



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 14. FISH AND GAME COMMISSION

*Recreational Sea Urchin Bag Limit Exemption — Notice File Number Z2020-0929-04* ..... 1333

### TITLE 18. FRANCHISE TAX BOARD

*Assignment of Credits — Notice File Number Z2020-0929-06* ..... 1335

### TITLE 18. FRANCHISE TAX BOARD

*Penalty for Failure to File Return — Notice File Number Z2020-0929-05* ..... 1338

### TITLE 20. CALIFORNIA ENERGY COMMISSION

*Repeal of Self-Contained Lighting Controls and Other Amendments — Notice File Number Z2020-0929-03* ..... 1341

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND WILDLIFE

*Research on Santa Cruz Long-Toed Salamander (Ambystoma macrodactylum croceum)* ..... 1347

### DEPARTMENT OF FISH AND WILDLIFE

*Fish and Game Code Section 1653 Consistency Determination Request for M-1 Road Fish Passage Improvement Project (Tracking Number 1653-2020-067-001-R1), Mendocino County* ..... 1347

### DEPARTMENT OF FISH AND WILDLIFE

*Fish and Game Code Section 1653 Consistency Determination Request for Lawrence Creek Hydro Reconnection of Critical Off-Channel Salmonid Habitat (3.0)(Tracking Number: 1653-2020-066-001-R1), Humboldt County* ..... 1348

(Continued on next page)

***Time-Dated Material***

FISH AND GAME COMMISSION

Notice of Findings for Western Joshua Tree (Yucca brevifolia) as a Candidate for Threatened or Endangered Species ..... 1349

**PROPOSITION 65**

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice of Intent to List Chemicals by the Labor Code Mechanism: Molybdenum Trioxide and Indium Tin Oxide ..... 1349

**RULEMAKING PETITIONS DECISION**

CALIFORNIA GAMBLING CONTROL COMMISSION

Petition Decision Regarding Request from Jarhett Blonien Esq. .... 1350

**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with Secretary of State ..... 1352  
Sections Filed, July 1, 2020 to September 30, 2020 ..... 1354

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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 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200 and 205 of the Fish and Game Code and to implement, interpret or make specific sections 200 and 205 of said Code, proposes to amend section 29.06, Title 14, California Code of Regulations, relating to recreational sea urchin bag limit exemption.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Fish and Game Commission (Commission) and the Department of Fish and Wildlife (Department) are proposing to amend Section 29.06 of Title 14, California Code of Regulations (CCR). The proposed regulations would establish two areas for kelp restoration and information collection efforts aided by recreational divers. The proposal is the state’s most recent attempt to help restore depleted and diminishing kelp forests in Central and Northern California following warmer than normal ocean conditions and the loss of predatory sea stars to wasting disease. Many former kelp forests are now urchin barrens, and new kelp stands cannot be reestablished due to overgrazing by sea urchins.

Best available studies suggest that sea urchin density can be controlled only if sufficient mortality can be incurred. This proposal puts forth Caspar Cove in Mendocino County and Tanker Reef in Monterey County as two sites where recreational divers will be able to test the feasibility of controlling sea urchin populations through recreational diving efforts. It is hoped that kelp refuges can be created at these sites and when ocean conditions are again favorable for kelp growth and return of natural predators, these areas can provide the necessary spore banks to reseed the coast.

Under the proposed regulations, recreational divers are allowed to take unlimited purple sea urchins in Caspar Cove and unlimited purple sea urchins and red sea urchins at Tanker Reef. Take of red sea ur-

chin will not be allowed in Caspar Cove because of an active commercial red sea urchin fishery in the area. Take must be conducted by hand or with hand-held tools due to the risks that automated or pressurized machines pose to the hard substrate of the reefs. The primary purpose of the proposed regulations is to collect data and gather information; the regulations will sunset on April 1, 2024. Upon the expiration of the proposed regulations, the Commission and the Department will work to implement the next step of its adaptive management based on information gathered.

*Benefits of the Regulations*

The primary goal of this proposal is to test the effectiveness of kelp restoration through sea urchin control by recreational divers at two test sites. The results from the test sites will help inform future kelp restoration projects. The proposal can also potentially contribute to the overall statewide kelp restoration effort. For further discussion of the benefit analysis, please see impact of Regulatory Action/Results of the Economic Impact Assessment (sub b).

*Consistency and Compatibility with Existing Regulations*

The Legislature has delegated authority to the Commission to promulgate recreational fishing regulations (Fish and Game Code, sections 200 and 205); no other state agency has the authority to promulgate such regulations. The Commission has conducted a search of Title 14, CCR and determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations and that the proposed regulations are consistent with other recreational fishing regulations and marine protected area regulations in Title 14, CCR.

**PUBLIC PARTICIPATION**

**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, October 14, 2020 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, December 9, 2020 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 November 30,

2020 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 December 4, 2020.** All comments must be received no later than December 9, 2020, during the webinar/teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and 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, Executive Director, Fish and Game Commission, 1416 Ninth Street, 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 Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Environmental Scientist Anthony Shiao, Department of Fish and Wildlife, (805) 560-6056 or [Anthony.Shiao@wildlife.ca.gov](mailto:Anthony.Shiao@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

#### 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 it 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 Business, 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 because the proposed regulatory action will extend and expand an existing kelp habitat restoration effort that will help to support and a variety of recreational sportfishing opportunities. The restoration of kelp forests is vital to the revitalization of the declining abalone sport fishery and to an array of species that benefit from the kelp forest ecosystem. The proposed action will have no adverse impact to recreational opportunities or to species of value for commercial fisheries.

- (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 proposed action furthers the mission of the Commission, which is, in part, to ensure that California will have abundant, healthy, and diverse fish and wildlife that thrive within dynamic ecosystems for the benefit of all citizens of the State. The Commission anticipates no impacts on the creation or elimination of jobs within the state; no impact on the creation of new businesses or the elimination of existing businesses; and expansion of business. The proposed action is designed to ensure the long-term sustainability and quality of the kelp forest ecosystem in Central and Northern California, as well as the coastal economy that relies on it. Small increases in recreational urchin diving opportunities may

result in an increase in visits to the affected areas that will bring some additional local expenditures to businesses that support ocean diving activities. However, the increase in visits is not likely to be substantial enough to spur the creation of new jobs, new businesses, or the expansion of businesses. Thus, the regulatory action indirectly benefits the health and welfare of the California residents and the state's environment, and no effects on worker safety.

- (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:**  
No changes in administration or enforcement costs are anticipated by CDFW or other State agencies. Consideration was given to keep administrative and enforcement costs within existing budgets. No impact in federal funding to the State is anticipated.
- (e) **Nondiscretionary Costs/Savings to Local Agencies:**  
None. The proposed action has been designed to ensure that there are no nondiscretionary cost impacts to local law enforcement or emergency response services.
- (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 18. FRANCHISE TAX BOARD

As required by section 11346.4 of the Government Code, the Franchise Tax Board ("FTB" or "the Board") hereby gives notice of its intention to amend California Code of Regulations, title 18 ("18 CCR"), section 23663-1, and to adopt 18 CCR, section 23663-6, relating to the assignment of credits.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period indicated below. The request should be submitted to the FTB officer named below. In addition, Government Code section 15702, subdivision (b) provides for consideration by the three-member Board of any proposed regulatory action if any person makes such request in writing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes on **November 23, 2020**. The Board will consider only comments received at the Board offices by that time. The Board encourages submission of comments in electronic form, rather than in paper form. Comments may be submitted by email to [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov).

Submit comments in paper form to:

Mira Coutinho, Tax Counsel  
 Legal Division MS A260  
 Franchise Tax Board  
 P.O. Box 1720  
 Rancho Cordova, CA 95741-1720  
 Fax: (916) 843-8846

AUTHORITY AND REFERENCE

California Revenue and Taxation Code ("RTC") section 19503 authorizes the Board to adopt the amended regulation and to adopt the proposed regulation. The amended regulation and the proposed reg-

ulation implement and interpret provisions in RTC Section 23663.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

This rulemaking action will provide taxpayers with certainty regarding how credits are allocated, what is an eligible credit, and who is an eligible assignee, when members of a combined reporting group have been affected by corporate reorganizations and other corporate restructurings.

The purpose of the proposed amendment to 18 CCR section 23663–1 is to allow definitions set forth in that section to apply to proposed regulation 18 CCR section 23663–6.

The purpose of the proposed adoption of 18 CCR section 23663–6 is to instruct taxpayers how to determine eligible assignees when there has been a corporate reorganizations or other corporate restructurings. Subsection (a) sets forth the purpose of the regulation and provides an overview of what the regulation covers. Subsection (b) clarifies the definition of an eligible credit set forth in RTC section 23663(b)(2), providing detail as to when credits are considered to have been “earned” in contrast to credits that a taxpayer received by assignment or sale. Subsection (c) provides clarification, with four illustrative examples, for who is an eligible assignee. The guidance in this subsection identifies that an eligible assignee must have been in the same combined reporting group as the entity that earned the credit when the credit was originally earned. Subsection (d) provides guidance to taxpayers for purposes of determining the identity of eligible assignees when the assignor was not the taxpayer that earned the credits. This subsection addresses situations where a putative assignor has received credits as a result of a corporate reorganization or other restructuring, and clarifies that the taxpayer that earned the credits is treated as the assignor to determine which entities are eligible assignees. Subsection (e) provides a rule, and representative example, for treatment of a resulting corporation assignee who was a part of a reorganization under IRC section 368(a)(1)(F). Subsection (f) provides the rule and a representative example for disallowance of credit assignments to entities that engaged in a reorganization or other corporation restructuring such that the amount of business assets after a merger is more than 80% of the amount of business assets of the surviving entity before the merger. Subsection (g) identifies and provides a representative example for the limitations on the allowance of credits against the assignor’s tax.

*Summary of Existing Laws and Regulations:*

RTC section 23663 permits the assignment of credits among affiliated members of the same combined reporting group. RTC section 23663 was added by section 10 of AB 1452 (Stats. 2008, ch. 763). It is specifically operative for assignments made in taxable years beginning on or after July 1, 2008, and first permits assigned credits to be claimed against the tax of the assignee in taxable years beginning on or after January 1, 2010. The statute specifies that credits may only be assigned to an eligible assignee, which is generally defined in RTC section 23663(b)(3) as an affiliated corporation that is a member of the same combined group as the assignor in both the taxable year the credits were earned and the taxable year the credits are assigned to the assignee.

The current regulations promulgated under RTC section 23663 — 18 CCR sections 23663–1 through 23663–5 — were adopted on September 18, 2018. 18 CCR section 23663–1 contains definitions that apply to 18 CCR sections 23663–2 through 23663–5.

*Effect of the Proposed Rulemaking:*

The effect of the proposed regulatory action is to give taxpayers certainty as to which entities are eligible assignees when members of a combined reporting group have been affected by corporate reorganizations and other corporate restructurings.

*Broad Objectives and Specific Benefits of the Proposed Rulemaking:*

In addition to the benefits mentioned above in providing affected taxpayers with proper guidance regarding which taxpayers are eligible assignees in situations resulting from corporate reorganizations and corporate restructurings, the broad objective of the proposed regulatory action is to ensure that taxpayers, their representatives, and the state of California have certainty on how to identify entities that are eligible assignees for purposes of the assignment of credits pursuant to RTC section 23663. The clarity from the proposed regulatory action will reduce uncertainty for taxpayers and tax practitioners, and will facilitate tax administration for the State of California by providing rules and examples relating to proper elections to assign credits. These benefits are the result of goals developed by the FTB with input from interested parties and based on broad statutory authority.

*Consistency and Compatibility with Existing State Regulations*

During the process of developing this regulation, the FTB, pursuant to Government Code Section 11346.5, subdivision (a)(3)(D), conducted a search of any similar state regulations and has concluded that

this regulation is neither inconsistent nor incompatible with any existing state regulations.

DISCLOSURES REGARDING THE  
PROPOSED REGULATORY ACTION

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

*Fiscal Impact Disclosures*

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: *None.*

Other non-discretionary cost or savings imposed upon local agencies: *None.*

Cost or savings to any state agency: *By providing clarity and reducing the need for audits and minimizing the likelihood of disputes between the department and taxpayers in the future, this regulatory action may save administrative costs for the Board. Because the taxpayers in merger, acquisition, or other reorganization situations who assign credits are few in number, any cost savings is minor. Legal and Audit divisions at FTB estimate that an average of 10 attorney hours and about 100 auditor hours were spent in 2016 and 2017 discussing this issue with taxpayers and taxpayer representatives. Based on an average attorney wage and audit staff wage we estimate the impact at about \$5,000 per year. At a cost-benefit ratio of 3:1, additional savings of about \$15,000 would be generated and redirected to other tax related uses. Aside from this minor cost savings the FTB does not anticipate any additional costs or savings from the proposed amended or proposed adopted regulations.*

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

Significant effect on housing costs: *None.*

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: *The proposed regulatory action is directed towards a small subset of California businesses — those who assign credits to members of the same combined reporting group and have been in certain situations resulting from corporate reorganizations or restructuring. The Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant. This regulatory action preemptively provides guidance regarding who is a valid assignee thereby preventing the likelihood of an invalid assignment between a company and an assignee who is a member of the same combined reporting group. This action does not affect the business climate in the state and the ability of businesses to compete within or outside California. Therefore, these regulations would not result in a*

*statewide adverse economic impact on the state's businesses.*

Potential cost impact to directly affected private person or business: *The Board is not aware of any cost impacts that a representative private person or business would incur in compliance with the proposed regulatory action. This regulatory action would provide guidance regarding the eligibility of assignees who are in the same combined reporting group that are impacted by corporate reorganizations or restructurings. It does not impact private persons because its purpose is to address a gap in California Corporate Tax Law by specifying which taxpayers are eligible assignees in situations resulting from corporate reorganizations or restructurings. The proposed regulatory action will have no impact on a private person, and since it is informative in substance and does not change the law pertaining to the assigning of credits by businesses in reorganization situations, it would not result in additional compliance costs to a businesses.*

*Effect on small business:*

*The Board has determined that the proposed regulatory action would not affect small businesses. The proposed amended regulation and adopted regulation are meant to provide guidance to taxpayers who have some uncertainty regarding which entities are eligible to receive assigned credits, before they are determined to be invalid assignments. This regulatory action impacts assignors and assignees in the same combined reporting group. The assignees are affiliated members of the same combined reporting group and not independent small businesses. This regulatory action, therefore, would not affect independent small businesses.*

RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

In accordance with Government Code section 11346.3(b), the Board has made the following assessments regarding the proposed regulatory action:

The proposed regulatory action would not affect the creation of California jobs, the creation of new businesses and the expansion of existing California businesses. The Board does not anticipate any elimination of jobs or elimination of existing businesses within California as a result of the proposed regulations. The proposed regulatory action provides guidance to taxpayers and tax practitioners as to which members of the combined reporting group are eligible assignees, and does not have any direct impact on the health and welfare of California residents, worker safety and the state's environment.

### CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period, or if a hearing is requested, at the scheduled hearing.

### CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Mira Coutinho, Tax Counsel  
Legal Division MS A260  
Franchise Tax Board  
P.O. Box 1720  
Rancho Cordova, CA 95741-1720  
Telephone: (916) 845-7612  
Email: [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov)

The backup contact person for these inquiries is:

Christy Keith  
Legal Division MS A260  
Franchise Tax Board  
P.O. Box 1720  
Rancho Cordova, CA 95741-1720  
Telephone: (916) 845-6080  
Email: [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.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 Ms. Keith at the above address or send the request by email to [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov).

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice

Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies can be obtained on the Franchise Tax Board’s website or by contacting Ms. Keith at the address, phone number or email address listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, after the close of the comment period, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes substantive modifications sufficiently related to the proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Copies of the modifications will be published on the Board’s website at [ftb.ca.gov](http://ftb.ca.gov) and mailed to anyone who submitted written comments to the Board, and to anyone who has expressed an interest in receiving the modification information. Please send requests for copies of any modified regulations to the attention of Ms. Keith at the address, phone number or email address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be published on the Board’s website and may also be obtained by contacting Ms. Keith at the above address, phone number or email 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.

## TITLE 18. FRANCHISE TAX BOARD

Pursuant to California Government Code section 11346.4, the California Franchise Tax Board (“Board”) hereby gives notice of its intention to amend California Code of Regulations, Title 18, (“CCR”) section 19133, relating to the penalty for failure to file a return upon notice and demand (“demand penalty”).



PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period indicated below. The request should be submitted to the Board, at the address below. In addition, Government Code section 15702, subdivision (b), provides for consideration by the Board of any proposed regulatory action if any person makes such request in writing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written period closes on November 23, 2020, and the Board will consider only comments received at the Board offices by that time. The Board encourages submission of comments in electronic form, rather than in paper form. Comments may be submitted by email to [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov).

Submit comments in paper form to:

**Mailing Address:**

Joel M. Smith, Tax Counsel III  
 Legal Division MS A260  
 Franchise Tax Board  
 P.O. Box 1720  
 Rancho Cordova, CA 95741-1720

**Fax:**

(916) 843-0377

AUTHORITY AND REFERENCE

Revenue and Taxation Code (“RTC”) section 19503 authorizes the Board to prescribe regulations necessary for the enforcement of Part 10.2 (commencing with section 18401) of the RTC. The proposed amendments to CCR section 19133 implement, interpret, and make specific provisions in RTC section 19133, which is included in Part 10.2 of the RTC.

INFORMATIVE DIGEST/POLICY  
 STATEMENT OVERVIEW

(A) Existing Laws and Regulations

In 1994, the California Legislature enacted RTC section 19133. RTC section 19133 provides the Board with the discretionary authority to impose the demand penalty upon taxpayers who fail to file a tax return upon notice and demand by the Board.

In 2004, the Board adopted 18 CCR section 19133 to provide clarity and guidance on how the Board administers the demand penalty. Under 18 CCR section 19133, the Board imposes the demand penalty upon individual taxpayers who are individuals who received a proposed assessment of tax after receiving, and failing to respond to, either a request for tax return or a demand for tax return for one of the four taxable years immediately preceding the subject taxable year. Such an individual is subject to the imposition of the demand penalty. Subsection (b) of 18 CCR section 19133 provides the regulatory framework that controls the Board’s consistent application of the demand penalty, as detailed in the examples at subsection (d).

(B) Effect of Proposed Amendments

The effect of the proposed amendments to 18 CCR section 19133 is to remove ambiguity between subsections (b) and (d) to ensure that the demand penalty is imposed on individual taxpayers who are individuals who received a proposed assessment of tax after receiving, and failing to respond to, either a request for tax return or a demand for tax return for one of the four taxable years immediately preceding the subject taxable year. A recent interpretation of the plain meaning of subsection (b)(2) of 18 CCR section 19133 demonstrates an inconsistency with the Board’s interpretation of subsection (b)(2) as set forth in an example in subsection (d). Subsection (d) of 18 CCR section 19133 reflects the Board’s original intent in adopting 18 CCR section 19133 and the Board’s longstanding practice of imposing the demand penalty on an individual taxpayer to whom the Board issued a proposed assessment following that taxpayer’s failure to file a return in response to a request for tax return or demand for tax return by the Board for one of the four taxable years immediately preceding the subject taxable year. Subsection (b) of 18 CCR section 19133 has alternatively been interpreted to apply to any taxable year as long as the proposed assessment is issued during one of the four preceding taxable years. The proposed amendments do not alter how the Board interprets and applies 18 CCR section 19133.

(C) Objectives of Proposed Amendments

The objectives of the proposed amendments are to reduce taxpayer confusion. Currently, 18 CCR section 19133 has been interpreted in some cases in a manner that is more expansive than the Board’s longstanding interpretation and counter to the original intent of the regulation. Subsection (b) has been alternatively interpreted to allow the Board to impose the demand penalty on a taxpayer for taxable years more than four taxable years in the past if the taxpayer failed to respond to a request for tax return or demand for tax return for the older taxable year and a proposed assessment was issued during the last four years. This interpretation is inconsistent with the Board’s intent in adopting 18

CCR section 19133, as it allows for a notice to trigger the demand penalty when such notice is issued after failure to respond to a request for a tax return or a demand for a tax return for a taxable year that may not be close in time to the taxable year for which the current demand is issued. This interpretation allows a greater number of previous taxable years, beyond the immediately preceding four taxable years, to trigger the demand penalty under 18 CCR section 19133, subsection (b). The proposed amendments ensure 18 CCR section 19133 will be consistently applied throughout the administrative tax appeal process.

(D) Anticipated Benefits

The proposed amendments will benefit individual California taxpayers by removing ambiguity in 18 CCR section 19133 and providing greater clarity as to the number of possible taxable years evaluated under 18 CCR section 19133, subsection (b)(2). The proposed amendments will ensure the language of 18 CCR section 19133 follows the Board's longstanding interpretation and practice for imposition of the demand penalty. The proposed amendments are expected to reduce taxpayer confusion and compliance costs, which may include the direct costs for preparing and reviewing tax documents.

(E) Compatibility with Existing State Regulations

During the process of developing this proposed regulatory action, the Board, pursuant to Government Code section 11346.5, subdivision (a)(3)(D), conducted a review for any similar state regulations. The proposed regulatory action is not inconsistent or incompatible with existing regulations.

(F) Comparison to Federal Regulations

There is no comparable federal law.

DISCLOSURES REGARDING THE PROPOSED ACTION

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

Cost or savings to any state agency: The Board has concluded that the proposed rulemaking may result in a fiscal effect on state government but it will not be significant.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: *None*.

Other non-discretionary cost or savings imposed upon local agencies: *None*.

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

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

Potential cost impact to directly affected private persons or business: 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.

Effect on small business: Sole proprietors are taxpayers who file individual tax returns and are treated as individual taxpayers. Thus, the proposed amendments would affect sole proprietorships in the same manner as it affects individuals. Only those sole proprietorships who received a proposed assessment of tax after receiving and failing to respond to either a request for tax return or a demand for tax return for one of the four taxable years immediately preceding the subject taxable year would be subject to the demand penalty. 18 CCR section 19133 is not applicable to any other business entity, such as corporations, partnerships, or limited liability companies.

Significant effect on housing costs: *None*.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code section 11346.3, subdivision (b), the Board has determined in the economic impact assessment that there would be negligible effects on (a) the creation or elimination of jobs within the state; (b) the creation of new businesses or the elimination of existing businesses within the state; or (c) the expansion of businesses currently doing business within the state. The proposed amendments would provide the benefit of giving clarity to taxpayers and tax preparers regarding the process for imposition of the demand penalty; however, there is no expected significant direct change to the health and welfare of California residents, worker safety or California's environment as a result of the proposed amendments.

CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives during the written comment period or at the hearing, if one is requested.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Joel M. Smith, Tax Counsel III  
 Legal Division MS A260  
 Franchise Tax Board  
 P.O. Box 1720  
 Rancho Cordova, CA 95741-1720  
 Telephone: (916) 845-5429  
 Email: [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov)

The backup contact person for these inquiries is:

Christy Keith  
 Legal Division MS A260  
 Franchise Tax Board  
 P.O. Box 1720  
 Rancho Cordova, CA 95741-1720  
 Telephone: (916) 845-6080  
 Email: [FTBRegulations@ftb.ca.gov](mailto:FTBRegulations@ftb.ca.gov)

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. Copies can be obtained on the Board's website at [ftb.ca.gov](http://ftb.ca.gov) or by contacting Christy Keith at the address, phone number, or email address listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed test, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Copies of the modifications will be published on the Board's website at [ftb.ca.gov](http://ftb.ca.gov) and mailed to anyone who has expressed an interest in receiving the modification information. Please send requests for copies of any modified regulations to the attention of Christy Keith at the address or email address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be published on the Board's website at [ftb.ca.gov](http://ftb.ca.gov) and may also be obtained by contacting Christy Keith at the above address or email address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed text of the regulation in underline and strikeout can be accessed through the Board's website at [ftb.ca.gov](http://ftb.ca.gov).

**TITLE 20. CALIFORNIA ENERGY COMMISSION**

Division 2. State Energy Resources  
 Conservation and Development Commission  
 Chapter 4. Energy Conservation  
 Article 4. Appliance Efficiency Regulations

2020 Repeal of Self-Contained Lighting  
 Controls and Other Amendments  
 Docket No.20-AAER-01

INTRODUCTION

The California Energy Commission (CEC) proposes to repeal the self-contained lighting control requirements, provide updates to reflect current federal law, remove the outdated minimum lumen output requirement for portable luminaires, and modify data submittal requirements for certain appliances in the Appliance Efficiency Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The CEC will hold a public hearing for the proposed regulations on the following date and time. Interested persons, or their authorized representatives, may present oral and written statements, arguments, or contentions relevant to the proposed regulations at the public hearing. *The record for this hearing will be kept open until every person has had an opportunity to provide comment.*

The public hearing will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow

the spread of COVID-19. Instructions for remote participation are provided below.

**Thursday, December 3, 2020**

10:00 a.m. (Pacific Time)

### REMOTE PARTICIPATION

Remote Attendance Participants may join by accessing Zoom at: <https://energy.zoom.us/j/95873994727?pwd=c2d1OXNqMwTcDRQTIjYODRnbDBTZz09> and enter the unique Webinar ID and password for each session (listed below). Zoom technical support is available at 1-888-799-9666 ext. 2, or you may contact the CEC's Public Advisor's Office via email or phone. To comment or ask a question, dial \*9 to use the "raise hand" feature in Zoom.

Meeting ID: 958 7399 4727

Password: 342552

To participate by telephone, call Zoom at 1-877-853-5257 or 1-888-475-4499 (toll free). When prompted, input the unique Webinar ID and password listed above. To comment or ask a question over the telephone, dial \*9 to "raise your hand" and \*6 to mute/unmute your phone line.

### PUBLIC ADVISOR

The CEC's Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this forum, or to request language services or other reasonable accommodations, please contact the Public Advisor, Noemi O. Gallardo, at [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov), or by phone at (916) 654-4489, toll free at (800) 822-6228, or by fax at (916) 654-4493. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor's office via email or phone.

### NEWS MEDIA INQUIRIES

Direct news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to the CEC for consideration on or prior to November 23, 2020. The CEC appreciates receiving written comments at the earliest possible date.

Please submit comments using the CEC's e-commenting feature by going to the web page found at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>, Docket Number 20-AAER-01, then select the "Submit e-comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user, click on "Agree & Submit Your Comment" to submit the comment to the CEC's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit  
California Energy Commission  
Docket No. 20-AAER-01  
1516 9th Street, MS-4  
Sacramento, CA 95814  
Telephone: (916) 654-5076  
Or by email to [docket@energy.ca.gov](mailto:docket@energy.ca.gov).  
Or fax them to Dockets at (916) 654-4354.

All written comments shall comply with the requirements of 20 C.C.R. § 1208.1.

### STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Section 25213, 25218(e), and 25402(c) authorize the Energy Commission to adopt rules or regulations, as necessary, to implement Public Resources Code Sections 25216.5(d) and 25402(c).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandates and/or authorizes that the Energy Commission adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the CEC satisfies this requirement is through the Appliance Efficiency Regulations (California Code of Regulations (CCR), Title 20, Sections 1601–1609), which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the CEC that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the CEC’s Modernized Appliance Efficiency Database System (MAEDbS) of appliances approved to be sold or offered for sale within California.

In January 2012, the requirements for self-contained lighting controls were moved from the California Building Energy Efficiency Standards (Title 24) to the California Appliance Efficiency Regulations (Title 20). These regulations established energy design standards, data submittal requirements, and marking requirements for self-contained lighting controls. However, since then the manufacture and operation of lighting controls began to shift towards a group of devices working as a system, rather than a group of independent, discrete devices, making it more appropriate to regulate these appliances through building energy efficiency standards rather than appliance efficiency standards.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices, whether they work as a system or independently. These requirements became effective January 1, 2020, and supersede those in the Title 20 Appliance Efficiency Regulations.

Therefore, with the 2019 Building Energy Efficiency Standards effective on January 1, 2020, the CEC is proposing to repeal the self-contained lighting controls in the Appliance Efficiency Regulations to avoid duplicative regulations. In addition, the CEC is providing updates to reflect current mandatory federal laws, removing the outdated minimum lumen output requirements for portable luminaires, modifying data submittal requirements for certain appliances, and making non-substantive changes to effectively communicate the regulations in a precise and clear manner.

**Difference from existing comparable federal regulation or statute**

The Energy Commission has determined that there are no existing comparable federal regulations or statutes.

**Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments**

The broad objective of this rulemaking is to provide updates to the Appliance Efficiency Regulations. This includes the repeal of the self-contained lighting control requirements, updates to reflect current feder-

al laws, modifications to data submittal requirements for certain appliances, the removal of the outdated minimum lumen output requirement for portable luminaires, and non-substantive changes for clarity and consistency.

The specific benefits of the proposed regulation will be to eliminate duplicative and outdated information and enhance the clarity and regulatory certainty of the regulations. We are repealing the self-contained lighting requirements as these requirements have been moved to the 2019 Building Energy Efficiency Standards (Title 24) effective January 1, 2020. As such, the requirements in the Appliance Efficiency Regulations for this appliance type are duplicative and unnecessary. The CEC is also providing updates to reflect current federal laws. The Appliance Efficiency Regulations are designed to provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of both federal and state regulations in a single location. These updates will ensure the Appliance Efficiency Regulations will reflect current federal law, providing clarity and regulatory certainty to regulated parties. Third, the modifications to data submittal requirements for certain appliances will ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements. Finally, the removal of the outdated minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired, leading to better product availability for consumers. The CEC is also proposing to make non-substantive numbering, ordering, cross-reference, and grammatical changes to Title 20 to effectively communicate the regulation in a precise and clear manner. None of the proposed non-substantive changes materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision, nor do they have any other regulatory effect.

**Determination of inconsistency or incompatibility with existing state regulations**

The Energy Commission has conducted an evaluation for other regulations in this area. As previously mentioned, the 2019 Building Energy Efficiency Standards now include requirements for lighting controls, whether they work as a system or independently, that became effective January 1, 2020 and supersede those in Title 20 Appliance Efficiency Regulations. As such, the CEC proposes to repeal the regulations for self-contained lighting controls in Title 20, the Appliance Efficiency Regulations, to avoid duplicative regulation and public confusion.

The CEC has determined that the proposed regulations are neither inconsistent nor incompatible with

existing state regulations but necessary to avoid duplicative regulation on self-contained lighting controls.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

None.

**MANDATED BY FEDERAL  
LAW OR REGULATIONS**

None.

**OTHER STATUTORY REQUIREMENTS**

None.

**FISCAL IMPACTS**

The Energy Commission has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None.
- Cost or savings to any state agency: None.
- Non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.

**SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING  
BUSINESS, INCLUDING ABILITY OF  
CALIFORNIA BUSINESSES TO COMPETE  
WITH BUSINESSES IN OTHER STATES**

The CEC has made an initial determination that the proposed regulations are unlikely to have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices. These requirements became effective January 1, 2020 and supersede those requirements in the Title 20 Appliance Efficiency Regulations. As such, the CEC is proposing to repeal self-contained lighting controls in Title 20 to avoid duplicative regulations. There may be a small cost benefit to manufacturers of self-contained light-

ing controls, as they will no longer be required to certify self-contained lighting controls to the CEC's Modernized Appliance Efficiency Database System (MAEDbS).

The CEC is also providing updates to reflect current federal laws and modifying data submittal requirements for certain appliances. The proposed changes will ensure the Appliances Efficiency Regulations will reflect current federal law and ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements, providing clarity and regulatory certainty to the regulated parties.

Ceiling fans and dehumidifiers are not being added as new appliances to Table X in Section 1606. Rather, the specific data fields required for these appliance types are being updated in order for manufacturers to certify compliance with current standards to MAEDbS. As such, this will have no economic impact since manufacturers had to certify these appliances before and will continue doing so.

Miscellaneous refrigeration products are the only new appliance type that is being added to Table X for data submittal requirements. Although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards had already been added to the Title 20 Appliance Efficiency Regulations through a rulemaking that became effective on October 28, 2019. Requiring submittal to MAEDbS may have a small impact on manufacturers who have not previously had to certify these to MAEDbS. However, any economic impact is expected to be insignificant compared to the total sales of these entities, and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

The removal of the minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired. The economic impact here is also expected to be insignificant compared to the total sales of these entities and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been added to certify miscellaneous refrigeration products, the CEC assumes that retailers of these products will experience some additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS

and are therefore compliant and lawful to sell in the state.

Some retailers may choose to incur additional costs if they rebrand a regulated appliance that is not certified to MAEDbS and wish to sell it in California. These retailers would be required to certify the appliances to the CEC; therefore, they will incur costs associated with reporting to the MAEDbS.

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

The CEC concludes that: (1) it's unlikely the proposal will create jobs within California, (2) it's unlikely the proposal will eliminate jobs within California, (3) it's unlikely the proposal will create new businesses in California, (4) it's unlikely the proposal will eliminate existing businesses within California, (5) it's unlikely the proposal will result in the expansion of businesses currently doing business within the state.

**Benefit of the Proposed Action:** The benefits of the proposed regulations will be to eliminate duplicative and outdated information and enhance the clarity and regulatory certainty of the regulations.

The proposed regulations will not affect the health and welfare of California residents, worker safety, or the state's environment.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

There are no cost impacts to a representative private person, as individuals are not required to comply with the regulations.

During development of the 2019 Building Energy Efficiency Standards the CEC included requirements for lighting control devices. These requirements became effective January 1, 2020 and supersede those requirements in the Title 20 Appliance Efficiency Regulations. As such, the CEC is proposing to repeal self-contained lighting controls in the Title 20 to avoid duplicative regulations. There may be a small cost benefit to manufacturers of self-contained lighting controls as they will no longer be required to certify self-contained lighting controls to the CEC's Modernized Appliance Efficiency Database System (MAEDbS).

The CEC is also providing updates to reflect current federal laws and modifying data submittal requirements for certain appliances. The proposed changes

will ensure the Appliance Efficiency Regulations will reflect current federal law and ensure that manufacturers can properly certify to MAEDbS that their regulated products are compliant with the most current energy performance standards and testing requirements, providing clarity and regulatory certainty to the regulated parties.

Ceiling fans and dehumidifiers are not being added as new appliances to Table X. Rather, the specific data fields required for these appliance types are being updated in order for manufacturers to certify compliance with current standards. As such, this will have no economic impact since manufacturers had to certify these appliances before and will continue doing so.

Miscellaneous refrigeration products are the only new appliance type that is being added to Table X, for data certification requirements. Although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards have already been added to the Title 20 Appliance Efficiency Regulations that became effective on October 28, 2019. Submittal to MAEDbS will have a small impact on manufacturers who have not previously had to certify these to MAEDbS. However, the economic impact is expected to be insignificant compared to the total sales of these entities, and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

The removal of the minimum lumen output requirement for portable luminaires allows for manufacturers to design portable luminaires that provide less than 200 lumens, if desired. The economic impact here is also expected to be insignificant compared to the total sales of these entities and insufficient to support the creation or cause the elimination of any business including the ability of businesses to compete with other states.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been added to certify miscellaneous refrigeration products, the CEC assumes that retailers of these products will experience some additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

Some retailers may choose to incur additional costs if they rebrand a regulated appliance that is not certified to MAEDbS and wish to sell it in California. These retailers would be required to certify the re-

branded appliances to the CEC; therefore, they will incur costs associated with reporting to the MAEDbS.

### BUSINESS REPORT

The regulations impose a new reporting requirement for manufacturers of miscellaneous refrigeration products. However, although this is a new appliance type in Table X, it is not a newly regulated product. The federal standards have already been added to the Title 20 Appliance Efficiency Regulations that became effective on October 28, 2019.

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable energy efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to provide specified information for this purpose to the MAEDbS. MAEDbS is used by manufacturers and maintained by the CEC to list the appliances authorized to be sold or offered for sale in California. This is necessary to help the CEC and consumers verify compliance with applicable federal and state efficiency standards. Some retailers may choose to act as a manufacturer when they rebrand a product and assume the certification burden for that refrigeration product.

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

### SMALL BUSINESS

The proposed regulation may affect small business. However, the CEC is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action.

### CONSIDERATION OF ALTERNATIVES

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

The Energy Commission invites interested persons to present statements or arguments concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### CONTACT PERSON

Please direct inquiries concerning all aspects of the rulemaking process including requests for copies of the proposed text (express terms), the initial statement of reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman  
Regulations Manager, Efficiency Division  
1516 Ninth Street  
Sacramento, CA 95814-5512  
(916) 654-4976  
[corrine.fishman@energy.ca.gov](mailto:corrine.fishman@energy.ca.gov)

If Corrine Fishman is unavailable, you may contact Carlos Baez at (916) 654-4719 or [carlos.baez@energy.ca.gov](mailto:carlos.baez@energy.ca.gov).

### COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The Energy Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the Economic and Fiscal Impact Statement (399), express terms, the ISOR, and documents relied upon. Copies may be obtained by contacting Corrine Fishman at the address or phone number above or accessed through the Energy Commission's website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>.

### AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on



which the Energy Commission adopts or amends the resulting regulations.

COPY OF THE FINAL  
STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the Energy Commission’s website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance> or contacting the contact person above.

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

The Energy Commission maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking can be found at: <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/amendments-title-20-appliance>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

PROPOSED RESEARCH ON A FULLY  
PROTECTED SPECIES

Research on Santa Cruz Long-toed Salamander  
(*Ambystoma macrodactylum croceum*)

The Department of Fish and Wildlife (Department) received a proposal in July 2019 from Dr. Barry Sinervo, requesting authorization to take the Santa Cruz Long-toed Salamander (*Ambystoma macrodactylum croceum*) (‘SCLTS’) for scientific research purposes. The SCLTS is a Fully Protected amphibian and is also listed as Endangered under both the California and federal Endangered Species Acts.

Dr. Sinervo is requesting authorization to conduct captive breeding and thermal tolerance experiments on SCLTS as part of a multi-agency recovery effort to augment small existing populations and introduce the species into newly created habitat. This work is being funded through the U.S. Fish and Wildlife Service (Service). This project would be undertaken across the species’ range in Santa Cruz and Monterey counties in

accordance with methods approved by the Department and the Service.

Most SCLTS populations are small, disconnected from each other, and appear to be losing genetic diversity, which could adversely affect their fitness (i.e., survival and reproductive output). Therefore, studying whether inbreeding depression is occurring is of paramount importance to recovery of the species. Dr. Sinervo has proposed to interbreed SCLTS from Santa Cruz and Monterey counties, as well as within population breeding for controls, to study and compare larval fitness among the different breeding groups. Dr. Sinervo will also study the larvae’s thermal tolerance by conducting the experiments at two sites with different climates to assess whether any of the pairings is better suited for a changing climate. Dr. Sinervo is an expert in studying the impacts of climate change on herpetofauna and has direct experience working with SCLTS and its conspecific, the Southern Long-toed Salamanders (*A. m. sigillatum*).

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Dr. Sinervo as the Principal Investigator, to carry out the proposed activities. The researchers are also required to have a valid federal recovery permit for SCLTS and a Scientific Collecting Permit to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected amphibian species after a 30 days’ notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibians, it would issue the MOU on or after November 9, 2020, for an initial and renewable term of up to, but not to exceed, five years.

Contact: Laura Patterson, [Laura.Patterson@wildlife.ca.gov](mailto:Laura.Patterson@wildlife.ca.gov), 916-373-6633.

**DEPARTMENT OF  
FISH AND WILDLIFE**

FISH AND GAME CODE  
SECTION 1653 CONSISTENCY  
DETERMINATION REQUEST FOR  
M-1 Road Fish Passage Improvement Project  
(Tracking Number: 1653-2020-067-001-R1)  
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 22, 2020, that Trout Unlimited, Inc. proposes to carry out a habi-

tat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing an old culvert with an upgraded culvert that will effectively pass 100-year recurrence interval peak flows and associated debris and maintain natural channel width and natural channel bed materials throughout the culvert structure. This will provide access to 1,100 linear feet of salmonid spawning and rearing habitat. The proposed project will be carried out on No Name Gulch/Chapman Creek stream crossing, located on the M-1 Road, approximately 5.1 miles upstream of Big River State Beach, Mendocino County, California.

On August 10, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the M-1 Road Fish Passage Improvement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B20160WNME; ECM PIN No. CW-868451) for coverage under the General 401 Order on September 21, 2020.

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

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

**DEPARTMENT OF  
FISH AND WILDLIFE**

**FISH AND GAME CODE  
SECTION 1653 CONSISTENCY  
DETERMINATION REQUEST FOR  
Lawrence Creek Hydro Reconnection of Critical  
Off-Channel Salmonid Habitat (3.0)  
(Tracking Number: 1653-2020-066-001-R1)  
Humboldt County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 22, 2020, that Trout Unlimited, Inc. proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves placement of large wood structures to increase the frequency of inundation to an existing side channel and off-channel pond which provide slow water holding areas while high velocities are occurring in the main channel. The proposed project will be carried out on Lawrence Creek, located on Humboldt Redwood Company Property at 40.598833° N, 123.978571° W, Humboldt County, California.

On August 27, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Lawrence Creek Hydro Reconnection of Critical Off-Channel Salmonid Habitat (3.0). The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B20165WNHU; ECM PIN No. CW-868677) for coverage under the General 401 Order on September 21, 2020.

Trout Unlimited, Inc. is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653

subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

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

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

Western Joshua Tree  
(*Yucca brevifolia*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its September 22, 2020 meeting, accepted for consideration the petition submitted to list the western Joshua tree (*Yucca brevifolia*) as threatened or endangered under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife's (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the western Joshua tree is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the September 22, 2020 Commission meeting, are on file and available for public review from Melissa Miller-Henson, Executive Director, California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814, phone (916) 653-4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, Attn: Jeb Bjerke or email [nativeplants@wildlife.ca.gov](mailto:nativeplants@wildlife.ca.gov) (include "Western Joshua Tree" in the

subject line. Submission of information via email is preferred.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986

NOTICE OF INTENT TO LIST CHEMICALS  
BY THE LABOR CODE MECHANISM:  
MOLYBDENUM TRIOXIDE  
INDIUM TIN OXIDE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the following chemicals as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65<sup>1</sup>): molybdenum trioxide (CAS No. 1313-27-5) and indium tin oxide (CAS No. 50926-11-9). This action is being proposed pursuant to the "Labor Code" listing mechanism<sup>2</sup>. OEHHA has determined that each of these substances meets the criteria for listing by this mechanism.

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporates California Labor Code section 6382(b) (1) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. OEHHA has adopted regulations concerning these listings in Title 27, Cal. Code of Regs., section 25904. As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether a chemical's listing is required.

**OEHHA's determination:** *Molybdenum trioxide* and *indium tin oxide* meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC has published on its website "IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 118. Welding, *Molybdenum Trioxide*, and *Indium Tin Oxide*." (IARC 2018). IARC concludes that molybdenum trioxide and indium tin

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

<sup>2</sup> Health and Safety Code section 25249.8(a) and Title 27, Cal. Code of Regs., section 25904.

oxide are classified in Group 2B (“possibly carcinogenic to humans”) based on sufficient evidence of carcinogenicity in animals (IARC 2018).

**Opportunity for comment:** OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a), Labor Code section 6382(b)(1), and Title 27, Cal. Code of Regs., section 25904(b). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted (Title 27, Cal. Code of Regs., section 25904(c)).

**Written comments must be received by Monday, November 23, 2020 to be considered.** This comment period has been extended an additional 15 days due to the COVID-19 Emergency.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments>, rather than in paper form. Comments submitted in paper form can be mailed or delivered in person to the address below, but delays may occur if staff are unable to timely access them.

All non-electronic submissions should be directed to:

Comments submitted in paper form may still be mailed or delivered in person to the address below. Please be aware that most OEHHA employees are currently working remotely so receipt of materials that are mailed or delivered in person may be delayed.

Tyler Saechao  
Office of Environmental Health Hazard  
Assessment  
1001 I Street  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010  
Telephone: 916-445-6900

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. Electronic files should not have any form of encryption because OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties. OEHHA must also meet federal and state requirements for materials posted on our websites to be accessible to people with disabili-

ties<sup>3</sup>. We request that comments be submitted in an accessible format to the extent feasible.

If you have any questions, please contact Tyler Saechao at [Tyler.Saechao@OEHHA.ca.gov](mailto:Tyler.Saechao@OEHHA.ca.gov) or at (916) 445-6900.

#### Reference

International Agency for Research on Cancer (IARC, 2018). IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 118. Welding, Molybdenum Trioxide, and Indium Tin Oxide. IARC, World Health Organization, Lyon, France. Available from URL: <http://publications.iarc.fr/569>.

## RULEMAKING PETITION DECISION

### CALIFORNIA GAMBLING CONTROL COMMISSION

July 29, 2020

#### SENT VIA EMAIL ONLY

Mr. Jarhett Blonien, Esq. ([jarhett@jblonien.com](mailto:jarhett@jblonien.com))  
J. Blonien APLC  
1121 L Street, Ste. 105  
Sacramento, CA 95814

Re: Notice of Decision on Petition for Adoption of Cashless Wagering Systems Regulations Pursuant to Government Code sections 11340.06 and 11340.7

Dear Mr. Blonien:

The California Gambling Control Commission (Commission) hereby responds to your petition pursuant to Government Code sections 11340.6 and 11340.7 regarding the Commission’s responsibilities under Business and Professions Code section 19841, which directs the Commission to adopt regulations that “prescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs...”.

<sup>3</sup> An accessible website means that people with disabilities can perceive, understand, navigate, and interact with the web, and that they can contribute to the web. This is usually accomplished by a combination of assistive technology (AT) used by the person with a disability, and programming, coding, and designing by content creators and website designers to ensure the AT works with the website.

INTRODUCTION AND  
PROCEDURAL HISTORY

On July 2, 2020, the Commission’s Executive Director received a request via electronic mail (“email”) to adopt Cashless Wagering Systems Regulations (Petition) from Danielle Guard, on behalf of Jarhett Blonien, Esq. (Petitioner). The Executive Director sent an email acknowledging receipt of the Petition on July 2, 2020. This letter will serve as notification of the Commission’s decision on the merits of the Petition.

AUTHORITY AND SECTIONS  
TO BE AFFECTED

Petitioner cited Business and Professions Code section 19841 subsections (b), (o), and (r), as authority to take regulatory action and referenced the necessity for adoption of regulations based on the global pandemic.

THE COMMISSION’S DETERMINATION

For the reasons discussed below, the Commission denies in whole the Petition. The Commission has reviewed your request and determined that no rulemaking action is necessary at this time. Although the Commission appreciates the significance of the moment and the importance of adapting to change in light of COVID–19, the regulations requested are not as pressing as other scientifically backed and necessary regulatory demands. The Commission will continue to monitor the issues raised and if necessary, it will act.

RATIONALE SUPPORTING THE  
COMMISSION’S DETERMINATION

**The Commission Is Focused On COVID–19  
Emergency Regulations**

The Commission is in the process of promulgating emergency regulations to safeguard the public, and operators of cardrooms to address gaming operations in light of COVID–19. The proposed draft regulations are consistent with other state and expert guidance to mitigate the risk and exposure of COVID–19 within casinos/cardrooms. For reference, we are aware of no other state responses including cashless wagering systems in addressing COVID–19.

Notably, there is a Commission meeting scheduled for August 6, 2020 wherein the Commission will consider the proposed regulations to authorize their submittal to the Office of Administrative Law (OAL)

as emergency regulations. On June 19, 2020, the Commission provided draft language to the public for fiscal estimates and costs. Thereafter on July 9, 2020, the Commission sent a supplemental fiscal survey to stakeholders for fiscal costs as well.

**Nevada Regulations As Described In Your June 30, 2020 Correspondence Do Not Directly Deal With COVID–19**

On June 25, 2020, the Nevada Gaming Commission (NGC) by unanimous vote, modified casino regulations to permit cashless wagering. Most importantly, there does not appear to have been any direct reference to COVID–19 as a factor in the approval of Nevada’s regulations, and in fact, these appear to have originated prior to the current pandemic.

From review of the text it appears that the NGC removed a section prohibiting the NGC’s Chair from approving systems for electronic funds transfers “until such time as the appropriate regulations for such transfers are adopted.”

The old language is replaced by a new section stating that such technology is allowed with the Chair’s approval: *“A licensee shall not allow a patron to use a debit instrument for purposes of making electronic transfers of money from a financial institution directly or indirectly to a game or gaming device unless the transfer uses a cashless wagering system approved by the Chair for such transfer. This subsection only applies to electronic transfers of money at a game or gaming device.”*

The California regulatory environment however is notably not identical to Nevada’s. California has not previously authorized cardrooms to operate slot machines and corresponding ticket in and ticket out type technology for instance. Therefore, any implementation of cashless wagering systems would start from scratch, rather than augmenting pre-existing regulatory infrastructure.

Notwithstanding these hurdles, this is an area of interest for the Commission and we appreciate the highlighted benefits of cashless wagering systems in regards to COVID–19. The Commission will continue to research and may consider promulgating additional regulations concerning cashless wagering in the future.

AGENCY CONTACT PERSON — OBTAINING  
COPIES OF THE PETITION

Any interested persons may obtain a copy of the Petition by contacting Adrianna Alcalá-Beshara by physical mail, telephone, or email at:

Adrianna Alcala-Beshara  
Deputy Director, Legislative and Regulatory  
Affairs  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Ste. 220  
Sacramento, CA 95833  
Telephone: (916) 261-4259  
[AAAlcalaBeshara@cgcc.ca.gov](mailto:AAAlcalaBeshara@cgcc.ca.gov)

In summary, if there is specific language that you are proposing for cashless wagering systems that would be applicable to California, we are open to considering your proposed language. Thank you for your concern in this matter.

Sincerely,  
/s/  
STACEY LUNA BAXTER  
Executive Director

**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.

Board of Education  
File # 2020-0814-03  
Charter Schools

In these changes without regulatory effect, the Board amends its regulations to update cross-references to Education Code sections that have been amended. The Board also repeals regulations and deletes regulatory language that have expired by operation of law.

Title 05  
Amend: 11962, 11962.1, 11965, 11967, 11967.5,  
11967.5.1, 11967.6, 11968.5.3, 11968.5.4, 11969.3  
Repeal: 11966.7, 11969.11  
Filed 09/28/2020  
Agency Contact: Lori Adame (916) 319-0800

Board of Forestry and Fire Protection  
File # 2020-0420-05  
Appeal Amendments, 2020

Public Resources Code section 765 permits an applicant for a license to become a registered professional forester who contends that they have “been aggrieved by any action taken by the examining committee with respect to [their] qualifications [to] appeal to the [Board of Forestry and Fire Protection (the “Board”)] in accordance with rules or regulations prescribed by the [B]oard.” In this regular rulemaking, the Board is amending regulations pertaining to the Board’s review of an appeal made pursuant to Public Resources Code section 765, including adopting a non-refundable \$100 fee that must be paid by an applicant submitting an appeal.

Title 14  
Amend: 1647  
Filed 09/30/2020  
Effective 11/01/2020  
Agency Contact: Eric Hedge (916) 653-9633

California Prison Industry Authority  
File # 2020-0625-02  
Inmate Work/Training Education

The California Prison Industry Authority (Authority) amended a regulation addressing recruitment and appointment of inmates to fill vacant positions in Authority operations. The amendments require inmate workers to execute an acknowledgement of receipt of policies, procedures, and other documents and conditions of appointment and appointment documents. The regulation is also amended to require Authority staff to submit a job change request form as part of the process of filling vacant positions. Both amendments incorporate a form by reference.

Title 15  
Amend: 8004.2  
Filed 09/23/2020  
Effective 01/01/2021  
Agency Contact: Moira Doherty (916) 358-1612

Commission on Peace Officer Standards and Training  
File # 2020-0522-03  
Regulation 1015 Reimbursements for Training

In this rulemaking action, the Commission amends its regulation to increase the reimbursement rate for Basic Course Subsistence for the Regular Basic Course (RBC) from \$50 per day to \$75 per day. The regulatory amendment also increased the number of hours for reimbursement for the RBC from 664 hours to 800 hours.

Title 11  
 Amend: 1015  
 Filed 09/29/2020  
 Effective 01/01/2021  
 Agency Contact: Maria Sandoval (916) 227-2802

Department of Child Support Services  
 File # 2020-0617-01  
 California Department of Child Support Services

In this action, the Department of Child Support Services repeals Manual of Policies and Procedures Chapter 12-700, with the exception of section 12-701, regarding Franchise Tax Board and Financial Management Services Tax Refund Intercept regulations.

Title MPP  
 Repeal: 12-702, 12-703, 12-704, 12-705, 12-706, 12-707, 12-708, 12-709, 12-710, 12-711, 12-712, 12-713, 12-714, 12-715, 12-716, 12-717  
 Filed 09/23/2020  
 Effective 01/01/2021  
 Agency Contact:  
 Andrew Enriques (916) 464-6689

Department of Justice  
 File # 2020-0814-04  
 Secretary of State Bond Form

This action by the Department of Justice is a file and print of the Secretary of the State's revised surety bond form titled "Health Studio Surety Bond."

Title 11  
 Amend: 64.2  
 Filed 09/28/2020  
 Effective 09/28/2020  
 Agency Contact: Cara M. Porter (415) 510-3508

Department of Justice  
 File # 2020-0820-03  
 Repeal of Title 11, Division 1, Chapter 6

In these changes without regulatory effect, the Department repeals its regulations related to gaming registration.

Title 11  
 Repeal: 600, 601, 602, 603, 604  
 Filed 09/30/2020  
 Agency Contact:  
 Zachary Hoffman (916) 210-3633

Department of Toxic Substances Control  
 File # 2020-0416-03  
 PV Modules — Universal Waste Management

This action establishes waste management standards applicable to photovoltaic modules (PV Modules), in-

cluding transportation, treatment, and handling of PV Modules.

Title 22  
 Adopt: 66273.7.1, 66273.33.6  
 Amend: 66260.10, 66261.9, 66273.1, 66273.9, 66273.31, 66273.32, 66273.34, 66273.37, 66273.39, 66273.51, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, 66273.77  
 Filed 09/28/2020  
 Effective 01/01/2021  
 Agency Contact: Chosu Khin (916) 324-2428

Fish and Game Commission  
 File # 2020-0814-02  
 Klamath-Trinity Spring Chinook Salmon Sportfishing

In this timely resubmitted Certificate of Compliance by the Fish and Game Commission it is making permanent regulations that opened the lower Klamath River and upper Trinity River for Upper Klamath-Trinity River Spring Chinook Salmon fishing.

Title 14  
 Adopt: 7.50  
 Filed 09/25/2020  
 Effective 09/25/2020  
 Agency Contact:  
 Sherrie Fonbuena [Sherrie.Fonbuena@fgc.ca.gov](mailto:Sherrie.Fonbuena@fgc.ca.gov)

Secretary of State  
 File # 2020-0918-01  
 Petition Processing, Signature Verification, and Ballot Processing and Counting

In this emergency rulemaking action the Secretary of State adopts new Chapter 8.3 regarding signature verification, ballot processing and counting.

Title 02  
 Adopt: 20910, 20960, 20961, 20962, 20980, 20981, 20982, 20983, 20984, 20985, 20990, 20991, 20992, 20993  
 Filed 09/28/2020  
 Effective 09/28/2020  
 Agency Contact:  
 Robbie Anderson (916) 657-2166

State Allocation Board  
 File # 2020-0814-01  
 Full-Day Kindergarten Facilities Grant Program;  
 SB 75 Amendments

This Certificate of Compliance makes permanent the changes adopted in emergency rulemaking action no. 2020-0206-02E which implemented changes to the Full-Day Kindergarten Facilities Grant Program (FDKFGP). The FDKFGP was amended by Senate Bill 75, Chapter 32, Statutes of 2018 which appropri-

ates another \$300 million to FDKFGP and modifies program eligibility and funding criteria. Changes were made to reflect the modifications from SB 75 including a change to the matching shares for local school districts to retrofit existing school facilities or to construct new facilities to 25 % where before it was 40% required to retrofit and 50% for new construction.

**Title 02**

Amend: 1860, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.10, 1860.11, 1860.13, 1860.15, 1860.18, 1860.19

Filed 09/24/2020

Effective 09/24/2020

Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN July 1, 2020 to September 30, 2020**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 01**

07/06/2020 ADOPT: 6.5, 101 AMEND: 1, 5, 6, 50, 52, 100

**Title 02**

08/27/2020 ADOPT: 19060, 19061.1, 19062, 19063, 19064, 19065, 19066, 19067, 19068, 19069, 19070, 19071, 19072, 19073, 19074, 19075, 19076, 19077, 19078, 19079, 19080, 19081, 19082, 19083, 19084, 19085, 19086, 19087, 19088, 19089, 19090, 19091, 19092, 19093, 19094, 19095, 19096, 19097, 19098 REPEAL: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80

07/06/2020 AMEND: 11017.1, 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11096

07/23/2020 ADOPT: 18707 REPEAL: 18707

07/24/2020 AMEND: 18419

07/22/2020 ADOPT: 18402.2, 18421.10

09/14/2020 ADOPT: 18250 AMEND: 18422.5, 18426.1, 18427.1, 18428, 18431, 18438.5, 18450.1, 18450.3, 18530.4, 18530.45, 18531.62, 18616.4, 18700, 18729, 18754, 18941, 18943, 18992, 18998 REPEAL: 18116, 18117, 18215.1, 18229, 18421.2, 18996

09/18/2020 AMEND: 549

09/24/2020 AMEND: 1860, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.10, 1860.11, 1860.13, 1860.15, 1860.18, 1860.19

08/31/2020 ADOPT: 1859.82.1, 1859.82, 1859.82.3, 1859.82 AMEND: 1859.2, 1859.51, 1859.61, 1859.76, 1859.77.3, 1859.80, 1859.81, 1859.83, 1859.90.3, 1859.93, 1859.106 REPEAL: 1859.82

09/10/2020 AMEND: 20110, 20111, 20114, 20122

09/28/2020 ADOPT: 20910, 20960, 20961, 20962, 20980, 20981, 20982, 20983, 20984, 20985, 20990, 20991, 20992, 20993

**Title 03**

09/08/2020 ADOPT: 1392.10, 1392.10.1, 1392.10.2 AMEND: 1392, 1392.1, 1392.2, 1392.4, 1392.5, 1392.6, 1392.8, 1392.8.1, 1392.9, 1392.9.1, 1392.9.2 REPEAL: 1392.4.1, 1392.7, 1392.10, 1392.11

07/08/2020 AMEND: 3850

08/14/2020 AMEND: 6147

07/30/2020 ADOPT: 1180.43.1

09/14/2020 AMEND: 3162

**Title 04**

09/15/2020 AMEND: 1503

08/31/2020 AMEND: 1845

07/13/2020 ADOPT: 1842.5

08/14/2020 AMEND: 10310, 10315, 10317, 10325, 10327, 10328

08/18/2020 AMEND: 1688

07/22/2020 ADOPT: 299.5

07/31/2020 AMEND: 8072, 8073, 8078, 8078.22, 8078.24, 8078.25, 8078.31

09/01/2020 ADOPT: 1435

08/21/2020 ADOPT: 12292, 12371 AMEND: 12200, 12342, 12364, 12370

09/17/2020 AMEND: 12385

**Title 05**

07/16/2020 AMEND: 19810

08/12/2020 AMEND: 4600, 4621, 4650

09/09/2020 AMEND: 80015.3, 80024.7, 80026, 80070.3 REPEAL: 80040.2.7, 80048.3, 80048.4, 80070.6, 80550, 80552, 80553,



80554, 80555, 80556, 80556.1, 80558,  
80562, 80565, 80567  
09/22/2020 AMEND: 40405.1  
09/22/2020 AMEND: 41905.5  
09/28/2020 AMEND: 11962, 11962.1, 11965, 11967,  
11967.5, 11967.5.1, 11967.6, 11968.5.3,  
11968.5.4, 11969.3 REPEAL: 11966.7,  
11969.11

**Title 08**

07/01/2020 ADOPT: 13820, 13821, 13822  
07/01/2020 ADOPT: 13810, 13811, 13811.5, 13812,  
13812.5, 13812.6, 13813, 13814, 13815,  
13816, 13817, 13818, 13819  
07/22/2020 AMEND: 347, 359.1, 361.3, 372.2, 373  
REPEAL: 372.9  
07/30/2020 AMEND: 3420, 3425  
07/27/2020 AMEND: 1630  
08/26/2020 AMEND: 18290, 18291, 18292  
09/10/2020 AMEND: 9792.23.6, 9792.23.8,  
9792.23.11, 9792.23.12

**Title 10**

07/01/2020 ADOPT: 5520, 5521, 5522, 5523, 5524,  
5525, 5526, 5527, 5528  
07/06/2020 AMEND: 2498.5  
07/20/2020 AMEND: 2498.6  
07/08/2020 AMEND: 2498.4.9  
07/30/2020 AMEND: 2698.30, 2698.33, 2698.34,  
2698.35, 2698.36, 2698.37, 2698.38,  
2698.39, 2698.40, 2698.41  
08/17/2020 AMEND: 10000  
08/25/2020 AMEND: 3527, 3561, 3563, 3567, 3568,  
3569, 3570, 3602, 3603, 3641, 3662, 3681,  
3761  
08/27/2020 AMEND: 2174.2., 2177.3., 2195.2., 2197.1.,  
2197.2., 2199.1., 2199.4.2., 2199.2.6., 2206,  
2274.55., 2274.59., 2278.59., 2303.21.,  
2318, 2318.5., 2318.6., 2350, 2352.1., 2353,  
2353.1., 2354, 2396, 2398, 2498.5., 2498.6.,  
2498.4.9., 2499, 2509.33., 2509.45.,  
2509.57., 2509.77., 2534.45., 2570.09.,  
2598.3., 2601.04., 2603.02., 2603.03.,  
2605.06., 2632.11., 2643.8., 2648.2.,  
2651.1., 2652.5., 2652.8., 2652.9., 2653.1.,  
2655.1., 2683.11., 2683.23., 2697.3., Note  
to Chapter 5, subchapter 3, article 7  
08/17/2020 AMEND: 5521, 5524  
08/31/2020 AMEND: 10000, 10001, 10002, 10003,  
10004, 10005, 10006

**Title 11**

08/10/2020 AMEND: 1005, 1007, 1008

07/06/2020 AMEND: 1005, 1007, 1008  
09/29/2020 AMEND: 1015  
07/06/2020 AMEND: 997  
08/14/2020 ADOPT: 999.300, 999.301, 999.304,  
999.305, 999.306, 999.307, 999.308,  
999.312, 999.313, 999.314, 999.315,  
999.316, 999.317, 999.318, 999.323,  
999.324, 999.325, 999.326, 999.330,  
999.331, 999.332, 999.336, 999.337  
07/01/2020 AMEND: 1005, 1007, 1008  
08/06/2020 REPEAL: 500, 501, 502, 503, 504, 505,  
506, 507, 508, 515, 516, 517, 518, 520, 521,  
522, 523, 524, 525, 526, 527, 528, 529, 530,  
531, 532, 533, 534, 535, 536, 537, 540, 541,  
542, 543, 544, 545, 550, 551, 552, 553,  
554, 555, 560, 561, 562, 563, 564, 565,  
566, 567, 568, 569, 570, 571, 572, 573, 574,  
575, 576, 577, 578, 580, 581, 582, 583, 584,  
585, 586, 587, 588, 589, 590, 591, 592, 593  
07/30/2020 REPEAL: 401, 402, 403, 404, 405, 406,  
407, 408  
08/13/2020 AMEND: 1005, 1007, 1008  
08/10/2020 REPEAL: 920, 921, 923, 925, 927  
08/12/2020 AMEND: 51.30  
09/28/2020 AMEND: 64.2  
09/14/2020 REPEAL: 931, 932, 932.3, 932.5, 932.7,  
932.9, 932.11, 932.13, 932.15, 933, 933.3,  
933.5, 934, 934.3, 934.5, 935  
09/30/2020 REPEAL: 600, 601, 602, 603, 604

**Title 12**

07/13/2020 ADOPT: 480, 481, 482, 483, 484, 485,  
486

**Title 13**

08/13/2020 ADOPT: 1890.00, 1890.01, 1890.02,  
1890.03, 1890.04, 1890.05, 1890.05,  
1890.06, 1890.07, 1890.08, 1890.09,  
1890.10, 1890.11, 1890.12, 1890.13,  
1890.14, 1890.15, 1890.16, 1890.17,  
1890.18, 1890.19, 1890.20, 1890.21,  
1890.22, 1890.23, 1890.24, 1890.25,  
1890.26, 1890.27,  
07/01/2020 AMEND: 1200, 1234  
07/20/2020 AMEND: 423.00  
07/27/2020 AMEND: 345.65, 345.66  
08/11/2020 AMEND: 1160.2, 1164  
08/25/2020 AMEND: 272.02

**Title 14**

09/30/2020 AMEND: 1647  
07/10/2020 AMEND: 550, 550.5, 551, 552, 630, 702

**CALIFORNIA REGULATORY NOTICE REGISTER 2020, VOLUME NUMBER 41-Z**

07/03/2020 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50 AMEND: 10660.5, 18660.6, 18660.7, 18660.20 REPEAL: 18660.51  
07/15/2020 AMEND: 2.35, 7.00, 7.50  
07/23/2020 AMEND: 13012(a), 13055(a),(b),(e),(f)  
08/05/2020 AMEND: 5.87, 7.50  
08/11/2020 AMEND: 1071  
08/12/2020 AMEND: 1265.02  
07/27/2020 AMEND: 1270.02, 1270.04, 1270.05, 1271.00  
08/31/2020 AMEND: 11990  
09/02/2020 AMEND: 163, 164  
09/03/2020 AMEND: 1022, 1022.1, 1023, 1024, 1025  
09/17/2020 AMEND: 913, 933, 953, 1052, 1052.4  
09/03/2020 ADOPT: 5212 AMEND: 5200.5, 5201, 5202, 5207 REPEAL: 5203, 5209  
09/25/2020 ADOPT: 7.50

**Title 15**

07/20/2020 ADOPT: 3999.100, 3999.101, 3999.108, 3999.109, 3999.110, 3999.111, 3999.112, 3999.113, 3999.114, 3999.115, 3999.116, 3999.125, 3999.126, 3999.127, 3999.130, 3999.131, 3999.133, 3999.134, 3999.135, 3999.136, 3999.137, 3999.138, 3999.139, 3999.140, 3999.141, 3999.142, 3999.143, 3999.144, 3999.145, 3999.146, 3999.147, 3999.201, 3999.205, 3999.215, 3999.216, 3999.217, 3999.218, 3999.219, 3999.240, 3999.241, 3999.300, 3999.301, 3999.302, 3999.303, 3999.304, 3999.305, 3999.306, 3999.307, 3999.308, 3999.309, 3999.310, 3999.315, 3999.325, 3999.326, 3999.368, 3999.375, 3999.380, 3999.381, 3999.382, 3999.383, 3999.384, 3999.385, 3999.390, 3999.391, 3999.392, 3999.393, 3999.394, 3999.396, 3999.400, 3999.401, 3999.410, 3999.411, 3999.415, 3999.418, 3999.419, 3999.427, 3999.428, 3999.430, 3999.431 AMEND: 3999.98, 3999.99, 3999.320 REPEAL: 3352, 3352.1, 3355, 3355.2  
09/23/2020 AMEND: 8004.2  
07/23/2020 AMEND: 3000, 3006, 3044, 3133, 3190, 3314, 3315, 3323  
08/31/2020 AMEND: 3375.2, 3377.1  
09/17/2020 AMEND: 3000, 3061, 3105, 3133, 3138, 3162, 3165

**Title 16**

09/15/2020 ADOPT: 1714.3  
07/20/2020 REPEAL: 1495, 1495.1, 1495.2, 1495.3, 1495.4

07/27/2020 REPEAL: 1149, 1150, 1151, 1152, 1153  
08/07/2020 REPEAL: 1399.343, 1399.344, 1399.345, 1399.346  
08/14/2020 AMEND: 1793.5  
08/25/2020 AMEND: 3890  
08/04/2020 AMEND: 3830  
09/14/2020 AMEND: 1997  
08/31/2020 AMEND: 3394.3, 3394.4, 3394.6

**Title 17**

08/18/2020 ADOPT: 30305.5, 30441 AMEND: 30252, 30307, 30400, 30411, 30417, 30418, 30423, 30450, 30456, 30456.4  
09/08/2020 AMEND: 94800, 94801, 94802, 94803, 94804, 94805, 94806, 94807, 94808, 94809  
07/28/2020 AMEND: 2500, 2505

**Title 18**

07/03/2020 ADOPT: 370.5 AMEND: 370  
07/08/2020 AMEND: 1685.5  
07/30/2020 AMEND: 5216, 5218, 5229, 5231, 5232, 5234, 5235, 5237, 5240, 5241, 5242, 5245, 5246, 5247, 5248, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268, 5310, 5311, 5323.6, 5324, 5324.6, 5325, 5325.4, 5325.6, 5326, 5326.2, 5326.4, 5326.6, 5327, 5327.6, 5328, 5331, 5334, 5335, 5335.6, 5337, 5337.4, 5338, 5338.4, 5338.6, 5341, 5343, 5345, 5510, 5511, 5521, 5521.5, 5522, 5522.2, 5522.4, 5522.6, 5522.8, 5523, 5523.1, 5523.2, 5523.3, 5523.4, 5523.5, 5523.6, 5523.7, 5523.8, 5530, 5540, 5541, 5550, 5551, 5552, 5560, 5561, 5562, 5570, 5571, 5572, 5573, 5574, 5575, 5576 REPEAL: 5410, 5411, 5412, 5420, 5421, 5422, 5423, 5424, 5430, 5432, 5435, 5440, 5441, 5442, 5443, 5444, 5450, 5451, 5452, 5453, 5454, 5460, 5461, 5462, 5463, 5464, 5465  
08/31/2020 AMEND: 202

**Title 19**

09/03/2020 AMEND: 1990.00, 1990.01, 1990.02, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.10, 1990.11, 1990.12  
08/27/2020 ADOPT: 4201  
08/31/2020 ADOPT: 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120  
09/18/2020 ADOPT: 4305, 4310, 4345, 4401, 4501 AMEND: 4003

**Title 20**

09/21/2020 AMEND: 1601, 1602, 1604, 1605.1,  
1605.2, 1605.3, 1606, 1607

08/27/2020 AMEND: 2713, 2716

09/14/2020 ADOPT: 3979.12

08/31/2020 AMEND: 6010

**Title 22**

09/28/2020 ADOPT: 66273.7.1, 66273.33.6 AMEND:  
66260.10, 66261.9, 66273.1, 66273.9,  
66273.31, 66273.32, 66273.34, 66273.37,  
66273.39, 66273.51, 66273.70, 66273.71,  
66273.72, 66273.73, 66273.74, 66273.75,  
66273.76, 66273.77

**Title 27**

09/08/2020 AMEND: 27000

07/01/2020 AMEND: 3301(d)-1, 3302-1, 3303-1

**Title 28**

07/17/2020 ADOPT: 1300.67.01

**Title 22, MPP**

08/19/2020 ADOPT: 102425, 102426 AMEND:  
101239, 101416.5, 101419.2, 101429,  
101430, 101439.1, 102352, 102417

**Title MPP**

09/23/2020 REPEAL: 12-702, 12-703, 12-704, 12-705,  
12-706, 12-707, 12-708, 12-709, 12-710,  
12-711, 12-712, 12-713, 12-714, 12-715, 12-  
716, 12-717

**Title 23**

08/31/2020 ADOPT: 990, 991

08/18/2020 AMEND: 42-751, 44-350, 44-352, 44-353

09/10/2020 AMEND: 42-721, 44-316, 44-350