

UPDATED INFORMATIVE DIGEST

California Alternative Energy and Advanced Transportation Financing Authority ("CAEATFA" or the "Authority")

Sales and Use Tax Exclusion Program

There were no changes to the immediately preceding laws or regulations directly related to this proposed rulemaking action or in its effect.

As mentioned in the Notice of Proposed Rulemaking, the proposed regulations include modifications initially adopted under the emergency rulemaking process (OAL File Nos. 2020-1026-02(E), 2021-0820-04(E), and 2021-1118-02(E)), as well as modifications that were approved at the October 19, 2021, CAEATFA Board meeting to help improve and streamline the Authority's administration of the Sales and Use Tax Exclusion ("STE") Program (the "Program").

The proposed regulations approved at the October 19, 2021, CAEATFA Board meeting became effective as emergency regulations on December 9, 2021 (OAL File No. 2021-1129-02(E)). As part of the emergency rulemaking process, modifications were made to the emergency regulation text that were also incorporated in the proposed regulations that are the subject of this rulemaking after the 45-day public comment period.

All of these modifications are nonsubstantial, as that term is used in Government Code Section 11346.8, as they clarify without materially altering the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text.

The changes are described below:

- The authority cited in Sections 10034 and 10035 has been updated to include Section 26009 of the Public Resources Code.
- Section 10032(c)(2) is amended to incorporate by reference the Legal Status Questionnaire (as revised on August 14, 2018).
- Section 10032(c)(4)(A)(ix) is amended to incorporate by reference the U.S. Small Business Administration's size standards for a Small Business matched to the North American Industry Classification System, found in Part 121.201 of Title 13 of the Code of Federal Regulations (1-1-20 Edition).