



# California Regulatory Notice Register

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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

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

### TITLE 1. OFFICE OF ADMINISTRATIVE LAW

#### SUBMISSION OF DOCUMENTS TO OAL

The Office of Administrative Law (OAL) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed rulemaking action.

#### PUBLIC HEARING

OAL will hold a public hearing on June 11, 2025, beginning at 9:30 a.m.

Attendees may participate via Microsoft Teams online meeting platform or telephone conferencing. To participate via Microsoft Teams online meeting platform, please contact Sam Micon at [Sam.Micon@oal.ca.gov](mailto:Sam.Micon@oal.ca.gov) or (916) 323–6809 by 4:30 p.m. on June 10, 2025, to request a link to the meeting. A link to the meeting will also be posted under the “Announcements” heading on [www.oal.ca.gov](http://www.oal.ca.gov) website no later than 8:30 a.m. the day of the hearing. To participate by telephone, call (916) 245–8850 and enter Conference ID: 517 303 341#.

For those who wish to attend the hearing in person, including those who require reasonable accommodation, limited seating will be available in the OAL Training Room, 300 Capitol Mall, Suite 1210, Sacramento, CA 95814. Please contact Sam Micon at [Sam.Micon@oal.ca.gov](mailto:Sam.Micon@oal.ca.gov) or (916) 323–6809 by 4:30 p.m. on June 10, 2025, to request to attend the hearing in person or by 4:30 p.m. on May 28, 2025, if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the date noted above until all testimony is submitted or until 12:00 p.m., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed rulemaking action described in the Informative Digest, the proposed regulatory text, or any rulemaking procedures. OAL requests,

but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

#### WRITTEN COMMENT PERIOD

Any interested person, or their representative, may submit written comments relevant to the proposed rulemaking action to:

Office of Administrative Law  
Attention: Sam Micon  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323–6826 or by email to [OALProposedRulemakings@oal.ca.gov](mailto:OALProposedRulemakings@oal.ca.gov). The written comment period closes on June 10, 2025. To ensure OAL will consider your comment, it must be received by June 10, 2025, at 11:59 p.m. When commenting, please indicate that the comment addresses the rulemaking action titled, “eSubmission of Documents to OAL”.

#### AUTHORITY

Government Code sections 11342.4 and 11349.1.

#### REFERENCE

Government Code sections 11340, 11342.545, 11342.600, 11342.610, 11343, 11343.1, 11343.8, 11344, 11344.1, 11344.6, 11346, 11346.1, 11346.2, 11346.3, 11346.4, 11346.5, 11346.8, 11347.3, 11349.1, and 11349.6.

#### INFORMATIVE DIGEST

##### *Summary of Existing Laws and Effect of the Proposed Action*

Government Code section 11340.5 requires agencies to adopt regulations pursuant to the Administrative Procedure Act (APA) unless there is an express statutory exemption. Government Code section 11343 requires agencies to deliver notices of proposed action and transmit certified copies of proposed regulation text to OAL. Existing regulations in chapter 1, division 1, title 1 of the California Code of Regulations (CCR) establish requirements and procedures for submitting these and other related documents to OAL in hard copy or electronically. Existing regulations permit submission by email of electronic notices of proposed action, certified regulation text, rulemaking files, and other APA–related documents to OAL if they meet the established file size limit.

The changes proposed in this rulemaking action establish new procedures for electronic submission of

notices of proposed action, certified regulation text, rulemaking files, documents incorporated by reference, and other APA-related documents to OAL. The proposed changes expand the availability of the electronic submission process by eliminating the requirement that electronic documents be submitted by email and instead use a new file transfer portal. The amended regulations also update the requirements for the submission of hard-copy files and emergency actions. For both electronic submissions and hard-copy submissions, requirements for the number of copies of documents incorporated by reference that must be submitted are updated.

#### *Anticipated Benefits of the Proposed Regulations*

The proposed changes will provide state agencies with a straightforward, efficient process for submitting notices of proposed action, regulatory actions, and changes without regulatory effect to OAL either in hard-copy or electronic format. The expansion of electronic submissions by eliminating the file size restrictions will permit more agencies to submit in this format reducing the amount of paper used each year. The proposed changes also result in more uniformity throughout the regulations, which will improve clarity and readability and reduce the potential for confusion and misinterpretation or misapplication of the rules. The proposed regulations also result in minor benefits to worker safety, the environment, and state cost by eliminating the need for agency employees to drive to OAL to submit paperwork.

#### *Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

The only existing state regulations concerning submission of the APA-related documents described above to OAL are in division 1, title 1 of the CCR. After careful evaluation, OAL has determined that the proposed changes are not inconsistent or incompatible with existing regulations — other than those being repealed or amended in this action.

### DISCLOSURES REGARDING THE PROPOSED ACTION

OAL has made the following initial determinations:  
Mandate on local agencies or school districts: None.

Cost or savings to any state agency: OAL anticipates that the proposed changes will lead to a reduction in printing materials used (e.g., paper, toner) as well as travel or shipping costs for purposes of submitting APA-related documents to OAL, which should result in a small savings to state agencies.

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, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: This proposal will not have a significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states. This rulemaking makes small changes to the rulemaking process conducted by state agencies.

Significant effect on housing costs: None.

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

#### *Results of the Economic Impact Analysis/Assessment*

OAL concludes that the proposal will not (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, (4) eliminate any existing businesses, or (5) result in the expansion of businesses currently doing business within the state. Expanding the electronic submission of documents will reduce paper usage by state agencies, which may be beneficial to the environment. Allowing electronic submission of documents will reduce interpersonal contact and handling of paper documents, which may lessen exposure and transmission of diseases and increase worker safety. OAL anticipates minor benefits to the health and welfare of California residents. These benefits include: reduction of in person interactions between state employees, reduced time and resources spent on physical delivery of APA actions including reduced paper, ink, and gasoline spent to print and transport documents.

#### *Small Business Determination*

The proposed regulations may potentially affect small businesses that sell paper and printing products. To the extent that agencies decrease their purchase of paper and printing supplies, is possible that some of that reduction may come from small businesses which supply such products.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), OAL 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, as effective and less burdensome to affected private persons than the proposed action, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Sam Micon  
Office of Administrative Law  
300 Capitol Mall, Suite 1250,  
Sacramento, CA 95814  
Phone: (916) 323–6225  
Email: [sam.micon@oal.ca.gov](mailto:sam.micon@oal.ca.gov)

The backup contact person for these inquiries is:

Melvin Fong  
Office of Administrative Law  
300 Capitol Mall, Suite 1250,  
Sacramento, CA 95814  
Phone: (916) 323–6225  
Email: [Melvin.Fong@oal.ca.gov](mailto:Melvin.Fong@oal.ca.gov)

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

OAL will make the entire rulemaking file, including all information upon which this rulemaking action is based, 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 Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If OAL makes substantive 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 adopting the regulations as revised. Please direct requests for copies of any modified text to the contact person(s) listed above. If substantive modifications are made, OAL will accept written comments on the modified regulations for the duration of the period of public availability.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, OAL will make copies of the Final Statement of Reasons available. Please direct requests for a copy of the Final Statement of Reasons to the contact person(s) listed above.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications illustrated, as well as the Final Statement of Reasons, when completed, and modified text, if any, may be accessed via OAL's website at [www.oal.ca.gov](http://www.oal.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 proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

#### AMENDMENT

MULTI-COUNTY: Dublin San Ramon Services  
District/East Bay Municipal  
Utility District  
Calbright College  
Klamath Trinity Joint Unified  
School District

STATE AGENCY: Commission on Peace Officer  
Standards and Training

A written comment period has been established commencing April 18, 2025, and closing on June 2, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes will be submitted to the Commission's Executive Director for 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 codes will be submitted to the Commission for review.

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than June 2, 2025. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### **COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

#### **EFFECT ON HOUSING COSTS AND BUSINESSES**

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

#### **AUTHORITY**

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

#### **REFERENCE**

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

#### **CONTACT**

Any inquiries concerning the proposed conflict-of-interest codes should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@fppc.ca.gov).

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

#### **ASSESSMENTS FOR CONTROL OF BROOMRAPE**

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3602, Assessments for Control of Broomrape.

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or their authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on June 2, 2025. The Department will consider only comments received at the Department offices by that date or postmarked no later than June 2, 2025. Submit comments to:



Erin Lovig, Senior Environmental Scientist  
Supervisor  
California Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street,  
Sacramento, CA 95814  
(916) 403–6650  
[Permits@cdfa.ca.gov](mailto:Permits@cdfa.ca.gov)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Sara Khalid at (916) 708–5609 or [sara.khalid@cdfa.ca.gov](mailto:sara.khalid@cdfa.ca.gov).

#### AUTHORITY

The Department proposes to amend Section 3602 pursuant to the authority vested by Sections 407, 52331 and 52332 of the Food and Agricultural Code (FAC).

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 7401, 7405, 7421, 7423, 7430, 7431, 7432, 7433, 7434, and 7434.5 of the FAC.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of Section 3602 is to outline the payment and record keeping procedures for tomato producers and handlers for collection of Broomrape assessment fees. There are also references to the definitions of terms used. By referencing the FAC the Department is providing clarity to the definitions without repeating legislative language.

#### EXISTING LAWS & REGULATIONS

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

The Legislature hereby finds and declares all of the following:

- (a) Broomrape is an invasive weed that presents a clear and present danger to California’s agricultural industry due to its harmful impact on crop yields and land values of commercial food crops, including, but not limited to, lettuce, tomato, cauliflower, potato, hemp, eggplant, pomegranate, peppers, beans, peas, carrot, celery, mustard, spinach, sunflower, safflower, and fennel. Susceptible food crops, with an economic value at nearly six billion dollars (\$6,000,000,000), may

experience up to 70 percent annual crop losses in areas infested with broomrape. Broomrape also impacts commercial seed production and can make agricultural land unusable for planting susceptible crops for decades.

- (b) Broomrape represents a clear and present danger to California’s natural environment, with susceptible hosts comprising native California flora, including rare or endangered species, such as showy Indian clover (*T. amoenum*), Buck’s clover (*T. buckwestiorum*), and Monterey clover (*Trifolium trichocalyx*). The potential long-term damage to California’s native biodiversity and environment from this pest may be irreparable and action must be taken to ensure the maintenance, restoration, enhancement, or protection of the environment by developing and involving regulatory procedures for protection of the environment.
- (c) The state’s agricultural economy and environment could be rapidly and seriously damaged if measures are not expanded to prevent the spread of broomrape, which can produce an estimated 10,000 to 100,000 seeds per infectious plant.
- (d) Financial support for the purposes of this chapter shall be provided by commodities designated in this chapter or included by the board and concurred in by the secretary in accordance with procedures specified in this chapter, and by public funds when available.
- (e) The necessity of controlling broomrape is recognized as being in the public interest.
- (f) This chapter is enacted in the exercise of the police power of the state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

Existing law, FAC Section 7405 provides that unless the context requires otherwise, the following definitions govern the construction of this chapter:

- (a) “Board” means the Broomrape Board.
- (b) “Broomrape” or “Orobanche” means a small parasitic herbaceous plant.
- (c) (1) “Districts” consists of the following geographical areas:
  - (A) District 1: The Counties of Butte, Colusa, Glenn, Placer, Solano, Sutter, Yolo, and Yuba.
  - (B) District 2: The Counties of Alameda, Contra Costa, Sacramento, San Benito, San Joaquin, Santa Clara, and Stanislaus.
  - (C) District 3: The Counties of Fresno, Madera, Merced, Monterey, San Luis Obispo, Santa Barbara, and Santa Cruz.

(D) District 4: The Counties of Imperial, Kern, Kings, Riverside and Tulare, and that portion of the County of Los Angeles lying north of the San Gabriel Mountains.

(2) When necessary to accomplish the purposes of this chapter, additional areas of the state may be added to these districts or additional districts may be established through regulation when recommended by the board and approved by the secretary.

(d) “Handler” means a person or entity who receives tomatoes from a producer and who prepares the tomatoes for processing.

(e) “Person” means a producer, handler, or any other entity that holds title to tomatoes subject to assessment pursuant to this chapter.

(f) “Producer” means a person engaged in the commercial production of processing tomatoes in California.

Existing law, FAC Section 7421 provides The Legislature hereby finds and declares all of the following:

Upon receipt of a recommendation from the board for the adoption of regulations, the secretary shall do one of the following:

(a) Initiate appropriate action to implement the recommendation of the board.

(b) Decline to initiate action on the recommendation of the board and provide the board with a written statement of reasons for the decision.

(c) Request that the board provide additional information regarding the recommendation.

Existing law, FAC Section 7423 provides that the board shall authorize reimbursement of the secretary for all expenditures incurred by the secretary in carrying out the duties and responsibilities specified in this chapter.

Existing law, FAC Section 7430 provides:

(a) There is hereby created the Broomrape Management Account in the Department of Food and Agriculture Fund.

(b) The Broomrape Management Account may consist of funds made available from federal, industry, and other nonpublic fund sources. Money made available from federal, industry, and other nonpublic sources shall be continuously appropriated and made available for expenditure without regard to fiscal year for the purposes of this chapter.

(c) Any funds within the Broomrape Management Account shall be used to reimburse the secretary for the costs of carrying out recommendations of the board.

Existing law, FAC Section 7431 provides that:

(a) The board shall recommend an assessment rate or schedule of rates for approval by the secretary.

(b) The secretary may adjust the assessment rate or schedule of rates from time to time when recommended by the board.

(c) The assessment rate or schedule of rates may vary from district to district and from commodity to commodity based on multiple factors, including the degree of vulnerability to damage from broomrape experienced by producers.

Existing law, FAC Section 7432 provides that The assessments collected from producers shall be paid by handlers to the secretary as provided by the secretary.

Existing law, FAC Section 7433 provides that:

(a) Any assessment that is imposed on the producer or handler pursuant to this article is a personal debt of the person assessed.

(b) Failure to collect the assessment does not exempt the person assessed from liability and does not relieve a person from the obligation to pay the assessment.

(c) Any person who fails to file a report or pay the assessment or otherwise comply with this chapter shall pay a penalty of 10 percent of the amount of the assessment determined to be due, and, in addition, shall pay 1.5 percent interest per month on the unpaid balance of the assessment and the penalty.

Existing law, FAC Section 7434 provides that:

(a) Any funds received pursuant to this article shall be deposited and handled in a manner determined by the board and shall be expended for the purposes, administration, and enforcement of this chapter.

(b) To the extent that revenue generated from Section 7430 is insufficient to repay the expenditures associated with this program, the Department of Food and Agriculture Fund shall be held harmless, and the secretary shall not be required to administer the provisions of this chapter.

Existing law, FAC Section 7434.5 provides that Any costs incurred by the department in establishing, administering, and enforcing the provisions of this chapter shall be solely reimbursed by the assessment. These costs include, but are not limited to, startup costs incurred by the department before collecting the assessment, the costs of developing any regulations pursuant to this chapter, and the ongoing costs associated with the statewide coordinator.

## ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This amendment is important to outline the payment and record keeping procedures for tomato pro-



ducers and handlers for collection of Broomrape assessment fees. There are also references to the definitions of terms used to allow for clarity.

There are no existing, comparable federal regulations or statutes.

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

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3602 and has determined that they are not inconsistent or incompatible with existing state regulations.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code sec. 17500 et seq. (Gov. Code section 11346.5(a)(6).): None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action may affect small business.

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

The amendment of Section 3602 The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, and (4) is not expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

Providing clarity on record keeping and testing instructions will allow handlers and producers to adhere to procedures and also protects the California tomato industry.

#### BUSINESS REPORTING REQUIREMENT

It is necessary for the health, safety, or welfare of the people of the state that the regulation which requires a report apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

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

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

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained

upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may 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 the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

### TITLE 4. POLLUTION CONTROL FINANCING AUTHORITY

#### FEE SCHEDULE

Pursuant to Section 44520 of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority (“CPCFA” or the “Authority”) are, by legislative mandate, necessary to carry out its powers and duties.

#### PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 8034 and 8035 of Title 4, Division 11, Article 4 of the California Code of Regulations (the “Amended Regulations”) concerning the administration of the California Pollution Control Financing Authority’s bond program. These Amended Regulations are necessary to implement, interpret and make specific Article 4 of the California Pollution Control Financing Authority Act (the “Act”).

#### AUTHORITY AND REFERENCE

*Authority:* Sections 44520(a), 44520(b), and 44526(c), *Health and Safety Code*. Section 44520(b) of

the Act authorizes the Authority to adopt regulations relating to small business financing as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety, and general welfare.” Sections 44520(a) and 44526(c) of the Act authorize the Authority to fix and revise from time to time fees and charges for the loan of moneys to finance pollution control facilities.

*Reference:* Section 44526 of the *Health and Safety Code*. These regulations implement, interpret and make specific Sections of the Act by amending Sections 8034 and 8035 of Title 4, Division 11, Article 3 of the California Code of Regulations.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to adopt all necessary rules and regulations to carry out its powers and duties under this division pursuant to Section 44520 of the Health and Safety Code.

#### § 8034. General Fees

*Section 8034 (b).* Lowers the administrative fee on qualified small business refundings by 50% to .001.

**Necessity.** This amendment provides enhanced assistance to small businesses in the form of lower fees and allows small businesses additional flexibility when considering financing options and responding to market conditions.

*Section 8034 (c).* Maintains the administrative fee on all financings not subject to the terms specified in subsections (a) and (b) at .002.

**Necessity.** Formerly subsection (b), this subsection clarifies the administrative fee to be assessed in all transactions not specified in elsewhere in Section 8034.

*Section 8034 (d).* Repealed.

**Necessity.** In order to ensure that small businesses seeking to finance through the Authority are able to accurately calculate associated costs, it is necessary to repeal subsection (d), which in small business refunding transactions grants the Authority “discretion to charge the small business applicant the Authority’s reasonable and necessary expenses allocable to the refunding request in lieu of the fee described in subsection (b) normally applicable to refundings.”

#### § 8035. Small Business Assistance Fund

*Background of Section 8035.*

During the late 1970’s and early 1980’s, the U.S. Small Business Administration (SBA) administered a special pollution control loan guarantee program for small businesses. The program offered SBA loan guarantees for federally issued tax-exempt bonds. The SBA discontinued the program in 1981, which left

small business borrowers with inadequate resources for securing cost-effective tax-exempt financing.

In order to fill the void created by the discontinuation of the SBA program and offset certain costs of issuance and letter of credit fees associated with tax-exempt bond issuance, the State Legislature established the collection of Small Business Assistance Fund (SBAF) fees from large businesses obtaining conduit bond financing from the Authority in 1985. Under this legislation, large businesses began paying into SBAF to support the Authority's programs that benefit small business borrowers.

Eligible small business (defined as 500 employees or less) borrowers can receive up to \$210,000 towards its eligible costs of issuance, based on a sliding scale dependent on the par amount of the transaction.

Currently, the Authority awards SBAF funds to eligible small business borrowers at the close of a transaction. SBAF funds may be used to pay certain issuance and post issuance costs. Acceptable SBAF subsidy uses include, but are not limited to, bond counsel fees, underwriter or placement agent fees or discount and related expenses, printing fees, fees charged by other state agencies, accounting fees, consultant's fees, other expenses directly related to the issuance of bonds that are normally paid from bond proceeds at the time of closing, and post issuance costs related to a change in a national interest rate index (e.g. LIBOR to SOFR). Currently, the Authority maintains approximately \$16.96 million, available for use to qualified small business borrowers, in the SBAF account.

#### *Need for SBAF reforms:*

Bond program staff compared the bond program's fees schedule to competing and similarly structured financing authorities including: California Infrastructure and Economic Development Bank (IBank), California Enterprise Development Authority (CEDA), California Municipal Finance Authority (CMFA), California Public Finance Authority (CalPFA), California School Financing Authority (CSFA), and California Statewide Communities Development Authority (CSCDA). This comparison showed that for small businesses issuing less than \$13.75 million dollars, CPCFA provides an extremely competitive, if not the least expensive, option for issuing exempt facility bonds/notes. In these transactions, CPCFA's fees are the lowest in all instances; additionally, the SBAF subsidy makes our program the most financially sensible option for a small business.

However, in some instances CPCFA's fees charged to large business borrowers far exceed fees charged by other issuers. CPCFA's base fees are competitive; unfortunately, the SBAF fee for large business borrowers pushes CPCFA's total fees to the highest amount charged for exempt facility projects by rough-

ly \$200,000 for par amounts in the \$100 million or more range.

This comparison and analysis supports similar feedback CPCFA received from several industry professionals who provided their thoughts on why large businesses had sought to finance through CPCFA's competitors.

*Section 8035 (a).* Lowers the SBAF fee charged to large businesses by 50% from 0.66% of the face value of the bonds issued to 0.33%. Repeals language specifying that SBAF fees are to be reassessed in refunding transactions.

**Necessity.** Analysis of multiple possible financing scenarios shows that lowering the SBAF fee for large businesses by 50% serves the dual purpose of bringing the Authority's fees down to a level that is competitive with other bond issuers while collecting enough revenue to ensure the SBAF will stay fully funded, making assistance available to all qualified small business applicants. In addition, eliminating the reassessment of SBAF fees in refunding transactions is projected to make financing with the Authority more attractive to large businesses that may desire to initiate multiple refunding transactions over the life of a bond sale.

### ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION

The Authority anticipates that the fee reductions and reduced fee rate variability produced by these amendments will entice both large and small businesses to issue bonds through the Authority by significantly reducing a portion of the cost of issuance. The fee reduction may also serve as an incentive for national companies to focus investment in California. The Authority will also continue to utilize the current balance of the SBAF fund to help small businesses pay for the costs of issuance of tax-exempt bonds.

The proposed amendments to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

After conducting a review for any regulations related to this area, the Executive Director has concluded that these are the only regulations concerning administrative and SBAF fees charged by the Authority's bond program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

**Mandate on local agencies or school districts:** None.

**Cost or savings to any state agency:** None.

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

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

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

**Significant effect on housing costs:** None.

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

**Small Business:** The Amended Regulations will not have an adverse impact on small business in California as they do not impose additional restrictions or cost on small business. Small businesses choosing to refund bonds through CPCFA may be positively impacted by reduced administrative fees.

**Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made an initial determination that the Amended 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.

RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS

**Assessment regarding effect on jobs/businesses:** The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

**Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment:** The proposed amendments to sections 8034 and 8035 will open more financing opportunities and flexibility to businesses involved in pollution control projects. These types of projects will benefit the environment and the public health and safety.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are 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 Authority invites interested parties to present statements with respect to alternatives to the Amended Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Morgan Matz, Staff Services Analyst  
California Pollution Control Financing Authority  
901 P Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 654–6061  
Fax: (916) 657–4821  
Email: [morgan.matz@treasurer.ca.gov](mailto:morgan.matz@treasurer.ca.gov)

Solomita Malko, Staff Services Manager I  
California Pollution Control Financing Authority  
901 P Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 653–2749  
Fax: (916) 657–4821  
Email: [solomita.malko@treasurer.ca.gov](mailto:solomita.malko@treasurer.ca.gov)

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends **on June 2, 2025**. All comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the proposed regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date

on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 901 P Street, 3<sup>rd</sup> Floor, Sacramento, California 95814, during normal business working hours. 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 Adopted Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

#### PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found at the Authority's website at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

### TITLE 5. EDUCATION AUDIT APPEALS PANEL

#### AUDITS OF K–12 LOCAL EDUCATION AGENCIES FISCAL YEAR 2025–26

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2025–26 using the Guide's incorporating regulation, after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Mary Kelly.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes **Monday, June 2, 2025**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Mary Kelly, Executive Officer  
Education Audit Appeals Panel  
770 L Street, Suite 1100  
Sacramento, CA 95814  
Fax: (916) 445–7626  
Email: [mkelly@eaap.ca.gov](mailto:mkelly@eaap.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 14501, 14502.1, 14503 and 41024, California Constitution. Article XIII, Section 36, subdivision (e), subparagraph 7, and Article XIII A,



Section 1, subdivision. (b), subparagraphs 3(C) and 3(D). Reference: Reference: California Constitution Article XIII B, Section 1.5; and Sections 2574(b)(3)(C), 8482.3(f)(5), 14501, 14502.1, 14503, 14509, 15286, 41024, 42238.02(b)(3)(B), 47612.5, 47634.2(d) and 48000.15(g), Education Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking amends title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language and make reference to the audit guide. It also adopts the audit guide for 2025–26 which makes clarifying revisions and addresses legislative changes in the conditions of apportionment of school funding.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K–12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed changes from the previous year’s audit guide to be reflected in the 2025–26 audit guide. The proposed changes derive from the Controller’s proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

### TITLE 5, DIVISION 1.5 CHAPTER 3. AUDITS OF CALIFORNIA K–12 LOCAL EDUCATION AGENCIES ARTICLE 1. GENERAL PROVISIONS

#### § 19810. Annual Audit Guides.

(a) (1) The “2023–24 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (March 1, 2024), adopted by the Education Audit Appeals Panel, is incorporated by reference for

the required financial and compliance audits of the 2023–24 fiscal year.

(2) The “2024–25 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (March 1, 2025), adopted by the Education Audit Appeals Panel, is incorporated by reference for the required financial and compliance audits of the 2024–25 fiscal year.

(3) The “2025–26 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (July 1, 2025), adopted by the Education Audit Appeals Panel, is incorporated by reference for the required financial and compliance audits of the 2025–26 fiscal year.

(b) Each annual guide provides the audit steps, reporting requirements, and other guidance for the required annual financial and compliance audits, subject to auditor judgment where alternative or additional audit steps may be appropriate. Each annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide, including Appendices A, B and C and any applicable supplement, is available on [www.eaap.ca.gov/audit-guide](http://www.eaap.ca.gov/audit-guide), with paper or electronic copies available on request.

Note: Authority cited: Article XIII, Section 36 and Article XIII A, Section 1, California Constitution; and Sections 14502.1 and 47612, Education Code. Reference: Article XIII B, Section 1.5, California Constitution; and Sections 2574, 14501, 14502.1, 14503, 37700, 41020, 41024, 41480, 42238.02, 43500, 43501, 43502, 43504, 43505, 43509, 43520, 43521, 43522, 44258.9, 45037, 46146, 46300, 47605, 47612, 47614, 47634, 48000, 48206, 48306, 48313, 51747, 51749, 52060, 53071, 56026, 56340 and 76004, Education Code.

#### Audit Guide Amendments

The proposed annual 2025–26 Audit Guide includes the following amendments from the existing 2024–25 Audit Guide:

**R. Comprehensive School Safety Plan** is moved from the “LOCAL EDUCATION AGENCIES OTHER THAN CHARTER SCHOOLS” section to the section that applies to all LEAs, “SCHOOL DISTRICTS, COUNTY OFFICES OF EDUCATION, AND CHARTER SCHOOLS,” due to amendments in Education Code section 32282(a)(3). Procedure 1 is amended to address only school districts and county offices of education. Amendments would add Procedure 2 and renumber remaining procedures and make technical changes. Procedure 2 will require the auditor to verify that the LEA adopted an Instructional Continuity Plan per requirements of Education Code section 32282(a)(3)(A).

**S. District of Choice** is amended to delete procedure 1 and renumber the remaining procedures. The amendments would add Procedure 1., requiring the



auditor to determine whether the school district accepted pupils in excess of the transfer caps defined in Education Code section 48307(a) or (b) from the school district of residence after receipt of the letter or notification in instances when the district of residence, pursuant to Education Code sections 48307(b)(2)(D) or 48308(c)(2)(A), notified the district of choice that applicable transfer caps had been reached. Procedure 1.f. is added to require the auditor to calculate a penalty and to report it in the finding if the district of choice accepted pupils in excess of the transfer cap defined after receiving notice from the district of residence that the applicable transfer cap had been reached, per Education Code section 48307(c)(1)(A) and (B).

**Z. Immunizations** is amended to remove procedures related to requirements for the auditor to check 7th grade pupils’ vaccination records for two doses of varicella (chickenpox) included in procedures 4.a, 4.d, 5, 5.a, and 5.b. The amendments delete procedure 4.b and renumber the following procedures. Procedure 5 is amended to remove references to conditional admission. Procedure 5, 5.a, and 5.b are amended to require the auditor to check vaccination records for one dose of Tdap for 7th grade schools on the California Department of Public Health’s list of LEAs with overdue rates greater than 10 percent.

**DZ. Expanded Learning Opportunities Program (ELO–P)** is amended to add new Procedure 11, requiring the auditor to review programs that charge family fees and verify that the fees comply with Education Code section 8482.6. Former procedure 11 would be renumbered as procedure 12 and the remaining procedures would be amended to ensure compliance with new procedure 11.

**EZ. Transitional Kindergarten** is amended to change procedures 1, 3, and 4 to reflect changes in Education Code sections 48000.15 and 48000(g)(3). Procedure 5 is deleted pursuant to Education Code section 48000.15 and replaced with a procedure that requires the auditor to verify that any credentialed teacher assigned to a transitional kindergarten classroom meets the requirements of Education Code section 48000(g)(4). Procedure 6 is added to require the auditor to report a finding and include the amount of the penalty calculation if the school district or charter assigned a teacher to a transitional kindergarten classroom who does not meet the requirements of Education Code section 48000(g)(4).

**HZ. Attendance Recovery** is added to require the auditor to test LEAs’ compliance with requirements of the Attendance Recovery Program, if the LEAs reported Average Daily Attendance generated through this program.

**CC. Nonclassroom–Based Instruction/Independent Study** is amended to add new procedure 3, requiring the auditor to determine whether it was the

LEA’s policy or practice to provide independent study pupils or their parents or guardians with direct monetary funding or ownership of any other things of value such as equipment; and renumbered former Procedures 3, 4, and 5 to Procedures 4, 5, and 6. Amendments add new procedures 5.k, requiring the auditor to verify that the LEA documents the daily time value spent by a pupil in asynchronous instruction, and 5.l, requiring the auditor to verify that the LEA maintains documentation of hours or fraction of an hour of both pupil work products and the time that the pupil engaged in asynchronous instruction. The remainder of the procedures are renumbered, and technical amendments are made.

Name of document incorporated by reference: 2025–26 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting (July 1, 2025).

#### DISCLOSURES REGARDING THE PROPOSED ACTION:

1. Mandate on local agencies and school districts: None.
2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment:
  - (a) Adoption of these regulations will not:
    - create or eliminate jobs within California;
    - create new businesses or eliminate existing businesses within California; or;
    - affect the expansion of businesses currently doing business within California.
  - (b) Benefit of the proposed regulation to the health and welfare of California residents, worker safety, or the State’s environment and quality of life: As stated under the “Informative Digest/Policy Statement Overview” above, the proposed regulations will update and improve audit procedures of K–12 local education agencies, which would ultimately benefit the welfare of California residents by ensuring that local education

agencies are in compliance with regulatory requirements.

9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney IV, at (916) 445-7745 or by email: [tmorgan@eaap.ca.gov](mailto:tmorgan@eaap.ca.gov), or Mary C. Kelly, Executive Officer, at (916) 445-7745.

#### AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP 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 Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: [www.eaap.ca.gov](http://www.eaap.ca.gov).

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### STAFF MISCONDUCT EMPLOYEE DISCIPLINE

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3450, 3480, 3484, 3486, 3486.1, 3486.2, 3486.3, 3392, 3392.1, 3392.3, 3392.5, 3392.8, and 3392.9; and repeal and adopt sections 3481, 3482, 3483, and 3485, in the California Code of Regulations (CCR), Title 15, Division 3, concerning staff misconduct, employee discipline, and administrative remedies of grievances and appeals.

#### PUBLIC HEARING

Date and Time:

**June 3, 2025 — 10:00 a.m. to 11:00 a.m.**

Place:

Department of Corrections and Rehabilitation  
Room 113  
9272 Laguna Springs Dr. — Building G-1

Elk Grove, CA 95758

Purpose: To receive comments about this action.

### PUBLIC COMMENT PERIOD

The public comment period begins **April 18, 2025**, and closes on **June 3, 2025**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to [rpmb@cdcr.ca.gov](mailto: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:*

Josh Jugum  
Telephone: (279) 223–2317  
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:*

Howard Moseley  
Telephone: (916) 826–2665  
Office of Appeals

### AUTHORITY AND REFERENCE

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

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

**PC Section 5054** provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department previously adopted emergency regulations regarding staff misconduct, employee discipline, and grievances and appeals in 2020, and later codified these provisions into permanent regulations. Permanent regulations regarding grievances and appeals were adopted on January 5, 2022 (OAL File Number 2021–1207–06); permanent regulations regarding employee discipline were adopted on September 29, 2022 (OAL File Number 2022–0912–03); permanent regulations regarding staff misconduct were adopted on October 20, 2022 (OAL File Number 2022–0909–01).

Over the past several years, CDCR implemented several organizational and cultural efforts to promote healthier relationships between staff, the incarcerated population, families, volunteers, and all others impacted by the criminal legal system. One element of this is the way the department addresses allegations of staff misconduct. In recent years, CDCR enacted regulatory changes in a good faith effort to enhance the overall processing of staff misconduct allegations. Several benefits were realized through this endeavor, including a process to ensure all claims received are impartially reviewed. However, despite exhaustive efforts to make the system work as envisioned, weaknesses threaten to cause the process to break under its own weight and require modifications. CDCR has elected to take a holistic approach to resolve existing weaknesses within the system. While each enhancement is expected to yield a positive impact, their true benefits will be maximized when they are implemented in concert.

These regulations will significantly improve the department’s handling of staff misconduct allegations involving incarcerated and supervised persons, which in turn will improve departmental transparency, integrity, and staff accountability. These regulations will also bring CDCR into compliance with expanded *Armstrong* Court Orders (*Armstrong et al.*

*v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020) that call for reforms to the department’s staff complaint, investigation, and discipline processes to ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct.

This emergency rulemaking action implements, in part, a remedial plan adopted by CDCR as directed by court order issued in *Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020. (Order). This Order requires CDCR to implement remedial measures to achieve compliance with the *Armstrong* Remedial Plan (ARP) and the Americans with Disabilities Act (ADA) at the Richard J. Donovan Correctional Facility (RJD).

**This action will:**

- Keep intact the Centralized Screening Team (CST) to act as an unbiased initial reviewer of requests and claims received statewide from incarcerated and supervised persons, to determine if there are any allegations of staff misconduct contained therein. When an allegation of staff misconduct is identified in a request or claim, CST will determine whether the allegation shall be referred to the Office of Internal Affairs (OIA) for an investigation. CST shall refer allegations of staff misconduct not referred to OIA to the Reviewing Authority for assignment to an appropriate supervisor. When the referral involves a violation of the *Armstrong* Remedial Plan, the ADA Coordinator will normally serve as the Reviewing Authority.
- Keep intact the CDCR Office of Legal Affairs (OLA), Employee Advocacy and Prosecution Team (EAPT), which was established in 2006 as part of the *Madrid* Federal Remedial Orders, to implement the Vertical Advocacy (VA) Model. EAPT will continue to designate and assign Staff Attorneys to provide legal support and guidance to CDCR throughout the investigation and disciplinary processes, including any litigation before the State Personnel Board (SPB) and appellate courts for serious and complex cases. The *Madrid* Court Orders require CDCR to maintain the public confidence in its ability to properly investigate and adjudicate complaints and allegations of staff misconduct, while maintaining the rights of employees and the public.
- Replace the Allegation Inquiry process with a “routine review” process for grievances and requests for reasonable accommodation. The Allegation Inquiry process has severely restricted a supervisor’s ability to supervise their staff and take timely corrective action designed to prevent staff from engaging in repeated violations of a similar nature. The Allegation Inquiry process bypasses managers with oversight of these areas from being directly involved. This top-heavy process for less serious issues has overwhelmed the limited resources within the Office of Internal Affairs (OIA) and upper management. The existing Allegation Inquiry process will be replaced by routine reviews. A routine review would be conducted by an OIA-trained supervisor or manager to gather facts and determine if the complaint is true; if true, then determine what corrective action is appropriate. Any corrective action would be presented to a manager for approval. During a routine review, if a supervisor gathers facts which may result in adverse action, the Hiring Authority shall refer the matter to OIA for investigation.
- Add requests for reasonable accommodation to the amended processes for responding to grievances. As reasonable accommodation requests are reviewed and processed in the same manner as grievances, the department determined that codifying that process in regulations would provide clarity to claimants as well as staff involved in processing these requests. To that end, the existing form related to grievances and the form related to requests for reasonable accommodation have been merged into a single form, which is incorporated by reference in these regulations.
- Create two special conditions that will allow for the closure of an investigation into an allegation of staff misconduct. First, when audio/video recordings provide conclusive evidence that the alleged misconduct did not occur. Second, when no further investigatory steps can be pursued due to the lack of specificity provided by the claimant and the claimant’s refusal to cooperate with the investigator’s efforts to obtain additional information. This will allow for the closure of an investigation when independent evidence satisfies the burden of proof without the unnecessary expenditure of scarce resources.
- Create three new decision types that may be issued by the Office of Appeals in response to an appeal of a grievance or reasonable accommodation request. First, “Remanded” shall be used in cases where the Office of Grievances made procedural or substantive errors in reviewing or responding to a grievance or request for reasonable accommodation. Second, “Overlooked” shall be used in cases where the Office of Grievances failed to respond properly, pursuant to these regulations, to a claim submitted in a grievance or request for reasonable accommodation. Third, “Bypassed”

shall be used when the claimant adds a claim as part of their appeal that was not originally submitted as part of the grievance or request for reasonable accommodation. These new decisions do not exhaust the administrative remedies process, as claimants will receive a subsequent decision regarding their claims.

- Establish that claims shall be rejected if they object to any of the following: a decision issued by Office of Appeals; the fact gathering process during a routine review; the fact gathering process during an investigation of staff misconduct; the findings made by a hiring authority at the conclusion of an investigation of staff misconduct; or the verbal or written statements submitted by staff under penalty of perjury to a court of law or administrative tribunal. These new rejection criteria are necessary because, respectively: the Office of Appeals is the final level of appeal; fact gathering is an internal process that is not subject to appeal; Hiring Authorities have the final authority to make findings following an investigation of staff misconduct; and statements made under oath are properly the purview of the presiding authority at the court or tribunal.
- Establish that department staff shall not access grievances, reasonable accommodation requests, or appeals in the department's information technology system unless specifically assigned to respond to a claim or when fulfilling another legitimate business need. These provisions are intended to help prevent retaliation against claimants.
- Create a policy review process. This process will be utilized when an incarcerated or supervised person makes a claim that a specific department policy violates or contradicts established law or pre-existing policy issued by a higher authority and should be changed or repealed, rather than alleging misconduct on the part of one or more department staff.
- Amend and adopt provisions related to access to personal records to update the process and timelines for requests pursuant to the Information Practices Act.
- Adopt, amend, and repeal definitions related to the amended provisions. Duplicative definitions (i.e., definitions that appear in multiple sections that apply to the same Article) have been removed.
- Repeal outdated implementation dates. Previous regulations had a graduated implementation schedule based upon court orders. Those dates have passed and are no longer relevant.
- Maintain CDCR's ability to identify and track requests and claims, including allegations of staff

misconduct, and its ability to conduct independent, objective and thorough reviews.

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

These regulations will significantly improve the department's handling of staff misconduct allegations involving an incarcerated or supervised person, which in turn will improve departmental transparency, integrity, and staff accountability.

These regulations will also bring CDCR into compliance with expanded *Armstrong* Court Orders that call for reforms to the department's staff complaint, investigation, and discipline processes to ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct for class members under the Armstrong Remedial Plan and the Americans with Disabilities Act.

#### DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 602–1 / 1824, Grievance/Reasonable Accommodation Request (Rev. 01/25).

CDCR Form 602–2, Appeal (Rev. 01/25).

CDCR Form 602–3, Request to Implement Overdue Remedy (Rev. 01/25).

The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all of these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification.

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern staff misconduct, employee discipline, and administrative remedies of grievances and appeals.

### LOCAL MANDATES

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

### FISCAL IMPACT STATEMENT

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

### EFFECT ON HOUSING COSTS

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

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

### EFFECT ON SMALL BUSINESSES

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

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing, jobs or businesses with-

in California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on the state’s environment or worker safety, or the welfare of California residents. These regulations may benefit the welfare of California residents by allowing incarcerated and supervised persons to have their allegations of staff misconduct adjudicated in an unbiased and timely manner. Additionally, these regulations may benefit the welfare of California residents by incentivizing incarcerated and supervised persons to resolve complaints at the lowest level possible, thus avoiding expensive and time-consuming litigation. Also, to the extent these regulations improve the transparency and efficiency of the department’s grievance and appeal process, these regulations may benefit the welfare of California residents by modeling non-confrontational techniques for dispute resolution which will enhance the rehabilitative mission of the department.

### 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](http://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 18. DEPARTMENT OF TAX AND FEE ADMINISTRATION

### CALCULATION OF ESTIMATED USE TAX–USE TAX TABLE

NOTICE IS HEREBY GIVEN that the California Department of Tax and Fee Administration (Department), pursuant to the authority in Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 1685.5, Calculation of Estimated Use Tax–Use Tax Table. The proposed amendments clarify the regulation and delete outdated provisions. They update the percentage of California consumers’ total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax that the Department uses to annually calculate the use tax liability factor. They replace the federal data the Department uses to annually calculate total spending on taxable purchases with other federal data and a taxable percentage. They also update the way the Department annually calculates the average state, local, and district sales and use tax rate that the Department uses to calculate the use tax liability factor, so that it is based on the average of the rates in effect during each quarter of an entire calendar year.

## AUTHORITY

RTC section 7051 and Government Code (GC) sections 15570.22 and 15570.24.

## REFERENCE

RTC section 6452.1.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### *Summary of Existing Laws*

#### *Revenue and Taxation Code Section 6452.1*

Subdivision (d)(2) of RTC section 6452.1 defines “qualified use tax” to mean either of the following for one or more single nonbusiness purchases of individual items of tangible personal property each with a sales price of less than one thousand dollars (\$1,000):

- The actual state, local, and district use taxes imposed under article XIII of the California Constitution and the Sales and Use Tax Law (RTC, § 6051 et seq.) and in conformity with the Bradley–Burns Uniform Local Sales and Use Tax Law (RTC, § 7200 et seq.) and Transactions and Use Tax Law (RTC, § 7251 et seq.); or
- The estimated amount of use tax as calculated by the State Board of Equalization (Board).

Subdivision (d)(2) of RTC section 6452.1 also requires the Board to annually calculate the estimated amount of use tax due according to a person’s adjusted gross income (AGI) and by July 30 of each calendar year make available to the Franchise Tax Board (FTB) those amounts in the form of a use tax table for inclusion in the instructions to FTB income tax returns. Subdivisions (a), (d), and (e) of RTC section 6452.1 give eligible consumers the option to elect to satisfy their use tax obligations for qualified use tax by reporting their estimated amount of use tax as calculated by the Board on their California income tax returns. Also, subdivision (g) of RTC section 6452.1 includes a “safe harbor” provision that prohibits the Board from assessing the difference between a consumer’s reported use tax liability based on the Board’s use tax table and the consumer’s actual use tax liability for eligible nonbusiness purchases, provided the consumer used the table in accordance with the accompanying instructions.

#### *Regulation 1685.5*

The Board adopted Regulation 1685.5, Calculation of Estimated Use Tax — Use Tax Table, pursuant to RTC section 7051, in 2011 to implement, interpret, and make specific RTC section 6452.1. Regulation 1685.5 prescribes the methodology for estimating the amount of use tax due according to a person’s AGI on June 1 of each year and making those estimates available to the

FTB in the form of a use tax table by July 30 of each year for inclusion in the instructions to FTB income tax returns. Also, the 2012 amendments to Regulation 1685.5 updated the form of the use tax table and the 2012, 2013, 2015, 2019, 2020, and 2021 amendments to Regulation 1685.5 updated the methodology for estimating the amount of use tax due according to a person's AGI.

*California Department of Tax and Fee Administration*

Assembly Bill Number (AB) 102 (Stats. 2017, chapter 16) established the California Department of Tax and Fee Administration (Department) and transferred the Board's duties, powers, and responsibilities to administer and enforce numerous tax and fee laws to the Department effective July 1, 2017, including the Sales and Use Tax Law (RTC, § 6001 et seq.). (GC, §§ 15570, 15570.22.) AB 102 also deemed the references to the Board in the Sales and Use Tax Law and sales and use tax regulations, including Regulation 1685.5, to refer to the Department on and after July 1, 2017. (GC, § 15570.24.) Also, the Department's 2019 amendments to Regulation 1685.5 replaced the regulation's references to the Board with references to the Department. The Department's 2021 amendments to Regulation 1685.5 added GC sections 15570.22 and 15570.24 to the regulation's authority note to clarify that the references to the Board in RTC section 7051 mean the Department.

In addition, subdivision (b)(2) of Regulation 1685.5 currently requires the Department to annually calculate a "use tax liability factor or use tax table percentage" on June 1 of each year that the Department can use to complete its use tax table as provided in subdivision (c). To do that, Regulation 1685.5 currently requires the Department to use federal data to calculate "total personal income," "total spending on electronic shopping and mail order houses," and "total spending on taxable purchases" to calculate "the percentage of income spent on taxable purchases." It requires the Department to multiply the percentage of income spent on taxable purchases by 0.03 (or 3%), which represents the percentage of California consumers' total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax. Then it requires the Department to multiply the product by the average state, local, and district tax rate to arrive at the use tax liability factor or use tax table percentage.

*Effect, Objective, and Benefits of the Proposed Amendments Chapter*

After reviewing Regulation 1685.5, the Department determined that there were issues (or problems) within the meaning of GC, § 11346.2, subdivision (b)) because:

- The percentage of California consumers' total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax decreased since the regulation was updated in 2021.
- The federal data the regulation requires the Department to use to calculate total spending on electronic shopping and mail order houses will soon be discontinued.
- The federal data the regulation requires the Department to use to calculate total spending on taxable purchases will soon be discontinued, and the Department has more accurate and reliable data that it can use to calculate total spending on taxable purchases.
- The regulation currently requires the Department to calculate the average state, local, and district sales and use tax rate based on the rates in effect for the first quarter, rather than the rates in effect for each quarter of a calendar year.
- The regulation contains some outdated provisions that are no longer operative.
- A few of the regulation's provisions could be revised to read more clearly.

The Department also determined that it is reasonably necessary to propose to amend Regulation 1685.5 to update the percentage of California consumers' total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax, replace the federal data required to be used to calculate total spending on electronic shopping and mail order houses and the percentage of income spent on taxable purchases, delete the inoperative provisions, and make minor clarifications to have the effect and accomplish the objectives of addressing those issues (or problems).

*Amendments to Subdivision (a)*

The Department determined that it is reasonably necessary to propose to amend subdivision (a) of Regulation 1685.5 to delete the title of subdivision (a)(1), reformat subdivision (a)(1) as subdivision (a), replace "The" with "Revenue and Taxation Code (RTC) section 6452.1 requires the" at the beginning of reformatting subdivision (a), and delete "is required" from after "(Department)." These amendments are grammatical in nature and the Department determined that they are reasonably necessary to have the effect and accomplish the objectives of making the subdivision read more clearly and identifying the statute that requires the Department to annually calculate the estimated amount of use tax due according to a person's AGI at the beginning of the regulation.

*Renumbered Subdivisions (b), (c), (d), (e), and (f)*

The Department determined that it is reasonably necessary to propose to renumber subdivisions (a)(2), (a)(3), (b), (c), and (d) of Regulation 1685.5, as subdivisions (b), (c), (d), (e), and (f), respectively, to have the effect and accomplish the objective of making the format of the entire regulation consistent with the renumbering of subdivision (a)(1) as subdivision (a).

*Amendments to Renumbered Subdivision (b)*

The Department determined that it is reasonably necessary to propose to amend the title of renumbered subdivision (b) to replace “Department” with “the Department’s.” The Department determined that it is reasonably necessary to amend the first sentence in renumbered subdivision (b)(1) to insert “Department’s” before “use tax tables.” The Department determined that it is reasonably necessary to amend renumbered subdivision (b)(2) to replace “The use tax table may not be used to estimate use tax” with “Consumers may not use the Department’s use tax tables to estimate their use tax” at the beginning of the subdivision. The Department determined that it is also reasonably necessary to separate renumbered subdivision (b)(2) into two sentences by replacing “including purchases made by” with a period, replacing “businesses” with “Businesses” and adding “may not use the Department’s use tax tables.” The amendments to renumbered subdivision (b) are grammatical in nature and the Department determined that they are reasonably necessary for the specific purpose of making the subdivision read more clearly.

*Amendments to Renumbered Subdivision (d)(1)*

The Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(1) to insert “Department’s” and replace “table” with “tables.” The amendments to renumbered subdivision (d)(1) are grammatical in nature and the Department determined that they are reasonably necessary to have the effect and accomplish the objective of making the subdivision read more clearly.

*Amendments to Renumbered Subdivision (d)(2)*

The Department determined that there is an issue (or problem) because Regulation 1685.5 uses the terms “use tax liability factor” and “use tax table percentage” to describe the same thing. Therefore, the Department determined that it is reasonably necessary to propose to amend the title of renumbered subdivision (d)(2) to delete “or Use Tax Table Percentage” and amend renumbered subdivisions (e)(1), (2), and (3) to delete “or use tax table percentage” for the specific purpose of addressing the issue (or problem) by eliminating the unnecessary redundancy from the regulation. The Department also determined that there is an issue (or problem) because the first five sentences in renumbered subdivision (d)(2) pertain to the use tax

tables for 2011 through 2020, and they are now inoperative. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(2) to delete those sentences to have the effect and accomplish the objective of addressing that issue (or problem).

In addition, the sixth sentence in renumbered subdivision (d)(2) currently requires the Department to multiply the percentage of income spent on taxable purchases “for the preceding calendar year” by 0.03, which represents the percentage of California consumers’ total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax. The Department determined that there are issues (or problems) with the sixth sentence because renumbered subdivisions (d)(3) and (4) require the Department to use the “most current” federal data to calculate total personal income and total spending on electronic shopping and mail order houses, so that data may not always be from the preceding calendar year and there may be instances where the Department’s calculation of total spending on taxable purchases pursuant to renumbered subdivision (d)(5) is not for the preceding calendar year, as a result. Also, the Department determined that there is an issue (or problem) with the sixth sentence because the percentage of California consumers’ total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax decreased from three percent (0.03) to 1.7 percent (0.017) since Regulation 1685.5 was updated in 2021. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(2) to replace the sixth sentence with a new sentence that restates the regulation’s current formula for calculating the use tax liability factor for purposes of the Department’s calculations on June 1, 2026, and each June 1 thereafter and requires the Department to multiply “the percentage of income spent on taxable purchase by 0.017” to have the effect and accomplish the objectives of addressing those issues (or problems).

*Amendments to Renumbered Subdivision (d)(3)*

Renumbered subdivision (d)(3) currently requires the Department to determine total personal income by reference to the most current personal income data published by the United States Bureau of Economic Analysis (Bureau of Economic Analysis), and the Department historically calculates total personal income using personal income data for an entire calendar year. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(3) to have the effect and accomplish the objective of clarifying that total personal income shall be determined by reference to the most current

federal data published by the Bureau of Economic Analysis “for an entire calendar year.”

*Amendments to Renumbered Subdivision (d)(4)*

The United States Census Bureau (Census Bureau) reports data for North American Industrial Classification System (NAICS) code 4541, electronic shopping and mail order houses. The Department historically sums the monthly sales made by electronic shopping and mail order houses for an entire calendar year, as reported in the *Monthly Retail Trade Survey* published by the Census Bureau, to calculate total spending at electronic shopping and mail order houses under renumbered subdivision (d)(4). Also, the Department determined that there is an issue (or problem) because the Census Bureau will soon discontinue reporting data for NAICS code 4541. However, the Census Bureau will continue to publish quarterly retail e-commerce sales data for electronic shopping that the Department can use to replace the data reported for NAICS code 4541 in the calculation of total spending on taxable purchases. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(4) to have the effect and accomplish the objective of addressing the issue (or problem) and clarifying the calculation required by the subdivision. The proposed amendments change renumbered subdivision (d)(4)’s title from “Total Spending at Electronic Shopping and Mail Order Houses” to “Total Spending on Electronic Shopping.” The proposed amendments require the Department to calculate “total spending on electronic shopping,” instead of “total spending at electronic shopping and mail order houses.” The proposed amendments also require total spending on electronic shopping to be determined by “summing the most current quarterly retail e-commerce sales data published by the United States Census Bureau for an entire calendar year,” instead of by “reference to the most current electronic shopping and mail order house spending data.”

In addition, the Department calculated that calendar year 2023 sales were \$1.257 trillion using the sales made by electronic shopping and mail order houses in the *Monthly Retail Trade Survey*. The Department also calculated that calendar year 2023 sales were \$1.119 trillion using the sum of the quarterly retail e-commerce sales data in the *Quarterly E-Commerce Report*. Therefore, the Department determined that using the sales data from the *Quarterly E-Commerce Report*, instead of the sales data from the *Monthly Retail Trade Survey*, should not have a material impact on the Department’s calculations of the amount of use tax due according to a person’s AGI.

*Amendments to Renumbered Subdivision (d)(5)*

The current provisions of renumbered subdivision (d)(5)(A) require the Department to calculate the percentage of taxable sales included in total spending at

electronic shopping and mail order houses by determining the percentage of those sales that are *not* included in the six categories described in renumbered subdivisions (d)(5)(A)(i) through (vi) by reference to the most current retail trade product lines statistics by kind of business data published by the Census Bureau. This is because renumbered subdivisions (b)(5)(A)(i) through (vi) currently describe industries in NAICS Code 4541 whose sales are generally exempt from sales and use tax. Therefore, the Department determined that there is also an issue (or problem) with renumbered subdivision (b)(5)(A) because the Census Bureau will soon discontinue reporting the sales data for the industries in NAICS Code 4541 described in renumbered subdivisions (d)(5)(A)(i) through (vi).

In addition, the calculations currently required by renumbered subdivision (d)(5)(A) historically result in approximately two-thirds or 66 percent of total spending at electronic shopping and mail order houses being treated as taxable for purposes of calculating the amount of use tax due according to a person’s AGI. However, the Department reviewed the 2022 quarterly sales data reported to the Department by retailers with NAICS Code 4541 accounts and determined that 80 percent of their reported sales were taxable sales subject to sales or use tax, not 66 percent. Therefore, the Department determined that there is another issue (or problem) with renumbered subdivision (b)(5)(A) because it would be more accurate to treat 80 percent of total spending on electronic shopping as taxable for purposes of calculating the amount of use tax due according to a person’s AGI, rather than 66 percent.

Furthermore, the current provisions of renumbered subdivisions (d)(5)(B) and (C) require the Department to add \$10,000,000,000 to total spending at electronic shopping and mail order houses before multiplying it by the taxable percentage calculated under renumbered subdivision (d)(5)(A) so the result does not include spending on nontaxable purchases. However, the Department determined that it’s unnecessary to add \$10,000,000,000 to total spending on electronic shopping to accurately calculate the amount of use tax due according to a person’s AGI because total spending on electronic shopping captures all the material sales for purposes of the calculation. Therefore, the Department determined that there is an issue (or problem) with renumbered subdivisions (d)(5)(B) and (C) because it would be more accurate to calculate total spending on taxable purchases in the future without adding \$10,000,000,000 to total spending on electronic shopping. As a result, the Department determined that it is reasonably necessary to propose to replace the current provisions of renumbered subdivision (d)(5) with new provisions requiring the Department to determine total spending on taxable purchases by “multiplying total spending on electronic shopping

by 80 percent (0.80), so that the result does not include spending on nontaxable purchases, and then rounding the result to the nearest tenth of a percent” to have the effect and accomplish the objectives of addressing the issues (or problems) with the current provisions of renumbered subdivision (d)(5).

*Amendments to Renumbered Subdivision (d)(6)*

The current provisions of renumbered subdivision (d)(6) require the Department to calculate the percentage of income spent on taxable purchase “during a calendar year” by dividing “the total spending on taxable purchases for that year by the total personal income for that year,” multiplying the result by 100, and rounding the result. The Department determined that there is an issue (or problem) with renumbered subdivision (d)(6) because there may be instances where the most current “total spending” and “total personal income” data available are from different years. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivision (d)(6) to delete the references to specific years to have the effect and accomplish the objective of addressing that issue (or problem), and to delete “the” from before “total spending on taxable purchases” to make the subdivision read more clearly.

*Amendments to Renumbered Subdivisions (d)(7)*

The current provisions of renumbered subdivisions (d)(7), (d)(7)(A), and (d)(7)(B) require the Department to determine the average state, local, and district sales and use tax rate “for a calendar year” by using the rates of the statewide sales and use taxes and the statewide rate of local tax “in effect on January 1 of that year.” The Department determined that there is an issue (or problem) with renumbered subdivision (d)(7) because it would be more accurate to determine the average state, local, and district sales and use tax rate by using the average of the rates of statewide sales and use taxes and the average of the statewide rates of local tax in effect during each quarter of the most recent calendar year for which the rates are available, rather than only using the rates in effect for the first quarter, which begins on January 1.

The current provisions of subdivisions (d)(7) and (d)(7)(C) require the Department to determine the average state, local, and district sales and use tax rate “for a calendar year” by using the “weighted average rate” of the district taxes “in effect in the various jurisdictions throughout the state on January 1 of that year after taking into account the proportion of the total statewide taxable transactions (by dollar) reported for each jurisdiction during the fourth quarter of the calendar year that is two years prior to the calendar year for which the calculation is made.” The Department determined that there is also an issue (or problem) with renumbered subdivision (d)(7) because it would be more accurate to determine the average state, lo-

cal, and district sales and use tax rate by using the weighted average of the rates of the district taxes in effect in the various jurisdictions throughout the state during each quarter of the most recent calendar year for which the Department has the taxable sales data by jurisdiction that it needs to calculate the weighted average of the various jurisdictions’ rates.

In addition, the Department determined that on June 1 of each calendar year, the necessary rates of statewide sales and use taxes and local tax are available for the preceding calendar year. However, on June 1 of each year the necessary sales data may not be available to determine the weighted average of the rates of the district taxes for the preceding calendar year. Therefore, the Department determined that it is reasonably necessary to propose to amend renumbered subdivisions (d)(7), (d)(7)(A), (d)(7)(B), and (d)(7)(C) to have the effect and accomplish the objectives of addressing the issues (or problems) with renumbered subdivision (d)(7) by requiring the Department to calculate the average state, local, and district sales and use tax rate using:

- The average of the rates of the statewide sales and use taxes imposed during each quarter of the preceding calendar year,
- The average of the statewide rates of local tax imposed during each quarter of the preceding calendar year, and
- The weighted average of the rates of the district taxes in effect in the various jurisdictions throughout the state during each quarter of the most recent calendar year for which the Department has taxable sales data by jurisdiction.

*Amendments to Renumbered Subdivision (e)*

The Department determined that it is reasonably necessary to propose to amend renumbered subdivision (e) to add “consumers in” to renumbered subdivisions (e)(1) and (3), add “consumers in each of” to renumbered subdivision (e)(2), and replace “range member’s” with “consumer’s” in renumbered subdivision (e)(3). The amendments are grammatical in nature, they clarify that the estimated use tax liabilities for the AGI ranges in the Department’s use tax tables are for “consumers in” each AGI range, and the Department determined that they are reasonably necessary to have the effect and accomplish the objective of making the subdivision read more clearly.

*Amendments to Renumbered Subdivision (f)*

The Department determined that it is reasonably necessary to delete renumbered subdivision (f)(1) because it only prescribes the use tax table for calendar year 2011 and it’s no longer operative, reformat subdivision (f)(2) as subdivision (f), and update reformatted subdivision (f), so it prescribes the format of the Department’s use tax tables for calendar year 2026 and

subsequent years, and no longer refers to 2012. The Department determined that the amendments are reasonably necessary to have the effect and accomplish the objectives of deleting the inoperative provisions regarding the 2011 use tax table and the outdated reference to 2012, and updating the subdivision so it only refers to the Department's future use tax tables.

#### *Determinations*

The Department has determined that the adoption of the proposed amendments to Regulation 1685.5 are reasonably necessary to have the effect and accomplish the objectives of addressing the issues (or problems) discussed above by:

- Updating the percentage of California consumers' total purchases of tangible personal property for use in California that are made from out-of-state retailers that are not registered with the Department to collect use tax,
- Replacing the Census Bureau data required to be used to calculate total spending on electronic shopping and mail order houses with Census Bureau data the Department can use to calculate total spending on electronic shopping,
- Replacing the Census Bureau data required to be used to calculate the percentage of income spent on taxable purchases with a taxable percentage derived from reported sales data,
- Updating the calculation of the average state, local, and district sales and use tax rate so it's based on the rates in effect for an entire calendar year,
- Deleting the inoperative provisions from the regulation, and
- Making minor clarifications to some of the remaining provisions to make them read more clearly.

The Department anticipates that the adoption of the amendments to Regulation 1685.5 will promote fairness and benefit the Department and taxpayers by clarifying how the Department estimates the amount of use tax due according to a person's AGI and helping ensure that the Department's estimates continue to be based on current and accurate data.

The Department has performed an evaluation of whether the proposed amendments to Regulation 1685.5 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1685.5 is the only state regulation that implements, interprets, or makes specific RTC section 6452.1's provisions regarding estimated use tax. Also, the Department has determined that there is no existing federal regulation or statute that is comparable to Regulation 1685.5 or the proposed amendments to Regulation 1685.5.

#### **NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department has determined that the adoption of the amendments to Regulation 1685.5 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the GC.

#### **ONE-TIME COST TO THE DEPARTMENT, BUT NO OTHER COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS**

The Department has determined that the adoption of the proposed amendments to Regulation 1685.5 will result in an absorbable \$484 one-time cost for the Department to update its website after the proposed regulatory action is completed. The Department has determined that the adoption of proposed Regulation 1685.5 will not result in any other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California. The Department has also estimated that the proposed amendments could reduce the amount of estimated use tax paid with FTB returns by as much as \$2.948 million, but the Department does not anticipate that there will be a substantial or material reduction in the total amount of use tax paid by consumers due to the proposed amendments.

#### **NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Department has made an initial determination that the adoption of the proposed amendments to Regulation 1685.5 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department has also determined that the adoption of the proposed amendments to Regulation 1685.5 does not affect small business. This is because Regulation 1685.5 clarifies that the Department's use tax tables may not be used to estimate use tax liabilities for business purchases.



## NO COST IMPACTS TO 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.

## RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (B)

The Department assessed the economic impact of adopting the proposed amendments to Regulation 1685.5 on California businesses and individuals and determined that the proposed regulatory action is not a major regulation, as defined in GC section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Department prepared the economic impact assessment required by GC section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. In the economic impact assessment, the Department determined that the adoption of the proposed amendments to Regulation 1685.5 will neither create nor eliminate jobs in the State of California nor result in the creation of new businesses or the elimination of existing businesses within the state and will not affect the expansion of businesses currently doing business within the State of California. Furthermore, the Department determined that the adoption of the proposed amendments to Regulation 1685.5 will not affect the benefits of the regulation to the health and welfare of California residents, worker safety, or the state's environment.

## NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulation 1685.5 will not have a significant effect on housing costs.

## DETERMINATION REGARDING ALTERNATIVES

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

## CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Michael Patno, by telephone at (916) 309–5303, by email at [michael.patno@cdtfa.ca.gov](mailto:michael.patno@cdtfa.ca.gov), or by mail at California Department of Tax and Fee Administration, Attention: Michael Patno, MIC:50, 651 Bannon Street, Suite 100, P.O. Box 942879, Sacramento, CA 94279–0050.

Written comments for the Department's consideration, written requests to hold a public hearing, notices of intent to present testimony or witnesses at the public hearing, and other inquiries concerning the proposed regulatory action should be directed to Kim DeArte, Regulations Coordinator, by telephone at (916) 309–5227, by email at [CDTFARegulations@cdtfa.ca.gov](mailto:CDTFARegulations@cdtfa.ca.gov), or by mail to: California Department of Tax and Fee Administration, Attention: Kim DeArte, MIC:50, 651 Bannon Street, Suite 100, P.O. Box 942879, Sacramento, CA 94279–0050. Kim DeArte is the designated backup contact person to Michael Patno.

## WRITTEN COMMENT PERIOD

The written comment period ends on June 2, 2025. The Department will consider the statements, arguments, and/or contentions contained in written comments received by Kim DeArte at the postal address or email address, provided above, prior to the close of the written comment period, before the Department decides whether to adopt the proposed amendments to Regulation 1685.5. The Department will only consider written comments received by that time.

However, if a public hearing is held, written comments may also be submitted during the day of and at the public hearing and the Department will consider the statements, arguments, and/or contentions contained in written comments submitted during the day of or at the public hearing before the Department decides whether to adopt the proposed amendments to Regulation 1685.5.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Department has prepared copies of the text of the proposed amendments to Regulation 1685.5 illustrating the express terms of the proposed action. The Department has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1685.5, which includes the economic impact assessment required by GC section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed regulatory ac-

tion is based are available to the public upon request. The rulemaking file is available for public inspection at 651 Bannon Street, Suite 100, Sacramento, California. The express terms of the proposed amendments to Regulation 1685.5, and the initial statement of reasons are also available on the Department's website at [www.cdtfa.ca.gov/taxes-and-fees/regscont.htm](http://www.cdtfa.ca.gov/taxes-and-fees/regscont.htm).

#### **PUBLIC HEARING**

The Department has not scheduled a public hearing to discuss the proposed amendments to Regulation 1685.5. However, any interested person or his or her authorized representative may submit a written request for a public hearing no later than 15 days before the close of the written comment period, and the Department will hold a public hearing if it receives a timely written request.

#### **SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8**

The Department may adopt the proposed amendments to Regulation 1685.5 with changes that are non-substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made pursuant to GC section 11346.8, the Department will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Kim DeArte. The Department will consider timely written comments it receives regarding a sufficiently related change.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

If the Department adopts the proposed amendments to Regulation 1685.5, the Department will prepare a final statement of reasons. Upon its completion, the final statement of reasons will be made available for inspection at 651 Bannon Street, Suite 100, Sacramento, California, and available upon request by contacting the contact person(s) named above.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the notice, initial statement of reasons, and the text of the proposed amendments to Regulation 1685.5 are available on the Department's website at [www.cdtfa.ca.gov/taxes-and-fees/regscont.htm](http://www.cdtfa.ca.gov/taxes-and-fees/regscont.htm). If the Department publishes other related documents, they will also be available at that website.

### **GENERAL PUBLIC INTEREST**

#### **DEPARTMENT OF FISH AND WILDLIFE**

#### **CESA CONSISTENCY DETERMINATION REQUEST FOR SUNOL VALLEY FISH PASSAGE PROJECT 2080R–2025–003–03 ALAMEDA COUNTY**

The California Department of Fish and Wildlife (CDFW) received a notice on April 1, 2025 that California Trout proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves removal of infrastructure and restoration on Alameda creek. Proposed activities will include, but are not limited to, removal and relocation of a 36-inch gas transmission pipeline, removal of a concrete erosion mat, and regrading and revegetating Alameda Creek. The proposed project will occur along a 2000 linear foot section of Alameda Creek, in Sunol valley, County of Alameda, California.

The US Fish and Wildlife Service issued a federal programmatic biological opinion (PBO)(Service Reference Number 2022–0005149) in a memorandum to the National Oceanic and Atmospheric Administration (NOAA) Restoration Center, NOAA Office for Coastal Management, US Bureau of Reclamation, US Fish and Wildlife Service Programs, and the U.S. Army Corps of Engineers on February 7, 2025, which considered the effects of the eligible restoration projects on multiple federally listed species. On March 7, 2025, California Trout applied to the US Fish and Wildlife Service for inclusion of the proposed project under the PBO for federally threatened California red legged frog (*Rana draytonii*), state threatened and federally threatened California tiger salamander — Central California Distinct Population Segment (DPS) (*Ambystoma californiense*), state endangered and federally threatened Foothill yellow-legged frog — Central Coast DPS (*Rana boylei*), state threatened and fed-

erally threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), and federally proposed threatened Northwestern pond turtle (*Actinemys marmorata*). On March 24, 2025, US Fish and Wildlife Service determined that the project fits within the scope of the PBO.

Pursuant to California Fish and Game Code section 2080.1, California Trout is requesting a determination that the Incidental Take Statement (ITS) and its associated PBO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated PBO are consistent with CESA for the proposed project, California Trout will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

## DEPARTMENT OF FISH AND WILDLIFE

### PROPOSED PROJECT ON A FULLY PROTECTED SPECIES RANCHO CANADA FLOODPLAIN RESTORATION PROJECT PRAM–2025–002–R4 MONTEREY COUNTY

The Department of Fish and Wildlife (CDFW) received a project proposal on April 1, 2025, from Monterey Peninsula Regional Park District requesting authorization to take the white-tailed kite (*Elanus leucurus*), a fully protected bird, in an effort to recover fully protected, threatened, or endangered species.

Monterey Peninsula Regional Park District proposes to restore a section of the Carmel River approximately one-mile-long. Project activities will reconnect floodplain surfaces, increase stream complexity, and enhance the riparian vegetative community, amongst other benefits. Proposed activities will include, but are not limited to, bridge removal, trail removal, riprap removal, revegetation, construction of stream restoration features and construction of habitat enhancement features. The proposed project will occur within Palo Corona Regional Park, in the City of Carmel, Monterey County, California; centered at coordinates 36.53764, –121.88875; Section 00, Township 16 South, Range 1 East; U.S. Geological Survey map Monterey; Assessor’s Parcel Numbers 157–181–009–000, 015–162–009–000, 015–162–033–000, 015–162–041–000, 015–162–043–000, 015–162–044–000, 015–162–046–000, 015–162–047–000, 015–162–050–000, 015–162–051–000, and 157–181–010–000. CDFW intends to issue, under specified conditions, a Permit for Recovery and Management (PRAM) to authorize the applicant to carry out the proposed project.

Pursuant to California Fish and Game Code section 3511(a)(1), CDFW may authorize take of fully protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If CDFW determines that the proposed project is consistent with the requirements of Section 3511(a)(1) for take of fully protected birds, it may issue the authorization in the form of a PRAM on or after May 18, 2025, for an initial and extendable term of three years.

## DEPARTMENT OF FISH AND WILDLIFE

### HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NUMBER 1653–2025–154–001–R1

**Project:** Tenmile Creek Sediment Reduction and Roadway Removal Project

**Location:** Mendocino County

**Applicant:** Eel River Watershed Improvement Group

#### Background

*Project Location:* The Tenmile Creek Sediment Reduction and Roadway Removal Project (Project) is located on Tenmile Creek approximately one mile north of Laytonville, California, Assessor’s Parcel Number 014–460–005; Latitude 39.706182 and Longitude –123.504635. The Tenmile Creek watershed supports populations of Coho Salmon (*Oncorhynchus kisutch*), Chinook Salmon (*O. tshawytscha*), steelhead trout (*O. mykiss*), and other fish and wildlife species.

*Project Description:* Isaac Mikus (Applicant) representing the Eel River Watershed Improvement Group proposes to replace a wet ford with a bridge on Tenmile Creek to improve water quality and enhance habitat for aquatic species. Local community members currently access their homes and properties by traversing the existing wet ford, which results in increased pollution and turbidity in Tenmile Creek. The Project will replace the wet ford with a channel-spanning bridge, which will result in improvements in water quality and safety for the local community and emergency services.

*Project Size:* The total area of ground disturbance associated with the Project is approximately one acre and 480 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical ex-

emption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 1000 cubic yards of soil, (2) 400 cubic yards of large rock, (3) 50 cubic yards of concrete, (4) 400 willow cuttings (for riparian planting), (5) and two cubic yards of natural geotextile fabric.

*Project Timeframes:* Start date: June 2025.

Completion date: February 2027.

Work window: July 10 through October 15, with an option for extension or variance with written approval from the North Coast Regional Water Quality Control Board (Regional Water Board) and the California Department of Fish and Wildlife (CDFW).

*Water Quality Certification Background:* Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Regional Water Board issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1B25001WNME, Electronic Content Management Identification (ECM PIN) Number CW-898574 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts on Coho salmon, Chinook salmon, steelhead trout, and other fish, wildlife, and plant species.

Receiving Water: Tenmile Creek, tributary to the South Fork Eel River.

Filled or Excavated Area: Permanent area impacted: 0.17 acres.

Temporary area impacted: 0.78 acres.

Length permanently impacted: 100 linear feet.

Length temporarily impacted: 380 linear feet.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

*Noticing:* On March 7, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on March 7, 2025, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Regulatory Notice File Number Z-2025-0307-01) on March 21, 2025. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

#### **Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

#### **Avoidance and Minimization Measures**

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Biological Assessment and Protection Measures: Tenmile Creek Sediment Reduction and Roadway Removal Project*.

#### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Tenmile Creek Sediment Reduction and Roadway Removal Quality Assurance Project Plan*.

#### **Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Or-

der for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [Nicholas.VanVleet@wildlife.ca.gov](mailto:Nicholas.VanVleet@wildlife.ca.gov).

#### **Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by CDFW, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH THE SECRETARY OF STATE**

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

California Student Aid Commission  
File # 2025-0225-01  
Middle Class Scholarship Program

In this Certificate of Compliance, the California Student Aid Commission is adopting regulations implementing, interpreting, and making specific the Middle Class Scholarship Program (Education Code section 70020 et seq.).

Title 05  
Adopt: 30800, 30801, 30802, 30803  
Filed 04/09/2025  
Effective 04/09/2025  
Agency Contact:  
Synequeen Alasa-as (916) 464-6411

Fish and Game Commission  
File # 2025-0327-02  
Commercial Coonstripe Shrimp Fishery Emergency

This emergency action sets limits on the use of lines and traps in the coonstripe shrimp fishery in an effort to prevent marine life entanglements.

Title 14  
Amend: 180.15  
Filed 04/07/2025  
Effective 04/07/2025  
Agency Contact: Jennifer Bacon (916) 653-4899

Department of Toxic Substances Control  
File # 2025-0328-01  
Industrial Ethyl Alcohol Exemption — Readoption

This emergency readopt action adds a recycling pathway for the safe and proper management of industrial ethyl alcohol by exempting the material from hazardous waste regulations when it is recycled. (See OAL Matter Number 2024-0926-02.)

Title 22  
Amend: 66261.6  
Filed 04/07/2025  
Effective 04/07/2025  
Agency Contact: Clara Silva (916) 324-0912

Department of Managed Health Care  
File # 2025-0220-01  
Timely Access to Non-Emergency Health Care Services

This action amends regulations pertaining to the timely access to care requirements for health care service plans and requirements for reporting compliance with those requirements. This action is exempt from the Administrative Procedure Act pursuant to Health & Safety Code § 1367.03(f)(3) and (5).

Title 28  
Amend: 1300.67.2.2, 1300.67.2, 1300.67.2.1  
Filed 04/04/2025  
Effective 04/04/2025  
Agency Contact: Leah Gray (916) 327–8031

Commission on Teacher Credentialing  
File # 2025–0305–02  
Child Development Associate Teacher Permit

This rulemaking action by the Commission on Teacher Credentialing amends section 80111 of the California Code of Regulations to implement statutory changes regarding the renewal of Child Development Associate Teacher permits enacted by Assembly Bill 1930 (Stats. 2024, chapter 687).

Title 05  
Amend: 80111  
Filed 04/09/2025  
Effective 04/09/2025  
Agency Contact: Christina Villanueva (916) 327–8697

Department of Corrections and Rehabilitation  
File # 2025–0220–02  
Intake Cells and Security/Welfare Checks

This regular rulemaking action by the California Department of Corrections and Rehabilitation (CDCR) establishes procedures regarding cell type and cell partner to be considered during the initial placement of an incarcerated person into a restricted housing unit. This action also specifies procedures CDCR staff will use to conduct security and welfare checks in restricted housing units.

Title 15  
Adopt: 3335.6, 3343.1  
Amend: 3000  
Filed 04/04/2025  
Effective 07/01/2025  
Agency Contact: Josh Jugum (279) 223–2317

Department of Health Care Services  
File # 2025–0219–01  
Psychology Services

This action by the Department of Health Care Services amends provisions governing psychology services under the Medi-Cal program to update covered benefits, remove outdated reimbursement rates and procedure codes, and specify that reimbursement rates and procedure codes will be published on the department’s Medi-Cal Provider website, as authorized by Welfare and Institutions Code section 14105.05.

Title 22  
Amend: 51505.3  
Filed 04/03/2025  
Effective 07/01/2025  
Agency Contact: Erika Drayton–Jebali (916) 345–8404

Department of Resources Recycling and Recovery  
File # 2025–0218–01  
AB 1311 Alternative Schedule

In this rulemaking action, the Department implements Assembly Bill 1311 (Stats. 2021, chapter 506) which expands eligibility for certified recycling centers to operate on an alternative schedule and allows the Department to certify recycling centers with reduced hours.

Title 14  
Adopt: 2503  
Amend: 2030, 2045, 2500, 2516  
Filed 04/02/2025  
Effective 04/02/2025  
Agency Contact: Kris Chisholm (916) 322–2404

Agricultural Labor Relations Board  
File # 2025–0304–01  
Majority support petitions; Compliance; Bonds

In this regular rulemaking action, the Agricultural Labor Relations Board adopts regulations implementing the majority support petition process established by Labor Code section 1156.37. The Board also adopts regulations regarding its compliance proceedings, appeal bonds, and civil penalties against employers.

Title 08  
Adopt: 20290, 20291, 20292, 20293, 20294, 20295, 20296, 20297, 20297.5, 20391, 20411  
Repeal: 20290, 20291, 20292, 20293  
Filed 04/07/2025  
Effective 04/07/2025  
Agency Contact: Santiago Avila–Gomez (916) 894–6840

## CCR CHANGES FILED WITH THE SECRETARY OF STATE

### SECTIONS FILED JANUARY 1, 2025, TO MARCH 31, 2025

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed



last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 02**

01/09/2025 AMEND: 22100, 22100.1, 22100.2, 22100.3, 22100.4, 22100.5, 22100.6, 22100.7, 22100.8, 22100.9, 22101, 22101.1, 22101.2, 22101.3, 22101.4, 22101.5  
02/06/2025 AMEND: 38000, 38000.5, 38000.10  
02/18/2025 AMEND: 18545, 18700, 18730, 18940.2

**Title 03**

01/21/2025 ADOPT: 3950  
02/04/2025 ADOPT: 3422 AMEND: 3591.11  
02/04/2025 AMEND: 3591.5  
02/20/2025 AMEND: 3591.6  
03/10/2025 ADOPT: 1303, 1304.1, 1304.2, 1304.3, 1305.1, 1305.2, 1306.1, 1306.2, 1306.3, 1307.1, 1307.2  
03/11/2025 AMEND: 3950  
03/20/2025 AMEND: 2950, 2951, 2952, 2953, 2954

**Title 04**

01/14/2025 AMEND: 4085  
01/22/2025 AMEND: 1634, 1656, 1658  
02/03/2025 ADOPT: 10336 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10337  
02/04/2025 AMEND: 5000, 5010, 5020, 5031, 5035, 5036, 5052, 5054, 5101, 5120, 5146, 5170, 5220, 5230, 5231, 5232, 5233 REPEAL: 5030, 5037, 5038  
02/05/2025 ADOPT: 10092.16, 10092.17 AMEND: 10092.1, 10092.2, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.13, 10092.14, 10092.15  
02/10/2025 AMEND: 8034, 8035  
02/26/2025 AMEND: 8073, 8074  
03/11/2025 AMEND: 8034, 8035  
03/17/2025 ADOPT: 15020.1, 15020.2, 15020.3  
03/20/2025 ADOPT: 10092.16; 10092.17 AMEND: 10092.1; 10092.2; 10092.4; 10092.5; 10092.6; 10092.7; 10092.8; 10092.9; 10092.10; 10092.13; 10092.14; 10092.15

**Title 05**

01/06/2025 ADOPT: 17732.1, 17749.1, 17751.1, 17752.5, 17753.1, 17774.5 AMEND: 17700, 17729, 17734, 17737, 17746, 17747, 17748, 17749, 17750, 17751, 17752, 17753, 17754, 17755, 17756, 17757, 17758, 17762, 17763, 17766, 17767, 17768, 17769, 17770, 17771, 17772, 17773, 17774, 17782, 17812, 17822

01/09/2025 AMEND: 30521, 30522, 30524, 30526, 30527, 30528

01/21/2025 AMEND: 40512

01/30/2025 ADOPT: 15560 AMEND: 4610, 15510, 15551, 15556, 15562, 15564, 15565, 15575, 15576, 15577, 15578 REPEAL: 15530, 15531, 15532, 15533, 15534, 15535, 15563

02/28/2025 AMEND: 80692

03/12/2025 AMEND: 19810

**Title 07**

03/21/2025 AMEND: 236.1

**Title 08**

02/05/2025 AMEND: 5204, Appendix B

02/21/2025 AMEND: 9789.25

03/18/2025 AMEND: 9789.39

**Title 09**

02/27/2025 AMEND: 7400

03/18/2025 AMEND: 400

**Title 10**

01/13/2025 ADOPT: 2644.25.1, 2644.25.2, 2644.25.3 AMEND: 2642.7, 2644.16, 2644.25, 2644.27

02/10/2025 AMEND: 6464

03/04/2025 ADOPT: 1850.70 AMEND: 1850

03/05/2025 AMEND: 2498.5

03/06/2025 AMEND: 2498.5

03/07/2025 AMEND: 2498.6

03/18/2025 ADOPT: 3100.1 AMEND: 3100, 3101

**Title 11**

01/08/2025 AMEND: 999.601

01/08/2025 AMEND: 1005, 1007, 1008, 1059

01/09/2025 AMEND: 991.2

01/09/2025 AMEND: 1005, 1007, 1008

01/14/2025 AMEND: 1005

02/24/2025 AMEND: 1001, 1059

03/04/2025 AMEND: 1059

03/06/2025 AMEND: 1052

03/19/2025 AMEND: 1203

03/20/2025 AMEND: 25 (54.1, 54.2, 54.3, 54.4, 54.5, 54.6, 54.7 54.8, 54.9, 54.10)

03/24/2025 ADOPT: 25 (31.30)

**Title 13**

01/07/2025 AMEND: 15.00

01/22/2025 AMEND: 225.45

03/06/2025 AMEND: 551.14, 555, 595

03/10/2025 AMEND: 553.70

03/20/2025 AMEND: 1239

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03/26/2025 AMEND: 226.22, 226.52

**Title 14**

01/09/2025 AMEND: 4970.01, 4970.03, 4970.05.1, 4970.06.1, 4970.06.2, 4970.06.3

01/10/2025 ADOPT: 4970.19.2.1, 4970.19.2.2 AMEND: 4970.01, 4970.03, 4970.05.1, 4970.05.2, 4970.06.1, 4970.07.2, 4970.08, 4970.08.1, 4970.08.2, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.17.1, 4970.19, 4970.19.2, 4970.20, 4970.23.1, 4970.23.2, 4970.24.1, 4970.25.1, 4970.25.2

01/15/2025 AMEND: 1038, 1038.3, 1038.4

02/03/2025 ADOPT: 5.78, 27.93 AMEND: 5.79, 5.80, 27.90, 27.92

02/14/2025 ADOPT: 17410.5, 17862.3, 17868.6, 17896.62 AMEND: 17402, 17414, 17414.2, 17852, 17854.1, 17869, 17896.45, 18302, 18303, 18304, 18304.1

02/20/2025 AMEND: 1605

02/25/2025 AMEND: 236

03/17/2025 ADOPT: 35.00 AMEND: 150.06, 150.16, 189

03/20/2025 AMEND: 670.2

03/24/2025 AMEND: 11900

**Title 15**

01/08/2025 AMEND: 3000, 3293

01/08/2025 AMEND: 3043.3

01/13/2025 ADOPT: 3999.239 AMEND: 3999.231

01/14/2025 AMEND: 3331, 3348

02/25/2025 AMEND: 8000, 8004.2

02/28/2025 AMEND: 3006, 3132, 3133, 3134, 3134.1, 3136, 3137, 3139, 3140, 3145, 3146, 3147, 3190

03/03/2025 ADOPT: 3999.209 AMEND: 3076, 3076.1, 3076.2, 3076.5, 3999.98, 3999.99 REPEAL: 3076.3, 3076.4

03/05/2025 AMEND: 3000, 3025, 3040.3, 3040.4, 3043.3, 3043.5, 3044, 3054.3, 3075.2, 3077, 3077.1, 3078.4, 3079, 3079.1, 3139, 3141, 3172, 3172.1, 176, 3178, 3230, 3269, 3290, 3294.5, 3375, 375.2, 3375.3, 3375.4, 3375.5, 3378.7, 3504, 3762, 3763, 3766, 3768.3, 3769.3

03/11/2025 ADOPT: 3999.32

03/24/2025 AMEND: 3075.3

03/24/2025 ADOPT: 3574

**Title 16**

01/15/2025 AMEND: 1603, 1604, 1606 [renumbered to 1601], 1608, 1611, 1630, 1635, 1636, 1650, 1651, 1657, 1659.30, 1659.32, 1660, 1660.2, 1661, 1661.4, 1675, 1685, and 1690

01/27/2025 AMEND: 1105.4

01/30/2025 ADOPT: 2800, 2940, 2941, 2942, 2943, 2970, 2971, 2972

01/31/2025 AMEND: 1747

02/04/2025 AMEND: 1793.65

02/05/2025 AMEND: 2000, 2070, 2075, 2076, 2077, 2079, 2080, 2081, 2082 REPEAL: 2085.4

02/05/2025 AMEND: 3303, 3312.1, 3340.10, 3351, 3351.1, 3395.8

02/12/2025 AMEND: 2014, 2015, 2015.1, 2015.2, 2068.6, 2086.4 REPEAL: 2009, 2010, 2014.1, 2016, 2020, 2021, 2021.1, 2021.3, 2021.4, 2021.5, 2021.6, 2021.7, 2021.8, 2021.8A, 2021.9, 2021.10

02/12/2025 AMEND: 2032.25, 2038.5 REPEAL: 2032.1

02/13/2025 AMEND: 144

02/13/2025 AMEND: 2503

03/06/2025 AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4226, 4228, 4230, 4234, 4236, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4255, 4256, 4258, 4259, 4260, 4264, 4268

03/11/2025 AMEND: 3351, 3395.6

**Title 17**

02/20/2025 ADOPT: 8056, 8057, 8058, 8059, 8060, 8061, 8062, 8063, 8064, 8065, 8066, 8067

03/24/2025 ADOPT: 23000, 23005, 23015, 23100

**Title 18**

01/08/2025 ADOPT: 3800, 3820 AMEND: 3501, 3700, 3703, 3800 [renumbered to 3801], 3805, 3810

03/24/2025 ADOPT: 1808

**Title 20**

02/24/2025 AMEND: 1363.2, 1366, and Appendix B of Division 2, Chapter 3, Article 3

**Title 21**

03/12/2025 REPEAL: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.1, 21.2, 22, 23, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 50, 51, 52, 55, Appendix (a), Appendix (b), Appendix (c), Appendix (d), Appendix (e), Appendix (f), Appendix (g), Appendix (i), Appendix (j)

**Title 22**

01/02/2025 AMEND: 96051, 96051.8

01/22/2025 AMEND: 2706-4

01/27/2025 ADOPT: 66260.400, 66260.410, 66269.10, 66269.11, 66269.12, 66269.20, 66269.21, 66269.22, 66269.30, 66269.32, 66269.33, 66269.34, 66269.35 AMEND: 66260.10, 66269.1 [renumbered to 66269.40], 66269.2

[renumbered to 66269.47], 66269.3 [renumbered to 66269.41], 66269.4 [renumbered to 66269.42], 66269.5 [renumbered to 66269.43], 66269.6 [renumbered to 66269.44], 66269.7 [renumbered to 66269.45], 66269.8 [renumbered to 66269.46]

- 01/31/2025 ADOPT: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115
- 03/25/2025 ADOPT: 97341, 97353 AMEND: 97300, 97305, 97340, 97342, 97344, 97350, 97351, 97352

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- 01/02/2025 ADOPT: 490.2, 491.1, 491.2, 491.3, 491.4, 493.2.1, 493.2.2, 493.3, 493.4, 493.5, 493.6 AMEND: 490, 490.1, 491, 492, 493, 493.1, 493.2, 494, 495, Appendix A, Appendix B, Appendix C REPEAL: 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 493.13, 492.14, 492.15, 492.16, 492.17, 492.18, Appendix D
- 01/14/2025 ADOPT: 3959.12
- 01/27/2025 ADOPT: 875, 875.1, 875.2, 875.3, 875.5, 875.6, 875.7, 875.8, 875.9
- 02/27/2025 ADOPT: 5005.1, Appendix 3A, Appendix 4A, Appendix 8A

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- 01/22/2025 AMEND: 4916
- 02/28/2025 ADOPT: 2800, 2800.1, 2800.2, 2800.3, 2800.4, 2800.5, 2800.6, 2800.7, 2800.8, 2800.9, 2800.10, 2800.11, 2800.12, 2800.13, 2800.14, 2800.15, 2800.16
- 02/28/2025 AMEND: 10001

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- 02/12/2025 AMEND: 27000
- 03/05/2025 AMEND: 27001