



California Regulatory Notice Register

REGISTER 2023, NUMBER 1-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 6, 2023

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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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <https://oal.ca.gov>.

**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 code, will review the proposed/amended conflict-of-interest code of the following:

CONFLICT-OF-INTEREST CODE

AMENDMENT

MULTI-COUNTY:

California Joint Powers Insurance Authority

A written comment period has been established commencing on January 6, 2023 and closing on February 21, 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 code 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 code will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code, proposed pursuant to Government Code Section 87300, which designates, 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 code 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 code. Any written comments must be received no later than February 21, 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 this code because these are not new programs mandated on local agencies by the code 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 code 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 code shall approve code 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 code 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 CODE**

Copies of the proposed conflict-of-interest code 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.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN pursuant to the provisions of Fish and Game Code Section 2073.3, the California Fish and Game Commission (Commission), on November 21, 2022 received a petition from Ileene Anderson and Lisa Belenky, Center for Biological Diversity to list greater sage-grouse (*Centrocercus urophasianus*) as a threatened or endangered species under the California Endangered Species Act.

The greater sage-grouse is a large, gallinaceous bird that evolved in sagebrush ecosystems. It is the largest grouse found in North America, with males generally being nearly twice the size of females. Greater sage-grouse in California occupy the western periphery of this species' overall range and represent 7% of its overall population.

The greater sage-grouse is almost completely dependent on large expanses of sagebrush-dominated habitat for existence. They depend on a variety of semiarid shrub-grassland habitats throughout their life cycle. Because sage-grouse depend on high-quality habitats that historically were relatively extensive in nature, they are often used as an indicator of the health of a broader ecosystem of sagebrush-dependent species.

Pursuant to Section 2073 of California Fish and Game Code, on December 1, 2022, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its February 8-9, 2023 meeting, in Sacramento. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its April 19-20, 2023 meeting.

For information about the petition or to submit information to the Department relating to the petitioned species, interested parties may contact Neil Cliperton, Endangered Species Unit Supervisor, California Department of Fish and Wildlife, by mail at P.O. Box 944209, Sacramento, California 94244-2090, telephone at (916) 373-6620, or email at wildlifemgt@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.

Board of Education
File # 2022-1110-04
Physical Fitness Test

This action makes permanent the amendments to section 1040 of Title 5 of the California Code of Regulations that eliminate the Body Composition subtest and all Healthy Fitness Zone performance standards from the California Physical Fitness Test and add a definition of the term "results" as used in Education Code section 60800. In order to reconcile related Board of Education regulations to the amendments being made permanent in section 1040, the action also amends two regulations and repeals three others.

Title 05
Amend: 1040, 1043, 4043.4
Repeal: 1043.6, 1043.8, 1044
Filed 12/28/2022
Effective 12/28/2022
Agency Contact: Hillary Wirick (916) 319-0860

CalSavers Retirement Savings Board
File # 2022-1214-02
CalSavers Retirement Savings Program Amendments

This emergency rulemaking action conforms the Board's regulations to changes made by Senate Bill 1121 (Chapter 192 of 2022) to governing statutes concerning the number of eligible employees an employer must have for purposes of required registration with the CalSavers Retirement Savings Program. The action also deletes provisions which have become obsolete due to the passage of time.

Title 10
Amend: 10000, 10001, 10002, 10005, 10006
Filed 12/21/2022
Effective 01/01/2023
Agency Contact: Eric Lawyer (916) 653-1744

Department of Cannabis Control
 File # 2022-1214-01
 Track and Trace Requirements for Delivery of Cannabis Goods

This emergency rulemaking action adopts new track and trace requirements for licensed retailers conducting delivery of cannabis goods. This action is a deemed emergency pursuant to Business and Professions Code section 26068(d)(3).

Title 04
 Adopt: 15049.3
 Amend: 15418
 Filed 12/27/2022
 Effective 12/27/2022
 Agency Contact: Charisse Diaz (916) 465-9025

Department of Social Services
 File # 2022-1212-02
 Establish Two-year Timeframe for CalWORKS Nonfraudulent Overpayments

This emergency action creates two more exceptions to the requirement to correct and collect overpayments on grants: nonfraudulent overpayment claims that include overpaid months during the COVID-19 pandemic emergency and nonfraudulent overpayments discovered more than 24 months later.

Title MPP
 Amend: 44-350
 Filed 12/22/2022
 Effective 01/01/2023
 Agency Contact: Everardo Vaca (916) 657-2363

California Gambling Control Commission
 File # 2022-1216-01
 Commission Fees Modernization III

The California Gambling Control Commission (“CGCC”) re-adopts for the second time its emergency rulemaking which took effect on August 1, 2022 (OAL File No. 2022-0721-07E). This emergency rulemaking updates the Commission’s fee collection methodologies and procedures for cardroom establishments. CGCC is also further clarifying its fee collection procedures and methodologies.

Title 04
 Adopt: 12318, 12368.2, Appendix to Chapter 5
 Amend: 12112, 12360, 12368, 12470, 12472, Appendix to Chapters 2 and 7
 Repeal: 12368.1
 Filed 12/23/2022
 Effective 12/30/2022
 Agency Contact: Josh Rosenstein (916) 274-5823

State Water Resources Control Board
 File # 2022-1212-01
 Drought Conservation Emergency Regulation

This emergency rulemaking by the State Water Resources Control Board extends emergency regulations originally adopted in OAL Matter No. 2022-0105-03E pursuant to Water Code section 1058.5. The regulations are intended to promote conservation of water in response to the Governor’s October 19, 2021, proclamation of a drought state of emergency, which was reaffirmed in Executive Order N-7-22.

Title 23
 Adopt: 995
 Filed 12/21/2022
 Effective 12/21/2022
 Agency Contact: Garrett Lenahan (916) 341-5179

State Teachers Retirement System
 File # 2022-1123-05
 Conflict-of-Interest Code

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

Title 05
 Amend: 22000
 Filed 12/21/2022
 Effective 01/20/2023
 Agency Contact: Brian Sytsma (916) 414-1703

Department of Justice
 File # 2022-1117-01
 Microfilm and Other Photographically Reproduced Public Records

As changes without regulatory effect, the Department of Justice is amending and repealing regulations regarding microfilming and other photographic reproductions to align with statutory changes resulting from the enactment of Senate Bill 854 (2013-2014 Reg. Sess.).

Title 11
 Amend: 200, 201, 202, 205 (renumbered to 203), 206 (renumbered to 203), 207 (renumbered to 203)
 Repeal: 203, 204
 Filed 12/28/2022
 Agency Contact: Marlon Martinez (213) 269-6437

Board of Registered Nursing
 File # 2022-1206-06
 Categories of Nurse Practitioners and Scope of Practice

This rulemaking action by the Board of Registered Nursing adopts and amends regulations relating to

categories and scope of practice for nurse practitioners as set forth in Business and Professions Code sections 2837.103 and 2837.104.

Title 16
Adopt: 1482.3, 1482.4, 1487
Amend: 1480, 1481
Filed 12/23/2022
Effective 01/01/2023
Agency Contact: Marissa Clark (916) 574-7438

California Horse Racing Board
File # 2022-1114-01
Minimum Weights to Be Carried

In this regular rulemaking, the California Horse Racing Board (the “Board”) is amending regulations to increase the minimum weight to be carried for all races and establish separate weight minimums for quarter horse races. The Board is also amending regulations to decrease the allowable overweight for a rider to ride.

Title 04
Amend: 1616, 1683
Filed 12/22/2022
Effective 04/01/2023
Agency Contact: Zachary Voss (916) 263-6036

Professional Fiduciaries Bureau
File # 2022-1129-01
Cultural Competency

Existing law, the Professional Fiduciaries Act (the “Act”), provides for the licensure and regulation of professional fiduciaries and provides for the administration of those provisions by the Professional Fiduciaries Bureau (the “Bureau”). The Act requires an applicant to complete 30 hours of prelicensing education courses provided by an educational program approved by the Bureau as a condition of licensure. The Act also requires a licensee to complete 15 hours of continuing education courses each year as a condition of license renewal or restoration. Business and Professions Code section 6538 was recently amended by Statutes of 2021, chapter 167, section 1 (Assembly Bill 465), to, beginning January 1, 2023, require the prelicensing education courses to include at least one hour of instruction in cultural competency, as defined. The statutory changes also, beginning January 1, 2023, require a licensee to complete at least two hours of instruction in ethics, cultural competency, or both every year as a condition of license renewal or restoration. In this regular rulemaking, the Bureau is implementing the recent amendments to Business and Professions Code section 6538.

Title 16
Amend: 4440, 4442, 4444
Filed 12/28/2022
Effective 01/01/2023
Agency Contact: Angela Cuadra (916) 574-7498

Department of Real Estate
File # 2022-1123-04
Regulations to Implement SB 263

This action implements the new continuing education course requirements for real estate licensees required by Senate Bill 263 (Stats. 2021, ch. 361).

Title 10
Adopt: 3013.1, 3015, 3017
Amend: 3007.2
Filed 12/28/2022
Effective 01/01/2023
Agency Contact:
Jeanine Clasen jeanine.clasen@dre.ca.gov

**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.