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PROPOSED ACTION ON REGULATIONS

(Continued on next page)

***Time–
Dated
Material***

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. 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:	Special District Risk Management Authority
	Propel Education Group, Inc.
	Devil's Den Water District
	Upper Santa Clara Valley Joint Powers Authority
STATE AGENCY:	State Energy Resources Conservation and Development Commission
	Department of Food and Agriculture

A written comment period has been established commencing on August 21, 2026, and closing on October 5, 2026. Written comments should be directed to the Fair Political Practices Commission, Attention: Maia Kocinsky–Kirkham, 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 October 5, 2026. 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 Maia

Kocinsky–Kirkham, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email mkocinsky–kirkham@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 Maia Kocinsky–Kirkham, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email mkocinsky–kirkham@fppc.ca.gov.

TITLE 2. OFFICE OF THE INSPECTOR GENERAL

AMEND CONFLICT–OF–INTEREST CODE

NOTICE IS HEREBY GIVEN that the **California Office of the Inspector General,** pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on August 21, 2026, and closing on October 5, 2026. All inquiries should be directed to the contact listed below.

The **California Office of the Inspector General** proposes to amend its conflict–of–interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict–of–interest code include reporting requirement revisions, updates to classification names and those required to report, and also makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *October 5, 2026*, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than *September 20, 2026*.

The **California Office of the Inspector General** has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Linda Geiger–Johnson, Staff Services Manager I (Specialist), 916–417–4092, GeigerJohnsonL@oig.ca.gov.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

PESTICIDE REGISTRATION BRANCH REGULATORY UPDATES

The Department of Pesticide Regulation (DPR) proposes to adopt 3 CCR sections 6170.6, 6170.7, 6170.8, and 6173, and amend sections 6000, 6148.5, 6152, 6153, 6154, 6157, 6170, 6170.5, 6193.5, 6194, 6196, 6206 and 6252. DPR also proposes to repeal Application for Pesticide Registration DPR–REG–030 (Rev. 10/24) form, currently incorporated by reference. This proposal will affect the pesticide regulatory program activities pertaining to pesticide registration. In summary, the proposed action will replace previous application forms; require electronic submission of applications to register or amend pesticide products; clarify and reduce requirements for company changes; clarify information required for applications to register and amend pesticide products; including submission of concurrent applications to U.S. EPA and the Department; define application types — new major use, master label, and new active ingredient; establish pesticide labeling and formula changes that may submitted to the Department as either a notification or non–notification; reduce the fee for notifications; and make other minor changes that include replacing outdated terms and correcting typographical errors.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than October 5, 2026. Comments regarding this proposed action may also be transmitted via SmartComment online public comment portal at <https://cdpr.commentinput.com?id=48H37Vkur>.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and any associated contact information (e.g., your address, phone number, or email address) become part of the public record and can be released to the public upon request. You do not have to provide contact information when submitting a comment using the SmartComment portal.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.[1]

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced–risk pest management. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private applicators, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This regulatory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7. The requirements for pesticide registration are outlined in 3 CCR sections 6170 through 6172.

The Federal Insecticide, Fungicide, and Rodenticide Act requires all pesticide products sold or distributed in the United States to be registered by the U.S. Environmental Protection Agency (EPA). Pesticide products must comply with labeling requirements that are set forth in Title 40 of the Code of Federal Regulations Part 156. Registered pesticide products, certain federally exempt pesticides, and adjuvants are required to be registered by DPR before the product can be sold, distributed, or used in California. California law (Food and Agricultural Code [FAC] section 12824 and 12839) requires DPR to provide a thorough and timely evaluation before a pesticide is registered for the first time and to place appropriate restrictions on its use. DPR's registration evaluation is conducted in addition to U.S. EPA's evaluation. Before a pesticide is registered, both agencies require data on a product's toxicology and environmental fate to evaluate how it behaves in the environment; its effectiveness against target pests and the hazards it poses to non–target organisms; its effect on fish and wildlife; and its degree of risk to human health.

The Pesticide Registration Branch (PRB) serves as the primary point of contact for pesticide product and adjuvant companies (referred to as registrants) and processes all applications for pesticide product registrations, amendments, and renewals, among other activities. The registration process historically has been paper–based and managed manually with limited supporting technology across several systems. Due to the paper–based nature of this process and the limitations of the existing system, submissions must be worked on sequentially rather than concurrently. This sequential process extends review times, makes it difficult for staff to find information efficiently and requires staff to handle and physically route large volumes of paper, resulting in delays to the registration process. In addition, the paper–based registration process can delay the registration of newly developed, innovative products that offer safer and sustainable pesticide alternatives.

The CalPEST system recently took the place of the paper–based pesticide registration process and allows applications for new products, amendments to currently registered products, and renewals to be submitted, processed, and accepted electronically through DPR's website. The implementation of CalPEST has modernized the administration of DPR's pesticide product registration program.

Summary of the Effect of the Proposed Regulatory Action

DPR proposes to amend and adopt specific subsections throughout sections 6000 through 6252 related to pesticide registration. The proposed changes are intended to modernize and streamline registration procedures by reducing administrative requirements for company name changes, clarifying processes for company ownership changes and product transfers, adopting existing processes for notification and concurrent submission into regulation, and reducing fees for notification submissions to reflect their simplified review process The proposal also includes defining key pesticide regulatory terms to improve consistency and understanding. Lastly, the proposed regulations will update and adopt application forms to align with DPR's CalPEST system, fully replacing the paper submission process. These updates will ensure accurate data collection and support DPR's comprehensive evaluation of pesticide products for sale and use in California.

Anticipated Benefits of the Proposed Regulations

These changes are necessary to improve efficiency and reduce processing delays. Incorporating existing processes into regulation, aligning forms with CalPEST, and requiring electronic submission of applications will standardize the submission process, strengthen data integrity, enable better reporting and

[1] If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech–to–speech users may dial 7–1–1 for the California Relay Service.

analytics, and ensure compliance with state and federal standards. Reducing fees for notifications recognizes the lower level of review required for these submissions, providing cost savings for registrants while maintaining regulatory oversight. By streamlining procedures and clarifying requirements, DPR will save time and resources for both registrants and the Department, reduce backlogs, and support DPR's mission to protect public health and the environment through clearer requirements and more accurate information for risk assessment and regulatory oversight. In addition, the proposal will facilitate the review and registration of newly developed, innovative products that offer safer and sustainable pesticide alternatives on the market.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposal will not interfere or otherwise impact other state agencies as DPR is the only agency that regulates pesticides within the State.

Incorporated by Reference Form:

Application for Pesticide Registration DPR–REG–030 (Rev. 10/24) *Repealed.*

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation 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.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action may affect small businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. Businesses affected by these regulations are pesticide registrants applying for pesticide registration in California. The proposed regulations clarify registration requirements and amend the pesticide application forms. The businesses affected by these regulations, already submit pesticide applications and data to DPR and any new information being requested is readily available as part of their business practices. Thus, proposed changes and additions are not expected to have a significant economic impact to businesses. Proposed changes and additions are intended to facilitate the submission and review of new product and amendment application forms by transitioning to electronic submission of information instead of requiring businesses to print out information, which can include numerous volumes of data, and mail hard copies of all the information. Additionally reducing fees for amendments submitted by notification will provide cost savings for registrants.

The proposed regulations will benefit the health and welfare of California residents, worker safety, and State's environment by allowing DPR have the necessary information to evaluate pesticides before they are sold and distributed in California.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC section 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12836, 12836.5, 12845, 12976, 12812, 13127, 13145, 13146, 14001, 14004.5, 14005, and 14006.7.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 11401–12121, 12501–12671, 12751–13102, 13127, 13127.2, 13127.6, 13127.91, 13127.92, 13128, 13134, 13143, 13145, 13146, and 14001–14104.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Ashley Anderson, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
279–399–8005

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back–up person at the same address as noted below:

Jolynn Mahmoudi–Haeri, Senior Environmental Scientist
Pesticide Registration Branch
916–324–3545

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <http://www.cdpr.ca.gov>. Upon request, the documents can be made available in another language, or an alternate form as a disability–related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <http://www.cdpr.ca.gov>.

TITLE 4. CAPITAL PROGRAMS AND CLIMATE FINANCING AUTHORITY

RATE REDUCTION BONDS

Pursuant to Section 44520 of the Health and Safety Code, the regulations being amended herewith by the Capital Programs and Climate 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 8130 through 8137 of Title 4, Division 11, Article 12 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the Capital Programs and Climate Financing Authority's bond program. These Amended Regulations are necessary to implement, interpret and make specific Article 12 of the California Pollution Control Financing Authority Act (the "Act").

AUTHORITY AND REFERENCE

Authority: Section 44526(a) and (b), Health and Safety Code. Section 44526(a) and (b) of the Act authorizes the Authority to determine the location and character of any project to be financed via issuance of bonds, notes, bond anticipation notes, and other obligations of the authority for any of its corporate purposes, and to fund or refund the same.

Reference: Section 44526 of the Health and Safety Code. These regulations implement, interpret and make specific sections of the Act by amending Sections 8130 through 8137 of Title 4, Division 11, Article 12 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.

The proposed amendments to the regulations will clarify and revise eligibility requirements for projects financed using Rate Reduction Bonds to include electrical utility projects in addition to currently eligible water and wastewater furnishing projects, in accordance with Assembly Bill (AB) 758, which was passed in 2021.

The Authority has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

THE PROPOSED AMENDMENTS AND OBJECTIVES FOR EACH SECTION ARE AS FOLLOWS

§ 8130. Applicability

Section 8130. Removes redundant text.

Necessity. The proposed amendments are necessary to remove text that already appears in Section 6588.7(b)(9) of the Government Code.

§ 8131. Definitions

Section 8131(b). Changes the name of the Authority from the "California Pollution Control Financing Authority" to the "Capital Programs and Climate Financing Authority".

Necessity. The proposed amendment is necessary to align the regulations with AB 786.

Section 8131(e) and (l). Adds electric utilities to the categories of utilities eligible for review regarding rate reduction bond issuance. Adds electric revenue bonds to the definition of "Rate Reduction Bonds". Makes non–substantive clarifying and corrective changes to regulation text.

Necessity. The proposed amendments are necessary to align the regulations with AB 758.

Section 8131(h). Clarifies that credit requirements that must be met by Local Agency Applicants must be evidenced by reports that meet certain criteria specified in Section 8134, subdivision (b)(3).

Necessity. Eliminates ambiguity about what may be considered acceptable evidence of adequate credit rating.

Section 8131 (throughout). Makes clarifying and corrective changes to regulation text.

Necessity. The proposed amendments are necessary to ensure clear meaning through consistent citation formatting and referring to the Authority by its correct (recently changed) name.

§ 8132. Applications for Review.

Section 8132. Makes a non–substantive corrective change to regulation text.

Necessity. The proposed amendment is a grammatical correction intended to improve readability.

§ 8133. Applications for Review.

Section 8133. Makes both substantive and non–substantive clarifying and corrective changes to regulation text.

Necessity. The proposed amendments are grammatical corrections, except addition of "any or" to the sentence, "The Authority may charge additional fees in an amount equal to the amount of any additional expenses incurred by the Authority in retaining an independent financial advisor to review the application under circumstances involving the verification of *any or* all requirements in Section 8134." The addition of "any or" clarifies that the Authority may retain an independent financial advisor and recover its expenses for verifying requirements in the case where only some and not all of the requirements are verified.

§ 8134. Application Content

Section 8134(a)(3). Adds electric utilities to those eligible for review regarding rate reduction bond issuance.

Necessity. The proposed amendments are necessary to align the regulations with AB 758.

Section 8134(b)(2)(A) and (B). Adds electric utilities to those eligible for review regarding rate reduction bond issuance.

Necessity. The proposed amendments are necessary to align the regulations with AB 758.

Section 8134(c)(1). Removes a reference to previous sections of Section 8134 that no longer exist and replaces it with a reference to currently existing regulation text. Adds requirements that an electrical service must meet to be considered a Publicly Owned Utility for the purpose of determination of eligibility for Rate Reduction Bond issuance.

Necessity. The proposed amendments are necessary to align the regulations with AB 758 and provide guidelines to differentiate a Publicly Owned Utility from other types of electric services or companies.

Section 8134(c)(1)(A). Adds electrical service to the list of acceptable purposes for which items can be financed or refinanced using Rate Reduction Bonds.

Necessity. The proposed amendment is necessary to align the regulations with AB 758.

Section 8134(c)(1)(B)1., 2., and 3. Adds electrical service and "any other utility purpose designated a 'utility project' by a Publicly Owned Utility" to the list of acceptable purposes for which items financed or refinanced using Rate Reduction Bonds must be used.

Necessity. The proposed amendment is necessary to align the regulations with AB 758.

Section 8134 (throughout). Corrects section numbering system.

Necessity. The proposed amendments are necessary to align the regulations with the standard numbering system used by the California Code of Regulations.

§ 8135. Authority Action

Section 8135(a) and (b). Makes corrective changes to regulation text.

Necessity. The proposed amendments are grammatical corrections intended to improve readability.

Section 8135(d). Makes corrective changes to regulation text and adds clarifying language regarding application fees paid by an Issuer Applicant.

Necessity. The proposed amendments are grammatical corrections, except one amendment that is necessary to clarify that any fees already paid for an application that is subsequently withdrawn will not be applicable to any eventual resubmittal of that application.

§ 8136. Application Approval

Section 8136(a)(3). Makes a clarifying and corrective change to regulation text.

Necessity. The proposed amendment is a grammatical correction intended to improve readability.

§ 8137. Reports

Section 8137(a)(1) and (6). Makes clarifying and corrective changes to regulation text.

Necessity. The proposed amendments are grammatical corrections intended to improve readability.

Section 8137(b). Removes redundant text and makes clarifying and corrective changes to regulation text.

Necessity. The proposed amendments remove text that repeats a reporting requirement already stated in Section 6588.7(b)(8)(A) of the Government Code, make grammatical corrections, and more specifically define the required report.

Section 8137(c). Changes a reference to Section 8137(a)(5) to Section 8137(a)(6).

Necessity. The proposed amendment is a correction to the text, which erroneously excluded the information specified in Section 8137(a)(6) from that which the Executive Director of the Authority is authorized to seek from an Issuer Applicant.

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION

The Authority anticipates that these amendments will eliminate any potential confusion caused by unclear and/or obsolete language as well as inconsistencies between the legal statutes governing Rate Reduction Bonds and corresponding regulations, making it easier for potential borrowers to understand the financing tools available to them and all relevant requirements.

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 Rate Reduction Bonds. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE 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 will eliminate unclear, obsolete, and inconsistent language and make it easier for potential borrowers to understand the available financing tools and applicable requirements. By clarifying the eligibility of publicly owned electrical utilities to finance qualifying utility projects through rate reduction bonds, the amendments may facilitate projects involving the generation, transmission, or distribution of electrical service. To the extent these projects improve the reliability, efficiency, or environmental performance of electrical service, the amendments may indirectly benefit the health and welfare of California residents and the state's environment. The proposed amendments are not anticipated to have a direct effect on worker safety because they primarily conform the regulations to existing law and make clarifying and corrective changes.

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, Analyst II
California Pollution Control Financing Authority
915 Capitol Mall, 3rd Floor
Sacramento, CA 95814
Telephone: (916) 654–6061
Fax: (916) 657–4821
Email: morgan.matz@treasurer.ca.gov

Solomita Malko, Supervisor I
California Pollution Control Financing Authority
915 Capitol Mall, 3rd Floor
Sacramento, CA 95814
Telephone: (916) 653–2749
Fax: (916) 657–4821
Email: 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 October 5, 2026**. 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 915 Capitol Mall, 3rd 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/cpcfa/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/cpcfa/index.asp.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

PREHEARING AND HEARING REGULATIONS

The Occupational Safety and Health Appeals Board ("Appeals Board" or "Board") proposes to adopt the proposed changes to regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Appeals Board will hold a public hearing on **October 7, 2026**, at its normally scheduled public meeting held at 2520 Venture Oaks Way, Suite 300 in Sacramento, CA 95833 at 9:30 a.m. The location is wheelchair accessible. The meeting will also be accessible to the public via Zoom at 100 North Barranca Street, Suite 410, West Covina, CA 91791, and via Zoom or telephonically. At the hearing any person may present statements orally or in writing relating to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their comment at the hearing. The Board will also accept comments from the public via Zoom or telephonically.

To join the meeting, utilize the web address or telephone number below:

- Video–conference at https://zoom.us/join (Meeting ID 824 0177 9497).
- Teleconference: +1 669 900 9128 (Meeting ID 824 0177 9497).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Comments may also be submitted by email to

KHalbo@dir.ca.gov. The written comment period closes **on October 5, 2026**. The Board will consider only those comments received at the Board offices by that time. Written comments should be submitted to:

Karen Halbo, Staff Counsel
Cal/OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

AUTHORITY AND REFERENCE

Labor Code (LC) section 148.7 authorizes the Board to adopt, amend, or repeal rules of practice and procedure pertaining to hearing appeals and other matters falling within its jurisdiction. The Board is charged with hearing and resolving appeals filed by employers for occupational safety and health citations issued by the Division of Occupational Safety and Health (Division).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board initiates this rulemaking to modify its rules of practice and procedure regarding docketed appeals that move into the prehearing and hearing phases. The Board consists of three members appointed by the Governor and confirmed by the Senate. The Board hears and resolves appeals from private and public–sector employers regarding citations issued by the Division alleging violations of workplace safety and health laws and regulations. Appeals are initially held before an Administrative Law Judge (ALJ) appointed by the Board. If a party is dissatisfied with the ALJ's decision, a party may request reconsideration by the Board. The Board may also reconsider a matter on its own motion.

The Board proposes modifications to California Code of Regulations, title 8,[1] sections 370, 371, 371.1, 373, 374, 374.2, 374.3, 376, 378, and 383. These regulation sections concern prehearing and hearing rules of practice and procedure. The proposed modifications will clarify and make the Board's current practices in the prehearing and hearing phases of an appeal more transparent and understandable and may potentially increase the efficiency of its proceedings.

In section 370, the Board proposes to correct a statutory citation. In section 371, the Board proposes to add a cross–reference to a relevant section, add the term "written" in two places, and change when reply papers to a prehearing motion must be served and filed. In section 371.1 the Board proposes to add in the phrase "request or" in several places to allow a request to act as an alternative to the requirement of making a formal motion for a continuance, and to replace the term "formerly" with "previously." In section 373, the Board proposes removing language that required Board staff to send out various documents with a written explanation of the expedited process, as all of the stricken documents have already been sent to the parties. Also in section 373, the Board proposes striking language requiring that the prehearing conference be held within 60 days of the status conference and instead requiring that the prehearing conference be held during the 60 days before the hearing. The Board additionally proposes in section 373 adding in the option of an ALJ holding a "video" status or prehearing conference and clarifying that an ALJ may hold a hearing via telephone, video, in person, or some combination thereof within 150 days from the perfection of the appeal.

Although the ALJs already have the power to order prehearing conference statements, the Board proposes in section 374 to further clarify and delineate this power. The proposed changes clarify that the ALJs' have the power to order the parties to submit a prehearing conference statement, they have the power to specify the topics to be covered in a prehearing conference statement, and to specify that failure to prepare a prehearing conference statement when ordered to do so is grounds for the imposition of sanctions.

Although the ALJs already have the power to order status conference statements, the Board proposes in section 374.2 to further clarify and delineate this power. The proposed changes clarify that the ALJs' have the power to order the parties to submit a status conference statement addressing identified topics. In addition, the proposed rulemaking allows an ALJ to take a status conference off the calendar if the ALJ finds the status conference statements provide sufficient information such that the status conference is unnecessary. The proposed changes also specify that failing to prepare a status conference statement when ordered is grounds for sanctions.

In section 374.3, the Board proposes to clarify that a settlement conference may be conducted telephonically, via video conference, in person, or as otherwise directed by the ALJ.

The Board proposes in section 376 to clarify that the three–year delay on holding a hearing in an appeal begins when the Board receives notice of an investigation from the Bureau of Investigation or any prosecuting authority, and to clarify the ALJ may hold status conferences and hear and rule on motions during that three–year hiatus.

In section 378, the Board proposes to clarify that a written notice of representation can be filed at the Board's West Covina office as well as at the Sacramen-

[1] All references will be to the California Code of Regulations, title 8 unless otherwise specified.

to office, and to move a clause to emphasize that a representative does not need to be an attorney. The Board also proposes in section 378 to require a representative withdrawing from representation of a party provide the Board with the most recent contact information the representative has for the party and, if available, contact information for the replacement representative. It further clarifies that a representative withdrawing from representation, along with filing a written notice with the Board, must serve that written notice of withdrawal on the other parties as well.

The Board proposes in section 383 to add a representative of a party, intervenor, or obligor to the list of those who can file a response opposing the reinstatement of any proceeding based on a non–appearing party's showing of good cause.

Anticipated Benefits of the Proposed Regulations

Anticipated Benefits of Proposed Revision to Section 370: The sole proposed change to this section of updating the statutory citation will clarify the meaning of the section, as the referenced section is still in effect but was moved to another portion of the Health and Safety Code since this regulation was promulgated.

Anticipated Benefits of Proposed Revisions to Section 371: The minor proposed changes will improve the overall clarity of the section by adding a helpful cross–reference to section 355.4 that sets out how to file documents with the Appeals Board and adding in the term "written" in two locations. It is anticipated that the changes that move the deadline for reply papers up from no later than 5 days before the hearing to no later than 5 days from the service of the opposition papers for prehearing motions or requests, other than a motion or request for a continuance, will be extremely beneficial. This proposed change will result in all of the papers related to a motion or request being filed in the same general timeframe and allow the ALJ to rule on the motion or request more promptly. It is anticipated that prompt resolution of prehearing motions will clarify what issues remain to be determined at the hearing. Clarification of the issues remaining for determination at hearing will both make prehearing preparations more efficient and increase the number of pre–hearing settlements.

Anticipated Benefits of Proposed Revisions to Section 371.1: The proposed changes adding the terms "Requests or" and "Continuances" to the title of section 371.1 will align the language in the title with the proposed language corrections within the section and make the information in the section easier to locate when reviewing the titles of regulation sections in Article 3. Adding the term "request" makes the regulation section more understandable to small employers or laypersons. It is anticipated the proposed changes adding either the phrase "request or" or "requests or" as appropriate within the section will clarify that making a request is a valid alternative to making a motion and aligns the section with existing Board practice. It is anticipated that the minor proposed changes improving the consistency of the language within the section by add the term "Appeals" to references to the Appeals Board and replacing the word "formerly" with "previously" will increase the clarity of the section.

Anticipated Benefits of Proposed Revisions to Section 373: To reduce duplicative mailings and align the section with present Board practice, the Board seeks to remove the requirement that when serving the written explanation of the expedited process, Board staff must also re–send documents already served on the parties. The form presently used to set the date for a status conference now also contains a notice of the dates for a prehearing conference and the hearing, so the language is modified accordingly. It is anticipated that the addition of clarifying language about status conferences being conducted by telephone, video conference call, or in person, or some combination of those means, as determined by the ALJ, will align the section with present Board practice and provide stakeholders with advance notice of status conference attendance options.

The changes in section 373 revise the pre–hearing timeline to move the prehearing conference from 60 days after the status conference to within 60 days of the hearing, while retaining the outer limit of 150 days between when the appeal is perfected and the hearing must begin. Untethering the prehearing conference from having to occur with 60 days of the perfection of the appeal and tethering it instead to occurring within 60 days before the hearing improves the appeal process timeline. Using their power to regulate the proceedings granted in section 350.1, the ALJs have been making this change, and report that both they and the parties prefer having the prehearing conference held closer to the hearing. Moving the prehearing conference to later in the process provides more time for discovery disputes to resolve, for the parties to assess the strengths and weaknesses of their case and, if requested by the parties, attend a settlement conference. The proposed changes ensure that the ALJs' rulings on evidentiary issues and any other matters decided at the prehearing conference occur within 60 days before the hearing. This will be an improvement over the present rules, which have resulted in rulings being made months before the hearing and essentially forgotten until the parties begin their hearing preparations, often just prior to the hearing itself. It is anticipated that rephrasing the sentence in subdivision (c)(4) will clarify its meaning so stakeholders better understand how the expedited timeframes set out in subdivision (c)(1)–(3) can be shortened.

Anticipated Benefits of Proposed Revisions to Sections 374 and 374.2: The changes to sections 374 and 374.2 will provide greater clarity and transparency to Board processes and clarify the ALJs' existing power to order the parties to prepare prehearing and status conference statements. It is anticipated that the changes to sections 374 and 374.2 will also clarify that ALJs have the power to impose sanctions if a party disobeys an order to prepare a prehearing and status conference statement. It is anticipated that the changes to section 374.2 will increase clarity and provide notice to stakeholders by listing several topics the ALJs frequently order the parties to address in prehearing conference statements.

Anticipated Benefits of Proposed Revisions to Section 374.3: The proposed changes will clarify that settlement conferences may be conducted, by telephone, by video conference, in person, or as otherwise directed by the ALJ, which aligns regulatory language with existing procedures, and provides notice to stakeholders about settlement conference attendance options.

Anticipated Benefits of Proposed Revisions to Section 376: The proposed changes will bring clarity to when the Board's three–year hiatus on holding a hearing begins if the Bureau of Investigations or any prosecuting authority reviews a matter that is the subject of an appeal. It will also clarify that an ALJ may still hold status conferences and hear motions during that three–year period. The minor change in the capitalization of the term "Section" to start with a lowercase "s" will make the capitalization of the term consistent with other sections in the Board's regulations.

Anticipated Benefits of Proposed Revisions to Section 378: The changes in subdivision (a) will clarify that a written notice of representation can be filed at either the Sacramento or West Covina office of the Board and will further emphasize that a representative does not need to be an attorney. It is anticipated that the changes in subdivision (d) will facilitate the Board being able to still contact parties and their replacement representatives after a representative withdraws from representation.

Anticipated Benefits of Proposed Revisions to Section 383: The change in subdivision (b) allows a party that has failed to appeal more time to request reinstatement of the appeal, increasing it from 10 days to 15 days. The change adding a representative of a party or obligor to the persons able to file a response to oppose the reinstatement of any proceeding based on a non–appearing party's showing of good cause will align the section with existing Board practice. It is anticipated that making it clear that a party or obligor may rely on a representative to file an opposition on their behalf under the described circumstances will reassure any party or obligor that takes the time to read the Board's regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Board has concluded that these changes related to the Board's rules of practice and procedure regarding docketed appeals are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board's internal rules of practice and procedure concerning the prehearing and hearing phases of an appeal.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations to calculate potential cost impacts from the amendments to section 374 (prehearing conference statements) and section 374.2 (status conference statements): The ALJs presently order the submission of both prehearing and status conference statements on an "as needed" basis under the ALJs' authority set out in 8 CCR section 350.1. The Board's database does not track when ALJs order the parties to submit prehearing conference statements, but the Presiding ALJs report that prehearing conference statements are ordered infrequently. There is no reason to presume the proposal will change the rate at which the ALJs order the parties to submit prehearing conference statements. The Board database does not track when ALJs order the parties to submit status conference statements. However, the proposed changes could incentivize the ALJs to order the submission of status conference statements in more appeals, as a result of the changes clarifying the ALJs' existing power to remove a status conference from the calendar if they are satisfied with the information provided in the status conference statements.

Further, during the last five years, approximately 98% of appeals filed with the Board resolved before the issuance of the Decision after hearing.[2] The Board's database does not store information on appeals in a manner that the Board can determine when in the appeals process appeals are settled or ordered withdrawn. However, the ALJs report very few appeals settle or withdraw during the hearing or after the hearing before the Decision is issued. With 98% of appeals resolving before the hearing, it is reasonable to suppose that a considerable number of docketed appeals will resolve before the appeal reaches the point

[2] From 2020 to 2024, when the Board averaged 2,031 total docketed appeals, on average 1,979.8 appeals were resolved yearly by settlement order, an average 23.8 appeals were resolved yearly by an order granting withdrawal of appeal, and on average only 27.2 appeals yearly were resolved by the issuance of the Decision after hearing.

where the ALJ makes a determination whether it will be helpful to order the parties to submit a prehearing conference statement.

With these caveats, while the exact costs are unknown, they are not expected exceed the amounts specified below.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: Potential costs generated by this proposal come from the changes to Section 374 concerning prehearing conference statements and Section 374.2, concerning status conference statements. The impact to the state must be calculated by examining the impact on the Division, which is a party for all docketed appeals, and on state agency Employers with docketed appeals. The proposed changes do not change the existing authority under which ALJs may presently order parties to submit prehearing and status conference statements, or order matters off calendar, and the Board is not anticipating the ALJs will change the frequency of when they issue such orders. The estimated costs calculated below present a highly unlikely and improbable ceiling, which is the highest amount of potential costs that could arise from the proposed changes.

Section 374 (Prehearing Conference Statement): Board staff estimates that on average, preparation of a prehearing conference statement should take approximately two hours. From 2022 to 2024, there were 747 prehearing conferences, resulting in an average of 249 prehearing conferences a year.[3]

From a random sample of a minimum of 10% of all noticed prehearing conferences for 2022, 2023, and 2024, the Board examined the underlying appeal records and counted the number of appeals in which the Division was represented by counsel (state attorney) or not (a district manager). In the 80 sampled cases spanning three years, the Division had legal representation in 65 appeals and was not represented by counsel when the prehearing conference was noticed in 15 appeals. 65/80 = 81% (.8125, rounded down), and 15/80 = 19% (.1875, rounded up).[4]

On average, there were 249 appeals per year where a prehearing conference was noticed from 2022 to 2024. The Board estimates that in 81% of those appeals, or 202 (201.69, rounded up), the Division was represented by counsel. The Board estimates that in 19% of those appeals, or 47 (47.31, rounded down), the Division was represented by district managers. The time cost associated with preparing a prehearing conference statement is calculated as the hourly wage, including the full cost of salary and benefits, of the preparer times the number of hours needed to prepare the prehearing conference statement. Using the hourly wage, including the full cost of salary and benefits, of $81.60 for an state–employed attorney[5] and $113.96 for a district manager,[6] the total yearly time cost for the Division to prepare prehearing conference statements is $43,678.64, calculated as follows.

Division represented by counsel: $81.60 × 2 hours × 202 = $32,966.40.

Division not represented by counsel: $113.96 × 2 hours × 47 = $10,712.24.

The estimated total annual cost for prehearing conference statement preparation for the Division, assuming the ALJs always order the parties to submit prehearing conference statements: $32,966.40 + $10,712.24 = $43,678.64.

From 2022 to 2024, there were 23 state agency employers with appeals noticed for prehearing conferences. Over those three years, state employers were represented by private counsel in 2 appeals, represented by attorneys who work for the state in 20 appeals, and by management personnel in 1 appeal. Dividing those numbers by 3 to obtain a one–year average, 1 state entity had private counsel (.66 rounded up), 7 had state attorney representation (6.66 rounded up), and 1 was unrepresented (.33 rounded down).

Using an hourly charge of $400 per hour for a private attorney,[7] and a wage of $81.60 for a state–employed attorney as discussed above, the total yearly time cost for state agency employers to prepare

[3] The Board sends a notice of prehearing conference to schedule a prehearing conference with the parties. From the Board's internal database, in 2022 there were 343 prehearing conferences scheduled, in 2023 there were 224, and in 2024 there were 180 (343+224+180=747). The 3–year average is 747/3, or an estimated yearly average of 249 prehearing conferences. A three–year average is being used because the Board moved to on–line hearings in 2021, resulting in 2022 being the first full year in which data was kept in the Board's internal database regarding when prehearing conferences were scheduled.

[4] In 2022, when the prehearing conference was noticed, the Division had legal representation in 28 appeals and was not represented by counsel in 6 appeals, in 2023, the Division had legal representation in 17 appeals and was not represented by counsel in 7 appeals, and in 2024, the Division had legal representation in 10 appeals and was not represented by counsel in 2 appeals.

[5] Per the CalHR Pay Scales, the Attorney (Class Code 5778) range A midpoint yearly salary = ($7,969 + $10,473) / 2 = $9,221. Using 174 hours worked per month by a State worker, the Attorney hourly salary rate = $9,221 / 174 hours = $52.99. Accounting for benefits, the hourly wage, including the full cost of salary and benefits, for a State Attorney position = $52.99 * 1.54 = $81.60.

[6] Using the CalHR Pay Scales, the District Manager (Class Code 3893) range A midpoint yearly salary = ($11,437 + $14,315) / 2 =$12,876. Using 174 hours worked per month by a State worker, the District Manager hourly salary rate = $12,876 / 174 hours = $74.00. Accounting for benefits, the hourly wage, including the full cost of salary and benefits, for a DOSH District Manager position = $74.00 * 1.54 = $113.96.

[7] The Board estimates the hourly rate for California attorneys, in metropolitan and urban areas, ranges from $200 to $600 per hour, with a mean rate of $400 per hour.

prehearing conference statements is $1,942.40, calculated as follows:

State agencies represented by private attorneys: $400 × 2 hours × 1 = $800.

State agencies represented by state attorneys: $81.60 × 2 hours × 7 = $1,142.40.

On average, there were no appeals in which state agencies were not represented by counsel.

Annual costs to state agency employers for prehearing conference statement preparation, assuming the ALJs always order prehearing conference statements be submitted, is $800 + $1,142.40 = $1,942.40

Assuming the ALJs always order the parties to submit prehearing conference statements (an unreasonable assumption that contradicts existing practice), the highest total estimated combined cost to state agencies, combining both the Division's costs and costs for state employers to prepare prehearing conference statements is $43,678.64 + $1,942.40 = $45,621.04.

This $45,621.04 yearly estimated total cost to the state must be viewed as a high ceiling. The actual cost will be considerably less. The Presiding Judges have observed that the ALJs rarely order parties to submit prehearing conference statements. To confirm this observation, the Board randomly sampled more than 10% of the total yearly appeals where a notice of prehearing conference was issued for 2022, 2023, and 2024, and in the sample, the ALJs ordered the parties to submit prehearing conference statements in only 2 appeals. The Board also polled the eight ALJs presently employed by the Board asking how many times they ordered parties to submit prehearing conference statements in 2022, 2023, and 2024, and the ALJs collectively reported ordering the parties to submit a prehearing conference statement in only 11 appeals.[8]

There is no reason to assume that after this proposal is adopted the ALJs will change how they manage prehearing conferences and begin ordering all parties to submit prehearing conference statements in every case. This proposal does not create new powers for ALJs but instead provides stakeholders with notice of the ALJs' existing authority to order parties to submit prehearing conference statements and lists common information requested in prehearing conference statements.

Section 374.2 (Status Conference Statement): Board staff estimates that on average, preparation of a status conference statement should take approximately 15 minutes. The estimated impact to the state must be calculated by estimating the impact on the Division, which is involved in all docketed appeals, and adding the estimated the impact on state agencies with docketed appeals.

From 2020 to 2024, the Division was party to all of the average yearly 2,019 docketed appeals but was not always represented by counsel, particularly during the early stages of an appeal when the first status conference is scheduled. When citations are appealed, district managers initially handle the appeal, pursuing abatement of violative conditions and negotiating settlements. Many appeals are resolved without a Division attorney ever becoming involved. When there is a need for legal representation, a letter is sent to the Division's Legal Unit requesting assignment of an attorney to the appeal. Request for legal assignment letters are filed with the Board and served on the parties to notify all of the change in the legal representative for the Division.

From 2022 to 2024, a random sample of 10% of all docketed appeals involving private employers showed that, on average, the Division was represented by counsel in 21% of all docketed appeals while in the remaining 79% of all docketed appeals the Division was represented by district managers. From 2022 to 2024, in appeals involving state and local agencies, on average, the Division was represented by counsel in 39% of appeals and represented by a district manager in 61% of state and local agency appeals. The Board averaged together the percentages gathered from the random sample of appeals involving private employers and from appeals involving state and local agencies, and determined the Division was represented by state attorneys in 30% of the appeals and was represented by a district manager in 70% of appeals. Applying those percentages to the 5–year average of total appeals, the Board estimates the Division will be represented by a state attorney in 606 appeals (2019*.30) and by a division manager in 1,413 appeals (2019*.70).

The time cost associated with preparing a status conference statement is calculated as the hourly wage, including the full cost of salary and benefits, of the preparer times the number of hours needed to prepare the prehearing conference statement. Using the hourly wage, including the full cost of salary and benefits, of $81.60 for a state attorney and $113.96 for a district manager, as discussed above, the total yearly time cost for the Division of preparing status conference statements is $52,618.77, calculated as follows.

Division represented by counsel: $81.60 × .25 hours × 606 = $12,362.40.

Division not represented by counsel, $113.96 × .25 hours × 1,413 = $40,256.37.

[8] Between January 1, 2022 and December 31, 2024, in 2022, a retired annuitant ALJ left; in 2023, in January an ALJ retired and a retired annuitant ALJ left the Board. The Board cannot determine whether the judges who are gone ever ordered parties to submit prehearing conference statements, but the information from presently–employed ALJs makes clear that such orders are rarely issued.

The annual cost for status conference statement preparation for the Division, assuming the ALJs order a status conference statement be submitted only once during an appeal: $12,362.40 + $40,256.37 = $52,618.77.

In the Board's internal database from 2020 through 2024, the five–year averages are that 2 state agency employers with docketed appeals were represented by private attorneys,[9] 23 were represented by counsel and 6 were represented by management personnel.[10]

State agencies represented by private counsel: $400 × .25 hours × 2 = $200.

State agency employers represented by state counsel: $81.60 × .25 hours × 23 = $469.20.

State employers not represented by counsel: $113.96 × .25 hours × 6 = $170.94.

Annual total cost for status statement preparation for state agency employers, presuming the ALJs order the parties to submit a status conference statement once over the course of an appeal, would be $200 + $469.20 +$170.94 = $840.14.

The total annual cost to all state agencies is estimated by combining both the Division's costs and costs for state agency employers to prepare status conference statements once during the course of an appeal: $52,618.77 + $840.14 = $53,458.91.

This $53,458.91 yearly estimated cost must also be viewed as a ceiling. The actual cost will be less, due to both the existing practice of ALJs rarely ordering parties to submit status conference statements, and because some cases included in the estimate will settle before a status conference is held. It is not anticipated that after this proposal is adopted, the ALJs will change how they manage status conferences and begin ordering all parties to submit status conference statements in every case. This proposal does not create new powers for ALJs but instead provides stakeholders with notice of the ALJs' existing authority to order the parties to submit status conference statements and makes clear that the ALJs can take a status conference off calendar if they are satisfied with the information provided by the parties in their statements.

Total additional expenditures for the current state fiscal year: $45,621.04 (the Division's costs + state agency employers' costs to prepare prehearing conference statements) and $53,458.91 (the Division's costs + state employers' costs to prepare status conference statements), which together equals $99,079.95.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: The local government expenditures required under these proposed regulations are not reimbursable by the State for reasons other than those listed in section 17556 of the Government Code. These regulations impose requirements that apply generally to all individuals and agencies in the state; they do not impose any requirements unique to local governments. *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56–58.

Other nondiscretionary cost or savings imposed on local agencies: From 2020 to 2024, out of the average 2,019 yearly docketed appeals, an average of 65 docketed appeals were filed by local agency employers each year. The estimated yearly time cost for local agencies to submit prehearing and status conference statements is $7,327.78, as detailed below.

Amendments to section 374 (prehearing conference statements): Board staff estimates that on average, preparation of a prehearing conference statement should take approximately two hours. From 2022 to 2024, on average, 249 prehearing conferences were held each year. Over the three years for which the Board has data, 11 of the local agencies were represented by private counsel, 9 of the local agencies were represented by in–house counsel, and 2 of the local agencies were not represented by counsel at the time of the issuance of the notice of prehearing conference. Dividing these numbers by three to get a one–year average, 4 (11/3 = 3.66, rounded up), local agencies were represented by private counsel, 3 (9/3 = 3) were represented by in–house counsel, and 1 (2/3 = .67) local agency was unrepresented.

The time cost associated with preparing a prehearing conference statement is calculated as the hourly wage, including the full cost of salary and benefits, of the preparer times the number of hours needed to prepare the prehearing conference statement.

Using an hourly rate of $400 for a private attorney as discussed above, and an hourly wage, including the full cost of salary and benefits, of $146 for an in–house county counsel, city attorney, or general counsel and

[9] Within the average 26 state agencies represented by counsel, 7%, or 1.82, were represented by private firms, so the Board is assuming for cost calculations that 2 state agencies are represented by private counsel.

[10] This can include personnel working in human relations, safety, or other management occupations.

$109.48 for a manager, [11] the total time cost to local entity employers for preparing a prehearing conference statement is $4,294.96, calculated as follows.

Local agencies represented by private counsel: $400 × 2 hours × 4 (number represented by private counsel) = $3,200.

Local agencies represented by in–house counsel: $146 × 2 hours × 3 (number represented by in–house counsel), which is $876.00.

Unrepresented local agencies: $109.48 × 2 hours × 1 (number unrepresented), which is $218.96.

Yearly estimated costs for local agencies to submit prehearing conference statements is $3,200 + $876.00 + $218.96 = $4,294.96.

Amendments to section 374.2 (status conference statements): Board staff estimates that on average, preparation of a status conference statement should take approximately 15 minutes, or .25 hours. From 2020 to 2024, on average, there were 66 local agency docketed appeals a year. On average, the local agencies in 15 of the docketed appeals (77/5 = 15.4, rounded down) were represented by private counsel, in 15 of the docketed appeals (73/5 = 14.6, rounded up) were represented by in–house counsel, and in 36 of the docketed appeals (179/5 = 35.8, rounded up) the local agencies were represented by management personnel.

As discussed above, the time cost associated with preparing a status conference statement is calculated as the hourly wage, including the full cost of salary and benefits, of the preparer times the number of hours needed to prepare the status conference statement. As described above, using an estimated hourly wage of $400 for a private attorney, an hourly wage, including the full cost of salary and benefits, of $146 for an in–house counsel and of $109.48 for a manager as discussed above, the total time cost of preparing a status conference statement for local agencies is $3,032.82, calculated as follows.

Local agencies represented by private counsel: $400 × .25 hours × 15 (average number represented by private counsel), which is $1,500.

Local agencies represented by in–house counsel: $146 × .25 hours × 15 (average number represented by in–house counsel), which is $547.50.

Unrepresented local agencies: $109.48 × .25 hours × 36 (average number unrepresented), which is $985.32.

Yearly estimated costs for local agencies to submit status conference statements is $1,500 + $547.50 + $985.32 = $3,032.82.

The estimated combined average yearly cost of submitting prehearing and status conference statements for local agencies is $4,294.96 + $3,032.82 = $7,327.78.

In total, the estimated combined average yearly cost of submitting prehearing and status conference statements for local agencies is $4,294.96 + $3,032.32 = $7,327.78.

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

Cost impacts on a representative private person or business: The estimated total yearly cost for private businesses to submit prehearing and status conference statements is $279,186.65 as detailed below. The costs for a representative business to submit prehearing and status conference statements is between $218.96 ($109.48 * 2 hours) and $800 ($400 * 2 hours) for each statement required, based on the figures provided below.

Amendments to Section 374: Board staff estimates that on average, preparation of a prehearing conference statement should take approximately 2 hours. From 2022 to 2024, on average, 249 prehearing conferences were noticed each year.[12] From that yearly average number of prehearing conferences, on average of 15 appeals a year involved state and local agencies,[13] so for estimating the economic impact to private employers, the Board must remove the average yearly appeals from state and local agencies from the average yearly prehearing conferences noticed, yielding an yearly average of 234 noticed prehearing conferences involving private employers.

The time cost associated with preparing a prehearing conference statement is calculated as the fully loaded hourly wage of the preparer, times the number of hours needed to prepare the prehearing conference statement. On average, 86%, or 201 private employers a year are expected to pay a private attorney to prepare

[11] The U.S. Bureau of Labor Statistics reports the average hourly wage rate is $102.82 for California attorneys and $77.10 for management occupations. [Source: U.S. Bureau of Labor Statistics, May 2023 State Occupational Employment and Wage Estimates California. Navigate to https://www.bls.gov/oes/2023/may/oes_ca.htm and scroll down to the appropriate row in the table]. Wages are computed by scaling up the average wages by a factor of 1.42 to account for benefits. [The scaling factor of 1.42 is calculated based on the ratio of total benefits to average wages and salaries of private industry workers for the Pacific Census region (which includes California). In 2023, total benefits averaged $14.16 and wages and salaries averaged $33.97, for a ratio of 0.42.] The Board is using an hourly wage, including the full cost of salary and benefits, of $146 for in–house counsel and $109.48 for a manager.

[12] As explained above, a 3–year average is being used because the Board moved to on–line hearings in 2021, making 2022 the first full year in which data was kept on the appeals in which a prehearing conference was held.

[13] From the Board's internal database, from 2022 to 2024, 45 prehearing conferences total involved state or local agencies. Thus, on average, 15 of the prehearing conferences each year involved appeals filed by local and state agencies.

the prehearing conference statement[14] while 14% or 33 unrepresented private employers a year will prepare the prehearing conference statement themselves.[15]

As described above, using an estimated hourly rate of $400 for a private attorney, and an hourly wage, including the full cost of salary and benefits, of $109.48 for a manager as discussed above, the total yearly time cost for all private employers to prepare a prehearing conference statement is $177,701.52, calculated as follows.

Represented private employers: $400 × 2 hours × 212 = $169,600.

Unrepresented private employers: $109.48 × 2 hours × 37 = $8,101.52.

The total estimated yearly cost to private employers for preparing prehearing conference statements: $169,600 + $8,101.52= $177,701.52.

As covered in the section regarding costs to state entities above, this $177,701.52 yearly cost to private employers must be viewed as a high ceiling, and the actual costs will be considerably less.

Amendments to Section 374.2: Board staff estimates a status conference statement should take, on average, approximately 15 minutes to prepare. Of the 10,095 total appeals docketed from 2020 through the end of 2024,[16] 484 were filed by state and local agencies.[17] Thus, on average, 97 (96.6 rounded up) appeals are filed by state and local agencies each year. The Board estimates that it can expect an average of 2,019 (10,095/5) docketed appeals a year, with on average 97 appeals filed by state and local agencies. Therefore, on average the Board expects 1,922 docketed appeals to be filed by private employers (removing from the 2019 average yearly docketed appeals the estimated 97 average yearly docketed appeals filed by state and local agencies).

From a 10 percent or larger random sample of private businesses' docketed appeals for each year from 2020 to 2024, on average, 35%, or 353 out of a sample of 1,014 private employers are expected to pay an attorney to prepare the prehearing conference statement while 65% or 661 out of a sample of 1,014 unrepresented private employers will prepare the status conference statement themselves, or use personnel working in human relations, safety, or other management occupations. Applying those percentages to the estimated yearly average number of private employers with docketed appeals, 35% of 1,922 or 673 (672.2, rounded up) private employers will have legal representation, and 65% of 1,922, or 1,249 (1,249.3 rounded down) private employers will not have counsel.

As discussed above, the time cost associated with preparing a status conference statement is calculated as the hourly wage, including the full cost of salary and benefits, of the preparer times the number of hours needed to prepare the status conference statement. Using an hourly rate of $400 for a private attorney and an hourly wage, including the full cost of salary and benefits, of $109.48 for a manager, the yearly time cost of preparing a status conference statement for all private employers is $101,230.39, calculated as follows.

Represented private employers: $400 × .25 hours × 673 = $67,300.

Unrepresented private employers: $109.48 × .25 hours × 1,249 = $34,185.13.

Total estimated yearly cost for private employers to prepare status conference statements is $67,300 + $34,185.13 = $101,485.13.

The annual total cost to private employers from the proposed changes is based on the assumption, both unprecedented and highly unlikely, that after the passage of this rulemaking the ALJs will exercise their discretion to order the parties to submit prehearing conference statements for every prehearing conference and status conference. However, using those assumptions, the estimated annual total cost is: $177,701.52 (estimated cost of preparing prehearing conference statements) + $101,485.13 (estimated cost of preparing status conference statements) = $279,186.65.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None, because under section 350.1, the ALJ's already have to power to require parties to file status conference statements and prehearing conference statements, and to cancel or reset status conferences. The proposed changes to the regulations simply clarify the ALJs' existing powers and state the information customarily required and issues to be covered when an ALJ orders the parties to submit prehearing conference statements.

Effect on Small Business: California Government Code § 11346.3 defines small businesses as businesses with fewer than 100 employees that are not dominant

[14] Some of the attorneys representing private businesses for the prehearing conference were in–house counsel, not private attorneys. However, for the efficiency of these calculations the Board is treating all attorneys representing private businesses as if they charged the higher, private attorney rate for legal work.

[15] The Board took a random sample of 10% or more of the total appeals by private employers that proceeded to notice of a prehearing conference from 2022 to 2024, and out of the sample, 69 of 80 were represented by attorneys, which is 86.25%, rounded down to 86%. For the other 11 out of 80 appeals, or 13.75%, rounded up to 14%, the business owner or personnel working in human relations, safety, or other management occupations represented the business. 86% of 233 = 200.38, rounded down to 200 and 14% of 233 = 32.62, rounded up to 33%.

[16] The sum of the total docketed appeals for each year from 2020 to 2025, 2154 + 1211 + 2663 +2448 + 1619 = 10,095.

[17] From 2020 to 2025, there were 158 state entity and 326 local entity appeals yielding a total of 484 such appeals. 484 / 5 = 9.8, which the Board rounded up to 97.

in their field and are independently owned and operated. Based on the California Employment Development Department's (EDD) Size of Business Data for the second quarter of 2025 (the most recent data), 1,897,911 total business have fewer than 100 employees.[18] The proposed regulatory revisions will clarify the Board's policies and procedures and potentially make the appeal process simpler for smaller employers.

Results of the Economic Impact Analysis

The Board concludes that it is (1) unlikely that the proposed regulations will either create or eliminate any jobs in the State of California; (2) unlikely that the proposed regulations will lead to the creation of new businesses or the elimination of existing businesses within the State of California; and (3) unlikely that the proposed regulations will lead to the expansion of businesses currently doing businesses within the state of California.

Benefits of the Proposed Action

The proposed procedural amendments are not anticipated to have an impact on the health and welfare of California residents and the state's environment. However, the procedural amendments benefit worker safety by clarifying the Board's administrative process generally, which helps achieve the purpose of the Occupational Safety and Health Act which benefits the public.

CONSIDERATION OF ALTERNATIVES

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

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

[18] Based on the EDD's Size Data for California (Quarterly). Navigate to *Size Data for California (Quarterly)*, in the third row of the chart which is labeled "Payroll and Number of Businesses by Size of Business — Classified by Industry (Table 2A)" in the column for 2025, click on the Qtr 2 link. The sum of the number of businesses with fewer than 100 employees, 1,462,053 + 177,687 + 129,835 + 92,945 + 35,391 = 1,897,911.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Karen Halbo, Staff Counsel
KHalbo@dir.ca.gov
Cal/OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone Number: (916) 274–5756

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Halbo at the above address.

The designated backup contact person to whom inquiries may be made is Aaron R. Jackson, and inquiries may be made to

Aaron R. Jackson, Chief Counsel
AJackson@dir.ca.gov
Cal/OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone Number: (916) 274–5769

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Ms. Halbo at the contact information listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications 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 Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Halbo at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Halbo at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through our website at https://www.dir.ca.gov/oshab/Rulemaking.htm.

TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

PETITIONS TO REMOVE PUBLISHED DISCIPLINE FROM BUREAU'S WEBSITE

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (hereafter "Bureau") is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than Monday, October 5, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 11313, 11317.2, 11340, 11343, 11350, 11352, 11360, 11361, 11400, 11401, 11404, 11405, 11406, 11406.5, 11408 and 11422 of the Business and Professions Code (BPC), 17520 of the Family Code; and to implement, interpret, or make specific BPC sections 11317.2, 11350, 11400, 11401, 11404, 11406 and 11406.5, the Bureau is considering amending sections 3581 and 3582, and adopting section 3734 of title 10 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Bureau of Real Estate Appraisers (Bureau) licenses, regulates, and disciplines real estate appraisers, trainees, and registers appraisal management companies (AMC). In 1989, Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act ("FIRREA" 12 U.S.C. § 3331 et seq.) was adopted by Congress mandating states to license and certify real estate appraisers who appraise property for federally related transactions. The federal law was enacted as a result of the savings and loan disaster. In response to the federal mandate, the Real Estate Appraisers Licensing and Certification Law was enacted by the California Legislature in 1990 (AB 527, Chapter 491 of 1990) and the Bureau of Real Estate Appraisers ("Bureau") was later established within the Department of Consumer Affairs, a department within the Business, Consumer Services, and Housing Agency. The Bureau is charged with developing and implementing a real estate appraiser licensing and certification program compliant with the federal mandate. Section 4 of Stats. 1990, c. 491 (Assembly Bill (AB) 527), provides:

> "It is the intent of the Legislature in enacting this act to implement the policy of the Congress as expressed in the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law Number 101–73 (FIRREA), and to establish a state program to license and certify real estate appraisers." (See Bus. & Prof. Code § 11300.)

Business and Professions Code (BPC) section 11317 requires that the Bureau publish a summary of disciplinary actions taken by the office, including resignations while under investigation and the violations upon which these actions are based, which shall meet, at a minimum, the requirements of the appraisal subcommittee. Additionally, Business and Professions Code section 11317.2 provides, in pertinent part, that: "… the bureau shall provide on the internet information regarding the status of every license and registration issued by the bureau in accordance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code)." Subdivision (2) of

Business and Professions Code section 11317.2 states that, "[T]he public information to be provided on the internet shall include information on suspensions and revocations of licenses and registrations issued by the bureau and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure, registration, or regulation by the bureau."

On September 22, 2024, Senate Bill (SB) 1225 (Chapter 461, Statutes 2024) was enacted, which amended Business and Professions Code section 11317.2, effective January 1, 2025, to allow certain licensees and immediate family members or heirs of deceased licensees to remove certain disciplinary matters from the Bureau's summary of public actions on its internet website. BPC section 11317.2 provides that the Bureau may develop, through regulations, the amount of the fee and the minimum information to be included in a licensee's petition including, but not limited to, a written justification and evidence of rehabilitation pursuant to BPC section 482, and the amount of the fee and the minimum information to be included in a petition submitted by an immediate family member or heir of a deceased licensee. The Bureau currently does not have regulations to implement these statutory amendments. This rulemaking seeks to promulgate the fees, processes and criteria for petitioning for removal of disciplinary information from the Bureau of Real Estate Appraisers' summary of disciplinary actions on its internet website by either a licensee or immediate family or heirs of deceased licensee, as specified in a proposed new CCR section 3734. The proposal would also specify the process and standards the Bureau would use in reviewing, granting or denying such petitions, including the adoption of a proposed form incorporated by reference.

Additionally, existing Section 3582 of Title 10 of the California Code of Regulations (CCR) sets forth a filing fee table describing the fees associated with filing of specific documents. Because this rulemaking will be establishing new fees associated with the filing of a petition for removal of discipline, CCR section 3582 will need to be amended to include the fees associated with such petitions.

Business and Professions Code section 11400(b) states that the Bureau may accept credit cards for payment of fees but does not specify how or under what conditions credit cards will be accepted for payment by the Bureau. The proposed amendment to CCR section 3581 will set those standards and clarify that the Bureau will accept "authorized" credit cards (VISA and Mastercard) as specified for payment of fees.

The proposed regulatory action establishes the framework by which a petitioner may petition the Bureau for the removal of qualifying disciplinary actions posted on the Bureau's website. The regulations are necessary to ensure that the process is transparent, standardized, and fair, while protecting the public interest.

The proposed regulations will include:

- Eligibility criteria that a petitioner must meet in order to petition for removal of a disciplinary record, including the type of discipline, time elapsed since the action, and evidence of rehabilitation.
- Define the petition process, including required documentation, timelines, and review procedures.
- Establish a standardized application form to be used by petitioners.
- Set fees to cover the costs associated with processing the petitions.
- Provide the Bureau with established criteria to exercise its discretion to grant or deny a petition based on the petitioner's compliance with the established criteria and any additional information deemed relevant to the decision.
- Establish a process for the Bureau to accept fees made via authorized credit card (VISA or Mastercard) as specified, and will adopt a new form for credit card payments.

Anticipated Benefits of Proposal

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

This regulatory action benefits the health and welfare of California residents by establishing a clear, efficient and transparent process for applications submitted pursuant to Business and Professions Code section 11317.2 (c) and (d). These sections pertain to licensees' or immediate family members or heirs of deceased licensees' ability to remove certain disciplinary information from the Bureau's website.

By specifying the required fees, forms, documentation and procedures, the regulations eliminate ambiguities for applicants and ensure consistency in how applications are received and reviewed. This increases fairness and transparency in the petition process.

Additionally, the fees established through this regulatory action are designed to cover the reasonable costs associated with reviewing and processing applications, and removing the disciplinary information from the Bureau's website, which promotes fiscal responsibility and ensures that the process does not place an undue burden on other licensees.

Overall, by ensuring that applicants meet statutory and regulatory requirements through a structured and well–defined process, this regulatory action supports the Bureau's highest priority: protection of the public while also seeking to eliminate barriers for licensees where posting of the discipline is no longer required to prevent a credible risk to members of the public.

This regulatory proposal does not affect worker safety or the state's environment as it is not related to either of those issues.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

This proposal would incorporate the following forms by reference:

(1) "Authorized Credit Card Payments," REA 2031 (New 8/2025).

(2) "Petition Application for Removal of Discipline, REA 3070 (New 2/2026)," (REA 3070).

DISCLOSURES REGARDING
THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

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

The Bureau estimates approximately 300 individuals are currently eligible to submit a petition and projects up to 16 individuals would be eligible annually thereafter. A licensee would be required to pay a $200 petition fee and family members would pay a $116 petition fee. However, the Bureau does not maintain data on whether these individuals are alive or deceased and because submitting a petition is voluntary, it is difficult to project the number of petitions submitted per year either by a licensee or by a family member.

Assuming the Bureau receives a petition from every current (300) and ongoing (16) eligible individuals either from the licensee or from a family member, the Bureau estimates workload costs and revenues as follows:

Workload Costs:

- **Licensee:** Workload costs (including 2.5% credit card convenience charge) up to $61,500 in year–one of implementation and ranging from approximately $3,400 to $4,300 per year thereafter and up to $95,700 over a ten–year period.
- **Family Member:** Workload costs (including 2.5% credit card convenience charge) up to approximately $17,800 in year–one of implementation and ranging from approximately $2,000 to $2,500 per year thereafter and up to $37,700 over a ten–year period.

Additionally, the Bureau will incur one–time information technology costs of approximately $1,000 to create and post the two application forms to the Bureau's website.

Revenues:

- **Licensee:** Revenues up to $60,000 in year–one of implementation and $3,200 annually thereafter and up to $88,800 over a ten–year period.
- **Family Member:** Revenues up to $17,400 in year–one of implementation and approximately $1,900 annually thereafter and up to $34,100 over a ten–year period.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

This regulation establishes a process for a Petition to Remove Discipline for licensees and immediate family members or heirs of deceased licensees who meet certain criteria. Thus, not every individual who has published discipline on the Bureau's website will be eligible to have it removed and the fees for individuals ($200) and family members ($116) are minimal and reasonable.

The Bureau estimates approximately 300 individuals are currently eligible to submit a petition and projects up to 16 individuals would be eligible annually thereafter. A licensee would be required to pay a $200 petition fee and family members would pay a $116 petition fee. However, the Bureau does not maintain data on whether these individuals are alive or deceased and because submitting a petition is voluntary, it is difficult to project the number of petitions submitted per year either by a licensee or by a family member.

Assuming the Bureau receives a petition from every current (300) and ongoing (16) eligible individuals either from the licensee or from a family member, the Bureau estimates workload costs and revenues as follows:

- **Licensee:** Costs up to $60,000 in year–one of implementation and up to $3,200 annually thereafter and up to $88,800 over a ten–year period.
- **Family Member:** Costs up to $17,400 in year–one of implementation and up to approximately $1,900 annually thereafter and up to $34,100 over a ten–year period.

Please see the Bureau's Initial Statement of Reasons for further details.

Cost Impact on Representative Private Person or Business

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Bureau are:

The cost to a current licensee and immediate family member/heir of a deceased licensee who chooses to file a petition to request removal of a disciplinary action from the Bureau's website would consist of the non–refundable petition filing fee (either $116 or $200), which is set by the proposed regulations to cover the Bureau's administrative costs for processing the petition.

The Bureau estimates approximately 300 individuals are currently eligible to submit a petition and projects up to 16 individuals would be eligible annually thereafter. A licensee would be required to pay a $200 petition fee and family members would pay a $116 petition fee. However, the Bureau does not maintain data on whether these individuals are alive or deceased and because submitting a petition is voluntary, it is difficult to project the number of petitions submitted per year either by a licensee or by a family member.

Assuming the Bureau receives a petition from every current (300) and ongoing (16) eligible individuals either from the licensee or from a family member, the Bureau estimates workload costs and revenues as follows:

- **Licensee:** Costs up to $60,000 in year–one of implementation and up to $3,200 approximately annually thereafter and up to $88,800 over a ten–year period.
- **Family Member:** Costs up to $17,400 in year–one of implementation and up to approximately $1,900 annually thereafter and up to $34,100 over a ten–year period.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal is not expected to have a significant impact on the creation or elimination of jobs within the state. The petition process is voluntary and will apply to a limited number of current or former licensees whose disciplinary actions could be subject to removal from the Bureau's website. As such, the economic activity is expected to be minimal and will not meaningfully impact jobs.

The proposed action is not anticipated to have a significant impact on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently operating in the state. The regulation establishes a process available only to current or former licensees who wish to remove posted discipline and does not impose new operational or compliance burdens on businesses.

Benefits of Regulation:

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

This regulatory action benefits the health and welfare of California residents by establishing a clear, efficient and transparent process for applications submitted pursuant to Business and Professions Code section 11317.2 (c) and (d). These sections pertain to licensees' or immediate family members or heirs of deceased licensees' ability to remove certain disciplinary information from the Bureau's website.

This regulatory proposal does not affect worker safety or the state's environment, as this proposal is not related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau.

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses, including businesses owned or employee licensees, as stated in the "Business Impact Estimates" section of this Notice. Any costs associated with the proposed regulations involving removal of public discipline from the Bureau's website will be borne by the petitioners and the fees for individuals ($200) and family members ($116) are minimal and reasonable.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulations 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 proposal described in this Notice; or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau, at 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Tinna Morlatt, Deputy Bureau Chief of Enforcement
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670
Telephone Number: (916) 610–9893
Fax Number: (916) 464–0131
Email Address: regulations@brea.ca.gov

The backup contact person is:

Name: Mujiburrahman Khateer, Deputy Chief
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670
Telephone Number: (916) 610–9883
Fax Number: (916) 464–0131
Email Address: regulations@brea.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at https://brea.ca.gov/html/rulemaking.html.

TITLE 14. SAN JOAQUIN RIVER CONSERVANCY

FEE COLLECTION, SPECIAL EVENT FEES, AND PERMIT ADMINISTRATION

NOTICE IS HEREBY GIVEN that the California San Joaquin River Conservancy (Conservancy) is proposing to adopt the regulations as described below, after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Conservancy proposes to amend § 25015.03 and adopt §§ 25019 to 25023.05 within Title 14, Division 10, Chapter 2 of the California Code of Regulations. The proposed regulations concern fixing and collecting fees for the use of lands and facilities under the Conservancy's ownership or jurisdiction.

WRITTEN COMMENT PERIOD

Any person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Conservancy. The written comment period ends **on October 7, 2026**. The Conservancy will only consider written comments it receives by the end of the written comment period (in addition to those written comments received at the public hearing).

Written comments may be submitted by any of the following methods:

1. By email to: info@sjrc.ca.gov Conservancy requests, but does not require, that persons submitting comments by email include "**Comment — Proposed Regulations on Fee Collection**" in the subject line to facilitate timely identification and review of the comment.
2. By mail to:

San Joaquin River Conservancy
Attention: Regulations Comment
P.O. Box 28338
Fresno, CA 93729

Please note that under the California Public Records Act (Gov. Code § 7920 et seq.), your comments, attachments, and associated contact information become part of the public record and can be released to the public upon request.

PUBLIC HEARING

The Conservancy will hold a public hearing on the proposed regulatory action on **Wednesday, October 7, 2026, from 9:00 a.m. to 12:00 p.m.**

The public hearing will be held at the following location:

San Joaquin River Conservancy
10637 North Lanes Road
Fresno, CA 93730

Attendees may participate via the Teams webinar platform or connect by phone. Instructions for how to access the public hearing, including the specific Teams link, can be found on the Conservancy's website at: https://sjrc.ca.gov/calendar/.

During the public hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice. The Conservancy may impose reasonable limits of up to three (3) minutes on oral presentations. The Conservancy requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email. All comments made during the virtual public hearing will be collected and recorded.

Special Accommodation Notice

If any member of the public has a disability or language needs and requires accommodation to participate in the public hearing, please contact the Conservancy at info@sjrc.ca.gov no later than five (5) working days prior to the public hearing.

AUTHORITY AND REFERENCE

Public Resources Code sections 32529 and 32536 authorizes the Conservancy to adopt these proposed regulations. The proposed regulations will implement, interpret, and make specific the provisions of Public Resources Code sections 32500 through 32538. References include Public Resources Code sections 32529 and 32536.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Pursuant to Public Resources Code § 32510, the Conservancy shall acquire and manage lands within the San Joaquin River Parkway (Parkway) to provide a harmonious combination of low–impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves. The Conservancy is responsible for operation and maintenance of the Parkway, including closing its lands and facilities to the public when it is unable to maintain it in a clean and safe manner to adequately protect the wildlife and rights of adjacent property owners from the public. (Pub. Res. Code § 32511.)

The Conservancy may adopt and enforce regulations governing the use of parkway lands and activities within the parkway; the protection and management of native riparian vegetation, wildlife, and other natural resources on parkway lands; and the protection of archaeological sites. (Pub. Res. Code §§ 32527, 32529.) Public Resources Code § 32536 authorizes the Conservancy to establish and collect public use fees for lands it owns or manages, provided the fees do not exceed the cost of the services provided. Fee revenue is deposited into the San Joaquin River Conservancy Fund in the State Treasury and, upon legislative appropriation, is used to support the Conservancy's programs and operations.

The Conservancy today owns and manages approximately 2,600 acres of both publicly open and closed properties along the San Joaquin River on both the Fresno County and Madera County sides of the river.

The Conservancy must operate and maintain all its facilities to ensure public safety and health.

Effect of the Proposed Regulations

The proposed regulations establish a fee collection program for public use of San Joaquin River Conservancy properties. The regulations authorize the Conservancy to collect cost–based fees for day use, annual passes, special events, and other authorized activities. Revenue generated from these fees will be deposited into the San Joaquin River Conservancy Fund and, upon appropriation by the Legislature, will be used to support the operation, maintenance, stewardship, and public access of Conservancy properties.

The proposed regulations will provide a dedicated funding source to help maintain safe, clean, and accessible public recreation areas, protect natural resources, and enhance the Conservancy's ability to manage its lands for the benefit of the public.

Anticipated Benefits of Proposed Regulations

The proposed regulations will provide a sustainable funding source to support the operation, maintenance, and stewardship of the Conservancy properties. Revenue generated through the fee collection program will help maintain clean, safe, and accessible public recreation areas; protect natural and cultural resources; and improve the Conservancy's ability to provide public access to its lands.

The regulations will also support the opening and continued operation of additional Conservancy properties for public use, enhance visitor services and recreational opportunities, and help advance California's goals of expanding equitable access to outdoor recreation and conserving natural lands, consistent with the State's 30×30 Initiative.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Conservancy has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. Following a review of existing California regulations, the Conservancy has concluded that the proposed fee collection regulations complement and implement the Conservancy's statutory authority and do not conflict with any existing state regulatory requirements.

Forms Incorporated by Reference:

None.

Comparable Federal Regulations:

The Conservancy is not aware of any federal regulations or statutes that address the specific subject matter addressed by the proposed regulations.

OTHER STATUTORY REQUIREMENTS

There are no other requirements prescribed by statute applicable to the Conservancy, or to the specific regulations or class of regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Pursuant to Government Code § 11346.5(a)(5), (6), (7), (8), and (12), the Conservancy has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any other state agency: None.
- Cost to any local agency or school district which is required to be reimbursed: None.
- Other nondiscretionary costs 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: None.
- Significant effect on housing costs: None.

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

The proposed regulations may result in costs to members of the public that choose to use Conservancy properties for recreational activities, special events, or other authorized uses subject to a fee. Any fees established by the Conservancy will be limited to the reasonable cost of providing the associated service and will support the operation, maintenance, stewardship, and public access of Conservancy properties.

The proposed regulations are not expected to result in significant adverse economic impacts on representative private persons or businesses. Participation in activities subject to fees is voluntary, and users will have the option to determine whether to utilize fee–based services or activities provided by the Conservancy

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Government Code §11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend a regulation. The results from the economic impact analysis:

- *Creation or Elimination of Jobs within the State of California*: The proposed regulations are not expected to impact jobs within the State of California.

- *Creation or Elimination of Businesses within the State of California*: The proposed regulations are not expected to impact businesses in the State of California.
- *Expansion of Businesses Currently Doing Business within the State of California:* The proposed regulations are not expected to encourage or discourage businesses from expanding their business in the State of California.
- *Benefits of Regulations to Health and Welfare of California Residents, Worker Safety, and the State's Environment*: The proposed regulations will provide a sustainable funding source to support the operation, maintenance, and stewardship of Conservancy properties. Fee revenue will assist the Conservancy in maintaining clean, safe, and accessible public recreation areas, improving visitor facilities and services, and protecting natural resources. The proposed regulations will benefit the health and welfare of California residents by supporting increased opportunities for outdoor recreation, public access to open space, and connection with natural resources. The regulations will also support worker safety by providing resources to maintain properties in a safe condition, address maintenance needs, and improve site management practices.

CONSIDERATION OF ALTERNATIVES

The Conservancy 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.

CONTACT PERSONS

Please direct inquiries concerning the proposed action or regulatory process to:

San Joaquin River Conservancy
Attention: Regulation Comments
P.O. Box 28338
Fresno, CA 93729
Phone: (559) 287–2650
Email: info@sjrc.ca.gov

Primary Contact:

Rebecca Raus
Chief Administrative Officer
Phone: (559) 287–1574
Email: Rebecca.Raus@sjrc.ca.gov

Secondary Contact:

Ashley Bybee
Analyst II
Phone: (559) 287–7671
Email: Ashley.Bybee@sjrc.ca.gov

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

The Conservancy will have the entire rulemaking file available for inspection and review on its website. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of Reasons, and any information upon which the proposed is based. A copy of this notice, the proposed regulation text, and the Initial Statement of Reasons can be accessed through the Conservancy's website at: https://sjrc.ca.gov/. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Conservancy may adopt the proposed regulations substantially as described in this notice or make modifications based on the comments. If the Conservancy makes modifications which differ, but 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 Conservancy adopts the regulations as revised. A copy of any modified regulation may be obtained from the agency by email request to info@sjrc.ca.gov or on the Conservancy's website at the URL provided above. The Conservancy 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, the Final Statement of Reasons will be available on the Conservancy's website at https://sjrc.ca.gov/ and may be requested from the contact person named in this notice.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

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

DECISION NOT TO PROCEED

DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION

NOTICE OF PROPOSED RULEMAKING
CONCERNING HOSPITAL FAIR PRICING
OMNIBUS CLEAN–UP

Pursuant to Government Code section 11347, the Department of Health Care Access and Information (Department) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on September 19, 2025, Register 2025, Number 38–Z. The proposed rulemaking concerned the Hospital Fair Pricing Omnibus Clean–Up (OAL Notice Z–2025–0908–04). The decision is based on the need to address procedural issues with the original action, along with additional changes that are not sufficiently related to the original proposal. As such, the Department intends to submit a new Notice with updated actions promptly.

Any interested person with questions concerning this rulemaking should contact the Department at HFBP@hcaica.gov.

The Department will also post this Notice of Decision Not to Proceed on its website at hcai.ca.gov/about/laws–regulations/.

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DECISION ON PETITION CONCERNING
REPLACEMENT OF SUBSECTIONS

Petitioner

Benjamin Shumate #CB–0420

Department Contact Person

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283–0001.

Availability of Petition

The petition to amend regulations is available upon request directed to the Department's contact person.

Authority

Penal Code Sections: 5054 and 5058

Provisions of California Code of Regulations Affected:

Title 15, Crime Prevention and Corrections
Division 3, Adult Institutions, Programs and Parole

Summary of Petition and Department Decision:

Subsection 3078.3

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programing opportunities.

Department's Response: Mr. Shumate's request is denied. California Code of Regulations (CCR) Title 15 subsection 3078.3, *Alternative Custody Program, Male Community Reentry Program, and Female Community Reentry Program Exclusionary Criteria,* notes that "Current or prior conviction for an offense that requires the person to register as a sex offender as provided in Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code" is an exclusionary criterion for placement into alternative custody programs. CDCR's mission is to protect the public by safely and securely supervising incarcerated persons, to provide effective rehabilitation and treatment, and to successfully reintegrate incarcerated persons into the community. CDCR notes that this exclusionary criteria for those incarcerated persons required to register under Penal Code (PC) 290 is established to ensure public safety within a community setting. Alternative custody programs are located within community settings and as such, the housing of those incarcerated persons required to register under PC 290 requires a level of supervision and housing which cannot be met within the confines of alternative custody facilities.

Subsection 3079.1

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programming opportunities.

Department's Response: Mr. Shumate's request is denied. Pursuant to CCR subsection 3079.1. *Postrelease Community Supervision Exclusionary Criteria* states that "An incarcerated person who is determined by the California Department of Corrections and Rehabilitation to be a High–Risk Sex Offender, as defined in section 3582" is excluded from Postrelease Community Supervision. CCR section 3582 states that "Supervised persons who are required to register as sex offenders pursuant to PC sections 290 through 290.023, inclusive, and who have been designated as HRSO by the Department, are subject to residence restrictions as specified in this section and as defined in section 3571." Once designated as a High–Risk Sex Offender CCR is required by PC 290 to implement residence restrictions and the supervision of said incarcerated person. Those incarcerated persons who are not designated as "High Risk" are eligible for Postrelease Community Supervision.

Subsection 3375.2

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programing opportunities.

Department's Response: Mr. Shumate's request is denied. CCR subsection 3375.2, *Administrative Determinants* states "An incarcerated person with a history of sex crimes designated in section 3377.1(b) shall not be housed in a Level I facility and shall not be assigned outside the security perimeter." CDCR's mission is to protect the public by safely and securely supervising incarcerated persons, to provide effective rehabilitation and treatment, and to successfully reintegrate incarcerated persons into the community. In doing so, CDCR has determined that to house those incarcerated persons, as designated in CCR section 3377.1(b), would pose a risk to public and institutional safety if housed in a Level I facility or outside the security perimeter. Level I facilities have staff and security measures appropriate for the type of incarcerated person housed within these facilities, which would prevent incarcerated persons requiring a higher level of supervision from being housed in those facilities.

Subsection 3377.1

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programing opportunities.

Department's Decision: Mr. Shumate's request is denied. CCR subsection 3377.1, *Incarcerated Person Custody Designations* states "An "R" suffix shall be affixed to an incarcerated person's custody designation to ensure the safety of incarcerated persons, correctional personnel, and the general public by identifying incarcerated persons who have a history of specific sex offenses as outlined in Penal Code (PC) Section 290." CDCR's mission is to protect the public by safely and securely supervising incarcerated persons, to provide effective rehabilitation and treatment, and to successfully reintegrate incarcerated persons into the community. In doing so, CDCR has determined that those incarcerated persons with a history of sex offenses as outlined in PC section 290 pose a risk to public safety and require additional supervision. As such, CDCR utilizes the "R" suffix as an identifier for staff when making decisions concerning placement and programing for those incarcerated persons. This ensures that those incarcerated persons who meet this criterion are properly identified within CDCR.

Subsection 3177

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programing opportunities.

Department's Decision: Mr. Shumate's request is denied. CCR subsection 3177, *Family Visiting (Overnight)* states "Family visits shall not be permitted for incarcerated persons convicted of a violent offense where the victim is a minor or family member or any sex offense." CDCR's mission is to protect the public by safely and securely supervising adult incarcerated persons, to provide effective rehabilitation and treatment, and to successfully reintegrate incarcerated persons into the community. CDCR recognizes the value of visitation as a means to improve the safety of prisons, as well as to establish and maintain meaningful connections with family and the community; however, family visits are a privilege granted to incarcerated persons, and not a right. Family visits are a creation of CDCR regulations under the general authority of PC Sections 5054 and 5058, not of any statute, and may be restricted or eliminated by amendment or repeal of those regulations.

Family visits occur in designated private units on prison grounds. As such, incarcerated persons and their overnight visitors are not subject to constant and direct supervision by custody staff. Because family visits are not constantly and directly supervised, staff's supervision of incarcerated persons with violent and serious offenses, prior arrests or convictions, or in–custody misconduct documented in Rules Violation Reports would be limited and pose a risk to the safety and security of the institutions. In general, such incarcerated persons require a higher degree of direct supervision while incarcerated persons with less serious histories of criminal offenses and in–custody misconduct require a lesser degree of direct supervision.

The intent of the visiting policy is to establish a visiting process which promotes safety in the prison, maintains meaningful family and community connections, and prepares incarcerated persons for successful release and rehabilitation. CCR subsection 3177(b)(1) is intended to prohibit family visiting for incarcerated persons convicted of sexual offenses, spousal abuse, sexual abuse, and sexual battery. CDCR is responsible for the safety of visitors and given that family visiting takes place in an area without the constant and direct supervision of custody staff, it is of the utmost importance that CDCR only approve family visits for incarcerated persons with no history of such offenses. Family visits can be prohibited in order to maintain the safety and security of the institutions when conduct detailed in CCR Section 3177(b)(1) is determined to exist even though there is no criminal conviction.

Subsections 3504, 3505, 3504.1, 3561

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Request: Petitioner states that sex offenders should be divided into three separate classifications (dependent on the nature of the offense) and dependent upon the conviction be entitled to enhanced credit earning and programing opportunities.

Department's Decision:

As it relates to parole conditions, the Department is required to consider prior sex offenses when an individual is on parole. These are not discretionary decisions by the Department as the requirement to utilize a GPS device for sex offenders applies to persons who are on parole and required to register pursuant to PC 290. The PC does not consider when the commitment offense was, it only considers whether the person is required to register. PC also drives the requirement to attend sex offender treatment while on parole. Relevant PC would be PC 3010.10, PC 3003(g), and PC 3008.

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

(PURSUANT TO TITLE 1,
SECTION 280, OF THE CALIFORNIA
CODE OF REGULATIONS)

On June 10, 2026, the Office of Administrative Law (OAL) received a petition challenging as an underground regulation a requirement to purchase a $5 certified copy of the filed document when filing an updated corporation statement of information pursuant to Corporations Code section 6210, subsection (d), via the California Secretary of State's bizfileOnline portal.

On August 7, 2026, the California Secretary of State certified to OAL that it will not issue, use, enforce, or attempt to enforce the challenged rule. Therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Insurance
File # 2026–0701–06
Workers' Compensation Insurance Classification and Rating Rules

This file and print action by the Department of Insurance ("Department") amends the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, the California Workers' Compensation Experience Rating Plan — 1995, and the Miscellaneous Regulations for the Recording and Reporting of Data. These publications are incorporated by reference in sections 2318.6, 2353.1, and 2354, respectively, of title 10 of the California Code of Regulations ("CCR"). These amendments are exempt from the Administrative Procedure Act ("APA") under the "rates" exemption of Government Code section 11340.9(g) and are effective September 1, 2026.

Title 10
Amend: 2318.6, 2353.1, 2354
Filed 08/07/2026
Effective 09/01/2026
Agency Contact:
Yvonne Hauscarriague (415) 258–4417

Department of Public Health
File # 2026–0701–04
CDPH Recommendations: Immunization and Preventative Care

This file and print action pursuant to Health and Safety Code section 120164 by the California Department of Public Health (CDPH) updates the baseline immunization recommendations and adopts preventative services recommendations. This action is exempt from the Administrative Procedures Act pursuant to Health and Safety Code section 120164.

Title 17
Adopt: 7101
Amend: 7100
Filed 08/11/2026
Effective 08/11/2026
Agency Contact:
Jasmine Fullwood (279) 217–0681

Department of Public Health
File # 2026–0713–05
Conflict–of–Interest Code

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

Title 22
Amend: 20100.5
Filed 08/06/2026
Effective 09/05/2026
Agency Contact:
Hannah Strom–Martin (916) 440–7371

Department of Resources Recycling and Recovery
File # 2026–0701–03
Pipeline Biomethane

In this action pursuant to California Code of Regulations, title 1, section 100, the Department of Resources Recycling and Recovery adds pipeline biomethane to the list of recovered organic waste products that jurisdictions may procure to comply with article 12, chapter 12, division 7 of title 14 of the California Code of Regulations.

Title 14
Amend: 18993.1
Filed 08/07/2026
Agency Contact:
Kamyab Mashian (916) 319–7576

Acupuncture Board
File # 2026–0625–01
Standards of Practice for Telehealth Services

This action by the Acupuncture Board further implements Business and Professions Code section 2290.5 to establish requirements and standards of practice for the delivery of acupuncture services via telehealth.

Title 16
Adopt: 1399.452.1
Filed 08/06/2026
Effective 10/01/2026
Agency Contact:
Kristine Brothers (916) 471–0735

Air Resources Board
File # 2026–0703–02
2025 State Area Designations

In this rulemaking action, the Air Resources Board is amending Area Designations for Ozone, Suspended Particulate Matter, and Fine Particulate Matter.

Title 17
Amend: 60201, 60205, 60210
Filed 08/12/2026
Effective 10/01/2026
Agency Contact:
Roberta "Bobbi" Ruch (279) 208–7881

Board of Forestry and Fire Protection
File # 2026–0703–03
Timeline Amendments for Less Than 3–Acre Conversion Exemptions

This rulemaking action by the Board of Forestry and Fire Protection ("Board") amends Timber Operations conducted pursuant to section 1104.1(a) of title 14 of the California Code of Regulations. Specifically, the amendments would require surface fuels resulting from Timber Operations to be chipped, piled and buried, or removed from the site within one year from the date of acceptance by the Director of the Department of Forestry and Fire Protection ("CalFire"), as opposed to within 45 days from the start of operations as currently required.

Title 14
Amend: 1104.1
Filed 08/05/2026
Effective 01/01/2027
Agency Contact:
Jane Van Susteren (916) 619–9795

California Correctional Training and Rehabilitation Authority

File # 2026–0630–03

Employee Conduct

This rulemaking action by the California Correctional Training and Rehabilitation Authority (Authority) a amends regulations governing the conduct of employees of the Authority.

Title 15
Amend: 8104
Filed 08/11/2026
Effective 10/01/2026
Agency Contact:
Kelly Mortenson (916) 413–1140

California Correctional Training and Rehabilitation Board

File # 2026–0630–04

Employee Conduct

This rulemaking action by the California Correctional Training and Rehabilitation Board (Board) adopts regulations governing the conduct of employees of the Board.

Title 15
Adopt: 8904
Filed 08/11/2026
Effective 10/01/2026
Agency Contact:
Kelly Mortenson (916) 413–1140

California Health Benefit Exchange

File # 2026–0703–01

Enrollment Assistance and Certified Application Counselor Regulations

In this regular rulemaking action, the California Health Benefit Exchange aligns its Enrollment Assistance and Certified Application Counselor regulations with federal law as it applies to tribes acting as enrollment entities.

Title 10
Amend: 6664, 6864
Filed 08/10/2026
Effective 08/10/2026
Agency Contact:
Jameson Mitchell (916) 954–3372

California School Finance Authority

File # 2026–0625–02

Charter School Facility Grant Program

In this regular rulemaking action, the California School Finance Authority amends its Charter School Facility Grant Program regulations regarding conflicts of interest.

Title 04
Amend: 10170.2, 10170.5, 10170.6, 10170.14
Filed 08/05/2026
Effective 08/05/2026
Agency Contact: Ryan Storey (213) 620–6360

Department of Health Care Access and Information

File # 2026–0701–01

Extending Due Date for SNF ACFRs

In this regular rulemaking action, the Department of Health Care Access and Information amends its Skilled Nursing Facility (SNF) regulations to extend the date for submission of Annual Consolidated Financial Reports (ACFRs) to the Department.

Title 22
Amend: 97046.4
Filed 08/12/2026
Effective 10/01/2026
Agency Contact: Lexie Bloyd (916) 326–3833

Department of Justice

File # 2026–0707–01

Ammunition Vendor License Applications

This rulemaking action by the Department of Justice requires ammunition vendor applicants to provide a copy of a valid seller's permit issued by the California Department of Tax and Fee Administration and a valid certificate of registration issued pursuant to Revenue and Taxation Code section 36036 in order to obtain an ammunition vendor license, consistent with Penal Code section 30395. This action also amends initial and renewal ammunition vendor license application forms to require documentation of whether a prospective ammunition vendor's physical location is a business or residence.

Title 11
Amend: 4260
Filed 08/10/2026
Effective 10/01/2026
Agency Contact:
Marlon Martinez (213) 269–6437

Commission on Peace Officer Standards and Training

File # 2026–0630–01

Amend Commission Regulation 1006

This rulemaking action by the Commission on Peace Officer Standards and Training adds course presenters to the list of entities who may submit evidence to the Commission that a trainee, peace officer trainee, peace officer, reserve peace officer, or dispatcher is unable to complete a required training course within the prescribed time limit, for purposes of obtaining a Commission–granted extension of time to complete the training course.

Title 11
Amend: 1006
Filed 08/07/2026
Effective 08/07/2026
Agency Contact: Brad NewMyer (916) 227–3893

Department of Insurance

File # 2026–0701–05

Intervenor and Administrative Hearings Bureau Fairness and Accountability

In this rulemaking action, the Department of Insurance is adopting, amending, and repealing regulations pertaining to proceedings conducted pursuant to Article 10 of Chapter 9 of Part 2 of Division 1 of the Insurance Code, including the process by which a person initiates or intervenes in these proceedings.

Title 10
Adopt: 2649.2, 2654.3, 2661.5
Amend: 2646.2, 2651.1, 2652.8, 2652.9, 2653.1, 2653.4, 2653.5, 2656.1, 2656.2, 2661.1, 2661.3, 2661.4, 2662.1, 2662.2, 2662.3, 2662.5, 2662.6, 2662.7
Repeal: 2662.4
Filed 08/11/2026
Effective 08/11/2026
Agency Contact:
Lisbeth Landsman–Smith (916) 492–3561

Department of Social Services

File # 2026–0707–03

CalWORKs Housing Support Program

This rulemaking action, by the Department of Social Services, adopts regulations in the Manual of Policies and Procedures implementing the Bringing Families Home program, Housing and Disability Advocacy Program, and California Work Opportunity and Responsibility to Kids Housing Support Program.

Title MPP
Adopt: 60–100, 60–101, 60–102, 60–103, 60–104, 60–105, 60–106, 60–107, 60–108, 60–109, 60–200, 60–201, 60–202, 60–203, 60–204, 60–205, 60–206, 60–300, 60–301, 60–302, 60–303, 60–304, 60–305, 60–400, 60–401, 60–402, 60–403
Filed 08/12/2026
Effective 10/01/2026
Agency Contact: Tyler Penn (916) 204–0337

PRIOR REGULATORY DECISIONS AND CCR CHANGES FILED WITH THE SECRETARY OF STATE

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit oal.ca.gov.