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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **February 18, 2021** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **February 16, 2021**.

**BACKGROUND/OVERVIEW**

Assembly Bill 571 (2019) (“AB 571”) effective January 1, 2021 imposes a contribution limit on elective city and county offices in cities and counties that do not have local laws addressing a contribution limit and gives authority to the Commission to enforce that limit effective January 1, 2021. Prior to AB 571, the Political Reform Act (the “Act”) did not include contribution limits for local offices.<sup>2</sup> In addition to imposing a contribution limit on city and county elective offices, AB 571 makes changes to a number of sections of the Act that work in conjunction with the Act’s contribution limits to include elective city and county offices subject to AB 571 in those sections.

The changes enacted by AB 571 require new regulations and updates to regulations that are currently applicable only to state level committees subject to a contribution limit under the Act. The Commission

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

<sup>2</sup> In 2021, the AB 571 contribution limit will be \$4,900.

adopted the existing regulations that are proposed to be amended to facilitate compliance with state candidate contribution limits put in place by the passage of Proposition 34 in 2000. The purpose of the proposed regulatory changes is to extend existing regulations governing contribution limits on state candidates to those local candidates subject to contribution limits under AB 571. Proposed amendments include amendments to Regulations 18404.1, 18421.4, 18421.8, 18521, 18521.5, 18523.1, 18530.2, 18530.8, 18531.2, 18531.5, 18531.61, 18535, 18536, 18537.1, 18545, and 18951; and adoption of Regulations 18531.63 and 18531.64.

**REGULATORY ACTION**

*Amend 2 Cal. Code Regs. Section 18404.1 — Termination and Reopening of Committees*

The Commission may consider amendments to Regulation 18404.1. Regulation 18404.1 currently provides rules for terminating a controlled committee of a candidate for state office, including establishing specified time periods for terminating the committee, closing campaign accounts, and providing creditor’s notice. It also addresses reopening of committees for elective state office and accepting refunds of committee payments. This regulation was originally adopted by the Commission to ensure compliance with contribution limits under the Act. The proposed amendments would apply the rules in the regulation to those offices subject to the AB 571 contribution limit as well.

*Amend 2 Cal. Code Regs. Section 18421.4 — Reporting Cumulative Amounts for State Elections and State Recipient Committees*

The Commission may consider amendments to Regulation 18421.4. Regulation 18421.4 addresses the reporting of cumulative amounts of contributions for an election received and made by state committees subject to the Act’s contribution limits. This regulation was originally adopted to ensure cumulative contributions from a source did not exceed the contribution limits placed on state offices by Proposition 34. The proposed amendments would include those offices subject to the AB 571 contribution limit as well.

*Amend 2 Cal. Code Regs. Section 18421.8 — Reporting an Expenditure by a Candidate Controlled General Purpose Ballot Measure Committee*

The Commission may consider amendments to Regulation 18421.8. Regulation 18421.8 details the reporting requirements of a candidate-controlled general purpose ballot measure committee for candidates for elective state office. The regulation requires candidate-controlled general purpose ballot measure committees to report detailed information for expenditures made of \$100 or more, including identification of each measure supported or opposed and the amount allocated to each measure. The proposed amendments

would apply the rules in this regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18521 — Establishment of Separate Controlled Committee for Each Campaign Account*

The Commission may consider amendments to Regulation 18521. Regulation 18521 addresses the use of a candidate-controlled committee and committee bank account for a future election of the same candidate, referred to as “redesignation.” Redesignation is permitted for local committees when the future election is for the same elective office. However, redesignation is not permitted for candidates for elective state office to help ensure compliance with contribution limits. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18521.5 — Ballot Measure Committees Controlled by Candidates for Elective State Office*

The Commission may consider amendments to Regulation 18521.5. Regulation 18521.5 provides guidelines for ballot measure committees controlled by state level candidates to ensure contributions to ballot measure committees are not instead used to support the controlling candidate. The proposed amendments would apply the same rules for ballot measure committees controlled by candidates for offices subject to AB 571.

*Amend 2 Cal. Code Regs. Section 18523.1 — Written Solicitation for Contributions*

The Commission may consider amendments to Regulation 18523.1. Regulation 18523.1(b) provides rules for language that must be included in a solicitation for contributions by candidates at the state level including identification of the particular committee for which the contribution is solicited and identification of the specific office. This regulation was adopted in light of the Proposition 34 limits being imposed on elective state offices to help ensure that funds that are allocated to a particular election for a specific office are noted as such and to ensure compliance with the Act’s “one bank account rule” found in Section 85201. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18530.2 — Transfer of Funds Raised Prior to Proposition 34 Limits*

The Commission may consider amendments to Regulation 18530.2. Section 85306 addresses the transfer and attribution of campaign funds between a candidate’s own committees for elective state office before and after the enactment of Proposition 34 contribution

limits. Regulation 18530.2 was adopted to provide guidance on the transfer of funds between committees raised prior to the limits imposed on elective state offices by Proposition 34 to help ensure compliance with contribution limits. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well because Section 85306 has been amended by AB 571 to include these offices.

*Amend 2 Cal. Code Regs. Section — 18530.8 Personal Loans*

The Commission may consider amendments to Regulation 18530.8. Section 85307 addresses a limit on personal loans a candidate for elective state office may make to his or her campaign. Regulation 18530.8 was adopted to include additional guidance on this rule. Section 85307 was amended by AB 571 to include elective city and county offices subject to AB 571 in this limit. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18531.2 — Refunding General Election Contributions*

The Commission may consider amendments to Regulation 18531.2. Regulation 18531.2, interpreting Section 85318 enacted under Proposition 34, addresses the pro rata refund of contributions raised for a general election or a special general election by a candidate for elective state office who is defeated in the primary or special primary election, or who withdraws from the general election or special general election. Section 85318 was amended by AB 571 to now include candidates for elective city and county offices subject to AB 571. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18531.5 — Recall Elections*

The Commission may consider amendments to Regulation 18531.5. Section 85315 permits an elected state officer to establish a committee to oppose the qualification of a recall measure and the recall election and that this committee is not subject to the Act’s contribution limits. Regulation 18531.2 provides additional guidance to elected state officers involved in recalls including guidance that contribution limits do not apply to elected state officers that are the target of a recall election, but they do apply to replacement candidates as they are treated as other candidates running for state office. AB 571 amended Section 85315 so that it now applies to elective city and county offices subject to the AB 571 limit. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18531.61 — Treatment of Debts Outstanding After an Election — Prior to January 24, 2004*

The Commission may consider amendments to Regulation 18531.61. An incorrect reference in subdivision (d) which currently references clause (b)(3)(D)(i) is proposed to be corrected to reference clause (b)(3)(B)(i).

*Amend 2 Cal. Code Regs. Section 18535 — Restrictions on Contributions Between Candidates*

The Commission may consider amendments to Regulation 18535. Section 85305 provides that a candidate for elective state office or committee controlled by that candidate may not make any contribution to any other candidate for elective state office in excess of the applicable contribution limit. There are some exceptions to this general rule provided in other sections of the Act including for contributions made to a candidate that is the target of a recall election, contributions made to a candidate’s legal defense fund and to candidate controlled ballot measure committees. Regulation 18535, interpreting Section 85305, provides guidance on these rules. AB 571 amended Sections 85305 to include elective city and county offices subject to the AB 571 limit. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18536 — Transfer and Attribution of Contributions*

The Commission may consider amendments to Regulation 18536. Section 85306 addresses transfer and attribution of campaign funds between a candidate’s own committees and the method by which this must be done to ensure compliance with contribution limits linking each contributor to the amount of funds contributed so as not to exceed contribution limits for a particular election using the “last in, first out” or “first in, first out” accounting method. Regulation 18536, interpreting Section 85306, addresses the attribution of contributions for candidates for elective state offices. AB 571 amended Section 85306 to include elective city and county offices subject to the AB 571 limit. The proposed amendments would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18537.1 — Carry Over of Contributions*

The Commission may consider amendments to Regulation 18537.1. Section 85317 permits the transferring of campaign funds from a candidate-controlled committee to the same candidate’s controlled committee established for a subsequent election to the same elective state office, referred to as “carry over.” Section 85317 does not require attribution to specific

contributors for the carry over. Regulation 18537.1 interprets Section 85317 providing further guidance on when these transfers are permitted. AB 571 amends Section 85317 to apply to elective city and county offices subject to the AB 571 limit. The proposed amendments to this regulation would apply the rules in the regulation to those offices subject to AB 571 as well.

*Amend 2 Cal. Code Regs. Section 18545 — Contribution Limits and Voluntary Expenditure Ceiling Amounts*

The Commission may consider amendments to Regulation 18545. Regulation 18545 provides each of the Act’s contribution limits and voluntary expenditure limits adjusted for inflation every odd numbered year. AB 571 now imposes a default contribution limit on elective city and county offices in jurisdictions that do not have a local ordinance addressing contribution limits in place. The proposed amendments add a section to this regulation specifically for the AB 571 contribution limit, which will be updated biennially with all of the other contribution limits imposed by the Act.

*Amend 2 Cal. Code Regs. Section 18951 — Surplus Funds*

The Commission may consider amendments to Regulation 18951. Regulation 18951(d) currently provides that except as provided by Section 85315 regarding elected state officer recall committees, campaign funds raised by (1) a committee, other than a candidate controlled committee; or (2) a candidate controlled ballot measure committee are not considered surplus funds for purposes of the regulation. Section 85315 was amended to include committees subject to AB 571. The proposed amendments would apply the rules in subdivision (d) to those offices subject to AB 571 as well.

*Adopt 2 Cal. Code Regs. Section 18531.63 — Treatment of Debts Outstanding After a City or County Election — Prior to January 1, 2021*

The Commission may consider adoption of Regulation 18531.63. Currently, Regulation 18531.6, interpreting Section 85316, addresses the treatment of debts outstanding for elective state offices prior to January 24, 2004 as well as those received before January 1, 2001 due to the enactment of Section 85316 under Proposition 34 relating to post election fundraising. Section 85316, which currently addresses Post-Election fundraising for state officeholder accounts, was amended to now include committees subject to AB 571. Regulation 18531.63 is proposed for adoption to include the same guidance provided in current Regulation 18531.6 to the elective city and county offices that will be subject to the AB 571 limit and that may have accepted contributions prior to the effective date of AB 571, January 1, 2021.

*Adopt 2 Cal. Code Regs. Section 18531.64—Treatment of Debts Outstanding After a City or County Election*

The Commission may consider adoption of Regulation 18531.64. Regulation 18531.61, interpreting Section 85316, addresses the treatment of debts outstanding after a state election, specifically for contributions received on or after January 24, 2004. This regulation was enacted due to the passage of Proposition 34 and Section 85316 relating to post election fundraising. Proposed Regulation 18531.64 will provide the same guidance to elective city and county offices subject to the AB 571 limit that may receive contributions after January 1, 2021 because Section 85316 was amended to include these offices.

#### SCOPE

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

#### FISCAL IMPACT STATEMENT

*Fiscal Impact on Local Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on State Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on Federal Funding of State Programs.* This regulation will have no fiscal impact on any local entity or program.

#### AUTHORITY

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

#### REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 82007, 82013, 82015, 82016, 82018, 82027.5, 82043, 82047.5, 83124, 84101, 84102, 84103, 84107, 84211, 84214, 84215, 84303, 84504, 85200, 85201, 85301, 85302, 85303, 85304, 85304.5, 85305, 85306, 85307, 85310, 85314, 85315, 85316, 85317, 85318, 85321, 85702.5 and 89519.

#### CONTACT

Any inquiries should be made to Katelyn Greene, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-

5660 or 1-866-ASK-FPPC, or by email at [kgreene@fppc.ca.gov](mailto:kgreene@fppc.ca.gov). Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

## TITLE 12. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (“CalVet”) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

CalVet will not hold a public hearing. The Department has not scheduled a public hearing. However, any interested person or his or her authorized representative may request a hearing no later than fifteen (15) calendar days prior the end of the written comment period. Submit a request to Phil McAllister at the address below.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to CalVET. The written comment period closes **on March 1, 2021**. CalVet will consider only comments received by that date.

Comments may be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to [phil.mccallister@calvet.ca.gov](mailto:phil.mccallister@calvet.ca.gov). Mailed comments can be submitted to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 300  
Sacramento, California 95814

#### AUTHORITY AND REFERENCE

Military and Veterans Code section 700 authorizes CalVet to adopt this proposed regulation amendment and also the statutes being implemented, interpreted, and made specific.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

##### A. Policy Statement Overview

The purpose of these proposed revisions to existing regulations is to correct existing errors, clarify ambiguous language, remove or update obsolete

language, allow for process refinements based on technological advances and/or industry best practices, and to more accurately reflect the current configuration and operation of CalVet Home Loans and its staff.

B. Informative Digest

**Section 100(a):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 100(c):** Reference to “District Offices” operated by the Division of Farm and Home Purchases has been eliminated as the division no longer maintains District Offices.

**Section 100(d):** “Cal-Vet” is currently incorrectly formatted in regulation. Corrected formatting to “CalVet” throughout document. Also, the definition of “CalVet” was corrected to indicate that the abbreviation applies to the department, not to programs or individual veterans.

**Section 100(e):** “Cal-Vet” is currently incorrectly formatted in the definition. Corrected formatting to “CalVet.” Also, capitalization was corrected for the defined term.

**Section 100(f):** “Cal-Vet” is currently incorrectly formatted in regulation. Formatting of “CalVet” was corrected throughout document. Also, capitalization was corrected for the defined term. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 100(g):** Capitalization was corrected for the defined term. Language was added and the reference to the addition of Section 100(k) was added to create greater clarity.

**Section 100(h):** “Cal-Vet” is incorrectly formatted in the definition. The formatting was corrected to “CalVet.”

**Section 100(i):** The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner. The addition of Registered Domestic Partner is made throughout the document whenever a veteran’s spouse is referenced.

**Section 100(k):** The definition for “Veteran Borrower” was added for greater clarity. This reference is more easily understood, and more accurately descriptive of the relationship between CalVet and the veteran, than is “Contract Holder,” the term currently in use.

**Section 300:** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 300.1:** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.”

**Section 300.1(a):** Closing dates for military campaigns were added that were unknown at the time the existing regulations were drafted.

**Section 300.1(c):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 300.6(a):** “Cal-Vet” is currently incorrectly formatted in this section. Corrected formatting to “CalVet.” Also, capitalization was corrected for the defined term.

**Section 300.6(b):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 302(a):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. References to district or satellite offices were removed as the division no longer operates these locations. Minor grammatical corrections were made and superfluous text was removed to increase clarity. Also, some paragraphs were restructured into numeric listing to improve clarity and better segregate specific actions.

**Section 302(a)(2):** Superfluous language was removed to increase clarity. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. References to district or satellite offices were removed as the division no longer operates these locations.

**Section 302(a)(3):** Language has been added and revised to improve specificity and to reflect

technological advances in the processing of electronic documents and the availability of secure electronic signatures. These changes recognize technological advances in the processing of loan applications and more accurately reflect the current and future operating environment.

**Section 302(b):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. Also, “Cal-Vet” is currently incorrectly formatted in this section. Corrected formatting to “CalVet.”

**Section 302(c):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. Language was revised, deleted, and added to simplify and clarify the description of the anticipated processing time for home loan applications. The anchor date for the conclusion of the process was changed from the somewhat ambiguous “date of full compliance” to a more certain and measurable “issuance of loan documents” for execution by the borrower. In addition to being a more specific target, this marker more precisely reflects the conclusion of the process from the veteran’s perspective.

**Section 302.1(a):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 302.1(b):** Text previously comprising sub-section (b) has been deleted. General program information is available to real estate professionals on the division’s website, but changes to operational-level processes, and specific policies, are not appropriately made through this public channel. Changes in process and policy are made via internal memoranda and communicated to business associates by staff via direct contact or written communication.

**Section 302.1(c):** Section 302.1(b) was re-designated based on deletion of existing sub-section (b). The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. The division performs sufficient verifications so as to identify that

a mortgage broker is eligible to participate in CalVet Home Loan programs and offers training, as required, to assure that participating mortgage brokers may participate in CalVet loan programs. Language in this section has been revised accordingly. The division does not certify mortgage brokers.

**Section 302.1(d):** Section 302.1(c) was re-designated based on deletion of existing sub-section 302.1(b). The reference to “the Department” was changed to “CalVet” for sake of consistency.

**Section 302.1(e):** Section 302.1(d) was re-designated based on deletion of existing sub-section 302.1(b). The capitalization was eliminated for undefined term “loan origination fee.” The language regarding mortgage broker compensation was changed to more accurately reflect the language used in the Military and Veterans Code.

**Section 302.2(a):** Minor changes were made to the language to increase clarity. The sub-section has been split, moving some language to revised sub-section 302.1(b) in order to provide greater clarity. “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 302.2(b):** The entire sub-section has been stricken and replaced with language that indicates that the division follows procedures set forth by the U.S. Department of Veterans Affairs (USDVA) for USDVA guaranteed loans.

**Section 302.2(c):** The sub-section was rewritten for greater clarity. The reference to “the Department” was changed to the “Division of Farm and Home Loans” to increase specificity. Some language moved and re-designated as sub-section 302.2(e) for greater clarity.

**Section 302.2(d):** Sub-section 302.2(d) was added in order to define broad requirements for appraisers utilized by the division. The existing sub-section 302.2(d) re-designated as sub-section 302.2(f).

**Section 302.2(e):** The language stricken as the division does not recruit appraisers or maintain a panel of appraisers. Language from 302.2(c) was extracted and inserted into this sub-section to increase clarity.

**Section 302.2(f):** The original language stricken or moved to sub-section 302.2(b).

**Section 302.2(g):** The language was modified to increase clarity. “The Department” was changed to “CalVet” for consistency. “Contract holder,” “contract purchaser,” and “veteran purchaser” were changed to “Veteran Borrower” for clarity and consistency.

**Section 302.3:** “The Department” was changed to “CalVet” in the section title for consistency.



**Section 302.3(a):** “The Department” was changed to “CalVet” for consistency. The term “eligible veteran employee” was expanded to include the veteran’s spouse and Registered Domestic Partner.

**Section 302.3(a)(3):** The reference to “the Department” was changed to the “Division of Farm and Home Loans” to increase specificity. The word employee was clarified to mean “CalVet employee.” The “Secretary” was clarified to mean the “CalVet Secretary,” not the division Secretary.

**Section 303(a):** Related language was added from sub-section 303(b) to increase clarity. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. The word “shall” was changed to “may” with regard to submission of supplemental documentation as applicants may not always be required to submit supplemental documentation. The phrase “in order to verify eligibility” was added to increase clarity regarding why additional information may be requested. The phrase “if such documentation is necessary to determine eligibility for a CalVet benefits Loan” was removed as the information is always required to determine eligibility.

**Section 303(b):** This sub-section was combined with sub-section 303(a).

**Section 303(c):** This section was re-designated as sub-section (b). The language referring to local (district) offices was deleted as the division no longer maintains these locations. The word “required” was moved to clarify the documents that must be received by CalVet, and the phrase “are completed and received” was added to clarify when the application would be considered complete and the processing would begin. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 304:** The language was simplified and revised to reflect the fact that CalVet relies on the United States Department of Veterans Affairs (USDVA) findings regarding wounded or disabled veteran status.

**Section 305:** Language was simplified to increase clarity.

**Section 305.1:** The sub-section was renamed to reflect that the policy is for all personnel and to allow for deletion of now redundant section 305.2. Sub-sections (a) through (e) have been deleted and relevant language has been combined into a single statement under the section title.

**Section 305.2:** This section has been deleted as it is no longer necessary given the changes to sub-section 305.1.

**Section 309:** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. The phrase “consists of” was removed, and replaced with the phrase “include, but not be limited to, a review of previous credit history and current credit standing, and” to increase clarity in the requirements. Also, the phrase “The Department shall use the following factors to evaluate the applicant’s financial status” was removed and replaced with “Determination of an applicant’s eligibility shall include a review of the following” to more clearly state the minimum requirements.

**Section 309.1:** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. Some text was modified to increase operational flexibility and to more closely reflect VA policy language. The word “getting” was replaced with “qualifying for” to clarify the status of the qualification. The phrase “has a balance...” was replaced with “applicant’s present or anticipated income does not bear a proper relation to the contemplated terms of repayment” to increase clarity in the requirements. The phrase “has a balance...” was replaced with “applicant’s present or anticipated income does not bear a proper relation to the contemplated terms of repayment” to increase clarity in the requirements.

**Section 309.2:** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. Language was deleted regarding the types of loans for which applicants apply, as credit reports are obtained for all applicants. The phrase “Department shall hold the” was replaced with “shall be held open” to increase clarity. The phrase “Department refers the” was replaced with “is referred” to increase clarity. The phrase “while the applicant is pursuing any disagreement with the credit reporting agency” was replaced with the phrase “to allow applicant time to dispute adverse credit data” to increase clarity in the requirements.

**Section 309.3:** This section revised and moved and renumbered as section 309.7 to more closely coincide with the order of division’s loan processing workflow.

**Section 309.4(a):** Bankruptcy chapters 11 and 12 were added to the sub–section, along with their federal code references. While unlikely, regulation should make provision for these possibilities. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website. The specific definition of “sufficient income and assets” was removed as the definition does not match USDVA regulations.

**Section 309.4(b):** The period to re–establishment of credit was revised from six months to twelve months to reduce risk and to more closely reflect industry practice.

**Section 309.4(c):** The text was revised to increase clarity. The period to re–establishment of credit was revised from six months to twelve months to reduce risk and to more closely reflect industry practice. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website.

**Section 309.5(a):** The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 309.5(b):** The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 309.5(d)(1):** The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 309.5(d)(2):** “Cal–Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The word “shall” was changed to “will” to increase clarity.

**Section 309.5(d)(3):** “Cal–Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The word “shall” was changed to “will” to increase clarity.

**Section 309.5(e):** This sub–section was added to broaden scope of supporting information and documentation that may be requested by the division in the loan process in order to maintain consistency with industry practices.

**Section 309.6:** “Cal–Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when

applicable, a Registered Domestic Partner. The phrase “The Department shall give” was replaced with “shall be given” to increase clarity.

**Section 309.6(a):** “(6)” was added to increase clarity.

**Section 309.6(b):** “Self Employment” was changed to “Self–Employment” to correct a grammatical error.

**Section 309.6(c):** The word “plus” was removed and replaced with the phrases “In addition” and “are required.” to increase clarity in the requirements. The word “earnings” was replaced by the phrase “year–to–date income” and “reflected earnings” to increase clarity. The phrase “Year–to” was replaced with “twelve months immediately preceding the” to increase clarity. The phrase “Applicants with seasonal employment due to weather or economic conditions” was removed, and “or Climate–Dependent” was added to increase the clarity of the intent of the sub–section.”

**Section 309.6(d):** The phrase “if possible” was moved to grammatical error. Also, the phrase “any case” was replaced with “all cases” to increase clarity.

**Section 309.7:** This section was revised and moved from the previous section 309.3. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website. Some text was added to increase clarity.

**Section 310(a):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website.

**Section 310(c):** The word “Program” was clarified to mean Deferred Principal Payment (“DPP”) program.

**Section 310(d):** “(2)” was added to increase clarity.

**Section 310(e):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website. The phrase “the Department determines” was replaced by “it is determined” to increase clarity. The word “fully” was added to clarify the status of the loan.

**Section 310(f):** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public–facing name used in marketing, promotional materials, and on the CalVet website.

**Section 310.1:** The existing language was revised to increase clarity and more precisely reflect actual policy and procedure. The section was divided into three sub-sections to increase clarity.

**Section 310.1(a):** The existing language combined with the new sub-section 310.1(b).

**Section 310.1(b):** This section has been re-designated as 310.1(d) to increase the clarity of the section. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 310.2(a):** The word “Program” was clarified to mean Deferred Principal Payment (“DPP”) program. The term “the Department” was changed to “CalVet” for sake of consistency.

**Section 310.2(b):** The word “Program” was clarified to mean Deferred Principal Payment (“DPP”) program. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 310.2(c):** The word “Program” was clarified to mean Deferred Principal Payment (“DPP”) program. The phrase “Department adjusts the” was replaced with the word “adjusts” to increase clarity.

**Section 310.2(d):** “Program” was clarified to mean Deferred Principal Payment (“DPP”) program. The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 310.2(e):** “Program” was clarified to mean Deferred Principal Payment (“DPP”) program.

**Section 310.2(g):** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 310.2(h):** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” “Program” was clarified to mean Deferred Principal Payment (“DPP”) program.

**Section 310.2(i):** Capitalization was corrected for the defined term. “The Department” was changed to “CalVet” for sake of consistency.

**Section 310.2(j):** This Sub-section was added to clarify further program limitations and maintain consistency with industry practices.

**Section 310.2(k):** This Sub-section was added to clarify further program limitations and maintain consistency with industry practices.

**Section 322:** The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website. The word “a” was moved to correct a grammatical error.

**Section 341:** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The title of section, and language within, was modified to clarify meaning, as “Secondary Financing” can have a much broader meaning in common usage. The type of financing referred to in this section is that which is subordinate to CalVet financing. “The Department” was changed to “CalVet” for sake of consistency. The word “Secondary” was replaced by “Subordinate” to increase clarity.

**Section 342:** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The title of section modified to add clarity. The word “Department” was changed to “CalVet” in section title for consistency.

**Section 342(a):** The word “applicant” was added for clarity.

**Section 342(b):** The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner.

**Section 342(c):** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The definition of “Applicant” was expanded to include not only the veteran’s spouse but also, when applicable, a Registered Domestic Partner. Language was added to include “termination of domestic partnership” to the list of relationship terminating events. “The Department” was changed to “Division of Farm and Home Loans” to add specificity.

**Section 342(d):** “The Department” was changed to “CalVet” for sake of consistency. The name of the “Division of Farm and Home Purchases” has been modified to “Division of Farm and Home Loans” in order to more accurately describe the activities of the division and to more closely reflect the public-facing name used in marketing, promotional materials, and on the CalVet website.

**Section 342.1:** This section was added to more clearly define CalVet’s right to assign its rights, title, and interest in the loans it funds.

**Section 342.1(a):** This sub-section was added to both define and expand potential funding sources for CalVet Home Loans. This flexibility is necessary as CalVet considers alternatives to complement bond financing in order to both broaden and expand lending activity. This is

**Section 342.1(b):** This sub-section was added to allow for the transfer of servicing rights in the event an

asset is sold or in a scenario wherein CalVet chooses to outsource loan servicing. This change is linked to the addition of section 342.1(a) as transfer of servicing rights may be necessary, or advantageous, in an alternative funding relationship.

**Section 343:** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” The word “actually” was removed as superfluous.

**Section 343.1(a):** The references to “contract holder” were changed to “contract purchaser,” and the references to “veteran purchaser” were changed to “Veteran Borrower” for clarity and consistency. The word “departmental” was changed to the term “Division of Farm and Home Loans” to add specificity. The reference to “Regional” Manager was deleted because regional structure no longer exists.

**Section 343.1(b):** “The Department” was changed to “Division of Farm and Home Loans” to add specificity.

**Section 343.1(b)(1) through (4):** The references to “contract holder” were changed to “contract purchaser,” and the references to “veteran purchaser” were changed to “Veteran Borrower” for clarity and consistency.

**Section 343.1(b)(5):** Language was added to clarify the veteran’s responsibilities.

**Section 343.1(b)(6):** The references to “contract holder” were changed to “contract purchaser,” and the references to “veteran purchaser” were changed to “Veteran Borrower” for clarity and consistency. “The Department” was changed to “Division of Farm and Home Loans” to add specificity.

**Section 343.1(b)(7):** The references to “contract holder” were changed to “contract purchaser,” and the references to “veteran purchaser” were changed to “Veteran Borrower” for clarity and consistency.

**Section 344(a):** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” Language was added to specify that the actions defined in this sub-section apply to transactions wherein the CalVet Loan Contract is utilized, as opposed to loan documents that are comprised of a Promissory Note and Deed of Trust. “Contract Holder” was capitalized as a defined term. “Loan Contract” was capitalized as a defined term. “The Department” was changed to “Division of Farm and Home Loans” to add specificity. “Tenants at will” was changed to “tenants at sufferance” in accordance with advice of CalVet counsel in order to more accurately describe the legal status of persons who continue to occupy a property, without permission, after contract cancellation.

**Section 344(b):** This Sub-Section added in order to make provision for foreclosure actions in the event a defaulted transaction secured by a Promissory Note and Deed of Trust.

**Section 344.1:** The word “Department” was changed to “CalVet” in section title for consistency. “Contract Holder” was capitalized as a defined term. “The Department” was changed to “Division of Farm and Home Loans” to add specificity.

**Section 344.2:** The word “Department” was changed to “CalVet” in section title for consistency.

**Section 344.3:** The word “Department” was changed to “CalVet” in section title for consistency.

**Section 344.3(a):** The word “Department” was changed to “CalVet” in section title for consistency. “Contract Holder” was capitalized as a defined term. The phrase “Any and all amounts so paid may be added to the contract holder’s indebtedness to the junior lienholder” was removed as it is potentially in conflict with other related statutes.

**Section 344.3(b)(c):** The word “Department” was changed to “CalVet” in section title for consistency.

**Section 344.5:** The word “Department” was changed to “CalVet” in section title for consistency. “Contract Holder” was capitalized as a defined term.

**Section 345(a):** The word “Department” was changed to “CalVet” in section title for consistency. “The Department” was changed to “Division of Farm and Home Loans” to add specificity. The reference to sub-section 345.3(d) was deleted as this sub-section is proposed to be eliminated.

**Section 345(c):** This Sub-section was added in order to differentiate regulations that apply to default activities related to a Loan Contract transactions from those that apply to foreclosures pursuant to a Promissory Note and Deed of Trust transaction.

**Section 345.1(a):** “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” Language has been added, deleted, and updated to reflect the current operating environment. This section currently calls for activities, such as reliance on newspaper advertising in a digital age, that are outdated and, in some cases, impossible to implement.

**Section 345.1(b):** This sub-section was deleted as District Office structure no longer exists.

**Section 345.1(c):** This sub-section was re-designated as sub-section (b). “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.” “District office” was replaced with “Division of Farm and Home Loans” as District Office structure no longer exists.

**Section 345.1(d):** This was re-designated sub-section (c). The language changed to reflect a move from an annual subscription model to a general distribution model allowing for opt-outs.

**Section 345.1(e):** This was re-designated sub-section (d). Language was removed regarding veterans’ organization’s responsibilities and added language reflecting the current operating environment.

**Section 345.2(a) through (d):** The language was revised to allow for more flexibility in the way in which bids are signed, tendered and accepted.

**Section 345.2(e) through (i):** “District office” was replaced with “Division of Farm and Home Loans” as District Office structure no longer exists.

Dealing with the acceptance or rejection of offers for repossessed properties, sub-sections (e) through (i) have been updated to replace outdated language and more closely reflect current business practices and the operating environment. An example of the degree to which the current language is outdated is the line of demarcation for down-payment amount set at home values above, or below, \$60,000 in a state wherein the median home price exceeds \$500,000.

- Set percentages, not required by the MVC, have been eliminated and replaced with language allowing CalVet to establish down-payment requirements based on customary credit criteria.
- Sub-sections (g), (h), and (i) have been added to clarify CalVet’s handling of unacceptable or declined bids.

**Section 345.3:** This section was deleted as the process it described has been moved to section 345.2

**Section 345.4(a):** “District office” was replaced with “Division of Farm and Home Loans” as District Office structure no longer exists.

**Section 345.4(a)(5):** The reference to “the Department” in the title in this sub-section was changed to “CalVet” for sake of consistency.

**Section 345.4(c):** “District office” was replaced with “Division of Farm and Home Loans” as District Office structure no longer exists.

**Section 345.4(c)(1):** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency.

**Section 345.5:** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency. “District office” was replaced with “Division of Farm and Home Loans” as District Office structure no longer exists. The word “in” was replaced with “by” to increase clarity. Minor changes to language were made to align with previous changes.

**Section 345.6(a):** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency. Language was added to both clarify and broaden CalVet’s responsibilities with regard to its adherence to applicable laws, regulations, and policies.

**Section 345.6(b):** Clarifying language was added to the sub-section to better align with previous changes.

**Section 345.7(a):** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency. “Division of Farm and Home Loans” was replaced with “district office” as District Office structure no longer exists. The word “only” was moved in the sentence to increase clarity,

**Section 345.7(a)(2):** The statement was modified to express employee’s qualifications in the affirmative rather than the negative.

**Section 345.7(b):** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency.

**Section 360:** The reference to “the Department” in the title was changed to “CalVet” for sake of consistency. “The Department” was changed to “Division of Farm and Home Loans” to increase specificity.

**Section 370:** “The Department” was changed to “Division of Farm and Home Loans” to increase specificity. “Cal-Vet” is incorrectly formatted in this section. The formatting was corrected to “CalVet.”

**Section 372:** “The Department” was changed to “Division of Farm and Home Loans” to increase specificity.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATORY ACTION

The proposed regulation would modernize the operations of the Farm and Home Loan Program, and provide clear and consistent language that is easier for the public to understand.

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

After conducting a review for any regulations that relate to or affect this area, CalVet has found that there are no other regulations that concern the CalVet Farm and Home Loan Program, other than those being revised. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*CalVet has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The proposed regulation does not affect any cost or savings to any state agency.

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

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

Cost or savings in federal funding to the state: The proposed regulations modify language within the existing regulations to bring the operations of the

Farm and Home Loan Program in line with current industrial practices, and do not increase the state's budget, place pressure on the budget to add funding, or create additional costs.

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

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

Significant effect on housing costs: None.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

In accordance with Government Code section 11346.5(a)(10), the results of the EIA (full EIA found in the Initial Statement of Reasons) are as follows:

- The proposed regulations will not create or eliminate jobs in California.
- The proposed regulations will not create or eliminate businesses in California.
- The proposed regulations will not affect the expansion of existing businesses in California.

#### BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations would modernize the operations of the Farm and Home Loan Program, and provide clear and consistent language that is easier for the public to understand.

#### SMALL BUSINESS DETERMINATION

CalVet has determined that the proposed regulations will not affect small business. The proposed regulations do not apply to small business in any manner, because the changes do not impact funding or small business in any way. No new funds will be disbursed as a result of these changes.

#### BUSINESS REPORT

The proposed regulations do not require a business report.

#### CONSIDERATION OF ALTERNATIVES

CalVet 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

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 300  
Sacramento, California 95818  
Telephone: (916) 653-1961  
Fax: (916) 653-2456  
Email: [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov)

The backup contact person for these inquiries is:

Bill Feigles  
Farm and Home Loan Division  
1227 O Street, Room 105  
Sacramento, CA 95814  
Telephone: (916) 651-3045  
Fax: (916) 503-8027  
Email: [Bill.Feigles@calvet.ca.gov](mailto:Bill.Feigles@calvet.ca.gov)

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 Phil McAllister at the above address.

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

CalVet will make 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 Phil McAllister at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet 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 CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet 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 Phil McAllister 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 strikeout can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 265 and 355, Fish and Game Code and to implement, interpret or make specific Sections 265, 355, and 356, Fish and Game Code, proposes to amend section 502 of Title 14, California Code of Regulations, relating to annual waterfowl hunting regulations.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. The proposed Frameworks for the 2021–22 season were approved by the flyway councils in August and at the Service’s Regulations Committee meeting in October. The Frameworks allow for a liberal duck season which includes: a 107–day season; a 7 daily duck limit including 7 mallards but only 2 hen mallards, 1 pintail, 2 canvasback, 2 redheads, and 2 scaup (during an 86–day season); and closing no later than January 31. The duck daily bag limits and season length, as well as the season lengths for geese, are provided as ranges below, to allow the Commission flexibility in determining the final regulations.

A range of season length and bag limit (zero bag limit represents a closed season) are also provided for black brant. The range is necessary, as the black brant Framework cannot be determined until the Pacific Flyway Winter Brant Survey is conducted in January 2021 because the regulatory package is determined by the most current Winter Brant Survey, rather than the prior year survey. The regulatory package will be prescribed per the Black Brant Harvest Strategy pending results of the survey, well before the Commission’s adoption meeting. See the table in the Informative Digest/Policy Statement Overview section below for the range of season and bag limits. Lastly, Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The Department recommended changes to Section 502 are:

- Increase the duck season length to 101 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone, in subsection 502(d)(3)(B) for the Southern California Zone, and in subsection 502(d)(5)(B) for the Balance of State Zone.
- Increase the goose season length to 101 days in subsection 502(d)(2)(B) for the Southern San Joaquin Valley Zone and in subsection 502(d)(3)(B) for the Southern California Zone.
- Allow up to two days of falconry–only season in subsection 502(g)(1)(B)2 for the Balance of State Zone, in subsection 502(g)(1)(B)3 for the Southern San Joaquin Valley Zone and in subsection 502(g)(1)(B)4 for the Southern California Zone.
- Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal Frameworks

**GOALS AND  
BENEFITS OF THE REGULATION**

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State’s waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons from 2020–21.

**NON–MONETARY  
BENEFITS TO THE PUBLIC**

The Commission does not anticipate non–monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination,

the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

#### CONSISTENCY WITH STATE REGULATIONS

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on Wednesday, February 10, 2021, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on Wednesday, April 14, 2021, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

It is requested, but not required, that written comments be submitted on or before April 9, 2021, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 9, 2021. All comments must be received no later than April 10, 2021, during the webinar/teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and email or mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento,

California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Senior Environmental Scientist, has been designated to respond to questions on the substance of the proposed regulations. She can be reached at (916) 502-1139 or via email at [Melanie.Weaver@wildlife.ca.gov](mailto:Melanie.Weaver@wildlife.ca.gov).**

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when the approved final has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Assessment

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

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

The proposed regulations would provide additional recreational opportunity to the public and could result in minor increases in hunting



days and hunter spending on equipment, fuel, food and accommodations.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed waterfowl regulations will set the 2021–22 waterfowl hunting season dates and bag limits within the federal Frameworks. Little to minor positive impacts to jobs and/or businesses that provide services to waterfowl hunters may result from the proposed regulations for the 2021–22 waterfowl hunting season.

The most recent U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife–associated recreation for California, estimated that migratory bird hunters contributed about \$169 million to the state economy during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing a few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long–term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long–term viability of the same small businesses.

- (c) Cost Impacts on a Representative Private Person or Business  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

**CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA**

**Approval of New RDH Educational Programs and Continuation of Approval for Approved RDH Educational Programs, Section 1104**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office on Tuesday, March 2, 2021, by 5:00 p.m.

The Board has not scheduled a public hearing on this proposed action. The Board will, however, 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.

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice or may modify the proposed regulations 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 will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written

or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 1905, 1906, and 1941 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 1905 and 1941 of the BPC, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC sections 1905 and 1906 authorize the Board to adopt, amend, and revoke regulations to implement the statutory requirements of Article 9 of Chapter 4, BPC sections 1900 through 1966.6, regarding dental hygienists. The Board, a constituent agency within the Department of Consumer Affairs (DCA), regulates registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving RDH educational programs, and monitoring licensees placed on disciplinary probation by the Board.

This proposal would amend the current language by updating references to the Board and the relevant standards governing RDH educational programs' submission of Self Study Reports to the Board. The proposal is as follows:

- **Amend Section 1104 to Title 16 of the California Code of Regulations.**

Existing law sets forth the criteria for the Board's approval of educational programs for RDHs. Section 1104 provides requirements for the approval of, and continuation of approval, for RDH Educational Programs.

The Board proposes to amend section 1104: (1) to reference Commission on Dental Accreditation (CODA) standards by reference to their title and location instead of the date on which they were last revised, and (2) to replace the term "Committee" with "Board" as the Board is now the Dental Hygiene Board of California as a result of Senate Bill 1482 (Hill, Chapter 858, Statutes of 2018).

#### **Anticipated Benefits of the Proposed Amended Regulation:**

The proposed amendments to section 1104 will enhance clarity for RDH educational programs by updating references to the Board and the relevant standards governing RDH educational programs' submission of Self Study Reports to the Board.

#### **Determination of Inconsistency and Incompatibility with Existing State Regulations:**

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

##### FISCAL IMPACT ESTIMATES

The Board has made the following initial determinations:

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** The Board does not anticipate a fiscal impact to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Local Mandate:** None.

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

##### **Business Impact**

The Board has made an 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:

The proposed amendments only provide clarification of language within the regulation.

**Cost Impacts on a Representative Private Person or Businesses:** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Significant Effect on Housing Costs:** None.

##### **Business Reporting Requirement**

RDH educational programs currently submit Self Study Reports to the Board to maintain their approval by the Board. This regulatory action only enhances clarity for RDH educational programs by updating references to the Board and the relevant standards governing educational requirements that RDH educational programs must abide by.

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

*Impact on Jobs/Businesses:* The Board has determined that this regulatory action will not create or eliminate jobs, will not create new business or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California because the proposed amendments to the regulation clarify the title of the Board and provide consistency of language within the regulation applicable to RDH educational programs.

*Benefits of the Proposed Action:* This regulatory proposal benefits the health and welfare of California residents because it would clarify requirements for approval and continuation of approval for RDH educational programs, ensuring that RDH educational programs adhere to acceptable clinical treatment processes when working with live patients.

The Board anticipates that this regulatory action will not have any monetary effect because the proposed amendments to the regulation clarifies references for RDH educational programs, ensuring that RDH educational programs adhere to acceptable educational standards.

This regulatory proposal does not benefit worker safety or the state’s environment because it does not affect worker safety or the environment.

*Effect on Small Business:* The Board has determined that this regulatory action would not affect small businesses because the proposed amendments to the regulation only clarify language in the regulation.

**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 its attention 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 regulatory action or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments in writing relevant to the above determinations during the written comment period.

**CONTACT PERSONS**

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California  
 Attention: Adina A. Pineschi–Petty DDS  
 2005 Evergreen St, Ste. 1350  
 Sacramento, CA 95815  
 Phone: (916) 576–5002  
 Email: [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov)

**Backup Contact Person:**

Attention: Anthony Lum  
 2005 Evergreen St, Ste. 1350  
 Sacramento, CA 95815  
 Phone: (916) 576–5004  
 Email: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.ca.gov)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi–Petty at the above address. In her absence, please contact the designated back-up contact person.

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

The Board 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.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi–Petty at the address above.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking

file which is available for public inspection by contacting Dr. Pineschi–Petty at the address above.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to Dr. Pineschi–Petty at the address above or by accessing the website listed below.

**TEXT OF THE PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained upon request from the Board at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815, or by accessing the Board’s website at [www.dhbc.ca.gov](http://www.dhbc.ca.gov).

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board’s website at [www.dhbc.ca.gov](http://www.dhbc.ca.gov).

**RULEMAKING PETITION DECISION**

**BOARD OF PAROLE HEARINGS**

**RESPONSE TO REQUEST FOR RECONSIDERATION OF PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7**

**BPH PETITION RECONSIDERATION RESPONSE 2020–02–R–01**

The Board of Parole Hearings (Board) received a Request to Reconsider Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7, previously identified as BPH Response 2020–02 from the original petitioner, Steven Ciotta, on **December 11, 2020**.

The Board’s original response, identified as BPH Response 2020–02, was published in the notice register on December 4, 2020. Since this request for reconsideration was received within 60 days from the date of the original petition, in accordance with subdivision (c) of section 11340.7, this document

serves as the Board’s response to the request for reconsideration.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** Steven Ciotta (D94599)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** Petitioner requests the Board to amend the repealed California Code of Regulations, title 15, division 2, section 2817, relating to the Board’s exercise of authority under Penal Code section 5075.1, subdivision (g).
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cites to the Board’s obligation in Penal Code section 5075.1, subdivision (g), which requires the Board “[i]nvestigate and report on all applications for reprieves, pardons, and commutation of sentence, as provided in Title 6 (commencing with Section 4800) of Part 3.”
5. **REASONS SUPPORTING THE AGENCY’S DECISION:** Petitioner still contends that the Board is required under Penal Code section 5075.1, subdivision (g) to report and investigate on all applications for a commutation of sentence. Based on this contention, Petitioner requests the Board to reconsider the “merits” of his prior petition to amend the California Code of Regulations, title 15, section 2817, which is currently repealed.

**Petitioner’s request is DENIED:** As thoroughly explained in the Board’s original response, BPH Response 2020–02, Petitioner’s request as well as his contentions supporting his request are all still based on a misunderstanding of the law. The correct application of these laws demonstrates that the Board has no legal requirement to take the action Petitioner requests.

As explained in BPH Response 2020–02, the process for recommending a commutation, pardon, or reprieve of sentence is completely discretionary and the Board is under no obligation to refer a case to the Governor for a commutation of sentence. Under Penal Code section 4801, subdivision (a), “The Board of Parole Hearings *may* report to the Governor, from time to time, the names of any and all persons imprisoned in any state prison who, in its judgment, ought to have a commutation of sentence or be pardoned and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, including evidence of intimate partner battering and its effects.” (Emphasis added.) Penal Code section 4812 requires the Board investigate all applications for reprieves, pardons, and commutations of sentence when specifically referred to the Board **by the Governor**. Additionally, the

Board's current regulations governing the Board's role in clemency requests similarly require the Board to investigate an application for clemency only when referred to the Board by the Governor. (Cal. Code Regs., tit. 15, § 2816.) These laws clarify that the Board is only required to investigate clemency applications when the Governor makes the request, and not when requested by any other persons, such as inmates or members of the public. In those situations, the Board has complete discretion over whether to review the application and determine whether to exercise authority to report the applicant's name to the Governor. Even then, the Board has no legal obligation to investigate unless requested to do so by the Governor.

Since the Board's authority to refer an inmate for a commutation of sentence is both broad and discretionary, and no law establishes a duty on the Board to investigate an application or take any other specific actions when an inmate directly requests the Board's review and recommendation for a commutation of sentence to the Governor, the Board **denies** petitioner's request for reconsideration of his petition.

**6. BOARD CONTACT PERSON:**

Tracy Young  
 Senior Staff Attorney  
 Board of Parole Hearings  
 P.O. Box 4036  
 Sacramento, CA 95812-4036  
 Office: (916) 445-4072  
 Fax: (916) 322-3475  
[BPH.Regulations@cdcr.ca.gov](mailto:BPH.Regulations@cdcr.ca.gov)

**7. NOTICE TO INTERESTED PERSONS:** Under subdivision (d) of Government Code section 11340.7, the Board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the Board.

In submitting such a request, please reference **BPH PETITION RECONSIDERATION RESPONSE 2020-02-R-01** in the request.

**DATE OF DECISION: January 4, 2021**

**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.

Air Resources Board  
 File # 2020-1112-04  
 Control Measure for Ocean-Going Vessels At Berth

This action by the Air Resources Board adopts additional emissions limits upon auxiliary diesel engines onboard ocean-going vessels at berth in a California port to reduce oxides of nitrogen, reactive organic gases, particulate matter, diesel particular matter, and greenhouse gas emissions.

Title 13, 17  
 Adopt: Title 13: 2299.3, Title 17: 93118.3  
 Amend: Title 17: 93130, 93130.1, 93130.2, 93130.3, 93130.4, 93130.5, 93130.6, 93130.7, 93130.8, 93130.9, 93130.10, 93130.11, 93130.12, 93130.13, 93130.14, 93130.15, 93130.16, 93130.17, 93130.18, 93130.19, 93130.20, 93130.21, 93130.22  
 Filed 12/30/2020  
 Effective 01/01/2021  
 Agency Contact: Chris Hopkins (916) 445-9564

Board of Behavioral Sciences  
 File # 2020-1113-01  
 Fee Revisions

This action without regulatory effect amend various fee amounts with respect to licensing of marriage and family therapists, clinical social workers, professional clinical counselors, educational psychologist, pursuant to Assembly Bill 3330 (Calderon, Chapter 359, Statute of 2020) and general examination nomenclature pursuant to Senate Bill 800 (Committee on

Business, Professions, and Economic Development,  
Chapter 573, Statutes of 2017).

Title 16  
Amend: 1816, 1816.1, 1816.2, 1816.4  
Repeal: 1816.5, 1816.6, 1816.7  
Filed 12/30/2020  
Agency Contact: Christy Berger (916) 574-7817

Board of Vocational Nursing and Psychiatric  
Technicians  
File # 2020-1112-03  
Amend Fee Regulations to Comply with Statute

This action without regulatory effect by the Board of Vocational Nursing and Psychiatric Technicians amends various fee amounts with respect to licensing of vocational nurses and psychiatric technicians in accordance with Senate Bill 1480 (Statutes 2018, ch. 571.)

Title 16  
Amend: 2537, 2537.1, 2590, 2590.1  
Filed 12/30/2020  
Agency Contact: Doris Pires (916) 263-7864

California Gambling Control Commission  
File # 2020-1224-01  
Emergency Based Remote Counts

The California Gambling Control Commission (Commission) proposed this emergency readoption action to further amend a regulation addressing count rooms in gambling establishments that was amended in an emergency action filed with the Secretary of State on September 17, 2020. The proposed amendments align subdivision numbering and terminology resulting from a comprehensive regular rulemaking action by the Commission that was filed with the Secretary of State on December 15, 2020.

Title 04  
Amend: 12385  
Filed 12/30/2020  
Effective 01/01/2021  
Agency Contact:  
Adrianna Alcalá-Beshara (916) 261-4259

California Gambling Control Commission  
File # 2020-1224-02  
Emergency Sanitation Plan

This is the first readoption of emergency rulemaking action no. 2020-0811-03E, which requires gambling enterprises and third-party providers of proposition player services to develop an emergency sanitation plan to be implemented during a state of emergency or other order associated with a virus, including physical distancing and hygiene practices for employees and patrons, routine sanitization practices for com-

mon contact areas, shared equipment, and cards and gaming chips, employee training, and other specified minimum standards and requirements.

Title 04  
Adopt: 12292, 12371  
Amend: 12004, 12112, 12114, 12364  
Filed 12/31/2020  
Effective 01/01/2021  
Agency Contact:  
Adrianna Alcalá-Beshara (916) 261-4259

California Horse Racing Board  
File # 2020-1207-03  
Penalties for Medication Violations

The California Horse Racing Board amended a regulation regarding penalties for medication violations. The amendments add that the use of Extracorporeal Shock Wave Therapy on a horse is subject to Class A penalties in the regulation and clarify the penalties in the regulation apply to the veterinarian.

Title 04  
Amend: 1843.3  
Filed 12/30/2020  
Effective 04/01/2021  
Agency Contact: Rick Pimentel (916) 274-6043

California School Finance Authority  
File # 2020-1116-02  
Charter School Revolving Loan Fund Program  
Regulations

This action makes permanent the California School Finance Authority's emergency Charter School Revolving Loan Fund Program regulations which, among other things: define "good standing" and "non-profit entity"; prohibit charter schools operated as for-profit entities from applying for loans; and change the loan application schedule from annual to an ongoing first-come-first-served basis based on the availability of funding.

Title 04  
Amend: 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.24  
Filed 12/30/2020  
Effective 12/30/2020  
Agency Contact:  
Katrina Johantgen (213) 620-4608

Commission on Peace Officer Standards and Training  
File # 2020-0929-02  
Amend Commission Regulations

In this rulemaking action, the Commission amends its regulations to move provisions regarding basic course certification to a newly adopted section. The

regulations further require the submission of a Basic Course Certification Attestation form POST 2–351.

Title 11  
 Adopt: 1059  
 Amend: 1001, 1051, 1052, 1055, 1056, 1057, 1058, 1070, 1081, 1082  
 Filed 12/31/2020  
 Effective 04/01/2021  
 Agency Contact:  
 Jennifer Hardesty (916) 227–3917

Department of Justice  
 File # 2020–1124–04  
 Data Broker Registration Regulations

This certificate of compliance makes permanent the emergency regulations adopted in OAL action no. 2019–1210–04E (readopted in OAL action no. 2020–1015–01EE), which established the annual fee to register as a data broker.

Title 11  
 Adopt: 999.400  
 Filed 12/31/2020  
 Effective 12/31/2020  
 Agency Contact: Kevin Sabo (916) 210–7639

Department of Social Services  
 File # 2020–1116–01  
 Welfare–to–Work Employment Regulation  
 Amendments (2017–18 Leg. Cycle)

In this regular rulemaking, the Department of Social Services is both adopting regulations to facilitate diaper supportive service payments to Welfare–to–Work participants and amending Welfare–to–Work regulations in response to recent statutory amendments.

Title MPP  
 Amend: 42–701, 42–708, 42–709, 42–711, 42–716, 42–750, 42–751  
 Filed 12/30/2020  
 Effective 04/01/2021  
 Agency Contact: Everardo Vaca (916) 657–2363

Department of Social Services  
 File # 2020–1224–05  
 Child Support in Lieu of CalWORKs Grant

This emergency file and print action amends the Manual of Policies and Procedures (MPP) to implement Senate Bill 380 (Bradford, Chapter 729, Statutes 2017) with respect to changes to the California Work Opportunity and Responsibility to Kids (CalWORKS) program, (1) allowing applicants and recipients to elect to receive full child support payments for a stepsibling or half–sibling of an eligible child in the Assistance Unit in lieu of cash aid; and (2) exempting these child support payments from consideration in determining

CalWORKS eligibility or grant amounts. The action also makes changes without regulatory effect by striking provisions rendered obsolete by statutory changes and earlier repeals from the MPP. This emergency is deemed pursuant to Section 4 of Senate Bill 380.

Title MPP  
 Amend: 44–102, 44–111, 44–309, 44–310, 44–315, 80–310, 82–504, 82–506, 82 507, 82–820, 82–832  
 Repeal: 44–309, 44–310  
 Filed 12/31/2020  
 Effective 01/01/2021  
 Agency Contact: Everardo Vaca (916) 657–2363

Department of Social Services  
 File # 2020–1224–06  
 Repeal of the Consecutive Day Rule in Homeless Assistance

This emergency rulemaking action removes, from section 44–211 of the Manual of Policies and Procedures, all provisions which require that the 16 days of temporary shelter payments, which eligible families are granted in a 12–month period, be used on consecutive days. Senate Bill 80 (Chapter 27 of 2019) repealed that requirement and replaced it with a provision that allows for 16 cumulative days of temporary shelter payments in a 12–month period. This action is a deemed emergency and is not subject to review by the Office of Administrative Law and is being filed with the Secretary of State pursuant to Section 136(b) of Senate Bill 80.

Title MPP  
 Amend: 44–211  
 Filed 12/31/2020  
 Effective 01/01/2021  
 Agency Contact: Everardo Vaca (916) 657–2363

Department of Social Services  
 File # 2020–1228–01  
 CalWORKs Reporting and Resource Limits

This emergency file and print action amends several sections of the Manual of Policies and Procedures in response to Senate Bill 80 (Chapter 27 of 2019) that increases the Earned Income and Disability–Based Unearned Income Disregards, replaces the 3–tier Income Reporting Threshold, allows recipient Assistance Units to maintain CalWorks eligibility until their gross income exceeds a certain threshold and increases the maximum equity value of any nonexempt motor vehicle. This action is a deemed emergency and is not subject to review by the Office of Administrative Law and is being filed with the Secretary of State pursuant to Section 136(b) of Senate Bill 80.

Title MPP

Amend: 42–201, 42–207, 42–211, 42–213, 42–215,  
44–111, 44–113, 44–207, 44–316

Filed 01/05/2021

Effective 01/05/2021

Agency Contact:

Kenneth Jennings (916) 657–2586

Fair Employment and Housing Council

File # 2020–1109–02

Changes Without Regulatory Effect to the California  
Family Rights Act

This action without regulatory effect amends reg-  
ulations implementing the California Family Rights  
Act and New Parent Leave Act to align with statutory  
changes.

Title 02

Amend: 11087, 11088, 11089, 11090, 11091, 11092,  
11093, 11094, 11095, 11096, 11097

Filed 12/30/2020

Agency Contact:

Kara Brodfueherer (916) 207–7959

Fish and Game Commission

File # 2020–1221–01

2020 Purple Sea Urchin Emergency Rule

In this emergency action, the Commission re-  
adopts its amendment to temporarily remove the daily  
bag limit for purple sea urchin (PSU) in Caspar Cove,  
Mendocino County, so long as they are taken by hand  
or with manually operated hand–held tools.

Title 14

Amend: 29.06

Filed 12/30/2020

Effective 12/30/2020

Agency Contact: David Thesell (916) 653–4899

San Francisco Bay Conservation and Development  
Commission

File # 2020–1019–05

Commission Procedures, Permitting, and Planning  
Requirements

In this action without regulatory effect the San  
Francisco Bay Conservation and Development  
Commission repeals sections that have expired pursu-  
ant to statute and by their own terms, fixes spelling and

punctuation errors, updates cross–references, updates  
contact information, and reorganizes appendices.

Title 14

Amend: 10270, 10360, 10370, 10501, 10702,  
10712, 11000, 11001, 11002, 11005, 11007, 11101,  
11202, 11205, 11208, 11410, 11421, 11501, 11520,  
11531, 11532, 11533, 11540, 11560, 11960, 11990,  
Appendix A, Appendix D, Appendix E, Appendix  
F, Appendix G, Appendix L, Appendix N  
Repeal: 10900, 10910, 10911, 10912, 10913, 10914,  
10915, 10916, 10917, Appendix J, Appendix K  
Filed 12/31/2020

Agency Contact: Marc Zeppetello (415) 352–3655

San Francisco Bay Conservation and Development  
Commission

File # 2020–1118–03

San Francisco Waterfront Special Area Plan

This action amends the San Francisco Waterfront  
Special Area Plan by modifying various policies re-  
garding historic ships.

Title 14

Amend: 11900(a)

Filed 12/31/2020

Effective 12/31/2020

Agency Contact:

Lawrence J. Goldzband (415) 352–3653

**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 vol-  
ume 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 [www.oal.ca.gov](http://www.oal.ca.gov).