



California Regulatory Notice Register

REGISTER 2023, NUMBER 8-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 24, 2023

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Codes — Notice File Number Z2023-0214-04 167

AMENDMENT

MULTI-COUNTY: Sacramento Area Flood Control Agency
San Francisquito Creek Joint Powers Authority
Galt Joint Union Elementary School District
Mother Lode Job Training Agency

STATE AGENCY: California Cultural and Historical Endowment

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Sweet Orange Scab Interior Quarantine — Notice File Number Z2023-0203-01..... 168

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Instructor Refresher Hour and Content Training — Notice File Number Z2023-0214-02 170

TITLE 16. BOARD OF PHARMACY

Notice to Consumers — Notice File Number Z2023-0210-02 172

TITLE 20. ENERGY COMMISSION

*2023 Flexible Demand Appliance Standards for Pool Controls —
Notice File Number Z2023-0214-03*..... 175

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

Notice of Findings for Shasta Snow-wreath (Neviusia cliftonii) 179

(Continued on next page)

*Time-
Dated
Material*

DEPARTMENT OF FISH AND WILDLIFE
Consistency Determination No. 1653–2023–105–001–R4, Sparling Ranch Pond 21
Fish Barrier Project, San Benito County 182

PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Concerning Petition from Frederick Everts Regarding Inmate Work Groups and Privilege Groups 184

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Concerning Petition from Frederick Everts Regarding General Policy 185

DECISION NOT TO PROCEED

DEPARTMENT OF CHILD SUPPORT SERVICES
Concerning Intergovernmental Regulations for Child Support Services 186

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 186

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

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

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:

- Sacramento Area Flood Control Agency
- San Francisquito Creek Joint Powers Authority
- Galt Joint Union Elementary School District
- Mother Lode Job Training Agency

STATE AGENCY:

- California Cultural and Historical Endowment

A written comment period has been established commencing on February 24, 2023 and closing on April 10, 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 April 10, 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 3. DEPARTMENT
OF FOOD AND AGRICULTURE**

SECTION 344

The Department of Food and Agriculture (Department) proposes to establish Title 3 of the California Code of Regulations (CCR) Section 3443 pertaining to the Sweet Orange Scab Interior Quarantine.

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 or email. The written comment period closes on April 10, 2023. The Department will consider only comments received at the Department offices by that date or postmarked no later than April 10, 2023. Submit comments to:

Keith Okasaki, Environmental Program Manager
California Department of Food and Agriculture
Citrus Pest and Disease Prevention Division
2710 Gateway Oaks Drive, Suite 210-S
Sacramento, CA 95833
Keith.Okasaki@cdfa.ca.gov
(916) 274-6300

Questions regarding the substance of the proposed regulation should be directed to Keith Okasaki. In his absence, you may contact Briana Russell at (916) 274-6300 or Briana.Russell@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department may adopt the proposal as set forth in this notice without further notice to the public. Following the public hear-

ing, 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 establish Section 3443 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5024, 5321, and 5322 of the FAC.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The specific purpose of Section 3443 is to establish quarantine areas for regulating the movement of hosts and possible carriers of sweet orange scab (SOS).

EXISTING LAWS & REGULATIONS

FAC sections 407, 5301, and 5302 authorize the Department to establish, maintain, and enforce quarantine regulations to protect California's agricultural industries from harmful pests and diseases. Regulations may establish a quarantine at the boundaries of the state or elsewhere within the state.

FAC section 5024 requires the Department to inspect any plant or thing that is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest.

FAC section 5321 requires the Secretary to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication.

FAC section 5322 authorizes the Secretary to establish, maintain, and enforce quarantine, eradication, and other regulations as are deemed necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The Secretary may make and enforce such regulations deemed necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

ANTICIPATED BENEFITS OF
THE PROPOSED REGULATION

The Californian, national, and international consumers of California SOS host materials benefit by having high quality citrus fruit and healthy host nursery stock at lower cost. Implementing this regulation allows both domestic and international trade pathways to remain open.

Federal Order DA-2016-55 establishes SOS quarantine requirements for citrus nurseries, growers, and packinghouses to prevent the artificial spread of SOS. The proposed regulation would mirror the requirements listed in the federal order as California is required to be as equally or more restrictive as the U.S. Department of Agriculture (USDA) when creating and enforcing quarantine requirements. Without this regulatory action, USDA would implement a statewide quarantine for SOS, adversely impacting California's agricultural industry and significantly increasing cost to consumers.

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 other possible regulations addressing an interior quarantine for SOS and found that this proposed regulation is the only regulation dealing with this subject. 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 3443 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.

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 neces-

sarily 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 proposed Section 3443 (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.cdffa.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 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

**AMEND PEACE OFFICER TRAINING
STANDARDS, COMMISSION
REGULATIONS 1070 AND 1082**

At the November 30, 2022 meeting, the Commission on Peace Officer Standards and Training (POST) approved the proposed amendments to Commission Regulations 1070 and 1082.

The proposed changes involve mandating additional training hours for instructors in the perishable skills specific to Arrest and Control, Firearms, and Emergency Vehicle Operations, while also adding Use of Force training to Commission Regulation 1070.

The attached notice includes the proposed changes, an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to *Jim Katapodis* Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-3467. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227-2802.

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**PUBLIC COMMENTS DUE BY
APRIL 10, 2023.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-2801, by email to *Jenny Michel* at jenny.michel@post.ca.gov, or by letter to:

Commission on POST
Attention: Jenny Michel
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This rulemaking action clarifies and makes specific changes to Commission Regulations 1070 and 1082 to implement a minimum of 4 hours of updated instructor training for the following specialized subjects: Arrest and Control, Firearms, Emergency Vehicle, and Use of Force. The action will also establish Use of

Force under Commission Regulation 1070 specialized training list and allow for an equivalency to the Use of Force Instructor Update training.

Currently, Commission Regulation 1070 and 1082 require minimum training standards for primary and non-primary instructors, however the regulations do not require any update instructor training or completion of equivalency once an instructor is certified in the respective specialized training. Due to the evolving nature of state and federal laws, as well as applicable case law, POST staff consulted with subject matter experts who believe instructors in specialized subjects should participate in refresher training to obtain up-to-date and relevant knowledge in their instructional discipline.

The regulations proposed in this rulemaking action will address the need for Use of Force instructors to complete a Use of Force instructors course prior to instruction. It will also address periodic and ongoing instructor training for Arrest and Control/Defensive tactics, Firearms, Emergency Vehicle Operation Courses, Use of Force, as well as an equivalency process of Use of Force. The proposed changes in Commission Regulation 1082 will establish the minimum content requirement for Use of Force Instructor and Instructor Course Update course content.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will set a standard for agencies and presenters to conduct update instructor trainings for a minimum of four hours or as deemed necessary or accept an equivalency that is appropriate to fit the Use of Force instructor standards which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference in this proposed action.

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

Other non-discretionary costs or savings imposed on local agencies: None.

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

Cost impacts on a representative private persons or business: POST 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 California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity to the requirements for background inquiries when evaluating a candidate for peace officer selection. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as 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 than the proposed action.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Jenny Michel*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-4567. General questions regarding the regulatory process may be directed to *Katie Strickland* at (916) 227-2802.

TEXT OF PROPOSAL

Individuals may request 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, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

ADOPTION OF PROPOSED REGULATIONS/ AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. 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.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 16. BOARD OF PHARMACY

CONCERNING: NOTICE TO CONSUMERS

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under *Contact Person* in this Notice, must be received by the board at its office by April 10, 2023.

The board has not scheduled a public hearing on this proposed action. The board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or that person’s authorized representative, no later than 15 days prior to the close of the written comment period.

The board may, after holding a hearing if requested and considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the *Contact Person* and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Sections 4005 and 4122 of the Business and Professions Code (BPC) authorize the board to adopt this regulation. The proposed regulation implements, interprets, and makes specific sections 733, 4005, 4076.5, and 4122 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, interns, and pharmacy technicians. The board’s mandate and its mission are to protect the public (BPC 4001.1).

Existing pharmacy law specifies in general terms that a licentiate cannot obstruct a patient from obtaining a prescription drug (BPC 733). Further, this section provides that a notice to consumers shall include a statement that describes the rights established. Additionally, existing law requires every pharmacy to prominently post in a conspicuous place and readable by prescription drug consumers a notice that is produced and provided by the board (BPC 4122). The section also provides that a written receipt containing the same information may be provided in lieu of the posting of the notice. The board currently produces and distributes a “Notice to Consumers” poster (Notice) and a “Point to your language” poster (Language) — the contents of which are specified in 16 California Code of Regulations (CCR) section 1707.6. The notices are produced and printed by the board and are distributed to pharmacies at no cost. The notices are also available on the board’s website in a portable document format (PDF) for utilization.

This proposal will revise the Notice and Language posters as part of the board’s consumer awareness initiative. The proposal will require the Notice to include a QR code that links consumers to a translation of the Notice in the top 16 languages spoken by Californians with limited English proficiency, as determined by the U.S. Department of Health and Human Services and the California Department of Health Care Services. Additionally, it will require pharmacies to place the Notice poster (or to display the notice to consumers on a video screen) in places that are conspicuous and physically accessible so consumers can scan a QR code to obtain a language translation of the notice when needed. Further, the proposal will require the Language notice to be printed in the top 16 languages as determined by the U.S. Department of Health and Human Services and the California Department of Health Care Services. Finally, the proposal will require pharmacies to either post or provide on the patient’s written receipt a statement describing patients’ rights per BPC 733 and BPC 4122.

ANTICIPATED BENEFITS OF THE
PROPOSED REGULATIONS

The broad objectives of the regulation are reflected in the board’s mission statement, which is to “protect and promote the health and safety of Californians by pur-

suing the highest quality of pharmacist’s care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation, and enforcement.” The board seeks to educate consumers about the practice of pharmacy through a consumer education campaign of consumer-facing materials to improve consumers’ awareness of their rights and how to take their medications. The proposed action, as part of this consumer education campaign, will benefit consumers by promoting consumer awareness. This awareness will improve the health and welfare of California residents by encouraging consumers to discuss medications with their pharmacists, providing education on the importance of complying with prescription treatment regimens, and ensuring that consumers are better informed about their drug therapy and overall health.

CONSISTENCY AND COMPATIBILITY
WITH EXISTING STATE REGULATIONS

While developing these regulations and amendments, the board conducted a search of similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. These amendments make state law more consistent with federal law, which requires that taglines be posted in at least the top 15 languages (plus English) for individuals with limited spoken English.

FISCAL IMPACT AND
RELATED ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: The board estimates this proposal could result in a fiscal impact to the board of approximately \$15,000–\$20,000 to publish and distribute the revised posters to pharmacies. This is an important consumer education tool and the board will absorb these costs within its existing resources.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not impose new requirements on licensees; rather, the proposal modifies the existing

Notice and Language posters that are produced by the board and distributed to licensed pharmacies at no cost to a pharmacy. Under existing law, as an alternative to posting the posters provided by the board, pharmacies may utilize alternative means to display the required posters in an alternative format, display methodology or via video screen, as specified; however, this alternative format is not mandated. The proposal does require that pharmacies utilizing the alternative means to display the required poster must include a QR code so that consumers can utilize the QR translation technology. The inclusion of the QR code will not have a significant impact as the QR graphic will be printed on the posters by the board and can be embedded into the electronic file.

Cost Impact on Representative Private Person or Business:

The board is not aware of any negative cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action as the board prints and provides the posters to licensees at no cost to the business.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS:

While the board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a “small business,” as defined in Government Code section 11342.610, the board has made an initial determination that the proposed regulatory action will affect small businesses. Although the proposed regulation will directly affect businesses statewide, which may include small businesses, the board does not anticipate any adverse economic impact as the board prints and provides the posters to licensees at no cost to the business.

BUSINESS REPORTING REQUIREMENTS

The regulatory action does not require businesses to file a report with the board.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/New Businesses:

The board concludes that:

- (1) this proposal will not create jobs within California;
- (2) this proposal will not eliminate jobs within California;
- (3) this proposal will not create new businesses within California;
- (4) this proposal will not eliminate existing businesses within California; and,

- (5) this proposal will not expand businesses currently doing business in the State of California.

The board determined that this proposal will not cause any of the foregoing because these changes are not of sufficient magnitude to create those impacts. This proposal does not impose new requirements on licensees; rather, the proposal modifies the existing Notice and Language posters that are produced by the board and distributed to licensed pharmacies at no cost to pharmacies.

Additionally, the board determined that this regulatory proposal will not impact worker safety or the state’s environment as these changes do not involve worker safety or the environment. The board has determined that this regulatory proposal benefits the health and welfare of California residents by educating consumers about their rights and fostering a quality dialogue between pharmacists and patients (or the patient’s agent).

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation, 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the *Contact Person* during the written comment period.

AVAILABILITY OF TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS

The board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Ste. 100, Sacramento, California 95833, or from the Board of Pharmacy’s website at <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Usha Mutschler
Address:
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone Number: (916) 518-3077
Fax Number: (916) 574-8618
Email Address:
PharmacyRulemaking@dca.ca.gov

The backup contact person is:

Name: Lori Martinez
Address:
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone Number: (916) 518-3078
Fax Number: (916) 574-8618
Email Address:
PharmacyRulemaking@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board of Pharmacy's website: https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

**TITLE 20.
ENERGY COMMISSION**

2023 FLEXIBLE DEMAND APPLIANCE
STANDARDS FOR POOL CONTROLS

DOCKET NUMBER 23-FDAS-01

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt a new Chapter

4.1, Article 1 and the following new sections 1690, 1691, 1692, 1693, 1694, 1695, 1696, and 1697 into Title 20, the California Code of Regulations (CCR) ("the Proposed Action"), related to flexible demand appliance standards (FDAS) generally and to pool controls specifically, after considering all comments, objections, and recommendations, regarding the Proposed Action.

PUBLIC HEARING

The CEC staff will hold a public hearing for the proposed regulatory changes at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulatory changes at the public hearing. *The record for this hearing will be kept open until every person attending has had an opportunity to provide comment.*

Tuesday April 11, 2023
10:00 a.m. (Pacific Time)

The public hearing will be held remotely to improve and enhance public access to meetings allowing broader access through teleconferencing options. Instructions for remote participation for the public hearing are below.

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 extension 2, or the Office of the Public Advisor, Energy Equity and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 654-4489 or toll free at (800) 822-6228.

Link:
<https://energy.zoom.us/j/88678978298?pwd=Mkp1NW02ckJ3anRlSnNlV3k4UnJpdz09>
Webinar ID: 886 7897 8298
Passcode: 401667

To participate by telephone dial (213) 338-8477 or (888) 475-4499 (toll free). When prompted, enter the 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 Office of the Public Advisor, Energy Equity and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email

at publicadvisor@energy.ca.gov, by phone at (916) 654-4489, or toll free at (800) 822-6228. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Office of the Public Advisor, Energy Equity and Tribal Affairs via email or phone.

NEWS MEDIA INQUIRIES

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

PUBLIC COMMENT PERIOD

The written public comment period for the proposed regulations will be held from **February 24, 2023, through April 10, 2023**. Any interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to **April 10, 2023**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls> which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with Title 20, CCR, section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 23-FDAS-01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket Number 23-FDAS-01
715 P Street, MS-4
Sacramento, CA 95814

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

To ensure you receive notice of any changes to the proposed regulatory changes in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding email subscriber list or provide a valid email or mailing address with your comments.

STATUTORY AUTHORITY AND REFERENCE

Authority cited: Sections 25213, 25218, 25402(f), and 25402.11, Public Resources Code. Reference: Sections 25216.5(d), 25402(f), and 25402.11, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist Act establishes the CEC as California’s primary energy policy and planning agency. Since 1976, the CEC has adopted cost-effective and technically feasible appliance standards that set a minimum level of energy or water efficiency, as part of the CEC’s mandate to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

In 2019 the California Legislature passed Senate Bill 49 (SB 49, Skinner, Chapter 697, Statutes of 2019) granting the CEC with new authority to develop standards for flexible demand technologies to reduce greenhouse gas (GHG) emissions from electricity generation. Flexible demand technologies enable an appliance to schedule, shift, or curtail the electrical demand with the consumer’s consent. The CEC has identified pool controls, a device that sets the daily schedule of the pool filter pump, pool heater, chlorinator, and pressure cleaner booster pump, as an ideal candidate for the first of California’s flexible demand appliance standards.

Therefore, the CEC proposes to adopt a new Chapter 4.1, Article 1 to Title 20 for flexible demand appliance standards. The proposed additions to Title 20 would adopt provisions specifically applicable to pool controls and general provisions that will apply to this and future FDAS. The proposed pool control standards will require all pool controls to have a default schedule for the operation of pool equipment and internet connectivity to enhance flexible demand capabilities.

Difference from existing comparable federal regulation or statute

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

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

The broad objective of the proposed regulations is to carry out the CEC’s statutory mandate in SB 49 to develop standards for flexible demand technologies to reduce GHG emissions from electricity production.

The specific benefits of the proposed regulations are utility cost savings to the consumer, lower statewide energy use, and enhanced reliability of the electrical grid. The proposed standards are cost-effective, technically feasible, and would avoid GHG emissions associated with electricity production by 394,000 metric tons of carbon dioxide equivalent (CO₂e) in 2033, at full stock turnover. The standards would shift 64 gigawatt-hours (GWh) of electricity off peak during the first year the standard is in effect and 682 GWh of electricity during the year at full stock turnover. Consumers will save an estimated \$1,131 per appliance over the life of the device by shifting the time of electricity use. The proposed regulations should also enhance the reliability of the electrical grid by shifting electricity demand.

Determination of inconsistency or incompatibility with existing state regulations

California does not currently have regulations for flexible demand appliance standards in the California Code of Regulations. Therefore, the CEC has determined that the proposed regulations which would adopt general provisions applicable to FDAS and specific requirements for pool controls would not prevent compliance with existing state regulations and are neither inconsistent nor incompatible with any other existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and 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 will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This determination is supported by the detailed savings and cost analysis performed by staff and contained in the Staff Report available in the proceeding’s docket, *Staff Report: Analysis of Flexible Demand Standards for Pool Controls*. CEC Publication Number: CEC-400-2023-001. The Staff Report utilizes information obtained by a variety of sources including industry, the Department of Energy, and California utilities.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that: (1) the proposal will create jobs within California, (2) the proposal will eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

The benefits of the proposed regulations are utility cost savings to the consumer and lower statewide energy use. The proposed standards are cost-effective, technically feasible, and would avoid GHG emissions associated with electricity production by 394,000 metric tons of CO₂e in 2033, at full stock turnover. The standards would shift 64 GWh of electricity off peak during the first year the standard is in effect and 682 GWh of electricity during the year at full stock turnover. Consumers will save an estimated \$1,131 per appliance over the life of the device by shifting the time of electricity use. The proposed regulations should

also enhance the reliability of the electrical grid by shifting electricity demand.

The proposed regulation will not adversely impact 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 person or business would necessarily incur in reasonable compliance with the Proposed Action.

The proposed regulations do not create the need for a new good or service. Instead, they require the improvement of existing goods in the market. The economic impact on business is expected to be small compared to the total sales, and insufficient to have an adverse economic impact affecting business. The CEC assumes that manufacturers will pass the incremental cost to meet the requirements onto the businesses involved in the distribution and sales, which in turn will then pass the cost on to the consumers. However, the savings from lower utility bills over the lifetime of the appliance exceeds the incremental costs.

An individual will incur an incremental cost for a purchase of a compliant pool control. However, this is a one-time expense with no annual ongoing costs and consumers on time of use (TOU) rates would save in electric utility bills over the expected life of the appliance.

BUSINESS REPORT

The proposed regulations would impose new data reporting requirements on manufacturers of flexible demand appliances.

The proposed regulations would require manufacturers to certify each model of appliance within the scope of the regulations to the CEC's flexible appliance database by submitting data about each appliance model indicating how it meets the requirements of the proposed regulations. Certifying a model as compliant with the flexible demand standards would allow effective enforcement by providing regulators with a list of products that could be legally sold or offered for sale, rented, imported, distributed, or leased for use in California. Certifying would also allow customers, distributors and retailers to verify that products can be legally sold prior to sale.

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.

EFFECT ON SMALL BUSINESS

The proposed regulations will affect small business. However, the initial and ongoing costs to small businesses are the same as the costs for a typical business. Small businesses that will be affected are those that sell flexible demand appliances such as retail home appliance stores, pool supply companies, and small retailers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the CEC 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.

CONTACT PERSON

Questions should be addressed to:

Corrine Fishman, Regulations Manager
Efficiency Division
715 P Street
Sacramento, CA 95814
(916) 805-7452
corrine.fishman@energy.ca.gov

OR

Nicholaus Struven
(916) 805-7458
nicholaus.struven@energy.ca.gov

COPIES OF THE INITIAL STATEMENT OF REASONS (ISOR), THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC 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 express terms, and the ISOR. Copies may be obtained by contacting Corrine Fishman at the email or phone number above or accessed through the CEC's website at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>.

AVAILABILITY OF 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 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 CEC 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 CEC 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 contacting the person above or by visiting the CEC's website at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted at <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>.

INSTRUCTIONS FOR RECEIVING NOTICES
AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed please subscribe to the **Appliance email subscription list**, which can be accessed here: <https://www.energy.ca.gov/proceedings/energy-commission-proceedings/pool-controls>. The subscription list sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription list but still would like to receive documents and notices, please contact the contact person listed in this notice.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE OF FINDINGS FOR SHASTA
SNOW-WREATH (NEVIUSIA CLIFTONII)

JANUARY 26, 2023

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at a meeting on February 16–17, 2022, found pursuant to California Fish and Game Code Section 2075.5, that the information contained in the petition to list the species Shasta snow-wreath (*Neviusia cliftonii*) and other information in the record before the Commission, warrants adding Shasta snow-wreath to the list of threatened species under the California Endangered Species Act (CESA) (Fish and Game Code, Section 2050 et seq.). (See also California Code of Regulations, Title 14, Section 670.1, subsection (i)).

NOTICE IS ALSO GIVEN that, at its February 8–9, 2023, meeting, the Commission adopted the following findings outlining the reasons for its determination.

I. Background and Procedural History

Petition History

On September 30, 2019, Kathleen Roche submitted a petition to the Commission to list Shasta snow-wreath as endangered under CESA. The Commission reviewed the petition for completeness, and pursuant to Section 2073 of the California Fish and Game Code, referred the petition to the California Department of Fish and Wildlife (Department) on October 10, 2019 for evaluation. The Commission gave public notice of receipt of the petition on November 22, 2019 (California Regulatory Notice Register 2019, Number 47–Z, page 1592). The Department transmitted to the Commission the Department's petition evaluation on February 6, 2020, and on February 21, 2020, the Commission formally received the Department's petition evaluation.

At its April 15–16, 2020 meeting, the Commission determined that listing may be warranted, and subsequently provided notice regarding Shasta snow-wreath's candidate species status (California Regulatory Notice Register 2020, Number 18–Z, page 692).

Status Review Overview

The Commission's action designating Shasta snow-wreath as a candidate species triggered the Department's process for conducting a status review to inform the Commission's decision on whether to list the species. At a public meeting in April 2021, the Com-

mission approved a request for a six-month extension to complete the status review.

On November 17, 2021, the Department transmitted to the Commission the Department’s report to the Commission, *Report to the Fish and Game Commission Status Review of Shasta Snow–Wreath (Neviusia cliftonii)*, dated November, 2021. On December 15, 2021, the Commission formally received the Department’s status review report during a public meeting. On February 17, 2022, the Commission found that the information contained in the petition to list Shasta snow–wreath and other information in the record before the Commission warranted listing Shasta snow–wreath as a threatened species under CESA.

Species Description

Shasta snow–wreath is a deciduous shrub in the rose family (*Rosaceae*) that occurs in the eastern Klamath Ranges in Shasta County, California, near Shasta Lake. Shasta snow–wreath grows primarily in riparian areas in the dense understory of shady montane hardwood–conifer and ponderosa pine forests, and is also found in foothill pine–blue oak woodland habitat.

II. Statutory and Legal Framework

The Commission, as established by the California State Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA. (California Constitution, Article IV, Section 20, subdivision (b); Fish and Game Code Section 2070.) The CESA listing process for this species began in the present case with the submittal of the petition to the Commission. The regulatory and legal process that ensued is described in some detail in the preceding section, along with related references to the Fish and Game Code and controlling regulations. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- Natural Resources Defense Council v. California Fish and Game Commission (1994) 28 Cal. App.4th 1104;
- Mountain Lion Foundation v. California Fish and Game Commission (1997) 16 Cal.4th 105;
- California Forestry Association v. California Fish and Game Commission (2007) 156 Cal.App.4th 1535;
- Center for Biological Diversity v. California Fish and Game Commission (2008) 166 Cal.App.4th 597;
- Central Coast Forest Association v. California Fish and Game Commission (2017) 2 Cal. 5th 594;
- Central Coast Forest Association v. California Fish and Game Commission (2018) 18 Cal.App. 5th 1191; and

- Almond Alliance of California v. California Fish and Game Commission (2022) 79 Cal.App. 5th 337.

The “is warranted” determination stems from Commission obligations established by Fish and Game Code Section 2075.5. Under the provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether listing a species is warranted or is not warranted. Here, the Commission made the finding under Section 2075.5(e)(2) that listing is warranted.

The Commission was guided in making its determinations by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease” (Fish and Game Code Section 2062). Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter” (*Id.*, Section 2067).

The Commission also considered Title 14, Section 670.1, subsection (i)(1)(A), of the California Code of Regulations in making its determination. The provision provides, in pertinent part, that the Commission will list the species or subspecies as endangered or threatened under CESA if the Commission determines that its continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

Fish and Game Code Section 2070 provides similar guidance, providing that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides that it is the policy of the state, not specific to the Commission per se, that all state agencies, boards, and commissions shall seek

to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA (Fish and Game Code Section 2055). The statutory guidance does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, “[I]aws providing for the conservation of natural resources’ such as the CESA are of great remedial and public importance and thus should be construed liberally.” (*California Forestry Association v. California Fish and Game Commission*, supra, 156 Cal.App.4th at pages 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish and Game Code sections 2051, 2052.)

Finally, in considering the six identified factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., Id., sections 2071, 2074.4, 2078; California Code of Regulations, Title 14, Section 670.1, subdivision (h)). The related notice obligations and public hearing opportunities before the Commission are also considerable (Fish and Game Code sections 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; California Code of Regulations, Title 14, Section 670.1, subdivisions (c), (e), (g), (i); see also California Government Code Section 11120 et seq.). The referenced obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including an initial evaluation of the petition, a related recommendation regarding candidacy, and a review of the candidate species’ status, culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science (Fish and Game Code sections 2073.4, 2073.5, 2074.4, 2074.6; California Code of Regulations, Title 14, Section 670.1, subdivisions (d), (f), (h)).

III. Factual and Scientific Bases for the Commission’s Final Determination

The factual and scientific bases for the Commission’s determination that designating Shasta snow-wreath as a threatened species under CESA is warranted are set forth in detail in the Commission’s record of proceedings, including the petition; the Department’s petition evaluation report; the Department’s status review report; written and oral comments received from members of the public, the regulated community, tribal entities, and the scientific community; and other evidence included in the Commission’s record of proceedings.

The Commission determines that the continued existence of Shasta snow-wreath in the State of California is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations, Title 14, Section 670.1, subsection (i)(1)(A):

1. Present or threatened modification or destruction of its habitat,
2. overexploitation,
3. predation,
4. competition,
5. disease, or
6. other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission’s record constitutes the best scientific information available and establishes that designating Shasta snow-wreath as a threatened species under CESA is warranted. Similarly, the Commission determines that Shasta snow-wreath is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by CESA.

The items highlighted here and detailed in the following section represent only a portion of the complex issues aired and considered by the Commission during the CESA listing process for Shasta snow-wreath. Similarly, the issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission’s final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which is incorporated herein by reference.

Background

The Commission bases its “is warranted” finding for Shasta snow-wreath most fundamentally on the significant threats posed by three of the six listing factors.

Threats

Shasta snow-wreath is threatened due to:

- present or threatened modification or destruction of its habitat,
- competition, and
- other natural occurrences or human-related activities

The Commission finds these three factors to result in a significant threat to the continued existence of Shasta snow-wreath as explained in the Department’s status review report. This finding and the Department’s explanation is supported by the whole of the record before the Commission.

IV. Final Determination by the Commission

The Commission has weighed and evaluated the information for and against designating Shasta snow-wreath as a threatened species under CESA, including scientific and other general evidence in the petition; the Department’s petition evaluation report; the Department’s status review report; the Department’s related recommendations; written and oral comments

received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings.

Based upon the evidence in the record, the Commission has determined that the best scientific information available indicates the continued existence of Shasta snow-wreath is in serious danger or threatened by present or threatened modification or destruction of the species' habitat, competition, or other natural occurrences or human-related activities, where such factors are considered individually or in combination (see generally, California Code of Regulations, Title 14, Section 670.1, subdivision (i)(1)(A); Fish and Game Code sections 2062, 2067). The Commission determines that there is sufficient scientific information to indicate that designating Shasta snow-wreath as a threatened species under CESA is warranted, and that with adoption and publication of these findings Shasta snow-wreath, for purposes of its legal status under CESA, shall be listed as threatened.

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT**

**CONSISTENCY DETERMINATION
NUMBER 1653-2023-105-001-R4**

Project:

Sparling Ranch Pond 21 Fish Barrier Project

Location: San Benito County

Applicant:

Michael Anderson, South Bay Conservation Resources, LLC

Notifier:

Steve Rottenborn, H. T. Harvey and Associates

Background

Project Location: The Sparling Ranch Pond 21 Fish Barrier Project (Project) is located east and adjacent to the Sparling Ranch Conservation Bank (SRCB) at the outlet of perennial Pond 21, centered at 36°57'27.29" N, 121°15'56.71" W, on Assessor Parcel Number (APN) 025-010-001-000, impacting an unnamed ephemeral drainage and associated waters received by Ponds 7 and 8 within the SRCB. Ponds 7 and 8 may support populations of federally threatened California red-legged frog (*Rana draytonii*) and state and federally threatened California tiger salamander (*Ambystoma californiense*).

Project Description: Michael Anderson (Applicant) proposes to enhance or restore habitat associated

within Ponds 7, 8, and 21 to provide a net conservation benefit for California red-legged frog (CRLF) and California tiger salamander (CTS). Pond 21 supports reproductive populations of largemouth bass (*Micropterus salmoides*) and bluegill (*Lepomis macrochirus*), both of which are opportunistic predators that feed on amphibian life forms. Ponds 7 and 8, downstream of Pond 21, may support CRLF and CTS. The Project includes the installation of a 6-foot-long, 6-foot-wide, 4-foot-high cement fish barrier structure at the outlet of Pond 21 to prevent the escape of non-native fish into Ponds 7 and 8 during an overflow storm event. The structure will be composed of a catchment basin between the inlet and outlet of the structure and removable welded 0.5-inch mesh screens supported by stainless steel corner guards. In addition, native soils will be used to fill and compact the existing outlet spillway to the bottom of the intake screen, with rock riprap incorporated to prevent erosion upstream and downstream of the structure.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.0173 acres and 9 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) native soil, (2) rock riprap, and (3) fish barrier structure (concrete and screens).

Project Timeframes:

Start date: May 2023

Completion date: September 2023

Work window: May 1-September 30

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and protect downstream amphibian habitat from opportunistic fish predators existent within Pond 21, the Central Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 33522WQ02). The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to California red legged-frog and California tiger salamander.

Receiving Water: Pond 7 and 8 of the Sparling Ranch Conservation Bank

Filled or Excavated Area:

Permanent area impacted: 0.00123967 acres

Temporary area impacted: 0.0160698 acres

Length temporarily impacted: 0 linear feet

Length permanently impacted: 9 linear feet

Dredge Volume: None.

Discharge Volume: 10 cubic feet of native soil, 18 cubic feet of rock riprap, and 114 cubic feet of a fish barrier structure (composed of concrete and screens).

Project Location: Latitude 36.957593 North and Longitude -121.265788 West (NAD 83); APN: 025-010-001-000.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Public Resources Code, § 21000 et seq.).

On January 19, 2023, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on January 19, 2023, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2023-0119-01) on February 3, 2023. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

Avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories:

(1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Wildlife Avoidance and Minimization Measures pertinent to CRLF and CTS. The specific avoidance and minimization requirements are found in an attachment to the NOI, "SparlingPond21-401apppackage_20220719", *Supplemental Material Box 5.F. Equipment and Avoidance and Minimization Measures*.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, "SparlingPond21-401apppackage_20220719", *Supplemental Material Box 8. Monitoring and Reporting Plan*.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name and WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: megan.rooney@wildlife.ca.gov and R4LSA@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all

measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

PETITION DECISION

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

**PURSUANT TO GOVERNMENT
CODE 11340.7**

PETITIONER

Frederick Everts
CDCR #F62994
P.O. Box 213040
Stockton, CA 95213

AUTHORITY

The authority granted by Government Code (GC) section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR or Department) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of CDCR. PC section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC section 5055 provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch (RPMB), California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

The Petitioner is petitioning to amend California Code of Regulations (CCR), Title 15, Division 3, section 3044(b)(1)(C), Inmate Work Groups and Privilege Groups. The Petitioner submitted the request to amend current regulations due to the implementation of PC 2053.1(a)(3)(D), which became effective January 1, 2022.

Section 3044(b)(1)(C) states "A full-time college program may be combined with a half-time work or career technical education program equating to a full-time assignment. The college program shall consist of twelve units in credit courses only leading to an associate's degree in two years or a bachelor's degree in four years."

The Petitioner is requesting section 3044(b)(1)(C) to be replaced with the text of PC 2053.1(a)(3)(D), to the following, "An inmate who is enrolled in a full-time college program consisting of 12 semester units, or the academic quarter equivalent thereof, of credit-bearing courses leading to an associate degree or a bachelor's degree shall be deemed by the department to be assigned to a full-time work or training assignment."

DEPARTMENT DECISION

Pursuant to GC 11340.7 (b), the Department grants, in part, the petition to amend CCR, Title 15, Division 3, section 3044(b)(1)(C). The Department is working towards updating the regulations to align with PC section 2053.1(a)(3)(D), rather than adopting the Petitioner's proposed language for PC section 2053.1(a)(3)(D). The updated regulations shall reflect that a full-time college program, as defined in PC section 2053.1(a)(3)(D), is deemed a full-time work or training assignment.

The Petitioner is on RPMB's Notice of Change to Regulations (NCR) mailing list and will receive copies of NCRs as they are issued.

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

SUMMARY OF PETITION

NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS

PURSUANT TO GOVERNMENT
CODE 11340.7

PETITIONER:

Frederick Everts F62994
CHCF E302B 127L
P.O. Box 213040
Stockton, CA 95213

AUTHORITY

The authority granted by Government Code (GC) section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR or Department) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

The Petitioner is petitioning to amend California Code of Regulations (CCR), Title 15, Division 3, section 3190, General Policy. The Petitioner quoted section 3190(p) to be amended, however, this section is incorrectly quoted, as the correct section is 3190(q). The Petitioner submitted the request due to his belief the policy is outdated and needs to be updated to incorporate current practices.

The Petitioner recommends changing regulations to refer to "inmate correspondents" as a "third party", remove special purchase items listed within the section, and state "goods and services."

The Petitioner further states the amendment is necessary due to a new contract with ViaPath, which prevents offenders from having access to the account, funds, or credits to purchase services. Per the ViaPath contract, all funds must go through the offender's trust account ensuring restitution orders are made. The Petitioner claims the process limits the amount of goods and services an offender who owes restitution may obtain.

DEPARTMENT DECISION

The Department denies the petition to amend CCR, Title 15, Division 3, section 3190(q). Section 3190(q) is specific to special purchases, however CCR, Title 15, Division 3, section 3190(h) states personal property packages can be purchased by inmate correspondents. The Department determined no language change is necessary.

Pursuant to Penal Code (PC) 1202.4, a person who is convicted of a crime in the State of California, shall be ordered by the court to pay a fine in the form of a penalty assessment. The Department automatically collects 50 percent of prison wages or other money deposited into an offender's trust account to pay their court mandated restitution. CDCR will collect money to pay direct orders of restitution, which is paid directly to the victims before collecting money to pay for restitution fines determined by the court that are paid to the Victims Compensation and Government Claims Board.

To ensure restitution is collected, ViaPath does not authorize third parties to place funds directly into an offender's account. All funds are routed through Global Tel Link to Trust, Restitution, Accounting and Canteen System (TRACS), ensuring restitution is collected.

DECISION NOT TO PROCEED

**DEPARTMENT OF CHILD
SUPPORT SERVICES**

PURSUANT TO GOVERNMENT CODE
SECTION 11347

RE: INTERGOVERNMENTAL
REGULATIONS

Pursuant to Government Code section 11347, the Department of Child Support Services hereby gives notice that it has decided not to proceed with the rulemaking action Notice File Number Z2022-0131-01, published in the California Regulatory Notice Register (CRNR), February 11, 2022. The proposed rulemaking concerned intergovernmental regulations for child support services.

Any interested person with questions concerning this rulemaking should contact Katya White by email at: katya.white@dcss.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website at <https://dcss.ca.gov/regulations/>.

**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.

California Film Commission
File # 2023-0103-01
California Soundstage Filming Tax Credit Program

This certificate of compliance rulemaking action by the California Film Commission makes permanent, with amendments, regulations originally adopted in emergency matter 2022-0330-03E, and readopted with modifications in emergency matters 2022-0921-01EE and 2022-1230-01, that implement a tax credit for qualified expenditures paid or incurred during a taxable year by a qualified motion picture produced in

California at a certified studio construction project as provided for in Revenue and Taxation Code sections 17053.98(k) and 23698(k).

Title 10
Adopt: 5530, 5531, 5532, 5533, 5534, 5535, 5536,
5537, 5538, 5539, 5540, 5541
Filed 02/15/2023
Effective 02/15/2023
Agency Contact: Hedvig Marx (323) 817-4115

California Tax Credit Allocation Committee
File # 2023-0202-01
CTCAC Regulations Implementing Federal
and State LIHTC Laws

This emergency rulemaking by the California Tax Credit Allocation Committee (CTAC) amends the Low-Income Housing Tax Credit Program (LIHTC). Pursuant to Health and Safety Code section 50199.17(d), this action is a deemed emergency presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare.

Title 04
Amend: 10327, 10328
Filed 02/08/2023
Effective 02/08/2023
Agency Contact: Anthony Zeto (916) 214-6581

California Debt Limit Allocation Committee
File # 2023-0130-01
Readoption of 2022 QRRP Emergency Regulations

This is a readoption of emergency rulemaking action number 2022-0721-01E, which amended definitions and requirements pertaining to the Qualified Residential Rental Project Program (QRRP).

Title 04
Amend: 5000, 5020, 5022, 5035, 5036, 5052, 5054,
5100, 5105, 5133, 5144, 5146, 5170, 5190, 5193,
5200, 5230, 5231, 5240, 5241
Filed 02/09/2023
Effective 02/09/2023
Agency Contact: Emily Burgos (916) 952-7161

Department of Human Resources
File # 2023-0103-03
Excluded Employees — Sick Annual and
Nonindustrial Disability Leaves

In this request for filing and printing, the Department of Human Resources is amending regulations to add reasons an excluded employee can use their sick leave benefits and to remove outdated language referring to excluded employees newly enrolled in the Annual Leave Program. This action is exempt from OAL review pursuant to Government Code section 3539.5.

Title 02
 Amend: 599.745.1, 599.776.1, 599.752
 Filed 02/14/2023
 Effective 02/14/2023
 Agency Contact: Katie Narvaez (916) 324-9724

Government Operations Agency
 File # 2023-0118-02
 Conflict-of-Interest Code

This action amends Appendix A of the Government Operations Agency's Conflict-of-Interest Code and has been approved by the Fair Political Practices Commission. This action is being submitted for filing with the Secretary of State and printing only.

Title 02
 Amend: 59780
 Filed 02/13/2023
 Effective 03/15/2023
 Agency Contact:
 Michael Palmisano (916) 938-0813

Board of Registered Nursing
 File # 2022-1228-06
 Nurse-Midwifery Committee and Scope of Practice (SB 1237)

This action without regulatory effect by the Board of Registered Nursing repeals a regulation concerning the nurse-midwifery committee to align with statutory changes made by Senate Bill 1237 (chapter 88 of 2020).

Title 16
 Amend: 1463
 Filed 02/13/2023
 Agency Contact: Marissa Clark (916) 574-7438

Department of Toxic Substances Control
 File # 2023-0105-01
 Environmental Fee

This nonsubstantive action by the Department of Toxic Substances Control amends one section consistent with statutory changes to Health and Safety Code sections 25205.6 and 25205.6.1.

Title 22
 Amend: 66269.1
 Filed 02/13/2023
 Agency Contact: Jackie Buttle (916) 322-4563

Board of Accountancy
 File # 2022-1223-04
 Second Signature Removal

This action removes a requirement for a second supervisor to sign forms that certify completion of the experience requirement by a Certified Public Accountant (CPA) license applicant. This action also eliminates

requirements for different Certificate of General Experience and Certificate of Attest Experience forms based on where applicants completed their experience.

Title 16
 Amend: 12, 12.5
 Filed 02/08/2023
 Effective 04/01/2023
 Agency Contact:
 Michael Lieberman (916) 561-1750

Bureau for Private Postsecondary Education
 File # 2022-1228-03
 Substantive Change Approval

SB 802 (Roth, Chapter 552, Statutes of 2021) amended Education Code 94894, which defines substantive changes that require Board approval, to add 4 new types of substantive changes. This action implements 3 of those new types by incorporating by reference 3 forms that institutions must submit for Board approval.

Title 05
 Adopt: 71652, 71653
 Amend: 71650
 Filed 02/10/2023
 Effective 04/01/2023
 Agency Contact: David Dumble (279) 895-6091

Bureau for Private Postsecondary Education
 File # 2022-1228-04
 Registration of Out-of-State Institutions

In this rulemaking action, the Bureau amends its regulations in response to statutory changes made in Senate Bill 1433 (Stats. 2022, c. 544). The amendments allow conditional approval of out-of-state institution registrations and establishes the criteria for the conditional approvals. This action also updates Form 94801.5, Application for Registration or Re-Registration of Out-of-State Institutions.

Title 05
 Amend: 71396, 71397, 71398
 Filed 02/10/2023
 Effective 02/10/2023
 Agency Contact: David Dumble (279) 895-6091

Bureau for Private Postsecondary Education
 File # 2022-1228-05
 Educational Programs Under 32 Hours in Length

This rulemaking action by the Bureau for Private Postsecondary Education defines the phrase "designed to lead to employment" and updates catalog requirements for educational programs.

Title 05
Amend: 71710, 71810
Filed 02/10/2023
Effective 04/01/2023
Agency Contact: David Dumble (279) 895-6091

California Architects Board
File # 2022-1223-05
Issuance and Appeal of Citations

Regarding the practice of landscape architecture, in this regular rulemaking, the California Architects Board is amending regulations pertaining to the issuance of citations, contesting citations, and informal conferences held in response to a request from any person served with a citation.

Title 16
Amend: 2630, 2630.2
Filed 02/08/2023
Effective 04/01/2023
Agency Contact: Stacy Townsend (916) 575-7235

California Architects Board
File # 2022-1229-03
Retired Architect License

This rulemaking action by the California Architects Board further implements and makes specific Business and Professions Code section 5604(h) by establishing an application process and fee for licensees seeking to apply for retired licensure status, as well as procedures for retired license holders that want to return to an active status.

Title 16
Adopt: 109.1
Amend: 144
Filed 02/09/2023
Effective 02/09/2023
Agency Contact:
Kimberly McDaniel (916) 575-7221

California Student Aid Commission
File # 2022-1227-01
California Community College Expanded
Entitlement Program

This action (1) establishes a financial aid application grace period for Commission receipt of a grade point average and corrections thereto; and (2) sets forth the circumstances under which a student may submit a specified test score in lieu of submitting a qualifying grade point average for the California Community College Expanded Entitlement Award program to implement Assembly Bill 132 (Chapter 144, Statutes of 2021), amended by Assembly Bill 183 (Chapter 54, Statutes of 2022).

Title 05
Amend: 30023, 30026
Filed 02/09/2023
Effective 04/01/2023
Agency Contact: Synequeen Alasa-as
(916) 464-6411

Cemetery and Funeral Bureau
File # 2022-1227-03
Preneed Funeral Arrangements/Unclaimed Property

This action enacts requirements set forth by Assembly Bill 293 (Stats. 2021, chapter 514) for funeral establishments to take reasonable efforts to contact the beneficiary or trustor of unclaimed preneed funeral trust accounts so that those monies can be returned. It also establishes requirements for funeral establishments intending to cease operations, both for those transferring their preneed funeral agreements to another funeral establishment and for those who are not transferring agreements.

Title 16
Adopt: 1267.1
Amend: 1267, 1274, 1275, 1277.5
Filed 02/09/2023
Effective 02/09/2023
Agency Contact:
Carolina Sammons (916) 574-7876

Department of Justice
File # 2022-1223-01
Firearm Transfers to Law Enforcement

This action adopts the procedure for a dealer to notify the Department of Justice that the dealer has delivered a firearm to a law enforcement agency, pursuant to Penal Code section 28050, when a dealer may not return the firearm to the seller or transferor or the person loaning the firearm when to do so would constitute a violation of certain Penal Code sections.

Title 11
Adopt: 4025
Filed 02/08/2023
Effective 04/01/2023
Agency Contact:
Marlon Martinez (213) 269-6437

Department of Justice
File # 2023-0109-01
Nonprofit Raffles

This regular rulemaking action by the Department of Justice amends the nonprofit raffle program to change the registration and annual reporting deadlines, allow for electronic communication and maintenance of forms, and update the related forms. The

Department also makes non-substantive grammatical and stylistic changes throughout.

Title 11
Amend: 410, 411, 415, 416, 417, 418, 419.2, 419.3,
420, 421, 422, 423, 424, 425, 426
Filed 02/13/2023
Effective 04/01/2023
Agency Contact:
Marlon Martinez (213) 269-6437

Department of Social Services
File # 2022-0902-03
Child Welfare Services Regulatory Amendments

This rulemaking action by the Department of Social Services amends Division 31 of the Manual of Policies and Procedures relating to receiving, assessing, documenting, responding to, and investigating a referral that alleges a child is endangered by abuse, neglect, or exploitation.

Title MPP
Adopt: 31-127, 31-131
Amend: 31-001, 31-002, 31-010, 31-015, 31-101,
31-105, 31-110, 31-115, 31-120, 31-125, 31-135,
31-136, 31-430
Filed 02/13/2023
Effective 04/01/2023
Agency Contact: Everardo Vaca (916) 657-2363

Landscape Architects Technical Committee
File # 2022-1228-02
Exam Transition Plan

The Landscape Architects Technical Committee (LATC) is updating its regulations regarding licensing to align with the Council of Landscape Architectural Registration Boards' (CLARB) new licensing exam. The new licensing exam is scheduled to begin December 2023.

Title 16
Amend: 2614
Filed 02/10/2023
Effective 04/01/2023
Agency Contact:
Kourtney Nation (916) 575-7230

Speech-Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2022-1229-01
RPE Direct Supervisions Requirements

This rulemaking action by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) amends regulations pertaining to the direct supervision and tele-supervision for required professional experience (RPE) temporary license holders.

Title 16
Amend: 1399.153, 1399.153.153
Filed 02/13/2023
Effective 04/01/2023
Agency Contact: Cherise Burns (916) 905-5486

Speech-Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2022-1229-02
Uniform Standards

In this regular rulemaking, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board is adopting regulations regarding the discipline of substance-abusing licensees.

Title 16
Adopt: 1399.131.1, 1399.155.1
Amend: 1399.102, 1399.131, 1399.155
Filed 02/13/2023
Effective 04/01/2023
Agency Contact: Maria Liranzo (916) 905-5441

**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.

