



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Codes — Notice File Number Z2022-1129-03 1473
AMENDMENT

MULTI-COUNTY: BETA Healthcare Group Risk Management Authority
Capitol Valley Regional Service Authority for Freeways and Expressways
Kern Tulare Water District
Sacramento Area Council of Governments

TITLE 2. STATE PERSONNEL BOARD

Merit and Appeals Process — Notice File Number Z2022-1129-02 1474

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Mediation Notice — Notice File Number Z2022-1123-01 1476

TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

Nonveteran Continued Residency — Notice File Number Z2022-1129-01 1479

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Golden Eagle Habitat Use in Pahrump Valley and Adjacent Land in California 1481

(Continued on next page)

*Time-
Dated
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1482

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

BETA Healthcare Group Risk Management Authority
Capitol Valley Regional Service Authority for Freeways and Expressways
Kern Tulare Water District
Sacramento Area Council of Governments

A written comment period has been established commencing on December 9, 2022 and closing on January 23, 2023. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest codes will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed codes will be submitted to the Commission for review.

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested

person, will approve, or revise and approve, or return the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than January 23, 2023. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING
COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to repeal Sections 202 and 203.5 and amend Sections 66.1, 186, 190, 213.4, and 548.49 to clarify the regulations related to merit issue complaints; appeals related to Board examinations; Qualification Appraisal Panel (QAP) and employee development appraisal rating appeal rights; and procedures related to drug testing appeal rights. (Cal. Code Regs., title 2, 66.1, 186, 190, 202, 203.5, 213.4, and 548.49.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on January 24, 2023 at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link: <https://spb-meetings.webex.com/spb-meetings/j.php?MTID=mace2b248b37894c65e6ceec172faa22b>

Then enter the following information to gain access to the hearing:

Meeting Number: 2551 734 1034
Meeting password: S8Qnae84hJ9

- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: +1-408-418-9388
Participant Code: 25517341034###

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant

to the proposed regulatory action to the contact person listed below.

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Email: lori.gillihan@spb.ca.gov

The written comment period closes on January 24, 2023. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to amend Sections 66.1, 186, 190, 202, 203.5, 213.4, and 548.49 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code section 18701. The proposed regulation will implement, interpret, and make specific the provisions of Government Code sections 12940, 18502, 18670, 18675 18701, 18930, 18952, 19701, 19702, 19230, 19231, 19889, 19889.2, and 19889.3.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, §§ 1, subdivision (b), and 3; Government Code, § 18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Government Code, §§ 18211, 18215, and 18216.) Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Government Code, § 18215, subdivision (a)(2).)

The purpose of repealing and amending these sections is to further clarify the regulations related to merit issue complaints; appeals related to Board examinations; Qualification Appraisal Panel (QAP) and employee development appraisal rating appeal rights; and procedures related to drug testing appeal rights.

Specifically, section 66.1 provides that an individual must first file a merit issue complaint with the state agency prior to submitting an appeal with the Board. However, section 66.1 requires further clarity regard-

ing the process for the filing and handling of merit issue complaints.

Additionally, changes to sections 190 and 548.49 now establish uniform standards for filing an appeal with the Board for all examinations including Career Executive Assignments (CEAs). As such, sections 202 and 203.5 which specifically address the appeal standards for QAP and employee development appraisal rating examination appeal rights are no longer required.

Furthermore, section 213.4 has been amended to ensure that departments inform applicants of their right to appeal the results of a drug test with the Board.

Further changes were made to sections 186 and 190 to improve the organization and general clarity of the Board's regulations.

The benefits of this regulatory change include: 1.) conserving the fiscal interests of the state by improving the Board's merit issue complaint and appeals process standards; 2.) updating the appeals process for Board examinations; and 3.) improving the organization of Board regulations.

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ON PUBLIC AGENCIES

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

ECONOMIC IMPACT ON BUSINESS

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: None. The proposed regulations only set standards related to state civil service appeals procedures. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

COST IMPACT 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 since the regulatory change only impacts the Board's appeals procedures.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state's environment.

The adoption of these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant 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.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Lori Gillihan, Chief
 Policy Division
 State Personnel Board
 801 Capitol Mall
 Sacramento, CA 95814
 Phone: (916) 651-1043
 Email: lori.gillihan@spb.ca.gov

The backup contact person for these inquiries is:

Carlos Gomez, Analyst
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-8350
Email: carlos.gomez@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Policy Division Chief, Lori Gillihan, at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board's website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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 that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

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 on the Board's website at www.spb.ca.gov under "What's New?"

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

SECTION 3915.1

The Department of Food and Agriculture (Department) proposes to revise Title 3 of the California Code of Regulations (CCR) Section 3915.1 pertaining to the Mediation Notice Label.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on January 23rd, 2023. The Department will consider only comments received at the Department offices by that date or postmarked no later than January 23rd, 2023. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Erin.Lovig@cdfa.ca.gov
916.403.6650

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698–2947 or rachel.avila@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to amend Section 3915.1 pursuant to the authority vested by Sections 407 and 52332 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Section 52332 of the FAC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of amending Section 3915.1 is to clarify the dispute resolution procedures and make it more consistent with other state laws and regulations by amending the mediation notice.

EXISTING LAWS AND REGULATIONS

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

Existing law, FAC Section 52332, provides that regulations adopted by the secretary for the mandatory conciliation, mediation, or arbitration of disputes shall require that adequate notice be provided on the seed label notifying any buyer of the requirement to submit a dispute to mandatory conciliation, mediation, or arbitration as a prerequisite to other dispute resolution mechanisms, including litigation.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The Department anticipates consumers and seed labelers will benefit from the proposed amendment of this regulation. California’s agricultural economy relies on the production of numerous agricultural and vegetable crops that are grown from seed. The

movement of interstate seed into California’s seed marketplace will ensure a diverse and ample supply of agricultural and vegetable seed for consumers and intrastate seed labelers. The “labeling,” as defined in Section 52255 of the FAC, of interstate seed must comply with the laws and regulations in each destination state, and interstate seed labelers must change their seed labels accordingly. The proposed amendment will align with the Notice of Arbitration/Conciliation/Mediation in RUSSEL and be more consistent with other state laws and regulations, reducing the burden on interstate seed labelers selling seed in California. The Department also anticipates the proposed amendment will improve regulatory compliance, resulting in fewer violations for seed labelers. In addition, a “person,” as defined in Section 38 of the FAC, will not incur increased costs due to the proposed amendment of this regulation. The labeling requirement, established in Section 52456 of FAC and CCR Section 3867, except as provided in Section 52451 of the FAC, will not be eliminated.

When California consumers purchase seed for commercial crop production, they rely on the analytical information presented on the seed label to estimate field plantings and crop yields. In the event seed does not perform as described on the label, California consumers may pursue mediation, a prerequisite to seeking legal action, to resolve seed disputes. The proposed amendment will more concisely describe the dispute resolution procedures to consumers and reduce improperly labeled containers of seed in the marketplace. Lastly, the formal complaint, investigation, and mediation procedures, as outlined in Sections 3915, 3916, 3917, and 3918 of the California Code of Regulations, will remain.

There is no existing, comparable federal regulation or statute.

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

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing the noticing label, and it found that these proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can clarify the dispute resolution procedures and make it more consistent with other states’ laws and regulations. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3915.1 and has determined that it is not inconsistent or incompatible with existing state regulations.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department has determined that this regulatory proposal will not have a significant impact on any state agency in the State of California. The proposed amendment does not eliminate the labeling requirement established in Section 52456 of the FAC and Section 3867 of the California Code of Regulations, except as provided in Section 52451 of the FAC.

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

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

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

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

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

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

The Department has concluded that the Section 3915.1 amendment (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more

effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to phil.mcallister@calvet.ca.gov. The written comment period closes on **January 23, 2023**. CalVet will consider only comments received at CalVet offices by that time. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator
 California Department of Veterans Affairs
 1227 O Street, Suite 500
 Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Sections 79.3, 79.4, 1023, and 1044, Military and Veterans Code (MVC).

Reference: Sections 1012 and 1012.1, MVC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. Informative Digest

These proposed regulations would provide rules related to a nonveteran Veterans Home member originally admitted to the Veterans Home in a joint admission with their veteran spouse or domestic partner. The goal is to clarify a nonveteran member's option to continue their residency after the death or discharge of their related veteran spouse or domestic partner, or after divorce or termination of domestic partnership. This proposed regulation would protect the rights of nonveteran spouses and domestic partners as valued members of the Veterans Homes.

There are multiple scenarios in which a spouse or domestic partner of a veteran member may choose to

remain in a Veterans Home without maintaining joint residency with their veteran member spouse or domestic partner. Chief among them are the following scenarios:

- A nonveteran member of the Veterans Home divorces or ends their domestic partnership with their related veteran member, or vice versa.
- The veteran member is discharged from the Veterans Home.
- The veteran member discharges pursuant to 12 CCR Section 520.2, intending to take an aid-in-dying drug to end his or her life.

The Veterans Homes provide care for aged or disabled veterans, but may admit nonveteran spouses or domestic partners of veterans when the veteran and nonveteran submit a joint application to enter a Veterans Home.¹ Currently, there are no guidelines set in regulation addressing the status of a nonveteran member following the death or discharge of their related veteran member, or following their divorce or termination of domestic partnership between the veteran and nonveteran members.

Proposed 12 CCR Section 505.13 Nonveteran Continued Residency would provide as follows:

Section 505.13(a)

States the right of the nonveteran member to elect to continue their residency in enumerated scenarios. This is necessary to provide the specific scenarios in which a nonveteran member would be permitted to remain a member of a Veterans Home.

Section 505.13(b)

This is required because statutory and regulatory mechanisms exist to discharge nonveteran members following the dissolution of joint residency with their veteran member spouse or domestic partner. Because the right of a nonveteran member to remain in a Veterans Home following the reasons described in Section 505.13(a) of this rulemaking action are not absolute, this subsection is necessary to affirm the scenarios in which a nonveteran member may solely be discharged from a Veterans Home to prevent abuse of the right to continued nonveteran member residency. The enumerated reasons in this section do not broaden or limit a nonveteran member's rights, but are a recognition of preexisting reasons for discharge.

Section 505.13(c)

This is necessary to affirm that nothing in the proposed rulemaking action should be misconstrued to override MVC Section 1012 or MVC Section

¹ In accordance with Military and Veterans Code § 1012(a)(3), the Veterans Homes may also admit nonveteran widows and widowers of specified veterans. Pursuant to 12 California Code of Regulations § 505.2(f)(1), these nonveterans may not be jointly admitted with another nonveteran, and are therefore not subject to the proposed regulation.

1012.1(b). MVC Section 1012 dictates that all members meet specified eligibility requirements, including those set forth by the U.S. Department of Veterans Affairs (USDVA). Meanwhile, MVC Section 1012.1(b) clearly intends to discharge members, whether veteran or nonveteran, if a joint application is predicated on false information. In either case, the joint admission of the veteran and nonveteran is voided, and both members should be discharged as a corrective action.

B. Policy Statement Overview

CalVet proposes this rulemaking action to make permanent CCR, Title 12, Section 505.13. This rulemaking action will make specific how CalVet administers nonveteran spouse continued residency within the Veterans Home system in accordance with the MVC. These regulations would set forth a uniform process for nonveteran members wishing to remain members of the Veterans Homes following the death, discharge, divorce, or termination of domestic partnership of their veteran spouse or domestic partner. This regulation would create uniformity and ensure fairness in CalVet's approach to the residency status of nonveteran members in keeping with CalVet's commitment to operate California Veterans Homes for aged and disabled veterans, including their spouses or domestic partners. CalVet keeps this commitment by providing nonveteran members the right to elect to remain members of the Veterans Homes following a veteran member's death or discharge, or divorce or termination of a domestic partner member. Discharging a nonveteran member without cause, when that member would otherwise meet eligibility requirements, would be unreasonable, as it would cause considerable harm while failing to meet the spirit, if not the letter, of state law.

DETERMINATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS

After conducting an evaluation for any regulations related to this area, CalVet has found that this proposed regulation is not inconsistent or incapable with existing regulations.

DISCLOSURES REGARDING
THE PROPOSED ACTION

CalVet has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

CalVet does not anticipate that there will be significant impacts on the public, private persons, or business due to the proposed regulation. CalVet does not anticipate that there will be an expansion of existing business in California. No jobs will be created; none will be eliminated. No new businesses will be created; no existing businesses will be eliminated. CalVet anticipates that the regulation will benefit the health and welfare of members of the Veterans Homes of California.

CalVet has not identified any benefits in the areas of worker safety or the state's environment. The reason no benefits were identified is that the regulation does not address worker safety or the state's environment.

Benefits of the Proposed Action:

The proposed regulation, 12 CCR Section 505.13 Nonveteran Continued Residency, will provide rules related to a nonveteran Veterans Home member originally admitted to the Veterans Home in a joint admission with their veteran spouse or domestic partner in accordance with the MVC.

Small Business Determination:

CalVet has determined that the proposed regulation will not affect small business. This proposed regulation does not apply to small business in any manner.

Business Report

The proposed regulation does not require a business report.

CONSIDERATION OF ALTERNATIVES

CalVet 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.

CalVet is not aware of any reasonable alternatives. Providing clarity to nonveteran members of the Home is essential to avoid unequal or non-uniform treatment of nonveteran spouses and domestic partners wishing to remain at a Veterans Home so they may “age in place” instead of forcing a move to a care facility outside of the veterans community.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator
 California Department of Veterans Affairs
 1227 O Street, Suite 500
 Sacramento, CA 95814
 Telephone: (916) 653-1961
 Email: phil.mcallister@calvet.ca.gov

The backup contact person for these inquiries is:

Andra Pechal, Manager
 California Department of Veterans Affairs
 1227 O Street, Suite 500
 Sacramento, CA 95814
 Telephone: (916) 503-8329
 Email: andra.pechal@calvet.ca.gov

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

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

CalVet will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, the text of these proposed regulations and relevant state and federal law. Copies may be obtained by contacting Phil McAllister at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to

the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

GOLDEN EAGLE HABITAT USE IN PAHRUMP VALLEY AND ADJACENT LAND IN CALIFORNIA

The Department of Fish and Wildlife (Department) received a proposal on November 14, 2022, from Dr. Todd Katzner of the U.S. Geological Survey, requesting authorization to take the golden eagle (*Aquila chrysaetos*) (eagle), a Fully Protected bird, for scientific research purposes, consistent with protection and conservation of the species.

Dr. Katzner will be working in cooperation with Dr. Peter H. Bloom of Bloom Biological, Inc., to determine potential impacts to eagles from solar renewable energy facilities that are planned to be built in the Pahrump Valley in Nevada. The research will help determine if eagles captured in Nevada utilize habitat within California, and if eagles in San Bernardino County, California utilize habitat in the Pahrump Valley area. The proposed activities include trapping

via baited bow or other nets, taking standard measurements including weight, estimation of age of each captured eagle, attachment of GSM/GPS transmitters to track movements and home range size of tagged eagles, banding with aluminum and color VID bands, and collection of blood and feather samples. Sample size of tagged eagles and duration of the research will be dependent on available funding after the initial two years of study. If any eagles are found dead, or unviable eggs are discovered, they may be salvaged and donated to a scientific institution open to the public as designated by the Department and the U.S. Fish and Wildlife Service.

The Department intends to issue, under specified conditions, an amended Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. The applicant is also required to have valid federal permits for the research on eagles, and a scientific collecting permit to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period 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 3511 for take of Fully Protected birds, it will issue the authorization on or after January 8, 2023, for an initial and renewable term of four years. Contact: Shannon Skalos, Shannon.Skalos@wildlife.ca.gov.

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.

Secretary of State
File # 2022-1018-01
Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process

This certificate of compliance by the Secretary of State makes permanent the emergency regulations that establish notice requirements concerning the pro-

hibition of electioneering and activity related to the corruption of the voting process.

Title 02
Adopt: 20180, 20181, 20182
Filed 11/30/2022
Effective 11/30/2022
Agency Contact: Robbie Anderson (916) 216-6488

State Water Resources Control Board
File # 2022-1115-03
FY 2022-23 Water Rights Fees

This emergency action amends fees supporting water right program activities including fees related to groundwater extractions reporting, water right applications, special petitions or requests, water rights permits and licenses, and Federal Energy Regulatory Commission Licensed Hydroelectric Projects.

Title 23
Amend: 1040, 1044, 1062, 1063, 1064, 1066, 3833.1
Filed 11/28/2022
Effective 11/28/2022
Agency Contact: Sarah Fong (916) 341-5129

State Water Resources Control Board
File # 2022-1116-01
Emergency Regulation Amending Drinking Water Fee Schedule

In this emergency rulemaking action, the State Water Resources Control Board (Board) amends the fee amounts paid by public water systems into the Safe Drinking Water Account to conform to the revenue levels set forth in the Budget Act for fiscal year 2022-23. This emergency action is exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 116565 and remains in effect until revised by the Board.

Title 22
Amend: 64305
Filed 11/28/2022
Effective 11/28/2022
Agency Contact: Justin Davis (916) 449-5670

State Water Resources Control Board
File # 2022-1116-02
FY 2022-23 Waste Discharge Requirement Fee

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not subject

to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
 Amend: 2200, 2200.1, 2200.2, 2200.4, 2200.5, 2200.6, 2200.7, 2200.8, 2200.9
 Filed 11/28/2022
 Effective 11/28/2022
 Agency Contact: Sarah Fong (916) 341-5129

CalSavers Retirement Savings Board
 File # 2022-1122-02
 CalSavers Retirement Savings Program Amendments

This emergency rulemaking action by the CalSavers Retirement Savings Board readopts amendments originally made in OAL Matter No. 2022-0308-03E, and readopted in OAL Matter No. 2022-0830-04EE, relating to determining employer eligibility and deadlines for registration and enrollment in the CalSavers Retirement Savings Program.

Title 10
 Amend: 10000, 10001, 10002, 10004
 Filed 11/30/2022
 Effective 12/15/2022
 Agency Contact: Eric Lawyer (916) 653-1744

Office of Energy Infrastructure Safety
 File # 2022-1116-03
 Hearing Procedures

This emergency readopt establishes a written hearing process by which regulated entities and the public may present additional information to the office regarding a notice of defect or violation. This emergency is deemed pursuant to Government Code sections 15473(c)(2)(E) and 15475(a).

Title 14
 Adopt: 29104
 Filed 11/28/2022
 Effective 12/12/2022
 Agency Contact: Jeff Brooks (916) 926-1672

Office of the State Fire Marshal
 File # 2022-1013-03
 Pipeline Safety Enforcement and Operator Drug and Alcohol Testing

This file and print action from the Office of State Fire Marshal adopts, amends, and repeals regulations related to hazardous liquid pipeline safety in compliance the Federal Hazardous Liquid Pipeline Safety Act. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 51011.

Title 19
 Adopt: 2070.1, 2070.2, 2071.1, 2071.2, 2071.3, 2071.4, 2073.2, 2073.3, 2073.4, 2073.5, 2075.1
 Amend: 2050, 2072, 2073 renumbered 2073.1 2074, 2075
 Repeal: 2070, 2071
 Filed 11/29/2022
 Effective 01/01/2023
 Agency Contact: Eireann Flannery (916) 531-7650

Department of Motor Vehicles
 File # 2022-1018-03
 Driver's Licenses and Identification Cards: AB 60

This change without regulatory effect by the Department of Motor Vehicles amends the list of documents that have been deemed to provide satisfactory proof of an applicant's identity for purposes of section 16.04, subdivision (b), of title 13 of the California Code of Regulations to update the version of the Mexican Consular Card (Matricula Consular) from 2006 to 2022.

Title 13
 Amend: Appendix
 Filed 11/29/2022
 Agency Contact: Randi Calkins (916) 282-7294

Air Resources Board
 File # 2022-1014-06
 Advanced Clean Cars II Regulations

In this action, the California Air Resources Board adopts the Advanced Clean Car II (ACCII) regulations for the purpose of guiding the light-duty vehicle segment of the California transportation sector toward 100% electrification by 2035. The action also increases the stringency of existing regulations to ensure emissions are reduced in vehicles sold with internal combustion engines beginning in 2026 and until 2035.

Title 13
 Adopt: 1961.4, 1962.4, 1962.5, 1962.6, 1962.7, 1962.8
 Amend: 1900, 1961.2, 1961.3, 1962.2, 1962.3, 1965, 1968.2, 1969, 19676, 1978, 2037, 2038, 2112, 2139, 2140, 2147, 2317, 2903
 Filed 11/30/2022
 Effective 11/30/2022
 Agency Contact: Bradley Bechtold (661) 305-9128

Board of Education
 File # 2022-1013-01
 Extended School Year

This action repeals regulations concerning application of regular classroom integration components of

an Individualized Education Program (IEP) during the regular academic year to summer school programs.

Title 05
Amend: 3043
Filed 11/28/2022
Effective 01/01/2023
Agency Contact: Lori Adame (916) 319-0860

Board of Forestry and Fire Protection
File # 2022-1014-01
Forest Resiliency Amendments, 2022

This action amends forest management and stocking regulations to improve forest resilience.

Title 14
Amend: 912.7, 913.2, 913.11, 932.7, 933.2, 933.11, 952.7, 953.2, 953.11
Filed 11/30/2022
Effective 01/01/2023
Agency Contact: Jane Van Susteren (916) 619-9795

California Victim Compensation Board
File # 2022-1011-02
Claims of Persons Erroneously Convicted

This action amends procedures for making a compensation claim of a person erroneously convicted of a felony including application and filing requirements, preliminary review, evidentiary standards, claim review standards, hearing procedures, and hearing officer decision standards, and sanction standards.

Title 02
Adopt: 646
Amend: 640, 641, 642, 643, 644, 645
Filed 11/23/2022
Effective 01/01/2023
Agency Contact: Neil Ennes (916) 491-3728

Department of Conservation
File # 2022-1014-05
California Farmland Conservancy Program

In this rulemaking action, the Farmland Conservancy Program amends its real estate appraisal requirements for grant applications. Real estate appraisals no longer must be completed before the Department can act on an application for grant funds. Instead, the appraisals are required to be completed prior to the disbursement of funding under the grant. This change allows the Department to conditionally approve grant applications prior to completion of final appraisals.

Title 14
Amend: 3010
Filed 11/23/2022
Effective 01/01/2023
Agency Contact: Graham St. Michel (530) 556-6127

Medical Board of California
File # 2022-1013-05
Notice to Consumers

This action requires medical doctors, research psychoanalyst registrants, licensed midwives, and polysomnography registrants to provide notice that they are licensed and regulated by the Medical Board, and that patients can check on their license and file a complaint to the Board.

Title 16
Adopt: 1378.5, 1379.4
Amend: 1355.4, 1379.58
Filed 11/28/2022
Effective 01/01/2023
Agency Contact: Kerrie Webb (916) 263-2389

Office of Spill Prevention and Response
File # 2022-1012-01
Non-floating Oil Ratings for Oil Spill Response Organizations and Contingency Plan Requirements

This action by the Office of Spill Prevention and Response amends regulations to address non-floating oil ratings for oil spill response organizations and contingency plan requirements for entities handling non-floating oil.

Title 14
Amend: 790, 817.02, 817.03, 817.04, 818.02, 818.03, 819.01, 819.02, 819.04
Filed 11/28/2022
Effective 01/01/2023
Agency Contact: Andrew Benware (916) 375-7157

Commission on Peace Officer Standards and Training
File # 2022-1017-03
Updates to Definitions

This action by the Commission on Peace Officer Standards and Training implements Senate Bill 2 (Chapter 409, Statutes of 2021) by adopting and amending definitions relating to peace officer hiring eligibility and certification requirements.

Title 11
Adopt: 1201
Amend: 1001
Filed 11/30/2022
Effective 01/01/2023
Agency Contact: Michelle Weiler (916) 227-4870

Department of Parks and Recreation
File # 2022-0902-02
Grants and Cooperative Agreement Program

This action repeals the 2008 Soil Conservation Standard and Guidelines and adopts the 2020 Soil Conservation Standard and Guidelines which are incorporated by reference in 14 CCR Section 4970.06.3. The Soil Conservation Standards and Guidelines are used by the Off-Highway Motor Vehicle Recreation Division in administering their grants and cooperative agreements programs.

Title 14
Amend: 4790.06.3
Filed 11/30/2022
Effective 01/01/2023
Agency Contact: Ethan Mathes (916) 215-8074

Fish and Game Commission
File # 2022-1014-04
Commercial harvest of kelp and other aquatic plants

This rulemaking action by the Fish and Game Commission updates requirements for the commercial harvesting of kelp and other aquatic plants. This action also updates requirements related to the leasing of administrative kelp beds and temporarily closes lease only administrative kelp beds 308, 309, and 312.

Title 14
Adopt: 705.1
Amend: 165, 165.5
Filed 11/30/2022
Effective 01/01/2023
Agency Contact:
Sherrie Fonbuena (916) 902-9284

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

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

