



California Regulatory Notice Register

REGISTER 2023, NUMBER 20-Z

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MAY 19, 2023

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

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PROPOSED ACTION ON REGULATIONS

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

TITLE 2. SECRETARY OF STATE

BALLOT COUNTING

NOTICE IS HEREBY GIVEN that the California Secretary of State (SOS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under *Contact Persons* in this Notice, must be received by the SOS at its office not later than **Wednesday, July 5, 2023**.

PUBLIC HEARING AND COMMENT

A public hearing is not scheduled. 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 contact persons listed below no later than **12:00 a.m., on Wednesday, June 21, 2023**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the SOS, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals 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 contact persons 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. If you have any questions, please contact the Office of Voting Systems Technology Assessment at: (916) 695-1680, or email at votingsystems@sos.ca.gov.

Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under *Contact Persons* in this Notice, must be received by the SOS at its office not later than **Wednesday, July 5, 2023**.

Written Public Comment Period: May 19, 2023, through July 5, 2023.

AUTHORITY AND REFERENCE

Government Code section 12172.5(d) authorizes the SOS to adopt regulations to ensure the uniform application and administrative of state election laws.

Authority cited: Section 12172.5(d), Government Code, and Sections 10, 15360(c), and 15601, Elections Code.

Reference cited: 52 U.S.C. 21081(a)(6).

Reference cited: 12172.5 Government Code.

Reference cited: Sections 10, 301, 303.3, 320, 335.5, 336.5, 338, 339, 353.5, 358, 359, 361, 362, 2500, 5100, 10004, 12300, 12301, 12302, 12303, 12307, 12308, 12309, 12309.5, 12310, 12311, 12312, 12313, 12314, 12315, 12316, 12318, 12319, 12320, 12321, 12327, 13204, 14287, 14420, 15000, 15003, 15004, 15101, 15102, 15150, 15151, 15152, 15154, 15205, 15207, 15208, 15210, 15260, 15261, 15270, 15271, 15272, 15273, 15274, 15275, 15276, 15277, 15278, 15278.5, 15279, 15280, 15281, 15290, 15301, 15305, 15342, 15342.5, 15360, 15367, 15371, 15372, 15373, 15374, 15375, 15501, 15502, 15600, 15601, 15620, 15621, 15622, 15623, 15624, 15625, 15626, 15628, 15629, 15630, 15631, 15632, 15633, 19202, 19220, 19360, 19380, and 19381, Elections Code.

Reference cited: Sections 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20871, 20872, 20873, 20874, 20875, 20876, 20877, 20878, 20980, 20981, 20982, 20983, and 20984, Title 2, Division 7 of the California Code of Regulations.

INFORMATIVE DIGEST

As authorized by Government Code section 12172.5(d), the SOS is seeking to adopt regulations governing the conduct of manual tallies of ballots to provide clear and uniform guidance to California's 58 counties' election officials for consistent application and administration of state election law.

On September 28, 2020, the SOS submitted the Uniform Vote Counting Standards as emergency regulations to Office of Administrative Law. These emergency regulations were refiled twice and then officially adopted on March 15, 2022, as the Uniform Vote Counting Standards (Article 8 of chapter 8.3, Title 2, Division 7 of the California Code of Regulations), which provide guidance to election officials for how to process ballots and count votes to reduce the chances that a voter's ballot would be deemed invalid, therefore disenfranchising voters. SOS has reviewed the current Uniform Vote Counting Standards and has put

forth non-substantive changes to these regulations. These changes are to remove sections of the vote count regulations that are no longer applicable to California elections law because of outdated practices and voting technologies.

In the California Elections Code, Division 15 covers the processes and procedures for election officials to follow when preparing their ballots for counting and canvassing of results. Article 5 and Article 6 of Division 15, specifically cover the manual counting of votes at a precinct or central counting center, respectively.

**POLICY STATEMENT OVERVIEW/
ANTICIPATED BENEFITS OF PROPOSAL**

The California Secretary of State is proposing changes and additions to the California Code of Regulations to provide requirements and clarity for counting ballots, specifically related to when ballots are manually counted. In proposing these changes and additions to the California Code of Regulations, the California Secretary of State is:

- (1) Making modifications to the current Uniform Vote Counting Standards and Recount regulations which includes renumbering and moving these regulations from Chapters 8.1 and 8.3 to newly created Chapters 4.5 and 4.8;
- (2) Adding new Chapter 4.6 for manual tallying generally and Chapter 4.7 for 1 percent manual tallying as required by Elections Code section 315360.

The proposed regulations provide California jurisdictions and California voters with clarity and uniform practices on how to count ballots when doing so manually. The proposed regulations provide necessary processes and requirements to ensure security, chain of custody, accuracy, fairness and accessibility in the process.

Consistency/Compatibility with Existing State Regulations: The SOS has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the SOS has concluded that these are the only regulations that concern the counting of ballots in California.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing the Regulations:

- California Elections Code
- California Code of Regulations
- Learning from Recounts—Election Law Journal; Rules, Politics and Policy (Printed and included in the pack)

- <https://dspace.mit.edu/bitstream/handle/1721.1/134277/elj.2017.0440.pdf?sequence=2&isAllowed=y>
- Confirming Elections, New Hampshire 2012 (Printed and included in the pack)
 - <https://andrewreeves.org/papers/recounts.pdf>
- YouTube Video Titled: Error Rate in Nye County Nevada Initial Count
 - <https://www.youtube.com/watch?v=s31UJNs4nmQ>

**FISCAL IMPACT ESTIMATES AND
RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: No.

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

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete: The SOS has made an initial determination that this regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

Effect on Housing Costs: None.

Effect on Small Business: The SOS has made an initial determination that the proposed regulatory action will have no effect on small business. These proposed regulations pertain to the counting of ballots and are conducted by election officials.

Result of Economic Impact Assessment/Analysis Summary Comments: The SOS has determined that the proposed regulations are (1) unlikely to create or eliminate any jobs in California, (2) unlikely to create or eliminate any California businesses, and (3) unlikely to result in the expansion of businesses currently doing business within California. These regulations pertain to ballot counting and election official responsibilities only. These regulations do not significantly change existing business practices such that jobs or businesses would be created or eliminated.

Benefits of the Proposed Regulations: The benefits of the regulations to California residents are establishing greater confidence in the conduct of California's election activities by providing uniform guidance for the counting and processing of ballots and the responsibilities of elections officials. These regulations will ultimately benefit California residents as rules for counting ballots will be clear and uniformly applied throughout California's 58 counties. The regulations do not provide any benefits for worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The agency 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.

Any interested person may present statements or arguments with respect to alternatives to the proposed regulatory action.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL AND THE RULEMAKING FILE

The SOS has prepared an Initial Statement of the reasons for the proposed action and has available all the information upon which the proposal is based. The Initial Statement of Reasons is available on the SOS's website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the SOS contact or on the website listed below.

The documents and other information are available for public inspection during the dates of the public comment period, described below, excluding weekends and holidays, from 8:00 a.m. through 5:00 p.m. The rulemaking file is maintained at the following address:

California Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Due to restrictions related to COVID-19, the SOS' public counter is not open to the public. Please contact the contact persons below to arrange for public inspection

of the rulemaking documents. Options for public inspection during COVID-19 may include having the rulemaking documents emailed to you or scheduling an in-person review.

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

A Final Statement of Reasons will be created after the closing of the public comment period. A copy of the final statement of reasons can be obtained once it has been prepared from the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Danielle Dawson
California Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814
(916) 695-1436
Ddawson@sos.ca.gov

The backup contact person is:

NaKasha Robinson
California Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814
(916) 695-1635
nrobinson@sos.ca.gov

Website Access: Materials regarding this proposal can be found at:

<https://www.sos.ca.gov/administration/regulations/>

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: Alameda Contra Costa Transit District Retirement Board

STATE AGENCIES: California Coastal Commission
Legislative Analyst's Office

ADOPTION

MULTI-COUNTY: Sonoma Marin Economic Development District

A written comment period has been established commencing on May 19, 2023 and closing on July 3, 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 July 3, 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 14. SAN FRANCISCO BAY
CONSERVATION AND
DEVELOPMENT COMMISSION**

**NOTICE OF INTENTION TO AMEND
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the **San Francisco Bay Conservation and Development Commission**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **May 19, 2023** and closing on **July 5, 2023**. All inquiries should be directed to the contact listed below.

The **San Francisco Bay Conservation and Development Commission** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include:

- **a comprehensive review of designated positions currently used at the agency, including addition and deletion of positions as appropriate;**
- **review of appropriate disclosure categories for each respective designated position, including addition and deletion of disclosure categories as appropriate;**

and other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **July 5, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **June 20, 2023**.

The **San Francisco Bay Conservation and Development Commission** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Michael Ng, Senior Staff Attorney

Michael.Ng@bcdc.ca.gov

415-352-3610

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
SUGAR REFUGIA PHASE 1 & 2
(TRACKING NUMBER:
1653-2023-111-001-R2)
SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 8, 2023, that the Scott River Watershed Council proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves creating habitat features to offer drought and climate refugia for Coho and other aquatic species in the Scott Watershed. The proposed project will be carried out on Sugar Creek, located within the "Yuba Dredge Tailings," Etna, Siskiyou County, California.

On May 5, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Sugar Refugia Phase 1 & 2. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A23056WNSI; ECM PIN

No. CW-888085) for coverage under the General 401 Order on 5/8/2023.

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

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

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
HOLE-IN-THE-GROUND RANCH SAFE
HARBOR AGREEMENT
2089-2023-001-01
SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a notice on May 1, 2023, that Emmerston Investments, Inc. (Landowner) proposes to rely on a federal safe harbor agreement to carry out a project that may provide a net conservation benefit for the Southern Oregon Northern California Coast (SONCC) coho salmon evolutionarily significant unit (ESU) (*Oncorhynchus kisutch*), a species protected by the California Endangered Species Act. The proposed project involves routine agricultural activities implemented according to avoidance and minimization measures, as well as beneficial management actions such as increased water delivery and habitat improvements intended to provide conservation benefits to the SONCC coho salmon ESU in the Shasta River. The proposed project will occur on seven parcels totaling 3,120 acres on Hole-in-the-Ground Ranch in central Siskiyou County, California.

The notice requested a CDFW determination pursuant to California Fish and Game Code Section 2089.22, that the template safe harbor agreement dated February 24, 2021, the Site Plan Agreement dated February 24, 2021, and the enhancement of survival permit number 23286 issued by the National Marine Fisheries Service to the Landowner on February 24, 2021, are consistent with the California State Safe Harbor Agreement Program Act (CSSHAPA) for pur-

poses of the proposed Project. If CDFW determines the federal safe harbor agreement is consistent with CSSHAPA for the proposed Project, the Landowner will not be required to obtain a California state safe harbor agreement under Fish and Game Code section 2089 for the Project.

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

(PURSUANT TO TITLE 1,
SECTION 270, OF THE CALIFORNIA
CODE OF REGULATIONS)

The Office of Administrative Law has accepted for consideration a petition challenging two provisions in the California Laboratory Assessment Checklist (4/29/2021) and related correspondence alleged to require a State Water Resources Control Board Environmental Laboratory Accreditation Program accredited laboratory's Quality Manual (QM) to include both a general notification procedure and a similar drinking water notification procedure. (California Code of Regulations, title 22, section 64814.00, subdivisions (b) and (c).)

More specifically, the alleged underground regulations accepted for determination are found on pages 12 and 14 of the above-described checklist, respectively: (1) "Does the Quality Manual or referenced document, identify that if an analytical result warrants a client notification, then the notification shall occur after the Technical Manager, or designee, has approved of the result;" and (2) "Does the Quality Manual, or referenced document, detail procedures when client notification is required?"

Please send your comments to:

Mark Storm, Senior Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

You must also send a copy of your comment to the petitioner and the agency contact person.

Petitioner:

William Ray
William Ray, Consulting, LLC
411 Roanoke Drive
Martinez, California 94553

Agency contact:

Christine Sotelo
 State Water Resources Control Board
 1001 I Street
 Sacramento, CA 95814

Please note the following timelines:

- Publication of Petition in Notice Register: May 19, 2023
- Deadline for Public Comments: June 19, 2023
- Deadline for Agency Response: July 3, 2023
- Deadline for Petitioner Rebuttal: 15 days after receipt of the agency's response
- Deadline for OAL Decision: September 18, 2023

OAL is not printing the petition or any attachments for practical reasons and space consideration. If you would like to receive a copy of the petition, please contact staff@oal.ca.gov.

**SUMMARY OF
 REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE
 SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

California Pollution Control Financing Authority
 File # 2023-0428-01
 California Capital Access Program for Small Businesses

This emergency rulemaking action readopts, without amendment, a new regulation to specify the State Small Business Credit Initiative Program requirements for loans enrolled in the Capital Access Loan Program so as to conform to U.S. Treasury Department requirements for utilization of federal funds.

Title 04
 Adopt: 8078.1
 Filed 05/04/2023
 Effective 05/04/2023
 Agency Contact: Kamika McGill (916) 653-0289

California Workforce Development Board
 File # 2023-0417-04
 Conflict-of-Interest Code

This is a Conflict-of-Interest code fling that has been approved by the Fair Political Commission and is

being submitted for filing with the Secretary of State and printing only.

Title 02
 Amend: 58600
 Filed 05/03/2023
 Effective 06/02/2023
 Agency Contact: Jeff Jacobstein (916) 698-5538

Department of Motor Vehicles
 File # 2023-0405-02
 Conflict-of-Interest Code

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

Title 13
 Amend: 1
 Filed 05/10/2023
 Effective 06/09/2023
 Agency Contact: Randi Calkins (916) 282-7294

Office of Environmental Health Hazard Assessment
 File # 2023-0426-02
 Chemicals Required By State or Federal Law To Have Been Tested for Potential To Cause Cancer or Reproductive Toxicity, but Which Have Not Been Adequately Tested as Required

This request by the Office of Environmental Health Hazard Assessment, for filing with the Secretary of State and printing in the California Code of Regulations (CCR) of an amendment to section 27000 of Title 27 of the CCR, is granted. This amendment is exempt from the rulemaking procedures of the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8(c).

Title 27
 Amend: 27000
 Filed 05/04/2023
 Effective 05/05/2023
 Agency Contact: Kiana Vaghefi (279) 216-0002

Board of Chiropractic Examiners
 File # 2023-0322-01
 Repeal Article 1.5 — Sponsored Free Health Care Events

Business and Professions Code section 901, which was repealed by its own terms operative January 1, 2018, created an exemption from the licensure and registration requirements for a health care practitioner licensed or in good standing in another state or states who offers or provides health care services for which he or she is licensed or certified through a sponsored event. As changes without regulatory effect, in response to the repeal of Business and Professions Code

section 901, the Board of Chiropractic Examiners is repealing regulations pertaining to sponsored events.

Title 16
Repeal: 309, 309.1, 309.2, 309.3, 309.4
Filed 05/04/2023
Agency Contact: Kristin Walker (916) 263-5365

California Department of Tax and Fee
Administration
File # 2023-0328-01
Registration, Reporting, and Reimbursement

This regular rulemaking action by the California Department of Tax and Fee Administration adopts requirements for counties to register and report revenue determinations resulting from the Limitation on Property Tax Increases on Primary Residences for Seniors, the Severely Disabled, Wildfire and Natural Disaster Victims, and Families to receive reimbursement for any negative gains from the County Revenue Protection Fund.

Title 18
Adopt: 35401
Filed 05/10/2023
Effective 05/10/2023
Agency Contact: Kim DeArte (916) 309-5227

San Francisco Bay Conservation and Development
Commission
File # 2023-0327-02
Suisun Marsh Local Protection Program

This action by the San Francisco Bay Conservation and Development Commission updates 124 individual ownership adaptive management plans pursuant to Public Resources Code section 29412.5 and is submitted to OAL pursuant to Government Code section 11354.1.

Title 14
Amend: 11990
Filed 05/09/2023
Effective 05/09/2023
Agency Contact: Michael Ng (415) 352-3610

California Architects Board
File # 2023-0323-01
Disciplinary Guidelines

This rulemaking action by the California Architects Board amends the "Landscape Architects Technical Committee Disciplinary Guidelines and Model Orders," which is incorporated by reference.

Title 16
Amend: 2680
Filed 05/05/2023
Effective 07/01/2023
Agency Contact: Stacy Townsend (916) 575-7235

Commission on Peace Officer Standards and Training
File # 2023-0323-02
Adoption of New Regulations Related to SB 2

This action adopts regulations to implement Senate Bill 2 (SB 2, stats. 2021, chapter 409) which authorized the Commission on Peace Officer Standards and Training (POST) to take action against the certifications of peace officers should POST determine serious misconduct occurred. The regulations also provide procedures for cancelling peace officer appointments to the POST agency roster when the appointments were submitted or approved inaccurately whether intentionally or unintentionally.

Title 11
Adopt: 1203, 1204, 1206, 1207, 1208, 1209, 1210
Filed 05/05/2023
Effective 05/05/2023
Agency Contact: Michelle Weiler (916) 227-4870

Commission on Peace Officer Standards and Training
File # 2023-0324-01
POSAAB & Commission Regulation — SB 2

Penal Code section 13509.6 (added by Stats. 2021, chapter 409, section 9) established the Peace Officer Standards Accountability Advisory Board (POSAAB or the Board). The Board is required to hold public meetings to review the findings after an investigation made by the Peace Officer Standards and Accountability Division (the "Division") and to make a recommendation to the Commission on Peace Officer Standards and Training (the "Commission" or "POST"). The Commission is required to review the recommendation made by the Board based on whether there is evidence that reasonably supports the Board's conclusion that misconduct has been established and, if action is to be taken against an officer's certification, return the determination to the Division to commence formal proceedings consistent with the Administrative Procedure Act. In this regular rulemaking, POST is adopting regulations regarding (1) Board functions and responsibilities and (2) annual reporting requirements pursuant to Penal Code section 13512.

Title 11
Adopt: 1211, 1214
Filed 05/04/2023
Effective 05/04/2023
Agency Contact: Michelle Weiler (916) 227-4870

Physical Therapy Board of California
File # 2023–0328–02
Clinical Service Requirement for Foreign Educated
Applicants (PET)

This rulemaking action by the Physical Therapy Board amends clinical service requirements for foreign educated applicants to adopt, and incorporate by reference, the Federation of State Boards of Physical Therapy’s Supervised Clinical Practice Performance Evaluation Tool (PET) (rev. September 2013).

Title 16
Amend: 1398.26.5
Filed 05/09/2023
Effective 05/09/2023
Agency Contact: Brooke Arneson (916) 561–8276

**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.

