \$327,000 in year 1, \$292,000 in year 2, and \$179,000 in year 3.

In total, the PRID procedure is expected to result in a fiscal impact to the Department of \$2,221,000 in year 1, \$2,251,000 in year 2, and \$2,137,000 in year 3.

Catastrophe Models

The fiscal impact analysis of the catastrophe model regulation assumes that the PRID procedure is effective in evaluating models so that additional actuarial review time of rate filings is limited. The Department assumes that senior actuarial staff will need to spend additional time in order to validate results of catastrophe models in the most complex rate filings and to redesign rate templates and indications. The Department also anticipates that staff involved in the rate approval and rate enforcement process will require additional training on catastrophe models and the new rate templates in the first year. Additional time commitments from Department staff is expected to result in a fiscal impact to the Department of \$309,000 in year 1, \$71,000 in year 2, and \$47,000 in year 3.

Insurer Commitments

The regulation text requires the Department to update the distressed areas and data needed for insurer commitment calculations, no less than once per year. Department staff, both specialists and managers, involved in data analysis are expected to spend additional hours to calculate the data needed to populate the bulletin. The involvement of additional Department staff, including deputy commissioners, attorneys, and managers is expected to be necessary to create, write, and publish the bulletin. The fiscal impact from the bulletin is expected to decrease after the first year, as subsequent bulletins can use the first bulletin as a template.

The Department also anticipates reviewing the Wildfire Risk Portfolio Register as part of routine ex-

aminations already being conducted by Department staff. The Department conducts an average of 12 examinations, annually. The regulation is anticipated to result in an increase in the amount of time spent on each examination, as additional time is needed to analyze the register and related data, select a random sample of policies from the register, and to review policies and their underwriting files to confirm that the information in the register is correct and that the policy should count towards fulfilling the insurer commitment.

In total, the insurer commitments regulation is expected to result in a fiscal impact to the Department of \$74,000 in year 1, \$72,000 in year 2, and \$72,000 in year 3.

Summary Matrix: Fiscal Cost Impacts

	Year 1	Year 2	Year 3
PRID Procedure	\$2,221,000	\$2,251,000	\$2,137,000
Catastrophe Models	\$309,000	\$71,000	\$47,000
Insurer Commitments	\$74,000	\$72,000	\$72,000
Total	\$2,604,000	\$2,394,000	\$2,256,000

The Department has determined that the proposed regulation will not impose a cost to any local agency or school district that requires reimbursement under Government Code section 17500 et seq., nor will it result in other nondiscretionary costs or savings to local agencies.

HOUSING COSTS

The proposed regulations will have no significant direct effect on housing costs, but increasing the availability of housing due to expanded coverage options will benefit the housing market, as referenced in California Governor Gavin Newsom’s Executive Order N–13–23.

The regulation is not expected to directly impact housing costs. However, the expected increase in insurance availability in higher wildfire areas may impact both an individual’s decision to buy a home, and housing construction and development efforts. Significant changes to housing supply or demand in an area may impact the cost of housing.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Department has made an initial determination that the adoption of the proposed amendments of the regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The businesses that will be affected are insurance companies writing property and casualty policies in California.

The Department has determined that insurers, modelers, and consumer representatives may follow the PRID procedure. The PRID procedure allows complex catastrophe models to be reviewed in a way that protects third-party modelers’ data from competitors and facilitates public participation in the rate-making process consistent with Proposition 103. The PRID procedure is optional, and a single PRID procedure may result in a determination of required model information that may be used in multiple rate applications by unaffiliated insurers.

The Department has considered proposed alternatives that would lessen any adverse economic im-

impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) No change to the current regulatory scheme prohibiting insurers from using catastrophe models to estimate projected losses and continue to require insurers to only rely on historical data for such estimates.
- (ii) A dispute pertaining to the confidentiality of information and data regarding a model that should be included in a complete rate application should not be resolved by the Model Advisor, but rather by an administrative law judge in a rate hearing.
- (iii) The information and data regarding a model should be approved by either the Insurance Commissioner or an expert panel of outside consultants.

STATEMENT OF RESULTS
OF THE ECONOMIC IMPACT
ON CALIFORNIA BUSINESS
ENTERPRISES AND INDIVIDUALS

Below is a summary of the results of the results of the Economic Impact on California Business Enterprises and Individuals. A detailed analysis of the conclusions follows.

- A. **The creation of jobs within the state:** The proposed regulation is estimated to result in the creation of 1053.4 jobs within the State of California. Overall, the estimated net impact of the proposed regulation on jobs is less than one-thousandth of a percent of the total projected non-farm employment in California ($68.2 / 18,083,200 = 0.0004\%$).¹
- B. **The elimination of jobs within the state:** The proposed regulation is estimated to result in the elimination of 985.2 jobs within the State of California. Overall, the estimated net impact of the proposed regulation on jobs is less than one-thousandth of a percent of the total projected non-farm employment in California ($68.2 / 18,083,200 = 0.0004\%$).
- C. **The creation of new businesses within the state:** It is not anticipated that the proposed regulation will have a significant impact on the creation of new businesses in California. However, the Department does anticipate that voluntary market insurers and modeling companies will expand operations in the state.

¹ California Department of Finance. California Economic Forecast–May Revise 2024–25, April 2024. <https://dof.ca.gov/forecasting/economics/economic-forecasts-u-s-and-california/> Accessed June 13, 2024.

- D. **The elimination of existing businesses within the state:** It is not anticipated that the proposed regulation will have a significant impact on the elimination of existing businesses in California. However, the Department does anticipate that the FAIR plan will reduce operations in the state.
- E. **The competitive advantages for businesses currently doing business within the state:** Companies that do a better job of modeling risks more granularly could have a competitive edge over those who are not using catastrophe models to quantify risk. If insurers can better quantify the charge for risk in higher wildfire risk areas, they will be more likely to target those risks.
- F. **The competitive disadvantages for businesses currently doing business within the state:** Insurers who do not use catastrophe models to quantify risk may not be as competitive in higher wildfire risk areas. As a result, some policyholders that the insurer would wish to maintain may elect to leave for another insurer that is better at pricing risk.
- G. **The increase of investment in the state:** Inadequate residential and commercial insurance coverage can hinder investment in California by increasing the economic and financial risks associated with those investments. Many mortgages for home purchases require the property to be insured. Increased insurance availability may increase bank lending for mortgages, an investment in California. Without properties having proper access to insurance coverage, banks will likely invest in other markets (states) where their assets will have greater protection.
Construction and development investments are dependent on consumer demand and commercial insurance coverage. Any hinderance to consumers or businesses can impact investment into these spaces. Housing projects may end up limited in some areas with increased wildfire risk if the related costs to insure projects in those areas are too high or if consumer demand in those areas is decreased due to the perception of lack of adequate coverage and costly premiums.
- H. **The decrease of investment in the state:** Permitting catastrophe modeling will involve an adjustment period in which the market will be adapting to new risk information. It is possible that better risk quantification could lead to the identification of more wildfire risks in areas lacking mitigation. Specific areas could be categorized as too high-risk, which would deter individuals and businesses from investing in these areas.
- I. **The incentives for innovation in products, materials, or processes:** As modeled catastro-

the losses will be a new methodology permitted in California the state could see significant innovation in the number of, and quality of models. Expanded use of advanced predictive models and enhancement of underlying datasets may improve the overall performance of future catastrophe models. Several insurers have suspended writing residential insurance policies in California, while others have left the state completely. A market with less competition often has less innovation, the goal is to bring back insurers for a more balanced and competitive marketplace.

Advanced modeling that can better identify the locations with the highest wildfire risk may lead to more precise, targeted mitigation strategies.

- J. **The benefits of the regulations to the health, safety, and welfare of California residents:** The proposed regulation is expected benefit the welfare of California insurance consumers by reducing their financial risk exposure. With catastrophe modeling providing a clearer understanding of risk, insurers should be more willing to offer coverage in high wildfire risk areas, ensuring more Californians have access to coverage.

Insurance companies and government agencies may be able to use data from models to proactively educate the public on risks and preparedness, leading to better prepared communities.

POTENTIAL COST IMPACT
ON REPRESENTATIVE
PERSON OR BUSINESSES

- Initial costs for a typical insurance company are estimated to be \$3,220,000 (\$161 million direct cost / 50), with annual ongoing costs of \$3.2 million for at least 3 years.
- Initial costs for a typical modeling company are estimated to be \$25,800 (\$0.232 million / 9 companies) to comply with requirements in the PRID procedure.
- Initial costs for a typical consumer intervenor are estimated to be \$98,500 (\$0.197 million / 2 companies) to comply with requirements in the PRID procedure.

BUSINESS REPORT

The Department finds that it is necessary for the health, safety or welfare of the people of the state that the regulations apply to businesses.

IMPACT ON SMALL BUSINESSES

The proposed regulation is projected to have a direct adverse impact on insurers as discussed in the foregoing analysis, however by law insurance companies are not considered small businesses (Government Code § 11342.610(b)(2)).

PRID Procedure

The PRID procedure regulation is not expected to adversely impact small businesses.

Catastrophe Models

The proposed regulation may impact the insurance rates paid by all businesses, including small businesses. Due to the regulation changing how insurance rates are calculated, some small businesses may pay more for insurance and some may pay less. There is no provision in the regulation that is expected to negatively impact small businesses disproportionately. Any changes in the insurance rate paid by an individual small business is expected to be tied to how much of the property’s wildfire risk has been mitigated and how well the insurer’s catastrophe model accounts for mitigation.

Insurer Commitments

The implementation of insurer commitments is not expected to result in an adverse economic impact on small businesses. Nothing in the regulation requires a small business to pay for a commercial insurance policy. This analysis assumes that businesses will act to maximize profits and protect their investments in both property and durable goods. Some small businesses may experience an increase in costs if they elect to pay for a new commercial insurance policy and were previously uninsured. Some small businesses may pay less for insurance coverage if they were previously insured by the FAIR Plan. This analysis does not consider a business electing to purchase new or increased insurance coverage an adverse impact, as there are substantial business benefits to risk management and asset protection.

ALTERNATIVES INFORMATION

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 this 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 underlying Insurance Code sections 1861.01 *et seq.*

AVAILABILITY STATEMENTS

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding includes a copy of the express terms of the proposed action, the Initial Statement of Reasons, and all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file. The documents described above may be inspected in person or provided electronically. Please direct such requests to the contact person above.

MODIFIED TEXT

If the amended regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public prior to the date of adoption. Interested persons should request a copy of these amended regulations prior to adoption from the contact person listed above.

FINAL STATEMENT OF REASONS

Once it has been prepared, the Final Statement of Reasons will be part of the file for this proceeding. The documents described above may be inspected in person or provided electronically. Please direct such requests to the contact person above.

INTERNET ACCESS

Documents concerning proposed regulations are available on the Department's website at the following link: <https://legaldocs.insurance.ca.gov/publicdocs/RegulationList>.

TITLE 11. COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING

COMMISSION REGULATIONS 1005, 1007, 1008, 1059 — BASIC COURSE WORK SAMPLE TEST BATTERY PROCTOR MANUAL

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

Public Comments Due by September 30, 2024.

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404-5619, by email to *Anita Finner*, anita.finner@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, in addition to Commission Procedure D-1-3, the POST Basic Courses Test Management and Security Protocols (2018) and the POST Basic Course Work Sample Test Battery Proctor Manual (2012) govern the procedures for testing, scoring, and training requirements for peace officers and proctors

of tests. POST Basic Training Bureau (BTB) staff identified inconsistencies with the administration of the Work Sample Test Battery (WSTB) and equipment utilized for the WSTB testing process through the Basic Course Certification Review (BCCR) process. The BCCR process is an in–depth review of academy operations to ensure all regulatory requirements are being met by the certified presenter. This proposal is intended to interpret, implement, and make specific PC § 13510(a)(2), which authorizes POST to adopt, and may from time to time amend, rules establishing minimum standards for training of peace officers. The proposed regulations in this action will update the POST Basic Course Work Sample Test Battery Proctor Manual which include requirements and instructions for test administration. The update to the manual will provide needed clarification to ensure presenters are administering the test as it was developed and validated.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will help ensure standardization for basic courses, which will increase the efficiency of the state of California in delivering services to stakeholders. In addition, these proposed amendments will benefit students undergoing the tests by offering clarity on the standards they must meet to be successful in the testing process. The proposed amendments also provide necessary clarification to the certified presenter to ensure testing is administered consistently, as well ensuring test proctors are aware of their role, the importance of testing oversight and security protocols, and ensuring integrity of the testing and training requirements. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

**DOCUMENTS INCORPORATED
BY REFERENCE**

- POST Basic Courses Test Management and Security Protocols 2025*
- Basic Course Work Sample Test Battery Proctor Manual 2025*

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

POST has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost or savings to any state agency: None.
- Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.
- Other non–discretionary costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the state: None.
- Cost impacts on a representative private persons or business: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Significant effect on housing costs: None.
- Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

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

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by ensuring all basic courses are evaluated by a standardized testing process. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Anita Finner*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–3901. General questions regarding the regulatory process may be directed to *Ashley Anderson* at (916) 970–4635.

TEXT OF PROPOSAL

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

ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

TITLE 11. COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING

AMEND COMMISSION REGULATIONS 1001, 1070, AND 1082 — MINIMUM TRAINING STANDARDS FOR INSTRUCTORS

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

Public Comments Due by September 30, 2024.

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

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

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to in-

crease the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Currently, Commission Regulations 1070 and 1082 require minimum training standards for primary and non–primary instructors; however, the regulations do not require any update instructor training or completion of an update equivalency once an instructor is certified in the respective initial specialized training. Due to the evolving nature of state and federal laws, as well as applicable case law, POST staff consulted with subject matter experts who believe instructors in specific specialized subjects should participate in instructor update training to obtain up–to–date and relevant knowledge in their instructional discipline. Additionally, it is necessary to amend Commission Regulation 1001 to amend the definition of Primary Instructor to simply be Instructor. All instructors shall meet the minimum training standards prior to instructing in a specialized subject.

This rulemaking action clarifies and makes specific changes to Commission Regulations 1070 and 1082 to implement a minimum of four hours of periodic and ongoing instructor update training for the following specialized subjects: Arrest and Control, Defensive Tactics, Driver Awareness, Driver Training, Firearms, Physical Training, and Use of Force. This action will also establish Use of Force under Commission Regulation 1070 as stand–alone specialized training.

The regulations proposed in this rulemaking action will also address the need for Use of Force instructors to complete a Use of Force Instructor Course prior to instruction.

Additionally, the proposed changes in Commission Regulation 1082 will establish the minimum course content requirement for Use of Force Instructor Course and Use of Force Instructor Update Course.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will set a standard for agencies and presenters to conduct and receive a designated minimum number of hours of instructor update training within four years of completion of the initial instructor training course, and every four years thereafter, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not impact worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

FORMS INCORPORATED BY REFERENCE

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

DISCLOSURES REGARDING THE
PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate

any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by preparing instructors in specialized subjects with up-to-date and relevant knowledge in their instructional discipline. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Thomas Chalk*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 936-7964. General questions regarding the regulatory process may be directed to *Ashley Anderson* at (916) 970-4635.

TEXT OF PROPOSAL

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

ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as

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

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

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

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

TITLE 11. COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING

COMMISSION REGULATIONS 1005, 1007, 1008 TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES — LEARNING DOMAIN 1

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

Public Comments Due by September 30, 2024.

Notice is also given that any interested person, or authorized representative, may submit written com-

ment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to *Carrie Hollar*, carrie.hollar@post.ca.gov, or by letter to:

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

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

With the implementation of peace officer certification and decertification requirements outlined in PC § 13510.8, POST felt it was necessary to introduce students attending a basic course to the newly developed certification and decertification process and the relationship they will be entering into with POST.

In order to get students the information POST felt it was important for them to know, several workshops were held to develop a video to be viewed in class, in conjunction with a facilitated discussion with the instructor.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will ensure that students attending a basic course are aware of certification and decertification requirements for peace officers, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DOCUMENTS INCORPORATED BY REFERENCE

- Training and Testing Specifications for Learning Domain #01 — Leadership, Professionalism and Ethics
- Minimum Content and Hourly Requirements — Requalification Course
- Minimum Content and Hourly Requirements — Regular Basic Course (RBC) Modular Format — Module III
- Minimum Content and Hourly Requirements — Regular Basic Course (RBC) — Standard Format
- Minimum Content and Hourly Requirements — Specialized Investigators’ Basic Course

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by ensuring entry level peace officers are aware of the impact of serious misconduct and the repercussions of such actions. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Carrie Hollar*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4661. General questions regarding the regulatory process may be directed to *Ashley Anderson* at (916) 970-4635.

TEXT OF PROPOSAL

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

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

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

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

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

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

**TITLE 13. DEPARTMENT OF
MOTOR VEHICLES**

**DRIVER'S LICENSES AND
IDENTIFICATION CARDS**

The Department of Motor Vehicles (department) proposes to adopt Section 20.03 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to vision examinations for driver's license issuance and renewal.

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 **September 30, 2024**, the final day of the written comment period, to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/peel these regulations under the authority granted by Vehicle Code section 1651, to implement, interpret, or make specific Vehicle Code sections 12804.9, 12805, and 12814.4.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12804.9 requires a driver's license applicant to successfully complete the following:

- An examination of their knowledge and understanding of operating vehicles upon roadways,
- Demonstrate their ability to read and understand simple English used in traffic and directional signs and their understanding of traffic signs and signals,
- Demonstrate their ability to exercise ordinary and reasonable control in operating a motor vehicle, and
- Pass a vision examination.

Applicants who are renewing their driver's license are also required to pass a vision examination when notified by the department. Vehicle Code section 12805 prohibits the department from issuing or renewing a driver's license to a person whose best corrected visual acuity is 20/200 or worse in that person's better eye.

Currently, a driver's license applicant, at the time of an original application or at the time of renewal, is required to take a vision examination in the field office. The vision examination ensures the applicant meets the department's visual acuity standards of 20/40 with both eyes tested together, 20/40 in one eye, and at least 20/70 in the other eye.

Assembly Bill 1606 [Chapter 373; Statutes of 2023] added Vehicle Code section 12814.4 requiring the department to evaluate the traffic safety and other ef-

fects of renewing driver's licenses by virtual or other remote processes. The department has determined that allowing an applicant to provide their vision examination results remotely will move the department towards a process that will be effective in allowing drivers to renew their driver's license electronically. Currently, drivers who are renewing their driver's license are required to appear at a department field office and take the vision examination as part of the renewal process. This proposed action will allow the applicant two additional options by which they can submit their vision examination results without having to appear at a field office.

The first option allows the applicant to provide a Report of Vision Examination, that has been signed and dated by an optometrist or ophthalmologist, to the department electronically. The second option will allow the applicant to provide the department with a letter from their optometrist or ophthalmologist that includes the applicant's visual acuity measurement. When submitting the either document electronically, the applicant can either take a snapshot of the document on their mobile device and upload to the department's internet portal or they can scan the document and upload the scanned document to the department's internet portal. This proposed action will not mandate the electronic submission of vision examination results. An applicant who wants to take their vision screening at a field office may continue to do so.

BENEFITS OF THE PROPOSED REGULATION

This proposed action will benefit residents of California by allowing additional convenient methods by which to submit vision screening results to the department without having to appear in person at a field office.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined there are no other regulations related to the issuance or renewal of driver's licenses or the criteria under which a renewal is issued. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

There are no comparable federal statutes or regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

The following document is incorporated by reference:

- Report of Vision Examination, form DS 62 (Rev. 7/2024)

This form is not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

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:*
- *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 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 as it only impacts driver's license holders and applicants. The proposed rule will not have a cost impact on private persons. An applicant who is applying for a driver's license or renewing their driver's license will be required to pay the applicable issuance fees, however, this action does not contain any additional fees.
- *Small Business Impact:* This action will not impact small businesses. The proposed action only applies to applicants applying for a driver's license or renewing an existing driver's license.
- *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 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 proposed action only impacts individuals.

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 any of the following:

- 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.

This proposed action will benefit the health and welfare of California residents and the motoring public, in general, by allowing additional convenient methods by which to submit vision screening results to the department without having to appear in person at a field office.

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 regula-

tions 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 14. DEPARTMENT OF FISH AND WILDLIFE

AMEND SECTIONS 650 AND 703 RE: SCIENTIFIC COLLECTING PERMITS

The purpose of this proposed regulatory change is to provide applicants for Scientific Collecting Permit (SCP) an up-to-date list of at-risk terrestrial invertebrates in California. The Department of Fish and Wildlife (Department) has determined that scientific, education, and propagation-related take of these at-risk animals should be regulated through the SCP process. Currently these invertebrates are included on the *California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List (TVPICP List)*, dated June 12, 2017. This regulation change updates the *TVPICP List*, incorporated by reference in Section 650, to a list revised on January 1, 2024, based on the same criteria used to create the original list.

The proposed regulation described below may be adopted after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held virtually via webinar/teleconference:

Public Hearing:

Date: October 1, 2024, Tuesday, 11:00 a.m.–noon
Location: Teleconference Details will be provided at least seven days in advance of the meeting at www.wildlife.ca.gov/Notices/Regulations

WRITTEN COMMENT PERIOD

Written comments may be submitted at any time before or on October 1, 2024, by mail or email to the contact as follows:

California Department of Fish and Wildlife
Regulations Unit
Attention: Mike Randall, Analyst
P.O. Box 944209
Sacramento, CA 94244–2090
Email: Regulations@wildlife.ca.gov

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

In accordance with Section 650, Title 14, California Code of Regulations (CCR), the Department of Fish and Wildlife (Department) currently requires a Scientific Collecting Permit (SCP) for scientific, educational, and propagation related activities that involve terrestrial and vernal pool invertebrates that are listed on the *California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List* (“*TVPICP List*,” dated June 12, 2017). The proposed amendments to Section 650 update the species specified on the list, removing species that no longer meet the criteria for inclusion and adding species that do meet the criteria. In total, 47 species will be removed and 9 added to the *TVPICP List*.

PURPOSE

The proposed regulatory change provides an applicant for SCPs an up-to-date list of at-risk terrestrial invertebrates in California. The criteria to develop the list remain unchanged, they still relate to the species’ NatureServe rankings as well as their Federal endangered, threatened, or candidate status. When the regulation was first adopted in 2018, the Department determined that the at-risk animals on the *TVPICP List* are subject to limited take for scientific research, education, or propagation and an SCP is required for any of these activities involving listed species. This regulation change updates the *TVPICP List* (dated January 2, 2024).

REGULATORY PROPOSAL

- A new subsection 650(a)(8) clarifies that SCP regulations do not apply to the take of any threatened, endangered, candidate, or fully protected species. The Department will not issue an SCP for any of these listed species.
- A new subsection 650(a)(9) updates the document “*Table 1– California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List (TVPICP List)*,” incorporated by reference, with a revision date of January 2, 2024.
- Changes throughout Section 650 and Section 703 updating the revision dates of the *TVPICP List* and of Department forms (incorporated by reference) related to SCP.
- Subsection 650(i)(1)(D) clarifies that the Department “may” issue a General Permit for incidental take of species on the *TVPICP List*.
- Other minor grammatical changes are made in Section 650 to clarify the regulatory text.

- Section 703 is amended so that the SCP application and amendment forms (DFW 1379GW, DFW 1379GWA, DFW 1374S and DFW 1379SA), incorporated by reference in section 703, would also be updated to reference the new *TVPICP List*.

These changes ensure the Department uses the most up-to-date science to protect vulnerable terrestrial invertebrate populations while ensuring that researchers do not have to apply for SCPs for non-sensitive species whose risk status is no longer considered imperiled at the state level or that were either not federally listed or were downlisted. The change will help enhance the Department’s ability to conserve California’s terrestrial and vernal pool invertebrates, which perform essential functions like nutrient cycling and pollination, as well as form the basis for food webs for other terrestrial and aquatic wildlife.

BENEFITS OF THE
PROPOSED REGULATIONS

The purpose of an SCP is to protect wildlife resources that may be substantially adversely affected by research, education, or propagation-related activities. By adding species that have been identified by NatureServe as more imperiled or that are listed under the federal Endangered Species Act, the list will better encompass at-risk invertebrates in the state. By removing species no longer considered at high risk, this change reduces the burden on researchers, educators, and others working on these species such that they may no longer need an SCP for their work.

CONSISTENCY AND COMPATIBILITY
WITH EXISTING REGULATIONS

The Legislature has given the Department authority to issue SCPs for the take or possession of any plant or animal life, for scientific, educational, or propagation purposes, by an appropriate public, private, or non-profit entity, or a person (Fish and Game code sections 1002 and 1002.5).

Department staff has conducted a review of the California Code of Regulations and has not identified any other State regulations that are inconsistent with the Department’s authority to permit the take of wildlife for the above purposes, in any part of the State. Other State entities may require permission to take wildlife under their respective authorities. However, receiving permission from those State entities does not preclude the need for a Department issued SCP, nor would the Department’s permitting program conflict with other state entities managing the take of wildlife under their respective authorities. The Department has reviewed its existing regulations in Title 14 of the

California Code of Regulations and finds that the proposed regulation is neither inconsistent nor incompatible with the existing regulations in Title 14.

AUTHORITY AND REFERENCE

Section 650:

Authority: Sections 702, 1002, 1002.5, 1003, 1050, 2860 and 4810, Fish and Game Code. Reference: Sections 14, 22, 33, 45, 51, 54, 56, 79, 80, 86, 88, 89.5, 703.3, 710.5, 711.7, 713, 1001, 1002, 1006, 1008, 1017, 1050, 1050.1, 1050.3, 1050.5, 1052, 1054, 1054.2, 1603, 1700, 1755, 1764, 1801, 1802, 1907, 2000, 2000.5, 2002, 2010, 2012, 2013, 2021, 2080, 2081, 2353, 2582, 2583, 2835, 3007, 3503, 3503.5, 3511, 3960.4, 4004, 4150, 4155, 4700, 4810, 5050, 5515, 8598.3 and 12000, Fish and Game Code; Section 597, Penal Code; and Sections 36602 and 36710, Public Resources Code.

Section 703:

Authority cited: Sections 713, 1002, 1002.5, 1050, 1055, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

Documents Incorporated By Reference:

A couple documents are proposed to be updated, but remain incorporated by reference:

- California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List (dated January 2024).
- Scientific Collecting Permit, General Use — Application: form DFW 1379GW, Rev 01/2024
- Scientific Collecting Permit, Specific Use — Application (form DFW 1379S, Rev 01/2024)
- Scientific Collecting Permit, General Use — Amendment: Terrestrial Wildlife (form DFW 1379 GWA, Rev 01/2024,
- Scientific Collecting Permit, Specific Use — Amendment (form DFW 1379SA, Rev 01/2024)

Documents Relied Upon:

Laband, D.N. and M. Nieswiadomy. 2006. Factors affecting species' risk of extinction: an empirical analysis of ESA and NatureServe listings. *Contemporary Economic Policy*, 24(1): 160–171.

Master, L. L., D. Faber–Langendoen, R. Bittman, G. A. Hammerson, B. Heidel, L. Ramsay, K. Snow, A. Teucher, and A. Tomaino. 2012. NatureServe Conservation Status Assessments: Factors for

Evaluating Species and Ecosystem Risk. NatureServe, Arlington, VA.

Regan, T.J., L.L. Master, and G.A. Hammerson. 2004. Capturing expert knowledge for threatened species assessments: a case study using NatureServe conservation status ranks. *Acta Oecologica*, 26(2): 95–107.

DISCLOSURES REGARDING THE PROPOSED ACTION:

IMPACT OF THE REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulation has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: None.

The Department does not anticipate significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulation is largely administrative in nature to improve the clarity and consistency of existing regulations that will not affect the demand for goods and services related to the collection of species for scientific research in California.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: None.

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is largely administrative in nature to improve the clarity and consistency of existing regulations and will not affect the demand for goods and services related to the collection of species for scientific research in California. The Commission anticipates general benefits to the health and welfare of California residents, and no impacts to worker safety, and benefits to the state's environment.

(c) Cost Impacts on Representative Person or Business:

The Department is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

No costs or savings to state agencies or costs/savings in federal funding to the state is anticipated. Department program implementation costs are projected to be unchanged.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

None. The Department anticipates that the proposed regulation will not have any cost impacts on small businesses. The majority of SCP holders are academic researchers, graduate students, and/or private researchers. Fewer are biological consultants, who may qualify as small businesses. However, this proposed action is not anticipated to have any new compliance costs since the permitholders are already complying with the regulations, and the proposed action updates the list of terrestrial and invertebrates requiring a permit, without changing any other aspects of permit acquisition.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department concludes that the proposed regulation will not create additional job opportunities; result in the elimination of jobs or existing businesses, create new businesses, eliminate existing businesses, or expand businesses in the state.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The Department does not anticipate any impacts on the creation or elimination of jobs within the state because the proposed action is to improve the clarity and consistency of existing regulations and will not affect the demand for jobs related to the collection of species for scientific research in California.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The Department does not anticipate any impacts on the creation of new businesses or the elimination of existing businesses within the state because this action will not affect the demand for goods and services

related to the collection of species for scientific research within the state.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The Department does not anticipate any impacts on the expansion of businesses in California because this action will not affect the demand for goods and services related to the collection of species for scientific research within the state.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

None. The cumulative effects of the changes statewide are expected to be neutral regarding the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety:

The Department does not anticipate any benefits to worker safety in California because this action will not affect working conditions.

(f) Benefits of the Regulation to the State's Environment:

The purpose of the regulation is to protect wildlife resources that may be substantially adversely affected by the project or activities authorized by the Scientific Collection Permit.

The cumulative effects of the changes statewide are expected to be minimal regarding the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternatives to the proposed regulation it considered or that have otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the regulation 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 invites interested persons to present statements or arguments with respect to alternatives to the regulations during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS AND CONTACT PERSONS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Department website at <https://wildlife.ca.gov/notices/regulations/>.

The proposed text (the “express terms”) of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review at 715 P Street, Sacramento, CA 95814 (17th floor). The rulemaking file will be available electronically upon request by contacting the Department at Regulations@wildlife.ca.gov. Inquiries concerning the regulatory process or requests for documents should be directed to:

California Department of Fish and Wildlife
Mike Randall, Regulations Unit
P.O. Box 944209
Sacramento, CA 94244–2090
Telephone: (916) 902–9109
Email: regulations@wildlife.ca.gov

Inquiries concerning the subject matter or substance of the proposed action should be directed to:

Hillary Sardinas, Senior Environmental Scientist
California Department of Fish and Wildlife
P.O. Box 944209
Sacramento CA 94244–2090
Telephone: (916) 594–6143
Email: regulations@wildlife.ca.gov

THE RULEMAKING FILE CONSISTS OF:

- Notice of Proposed Regulatory Action
- Initial Statement of Reasons
- Proposed Text of the Regulation:
 - Amendment of Section 650, Title 14, CCR
 - Amendment of Section 703, Title 14, CCR
- *Table 1– California Terrestrial and Vernal Pool Invertebrates of Conservation Priority List (TVPICP List)*, dated January 2, 2024
- Amended updated application forms incorporated by reference
- Economic and Fiscal Impact Assessment (Form STD 399) and addendum
- Documents or Reports supporting the proposed regulation change

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

The rulemaking file is available online at: <https://www.wildlife.ca.gov/Notices/Regulations/650>.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all the timely and relevant comments received, the Department may adopt the proposed regulation 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 the regulation as revised. Please send requests for copies of any modified regulation to the Regulations Unit at the address 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, copies of the Final Statement of Reasons may be obtained by checking the website at the link provided above, or the Regulations Unit at the address above.

**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 and 3293 in Title 15, Division 3, Chapter 1, regarding Computer Voice Stress Analyzer Examinations.

PUBLIC COMMENT PERIOD

The public comment period begins **August 16, 2024**, and closes on **September 30, 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.

CONTACT PERSONS

Primary Contact

Estevan Garcia
Telephone: (279) 223–2318
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Back-Up

Y. Sun
Telephone: (279) 223–2316
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact

Melanie Bruns
Telephone: (916) 214–8134
Division of Adult Institutions
P.O. Box 942883
Sacramento CA. 94283

PUBLIC HEARING

Date and Time: **September 30, 2024 —
10:00 a.m.–11:00 a.m.**

Place: Department of Corrections and
Rehabilitation
9272 Laguna Springs Drive
Building G–1, Room 113
Elk Grove, CA 95758

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 supervised 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**

The California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3000 and 3293 of the California Code of Regulations (CCR), Title 15, Division 3, Adult Institutions, Programs and Parole, to repeal provisions regarding the use of Computer Voice Stress Analyzers.

The department has made the determination to discontinue the use of the Computer Voice Stress Analyzer (CVSA) examinations. The CVSA records the human voice using a microphone. The technology is based on the idea that the non-verbal, low-frequency content of the voice conveys information about the physiological and psychological state of the speaker. Typically used in investigative settings, the technology aims to differentiate between stressed and non-stressed outputs in response to questions posed, with high stress seen as an indication of deception. The department has determined there are more established and reliable techniques for detecting deception, such as polygraph examinations, as the current scientific consensus does not support the effectiveness or continued use of the CVSA.

This action will:

Repeal provisions regarding the use of Computer Voice Stress Analyzers. The department has determined there are more established and reliable techniques for detecting deception, such as polygraph examinations.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS

The proposed amendments to the CCR sections will ensure the department utilizes more established and reliable techniques for detecting deception, such as polygraph examinations, as current scientific consensus supports. The amendments also ensure employees are no longer permitted to administer the Computer Voice Stress Analyzer examinations.

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 Computer Voice Stress Analyzer Examinations.

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 effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment. The department has determined that the proposed regulations will have no impact on the health and welfare of California residents, 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.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.98 and 3999.410 of the California Code of Regulations (CCR), Title 15, Division 3, concerning the tuberculosis (TB) program.

PUBLIC HEARING

A virtual public hearing will be held on September 30, 2024. Go to <https://cchcs.ca.gov/health-care-regs/> for the link to join the virtual hearing, or you may call (916) 701-9994 and enter phone conference ID 778413086# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on September 30, 2024.

PUBLIC COMMENT PERIOD

The public comment period will close on **September 30, 2024 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

A. Burrell
Staff Services Manager II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE

GC 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.

PC section 5000 provides that commencing July 1, 2005, any reference to the 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 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 121060, Health and Safety Code; Sections 5008.2, 5054, and 7570–7576, PC; and *Plata v. Newsom* (Number C01–1351 JST), U.S. District Court, Northern District of California.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The CDCR and CCHCS propose to amend sections 3999.98 and 3999.410 of the CCR, Title 15, Division 3, Chapter 2, concerning the TB surveillance program. While current regulations outline the overall responsibilities, functions, and requirements of the program, existing regulations do not incorporate new procedures and requirements regarding TB screening process once a patient arrives at a reception center and where the screening results need to be documented.

This action will:

- Ensures staff properly screen and document patient TB symptoms upon arrival at a reception center.

**BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department anticipates that the proposed regulations will benefit the CDCR staff and patients by clarifying TB screening and testing process, providing CDCR patients comprehensive care while screening for patient TB symptoms and documenting properly. These proposed changes will also maintain patient health and safety and ensure patients receive timely access to comprehensive and effective TB screening and testing for better patient outcomes. In addition, the proposed regulations will have no effect on the State’s environment, as the State’s environment is not impacted by these operational changes and clarifications.

FORMS INCORPORATED BY REFERENCE

- Not applicable.

**EVALUATION OF CONSISTENCY/
COMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regula-

tions are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 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 because the proposed action relates strictly to the TB surveillance program which only affects staff and patients within CDCR.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has determined 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 because the proposed action relates strictly to the TB surveillance program which only affects staff and patients within CDCR.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

The proposed regulations will protect public health and safety, worker safety, and benefit CDCR staff and patients by ensuring health care staff follow standardized health care processes and guidelines for the TB surveillance program, and provide timely access to safe, efficient, and effective health care for CDCR patients.

The proposed regulations will have no effect on the State’s environment as the State’s environment is not impacted by these administrative and operational changes and clarifications to the TB surveillance program. In addition, the Department has determined that the proposed regulations will have no impact 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 because the proposed action relates strictly to the TB surveillance program which only affects staff and patients within CDCR.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will benefit the CDCR staff and patients by clarifying TB screening and testing process, providing CDCR patients comprehensive care while screening for patient TB symptoms and documenting properly. These proposed changes will also maintain patient health and safety and ensure patients receive timely access to comprehensive and effective TB screening and testing for better patient outcomes. In addition, the proposed regulations will have no effect on the State's environment, as the State's environment is not impacted by these operational changes and clarifications.

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. The proposed action relates strictly to the TB surveillance program which only affects staff and patients within CDCR.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed action relates strictly to the TB surveillance program which only affects staff and patients within CDCR.

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 provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. 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 contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

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 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
LOS ROBLES RANCH
2089-2024-002-05
SANTA BARBARA COUNTY**

The California Department of Fish and Wildlife (CDFW) received a notice on August 2, 2024 that Peter Nolan (Landowner) proposes to rely on to rely on a fed-

eral safe harbor agreement to carry out a project that may provide a net conservation benefit for California tiger salamander (*Ambystoma californiense*) a species protected by the California Endangered Species Act (CESA). The proposed project involves routine agricultural and construction activities implemented according to avoidance and minimization measures, as well as beneficial management actions such as pond creation. Proposed activities will include, but are not limited to, maintaining existing suitable habitat and allow for the creation of new breeding ponds. The proposed project will occur on the Los Robles Ranch, located south of the town of Los Alamos, along Highway 101, in Santa Barbara County, California.

The notice requested a CDFW determination pursuant to California Fish and Game Code Section 2089.22, that the federal safe harbor agreement dated July 17, 2024, issued by the U.S Fish and Wildlife Service to the Peter Nolan, is consistent with the California State Safe Harbor Agreement Program Act (CSSHAPA) for purposes of the proposed project. If CDFW determines the federal safe harbor agreement is consistent with CSSHAPA for the proposed project, Peter Nolan will not be required to obtain a California state safe harbor agreement under Fish and Game Code section 2089 for the project.

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
 CONSISTENCY DETERMINATION
 REQUEST FOR
 TENMILE CREEK SEDIMENT
 SOURCE CONTROL — VARNHAGEN
 MEADOW PROJECT
 (TRACKING NUMBER:
 1653–2024–143–001–R1)
 MENDOCINO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 7/31/2024, that the Eel River Recovery Project proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves repairing failing legacy road infrastructure, constructing grade control structures in meadow and hillslope gullies using mostly native materials sourced from on-site, and conducting beneficial forest thinning activities. The proposed project will be carried out on Cahto Creek, located at Cahto Creek Ranch, Laytonville, Mendocino County, California.

On 6/24/2024, the North Coast Regional Water Quality Control Board (Regional Water Board) re-

ceived a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Tenmile Creek Sediment Source Control— Varnhagen Meadow Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1B24081WNME) for coverage under the General 401 Order on 7/30/2024.

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

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

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Corrections and Rehabilitation
 File # 2024–0618–02
 Restricted Housing Units

This Certificate of Compliance action makes permanent the emergency regulatory changes adopted in OAL File Number 2023–1004–01EON (readopted in OAL File Number 2024–0321–01EON). This action significantly revises existing regulations related to inmate housing. Changes include consolidating the Administrative Segregation, Security Housing, and

Psychiatric Services Units (ASU, SHU, and PSU) into the Restricted Housing Unit (RHU), reducing RHU terms by 50%, eliminating consecutive RHU terms, establishing set RHU terms and eliminating subjective mitigating and aggravating factors previously used to calculate terms, eliminating the Step Down Program (SDP), increasing out-of-cell time for inmates assigned to RHU, and increasing and expanding types and amounts of authorized privileges and personal property.

Title 15

Adopt: 3335.2, 3335.3, 3335.4, 3337, 3339, 3341, 3343, 3345, 3346
Amend: 3000, 3043, 3044, 3044.1, 3044.2, 3045.1, 3091, 3095, 3139, 3164, 3170.1, 3176, 3177, 3190, 3261.5, 3269, 3269.1, 3269.4, 3287, 3312, 3314, 3315, 3317, 3322, 3327, 3329.5, 3332, 3335, 3335.5 (renumbered to 3335.1), 3336, 3337 (renumbered to 3340), 3338 (renumbered to 3342), 3340 (renumbered to 3344), 3341.5 (renumbered to 3338), 3342 (renumbered to 3347), 3343 (renumbered to 3348), 3344 (renumbered to 3349), 3359.2, 3375, 3375.2, 3375.3, 3375.4, 3375.5, 3376, 3376.1, 3377.1, 3377.2, 3378.2, 3378.4, 3378.5, 3378.7, 3378.8, 3378.9, 3378.10, 3379
Repeal: 3339, 3341, 3341.1, 3341.2, 3341.3, 3341.4, 3341.6, 3341.7, 3341.8, 3341.9, 3345, 3378.3
Filed 07/31/2024
Effective 07/31/2024
Agency Contact: Josh Jugum (916) 798-1484

Department of Pesticide Regulation
File # 2024-0723-01
Licensing and Certification Fees

This action by the California Department of Pesticide Regulation amends licensing and certification fees contained in title 3, sections 6502 and 6505 of the California Code of Regulations. Pursuant to Food and Agricultural Code, section 11502.5, this action is deemed an emergency and shall remain in effect until amended by the secretary.

Title 03

Amend: 6502, 6505
Filed 08/01/2024
Effective 08/05/2024
Agency Contact: Lauren Otani (916) 445-5781

Department of Fish and Wildlife
File # 2024-0726-02
Commercial Groundfish Management Measures
Emergency

This emergency readopt with one change to the latitude range establishes the California Groundfish Restriction Area (CGRA) which prohibits the take of federal groundfish from 20 fathoms depth to the shore-

ward Economic Exclusive Zone, and permits take of specific groundfish shoreward of 20 fathoms.

Title 14

Adopt: 35.00
Amend: 150.06, 150.16, 189
Filed 08/05/2024
Effective 08/13/2024
Agency Contact: Ona Alminas (916) 902-9222

Department of Corrections and Rehabilitation

File # 2024-0701-01

Youth Offender Camp Pilot Program Expansion

This action by the Department of Corrections and Rehabilitation (“Department”) — submitted to the Office of Administrative Law (“OAL”) for filing with the Secretary of State and for printing in the California Code of Regulations — amends Section 3999.30, a pilot program that established the Youth Offender Program at Growlersburg Conservation Camp, by expanding the pilot program to Pine Grove Youth Conservation Camp. This filing is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code (“APA”) pursuant to Penal Code section 5058.1 and is not subject to review by OAL, as the conditions set forth in Penal Code section 5058.1(b) have been met and the Department Director has certified in writing that the regulation applies to a pilot program that qualifies for exemption under said section. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1(c) and shall lapse by operation of law two years after the commencement of the pilot program (i.e., July 27, 2025) pursuant to Penal Code section 5058.1(d).

Title 15

Amend: 3999.30
Filed 08/07/2024
Effective 08/07/2024
Agency Contact: Renee Rodriguez (916) 445-2220

Board of Registered Nursing

File # 2024-0621-01

Nurse Practitioner Education

This action without regulatory effect by the Board of Registered Nursing makes changes to section 1484 of title 16 of the California Code of Regulations. Specifically, the changes replace the phrase “and/or” with “or both”; eliminate gendered pronouns and replace them with gender neutral terms; and add the word “five hundred” so that an existing number in the regulatory text is in both numeric and alphabetic form.

Title 16
 Amend: 1484
 Filed 08/02/2024
 Agency Contact: Marissa Clark (916) 574–7438

California Gambling Control Commission

File # 2024–0625–01

Third-Party Providers of Proposition Players
 Registration Contract Criteria

In this change without regulatory effect, the Commission amends its regulations to make grammatical changes.

Title 04
 Amend: 12270
 Filed 08/05/2024
 Agency Contact: Doris Pires (916) 263–1362

Air Resources Board

File # 2024–0618–01

2023 State Area Designations

This action by the Air Resources Board (“ARB”) amends the Area Designations for State Ambient Air Quality Standards as applied to some state areas based upon annual assessments of local compliance with ambient air quality standards for ozone, hydrogen sulfide, and fine particulate matter, using the four available Area Designations of Nonattainment, Nonattainment–Transitional, Attainment, or Unclassified. Specifically, this action changes the area designations for ozone as follows: San Francisco Bay Area Air Basin from Nonattainment to Nonattainment–Transitional; Butte County, within the Sacramento Valley Air Basin, from Nonattainment to Nonattainment–Transitional; Sutter and Yuba Counties, within the Sacramento Valley Air Basin, from Nonattainment to Nonattainment–Transitional; Amador, Calaveras, and Placer Counties, within the Mountain Counties Air Basin, from Nonattainment to Nonattainment–Transitional; and the Lake Tahoe Air Basin from Nonattainment to Nonattainment–Transitional. This action also changes the area designation for hydrogen sulfide for Riverside County, within the Mojave Desert Air Basin, from Unclassified to Nonattainment. This action also changes the area designation for fine particulate matter for Butte County, within the Sacramento Valley Air Basin, from Nonattainment to Attainment.

Title 17
 Amend: 60201, 60208, 60210
 Filed 07/31/2024
 Effective 10/01/2024
 Agency Contact: Bradley Bechtold (279) 208–7266

Bureau for Private Postsecondary Education

File # 2024–0619–03

Signature Requirements

This rulemaking action by the Bureau for Private Postsecondary Education amends several regulations and documents incorporated by reference to revise signature requirements and allow the use of digital signatures on certain forms and applications.

Title 05
 Amend: 70000, 71100, 71380, 71390, 71395, 71396, 71475, 71480, 71500, 71550, 71630, 71640, 71650, 71652, 71653
 Filed 08/01/2024
 Effective 10/01/2024
 Agency Contact: Yvette Johnson (279) 895–6099

California School Finance Authority

File # 2024–0625–04

Charter School Facilities Credit Enhancement Grant Program

This regular rulemaking action by the California School Finance Authority increases the maximum award limit for the Charter School Facilities Credit Enhancement Grant Program from \$1,500,000 to \$2,000,000 and changes the basis of the maximum award limit from per–application to per–financing. This action also establishes a filing fee of \$1,000 to be submitted with each application for an award.

Title 04
 Amend: 10193, 10194, 10195, 10196, 10198
 Filed 08/06/2024
 Effective 08/06/2024
 Agency Contact:
 Ryan Storey Ryan.Storey@treasurer.ca.gov

Department of Corrections and Rehabilitation

File # 2024–0627–02

Hiring of Ex–Offenders

This action by the California Department of Corrections and Rehabilitation (CDCR) amends the existing hiring of ex–offender regulation by requiring secretary approval for the initial hiring of an ex–offender only, unless the position enables the ex–offender access to employee records or incarcerated individuals personal or medical information.

Title 15
 Amend: 3404
 Filed 08/06/2024
 Effective 10/01/2024
 Agency Contact: Renee Rodriguez (916) 445–2220

Department of Motor Vehicles

File # 2024-0708-01

Insurance Cards

This rulemaking action by the Department of Motor Vehicles proposes to amend Cal. Code Regs. Title 13, § 82.00, related to format and content of insurance cards to better reflect technological advances and industry practices which have occurred since it was originally enacted in 2004.

Title 13

Amend: 82.00

Filed 08/06/2024

Effective 10/01/2024

Agency Contact: Randi Calkins (916) 282-7294

State Personnel Board

File # 2024-0620-01

Unlawful Appointments

This action by the State Personnel Board (Board) amends regulations concerning the voiding of unlawful appointments, including provisions for appeals, independent investigations by the Board, requirements for reimbursement of appointing agencies by unlawfully appointed employees, and petitions for reconsideration. This action is partially exempt from the rulemaking requirements of the Administrative Procedure Act as specified in Government Code section 18215.

Title 02

Amend: 52.4, 58.4, 243.2, 243.5, 243.6

Filed 08/01/2024

Effective 08/01/2024

Agency Contact:

Michelle La Grandeur (916) 651-2740

State Water Resources Control Board

File # 2024-0624-02

Direct Potable Reuse Regulations

This action adopts regulations governing direct potable reuse (DPR): the planned use of municipal wastewater to produce water that is used to augment a source of supply for a public water system's drinking water treatment plan or placed into a public water system's drinking water distribution system.

Title 22

Adopt: 64669.00, 64669.05, 64669.10, 64669.15, 64669.20, 64669.25, 64669.30, 64669.35, 64669.40, 64669.45, 64669.50, 64669.55, 64669.60, 64669.65, 64669.70, 64669.75, 64669.80, 64669.85, 64669.90, 64669.95, 64669.100, 64669.105, 64669.110, 64669.120, 64669.125, 64669.130

Filed 08/06/2024

Effective 10/01/2024

Agency Contact: Jing Chao (619) 525-4834

State Controller's Office

File # 2024-0621-05

Procedure for Administrative Review of Unclaimed Property Audit Findings and Interest Assessments

This rulemaking action by the State Controller's Office establishes a standardized process by which unclaimed property holders can request a review of audit findings and interest assessments made at the conclusion of an unclaimed property audit.

Title 02

Adopt: 1180.049, 1180.050, 1180.051, 1180.052, 1180.053, 1180.054, 1180.055, 1180.056, 1180.057, 1180.058

Filed 08/05/2024

Effective 10/01/2024

Agency Contact: Ethan Jaffe (916) 327-1041

**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.