



# California Regulatory Notice Register

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***Time-  
Dated  
Material***

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. CENTRAL VALLEY FLOOD PROTECTION BOARD**

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

NOTICE IS HEREBY GIVEN that the **Central Valley Flood Protection Board**, 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 October 18, 2024, and closing on December 2, 2024. All inquiries should be directed to the contact listed below.

The **Central Valley Flood Protection Board** 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: the addition of two new classifications to the list of Designated Classifications, including Program Manager II, California Bay Delta Authority, and Career Executive Assignment Deputy Executive Officer.

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 December 2, 2024, 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 November 17, 2024. The **Central Valley Flood Protection Board** 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: Amber Woertink, Administrative Supervisor, at 916-718-3727 or [Amber.Woertink@cvflood.ca.gov](mailto:Amber.Woertink@cvflood.ca.gov).

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **November 21, 2024**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on November 19, 2024**.

**BACKGROUND/OVERVIEW**

Section 85318 permits a candidate for elective state, county, or city office to raise general election campaign funds during the primary election for the same office. Upon the defeat of the candidate, Section 85318 requires the candidate to return the funds to contributors for the general election on a pro rata basis. While strict, the requirements of Section 85318 serve the purpose of preventing candidates defeated in a primary election from circumventing the Act’s contribution limits by using general election funds raised during the primary election, which would otherwise exceed the primary election’s applicable contribution limits, for purposes unrelated to the general election.

Sections 85306 and 85317 set forth parameters within which candidates are permitted to transfer and car-

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

ryover funds from one committee to another. Section 85306 permits candidates to “transfer campaign funds from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate.” Moreover, Section 85306 requires candidates to attribute transferred contributions using either a “last in, first out” or “first in, first out” accounting method. Funds may not be transferred, if the funds attributed to a specific contributor exceed the contribution limits of Section 85301 or 85302 when aggregated with all other transfers attributed to, and contributions from, the same contributor.

On July 15, 2024, the Governor signed SB 948 (Limon — treatment of general election funds), which takes effect January 1, 2025. It amends Sections 85317 and 85318.

Specifically, this legislation amends Sections 85317 and 85318 to provide that (1) a candidate who raises funds for the general election before the primary election, and who does not file a declaration of candidacy to qualify for a primary election, may transfer these funds to a committee for the same or a different office, and (2) a candidate who wins the election outright in the primary may transfer general election funds to a committee for a subsequent election to the same office, with attribution to specific contributors. As a result of this legislation, Commission staff proposes regulatory language requiring the refund of contributions when a candidate chooses to withdraw from the primary election after filing a declaration of candidacy and removing a regulatory definition of subsequent election superseded by the recent statutory amendments.

#### REGULATORY ACTION

The Commission may review and consider all aspects of the refunding of general election contributions regulation, including, but not limited to, the adoption of regulatory language requiring the refund of contributions when a candidate chooses to withdraw from the primary election after filing a declaration of candidacy. While the Commission may review and consider any aspect of Regulations 18531.2 and 18537.1, it is anticipated that the Commission will specifically consider each of the following proposals made by Commission staff:

##### *Regulation 18531.2*

*Amend 2 Cal. Code Regs. Section 18531.2 subdivision (a) to add language clarifying that withdrawal from a primary after filing a declaration of candidacy would qualify as a defeat and trigger the requirement to refund contributions*

##### *Regulation 18537.1*

*Amend 2 Cal. Code Regs. Section 18537.1 subdivision (c) to delete the now obsolete definition of “subsequent election.”*

#### SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

#### FISCAL IMPACT STATEMENT

*Fiscal Impact on Local Government.* This regulation will have no fiscal impact on any local entity or program.

*Fiscal Impact on State Government.* This regulation will have no fiscal impact on any state entity or program.

*Fiscal Impact on Federal Funding of State Programs.* This regulation will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

#### REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 85306, 85317, and 85318.

#### CONTACT

Any inquiries should be made to Zachary Norton, Fair Political Practices Commission, 1102 Q St., Suite 3050, Sacramento, CA 95811; email: [znorton@fppc.ca.gov](mailto:znorton@fppc.ca.gov); telephone (279) 237-5967. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

### TITLE 14. SAN JOAQUIN RIVER CONSERVANCY

#### SAN JOAQUIN RIVER PARKWAY PUBLIC ACCESS AND USE REGULATIONS

**NOTICE IS HEREBY GIVEN** that the California San Joaquin River Conservancy (SJRC) is proposing to adopt the regulations as described below, after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Conservancy proposes to adopt Chapter 2, §§ 25015 to 25018.07 within Title 14, Division 10, of the California Code of Regulations. The proposed regulations concern the use of lands and facilities under the Conservancy’s ownership or jurisdiction.

WRITTEN COMMENT PERIOD

Any person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Conservancy. The written comment period ends **on December 4, 2024**. The Conservancy will only consider written comments it receives by the end of the written comment period (in addition to those written comments received at the public hearing).

Written comments may be submitted by any of the following methods:

1. By email to: [info@sjrc.ca.gov](mailto:info@sjrc.ca.gov) Conservancy requests, but does not require, that persons submitting comments by email include “**Comment — Proposed Regulations on SJRC Land**” in the subject line to facilitate timely identification and review of the comment.
2. By mail to:

San Joaquin River Conservancy  
 Attention: Regulations Comment  
 P.O. Box 28338  
 Fresno, CA 93729

Please note that under the California Public Records Act (Gov. Code § 7920 et seq.), your comments, attachments, and associated contact information become part of the public record and can be released to the public upon request.

PUBLIC HEARING

The Conservancy will hold a public hearing on the proposed regulatory action on **Wednesday, December 4, 2024, from 1:00–5:00 p.m.**

The public hearing will be held at the following location:

Fresno Metropolitan Flood Control District  
 5469 East Olive Ave., Fresno, CA 93727

Attendees may participate via the Zoom webinar platform or connect by phone. Instructions for how to access the public hearing, including the specific Zoom link, can be found on the Conservancy’s website at: [www.sjrc.ca.gov/Board/](http://www.sjrc.ca.gov/Board/).

During the public hearing, any person may present comments orally or in writing relevant to the proposed action described in this notice. The Conservancy may

impose reasonable limits of up to 3 minutes on oral presentations. The Conservancy requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email. All comments made during the virtual public hearing will be collected and recorded.

**Special Accommodation Notice**

If any member of the public has a disability or language needs and requires accommodation to participate in the public hearing, please contact the Conservancy at [info@sjrc.ca.gov](mailto:info@sjrc.ca.gov) no later than five (5) working days prior to the public hearing.

AUTHORITY AND REFERENCE

Public Resources Code (Pub. Res. Code) sections 32527 and 32529 authorizes the Conservancy to adopt these proposed regulations. The proposed regulations will implement, interpret, and make specific the provisions of Public Resources Code sections 32500 through 32538. References include Public Resources Code sections 32503, 32504, 32510, 32511, 32512, 32514, 32525, 32527, 32527.5, 32528, 32529, 32530, and 32536; Penal Code section 830 et seq; and Vehicle Code section 21113.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations**

Pursuant to Public Resources Code § 32510, the Conservancy shall acquire and manage lands within the San Joaquin River Parkway (Parkway) to provide a harmonious combination of low–impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves. The Conservancy is responsible for operation and maintenance of the Parkway, including closing its lands and facilities to the public when it is unable to maintain it in a clean and safe manner to adequately protect the wildlife and rights of adjacent property owners from the public. (Pub. Res. Code § 32511.)

The Conservancy may adopt and enforce regulations governing the use of parkway lands and activities within the parkway; the protection and management of native riparian vegetation, wildlife, and other natural resources on parkway lands; and the protection of archaeological sites. (Pub. Res. Code §§ 32527, 32529.) Public Resources Code § 32527.5 authorizes the Conservancy to impose a penalty on any person who violates regulations adopted by the Conservancy and allows any duly authorized California peace officer to enforce the adopted regulations.

The Conservancy today owns and manages approximately 2,600 acres of both publicly open and closed properties along the San Joaquin River on both the Fresno County and Madera County sides of the river. The Conservancy must operate and maintain all its facilities to ensure public safety and health.

**Effect of the Proposed Regulations**

The objective of this proposed rulemaking is to enhance the Conservancy’s ability to manage the lands and facilities under its control, by addressing the use of such lands and facilities by the public. The proposed regulations authorize the Conservancy to adopt and post orders and rules pertaining to specific areas and subjects, execute operating agreements and issue permits for activities, close areas to the public, and enforce the proposed regulations through penalties and ejections. The proposed regulations also establishes general rules pertaining to conduct and activities allowed on Conservancy–owned property, including hours of operation, wildlife, hunting, firearms, plants and downed wood, geological features, archaeological, cultural, and historical features, fires, vandalism, smoking, fireworks, camping, recreational equipment and occupancy, alcohol, dogs, remotely controlled devices, commercial filming, organized games and recreational events, assembly, soliciting and commercial activities, noise, litter and dumping, glass containers, sanitation, pesticides, loitering or peering in restrooms, and nudity. The proposed regulations also establishes rules pertaining to conduct and activities on Conservancy–owned property related to vehicles, aircraft, horses, and operator–propelled devices, aquatics, and boating.

**Anticipated Benefits of Proposed Regulations**

The anticipated benefits of the proposed regulations include protecting public health and safety, cultural resources, and the environment. Reasonable restrictions on the hours of use of Conservancy recreation sites, and where and when vehicles may park on Conservancy land, protect the environment by reducing potential impacts to sensitive habitat and wildlife. The anticipated benefits to state property and to the public outweigh minor limitations on public access and are consistent with the Conservancy’s responsibility as a land steward.

The proposed regulations will benefit the health and welfare of California residents, and the State’s environment, by providing the Conservancy with additional tools to manage Conservancy–owned public lands. Specifically, the proposed regulation will benefit the health and welfare of California residents by clarifying the procedures needed to close Conservancy property to the public when risk for harm is present. The proposed regulation will benefit the State’s environment by protecting natural resources within Conservancy land from damage and degradation. Better land

management tools for the Conservancy will ultimately result in healthier ecosystems and a more balanced relationship between the natural environment and man-made impacts.

**Determination of Inconsistency/Incompatibility with Existing State Regulations**

The Conservancy has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. To date, the Conservancy has not adopted any regulations concerning the use or management of its land or facilities. Regulations adopted by other state agency land managers are not applicable to Conservancy properties.

**Forms Incorporated by Reference:**

None.

**Comparable Federal Regulations:**

The Conservancy is not aware of any federal regulations or statutes that address the specific subject matter addressed by the proposed regulations.

**OTHER STATUTORY REQUIREMENTS**

There are no other requirements prescribed by statute applicable to the Conservancy, or to the specific regulations or class of regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

Pursuant to Government Code § 11346.5(a)(5), (6), (7), (8), and (12), the Conservancy has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any other state agency: None.
- Cost to any local agency or school district which is required to be reimbursed: None.
- Other nondiscretionary costs or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: None.
- Significant effect on housing costs: None.
- The proposed regulations may affect small business.

**COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES**

The Conservancy is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Government Code § 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend a regulation. The results from the economic impact analysis:

- *Creation or Elimination of Jobs within the State of California:* The proposed regulations are not expected to impact jobs within the State of California.
- *Creation or Elimination of Businesses within the State of California:* The proposed regulations are not expected to impact businesses in the State of California.
- *Expansion of Businesses Currently Doing Business within the State of California:* The proposed regulations are not expected to encourage or discourage businesses from expanding their business in the State of California.
- *Benefits of Regulations to Health and Welfare of California Residents, Worker Safety, and the State's Environment:* The proposed regulations will benefit the health and safety of California residents, and the State's environment, by providing the Conservancy with additional tools to manage Conservancy-owned public lands. Specifically, the regulations will benefit the health and welfare of California residents by implementing rules and procedures to better allow the Conservancy to operate and maintain its lands in a clean and safe manner for the public. The proposed regulations will benefit the State's environment by protecting natural resources within Conservancy land from damage and degradation. Better land management tools for the Conservancy will ultimately result in healthier ecosystems and a more balanced relationship between the natural environment and manmade impacts/urban development/California residents.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13) of the Government Code, the Conservancy must determine that no reasonable alternative it has 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 per-

sons and equally effective in implementing the statutory policy or other provision of law.

The Conservancy has determined that the proposed regulations are the most effective way to manage its lands and to protect public health, safety, habitat, and natural resources. The Conservancy considered not pursuing the proposed regulations and continuing to rely on local and state regulations to address land management issues, but rejected that alternative because it would be inconsistent with its responsibilities as a public land manager and the purposes for which the Conservancy was created. The Conservancy invites interested people to provide comments regarding any alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### CONTACT PERSONS

Please direct inquiries concerning the proposed action or regulatory process to:

San Joaquin River Conservancy  
Attention: Regulation Comments  
P.O. Box 28338  
Fresno, CA 93729  
Email: [info@sjrc.ca.gov](mailto:info@sjrc.ca.gov)  
Kari Daniska, Executive Officer, 559-287-2650  
Cheryl Moxley, Project Manager, 559-287-7282

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

The Conservancy will have the entire rulemaking file available for inspection and review on its website. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of Reasons, and any information upon which the proposed is based. A copy of this notice, the proposed regulation text, and the Initial Statement of Reasons can be accessed through the Conservancy's website at: <https://sjrc.ca.gov>. Please refer to the contact information listed above to obtain copies of these documents.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Conservancy may adopt the proposed regulations substantially as described in this notice or make modifications based on the comments. If the Conservancy makes modifications which differ, but 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 Conservancy adopts the regulations as revised. A copy of any modified regulation may be obtained from the agency by email request to [info@sjrc.ca.gov](mailto:info@sjrc.ca.gov) or on the Conservancy's website at the URL provided above. The Conservancy 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, the Final Statement of Reasons will be available on the Conservancy's website at [www.sjrc.ca.gov](http://www.sjrc.ca.gov) and may be requested from the contact person named in this notice.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Conservancy's website at [www.sjrc.ca.gov](http://www.sjrc.ca.gov).

### **TITLE 16. DENTAL HYGIENE BOARD**

#### APPEALS PROCESS AND REINSTATEMENT OF WITHDRAWN DENTAL HYGIENE EDUCATIONAL PROGRAMS

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

#### WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, 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 no later than Monday, December 2, 2024**, or must be received by the Board at the hearing, should one be scheduled.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 1905, and 1906, and to implement, interpret or make specific BPC sections 1905, 1906, and 1941, and section 8625 of the Government Code, the Board is considering amending 1105.4 of Title 16 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Dental Hygiene Board of California (Board) is charged with oversight of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board carries out its regulatory authority through enforcement of statutory provisions of the Dental Practice Act, Business and Professions Code (BPC) sections 1900 through 1967.4, and Title 16 of the California Code of Regulations (CCR). The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, regulating and approving Dental Hygiene Educational Programs (DHEPs), and monitoring licensees placed on disciplinary probation by the Board.

Existing law provides the Board shall renew approval of a DHEP provided the DHEP continues to meet requirements prescribed by the Board. More specifically the Board may deny or withdraw its approval of an educational program. If the Board denies or withdraws approval of a program, the reasons for withdrawal or denial will be provided. Existing law already provides that any educational program whose approval is denied or withdrawn shall be granted an informal conference before the Executive Officer or his or her designee prior to the effective date of such action. However, the Board determined there was no clear process within California Code of Regulations (CCR), Title 16, section 1105.4 to reinstate Board approval of DHEPs withdrawn due to noncompliance with Board laws and regulations. Additionally, the Board determined there was no clear guidance as to requirements to maintain

the withdrawn status of DHEPs should the DHEP not comply with the Board directives.

This regulatory proposal will: 1) establish a process by which to reinstate Board approval of DHEPs withdrawn due to noncompliance with Board laws and regulations; and 2) establish requirements to maintain the withdrawn status of DHEPs should the DHEP not comply with Board directives.

The Board approved the proposed text at the November 18, 2023 Full Board Meeting, and delegated authority to the Board’s Executive Officer to make any technical, non–substantive changes, if necessary.

**Anticipated Benefits of the Proposed Regulation:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents and worker safety:

- First, by establishing a process by which to reinstate Board approval of DHEPs withdrawn due to noncompliance with Board laws and regulations affords a DHEP procedural due process. This establishes a clear, fair, and equitable process for the DHEP to provide evidence they have complied with Board requirements in order to reinstate their approval.
- Second, by establishing requirements to maintain the withdrawn status of DHEPs should the DHEP not comply with Board directives ensures graduates of withdrawn DHEPs are not eligible for California licensure. This promotes safety of the public as the Board will not license RDH graduates that do not meet the minimum standards for safe practice in California.

This regulatory proposal does not affect the state’s environment because it does not involve environmental issues.

**Evaluation of Consistency and Compatibility with Existing State Regulations:** During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on this topic and has concluded this regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** The Board anticipates one DHEP per year will have their registration withdrawn and be subject to probationary actions with costs ranging from approximately \$10,790 to \$13,141 per year and up to \$124,407 over a ten–year period.

The regulations do not result in costs or savings in federal funds to the state.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement:** None.

**Mandate Imposed on Local Agencies or School Districts:** None.

**Significant Effect on Housing Costs:** None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts/evidence/documents or testimony:

The proposed amendments to the regulation will simply allow a process by which to reinstate Board approval of DHEPs withdrawn due to noncompliance with Board laws and regulations who have come into compliance, or to maintain a DHEP’s withdrawn status if the DHEP fails to correct violations cited by the Board.

According to the Board, the types of violations resulting in a DHEP having their registration withdrawn varies significantly. As a result, the Board does not have a cost estimate for a DHEP to come into compliance at this time. However, the Board anticipates a DHEP will be able to remedy non–compliance within normal business operations.

**Cost Impact on a Representative Private Person or Business:**

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

**Impact on Jobs/Businesses:**

The Board has determined that this regulatory proposal will not have significant impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state, or,
- 3) the expansion of businesses currently doing business within the state.

This proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this notice.

**Benefits of Regulation:**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state’s environment:

This proposal positively benefits the health and welfare of California residents because the proposed language in the regulation would ensure DHEPs to adhere to all laws, regulations, and standards applicable to a DHEP, including patient safety (HIPAA, HSC, CDC).

This regulatory proposal positively impacts worker safety as the proposed language in the regulation would ensure DHEPs adhere to all laws, regulations, and standards applicable to a DHEP, including worker safety (OSHA).

This regulatory proposal will not affect the state’s environment because this proposed regulation does not involve environmental issues.

**Business Reporting Requirements:**

This regulatory action requires a business (the withdrawn DHEP) to furnish the Board with written proof of compliance pursuant to 16 CCR section 1104 within the Board–provided deadline. It is necessary for the Board to receive this documented proof to memorialize compliance of the cited violation, in addition to providing a record for the proof of compliance.

Pursuant to Government Code section 11346.5(a)(11), 113463.(d):

The Board finds that it is necessary for the health, safety, or welfare of the people of this state that proposed regulation apply to businesses.

**Effect on Small Business:**

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 pri-

vate persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815 during the written comment period, or at the hearing if one is scheduled or requested.

**AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request 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, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**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 writ-

ten request to 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:

Adina A. Pineschi-Petty DDS  
 Dental Hygiene Board of California  
 2005 Evergreen Street, Suite 1350  
 Sacramento, CA 95815  
 Telephone Number: 916-576-5002  
 Fax Number: 916-623-4093  
 Email: [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov)

The backup contact person is:

Anthony Lum  
 Dental Hygiene Board of California  
 2005 Evergreen Street, Suite 1350  
 Sacramento, CA 95815  
 Telephone Number: 916-576-5004  
 Fax Number: 916-623-4093  
 Email: [anthony.lum@dca.ca.gov](mailto:anthony.lum@dca.ca.gov)

AVAILABILITY OF DOCUMENTS  
 ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**TITLE 25. HOUSING FINANCE  
 AGENCY**

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

NOTICE IS HEREBY GIVEN that the **California Housing Finance Agency**, 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 October 18, 2024, and closing on December 2, 2024. All inquiries should be directed to the contact listed below.

The **California Housing Finance Agency** 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 Gov-

ernment 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: (1) modify provisions of the code; (2) revise divisions to comport with revised organizational chart; (3) add classifications in new division; (4) add new positions (5) reclassify positions within divisions; (6) revise titles of existing positions; (7) revise disclosure categories of existing positions; (8) delete titles of positions that are not being utilized by the Agency; and (9) also make other technical changes.

The Agency has prepared a written explanation of the reasons for the proposed amendments and has available all of the information upon which its proposal is based. Copies of the proposed amendment, the written explanation of the reasons, and the information on which the amendments are based are posted on the Agency's website at <https://www.calhfa.ca.gov/about/press/public-notice/index.htm> (About Us, Meetings & Events, Rulemaking) or may be obtained by contacting Torin Heenan at the address, email, phone or fax number shown above.

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *December 2, 2024*, 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 *November 17, 2024*.

The **California Housing Finance Agency** 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: Torin Heenan, Attorney III, (916) 326-8479, [theenan@calhfa.ca.gov](mailto:theenan@calhfa.ca.gov).

**PETITION DECISION**

**ENERGY CONSERVATION AND DEVELOPMENT COMMISSION**

ORDER NO: 24–1003–06

IN THE MATTER OF: WESTERN STATES  
PETROLEUM ASSOCIATION PETITION  
FOR RULEMAKING

ORDER DENYING  
PETITION FOR RULEMAKING

**I. INTRODUCTION AND PROCEDURAL HISTORY**

Senate Bill (SB) X1–2 (Stats. 2023, 1st Ex. Sess. 2023, chapter 1), which took effect on June 26, 2023, amended Public Resources Code Section 25354, among other changes. SB X1–2 added new reporting requirements and enforcement mechanisms to the existing reporting framework of the Petroleum Industry Information Reporting Act (PIIRA) of 1980. Over the past year, the CEC adopted a suite of emergency regulations that implement and make specific the requirements of Section 25354, with emphasis on those sections added or amended by SB X1–2.

On October 18, 2023, the CEC instituted a rulemaking proceeding to consider, among other topics, regulations and guidelines implementing Section 25354.<sup>1</sup> On February 14, 2024, the CEC adopted emergency regulations regarding the spot market reporting requirements in Section 25354(l), which took effect on February 26, 2024.<sup>2</sup> On May 8, 2024, the CEC adopted the Senate Bill X1–2: California Refinery Maintenance Guidelines, which implement the maintenance reporting requirements in Section 25354(m).<sup>3</sup> On May 8, 2024, the CEC also adopted emergency regulations regarding the marine import reporting requirements and refining margin reporting requirements located in Section 25354(j) and Section 25355, respectively,

<sup>1</sup> See General Rulemaking Proceeding for Developing Regulations, Guidelines, and Policies for Implementing SB X1–2 and SB 1322, Docket Number 23–OIR–03.

<sup>2</sup> See Notice of Approval of Emergency Regulatory Action for Revised SB X1–2 Spot Market Reporting Requirements (Feb. 28, 2024), TN 254755, Docket Number 23–OIR–03.

<sup>3</sup> See Refinery Guidelines Material (April 30, 2024), TN 256082, Docket Number 23–OIR–03; Resolution of the California Refinery Maintenance Reporting Guidelines (May 10, 2024), TN 256272, Docket Number 23–OIR–03. These guidelines are exempt from the Administrative Procedure Act pursuant to Section 25354(n)(2).

which took effect on May 20, 2024.<sup>4</sup> On July 10, 2024, the CEC adopted emergency regulations regarding merchant terminal position holder reporting requirements in Section 25354(k), which took effect on July 22, 2024.<sup>5</sup> On July 12, 2024, the CEC sent a letter to industry seeking the projection data required by Public Resources Code Section 25354(c).

On September 3, 2024, the Western States Petroleum Association (WSPA or Petitioner) filed a petition requesting the California Energy Commission (CEC) institute a formal rulemaking (Petition) regarding implementation of Public Resources Code Section 25354, as amended by SB X1–2. The Petition asserts that such a rulemaking is needed to clarify terms and processes in Section 25354 and to ensure consistent interpretation and implementation of the laws.

On September 17, 2024, the Executive Director certified that the petition met the filing requirements of California Code of Regulations, title 20, section 1221. On September 18, 2024, CEC staff filed a recommendation that the CEC deny the Petition because, among other things, the petition did not propose specific regulatory language which, at a minimum, would be needed to satisfy the requirement that an agency immediately schedule a public hearing in conformance with Administrative Procedure Act provisions upon approval of a rulemaking petition.

Staff also recommends denial of the petition as unnecessary because the laws at issue are self-executing, the CEC has been receiving data pursuant to the statute and existing regulations with no other entity expressing the need for clarification claimed by Petitioner, and all of the topics identified by the Petitioner are within the scope of the CEC’s existing proceeding on this topic (Docket Number 23–OIR–03). CEC staff explained that, through this existing proceeding, the CEC is continuously engaging with stakeholders to receive feedback on whether new or modified regulations or guidelines are needed to implement Public Resources Code section 25354 and other PIIRA provisions. The CEC considered the Petition at its October 3, 2024 Business Meeting.

**II. CEC FINDINGS**

Based on the entirety of the record, the CEC finds that:

- 1) The Petition, filed with the Executive Director on September 3, 2024, meets the requirements of California Code of Regulations, title 20, Section 1221.
- 2) The petition requests that the CEC initiate a formal rulemaking process to clarify and implement

<sup>4</sup> See Notice of Approval of Emergency Regulatory Action (May 21, 2024), TN 256479, Docket Number 23–OIR–03.

<sup>5</sup> See Notice of Approval of Emergency Regulatory Action (Jul. 24, 2024), TN 257974, Docket Number 23–OIR–03.

the reporting requirements in Public Resources Code Section 25354, including the requirements of subdivision (c) pertaining to 90-day projections and the requirements of subdivision (m) pertaining to refinery maintenance reporting. The petition does not propose new regulatory language or propose amendments to existing regulatory language, but instead seeks to initiate a process by which to develop such language.

- 3) Implementation of Public Resources Code Section 25354, as amended by SB X1-2, continues to benefit from an open and transparent public process with robust engagement from regulated entities. The statutory provisions for which the Petitioner requested clarification are within the scope of the CEC's existing General Rulemaking Proceeding for Developing Regulations, Guidelines, and Policies for Implementing SB X1-2 and SB 1322 (Docket Number 23-OIR-03).
- 4) Government Code section 11340.7(c) requires that the CEC, within 30 days of the petition's filing, either deny the petition and indicate why the agency has reached its decision on the merits or grant the petition and schedule the matter for public hearing in accordance with the rulemaking provisions of the Administrative Procedure Act (Gov. Code section 11346 et seq.). California Code of Regulations, title 20, Section 1221(c) interprets this provision and requires either a written denial of a petition for rulemaking, or the issuance of an appropriate order pursuant to California Code of Regulations, title 20, Section 1222 within 30 days of the filing of the petition.
- 5) To the extent that this petition requests the CEC adopt an Order Instituting a Rulemaking and adopt, amend, or repeal a regulation pursuant to Government Code sections 11340.6 and 11340.7, granting it would subject the CEC to an untenable timeline and foreclose the possibility of meaningful public participation.
- 6) Public Resources Code Sections 25213 and 25218(e) authorize the CEC to adopt rules and regulations, as necessary, to carry out its statutory duties. The CEC has further authority to implement the provisions of Chapter 4.5 of Division 15 of the Public Resources Code through Administrative Procedure Act-exempt regulations and actions pursuant to Public Resources Code Section 25354, subdivisions (n)(2) and (o), and to adopt emergency regulations and orders pursuant to Public Resources Code Section 25367.
- 7) The terms of SB X1-2 and Public Resources Code section 25354, including the specific sections identified in the Petition, are self-executing

and the need for a rulemaking is not certain at this time.

**III. CONCLUSION AND ORDER**

- 1) For the reasons stated above, the CEC hereby DENIES WSPA's Petition for Rulemaking.
- 2) CEC staff is directed to file this Order and supporting documentation with the Office of Administrative Law in accordance with Government Code section 11340.7(d).

**IT IS SO ORDERED.**

**CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 3, 2024.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo.

NAY: NONE.

ABSENT: NONE.

ABSTAIN: NONE.

Dated: October 4, 2024.

**SIGNED BY:**

/s/

Kristine Banaag  
Secretariat

**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.

Department of Toxic Substances Control  
File # 2024-0926-02  
Industrial Ethyl Alcohol Exemption

This emergency action adds a recycling pathway for the safe and proper management of industrial ethyl alcohol by exempting the material from hazardous waste regulations when it is recycled.

Title 22  
Amend: 66261.6  
Filed 10/07/2024  
Effective 10/07/2024  
Agency Contact:  
Gabby Nepomuceno (916) 251-8328

California Residential Mitigation Program  
File # 2024-0911-02  
Conflict-of-Interest Code

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

Title 02  
Amend: 59730  
Filed 10/03/2024  
Effective 11/02/2024  
Agency Contact: Michael Pack (916) 803-4584

Department of Insurance  
File # 2024-0912-04  
Complete Property and Casualty Rate Application

This file and print action submitted by the Department of Insurance amends rate application and variance request requirements for insurers, which are a part of the regulations implementing Proposition 103.

Title 10  
Amend: 2643.3, 2644.27, 2648.1, 2648.2, 2648.4  
Filed 10/08/2024  
Effective 10/08/2024  
Agency Contact: George Teekell (415) 538-4390

California Department of Tax and Fee Administration  
File # 2024-0827-01  
Permits

This action without regulatory effect by the California Department of Tax and Fee Administration (“Department”) amends section 1699 and 1699 appendix A of title 18 of the California Code of Regulations (“CCR”). Specifically, this action amends a category of persons, “qualified purchasers,” who are required to register with the Department and pay an annual use tax in response to amendments to Revenue and Taxation Code (“RTC”) section 6225 made by Assembly Bill 1097 (Stats. 1097, chapter 355) (“AB 1097”); amends existing references to the Board of Equalization (“BOE”) to now reflect the Department, consistent with Government Code (“GC”) sections 15570.22 and 15570.24; and replaces gendered pronouns with gender neutral terms.

Title 18  
Amend: 1699, 1699 Appendix A  
Filed 10/09/2024  
Agency Contact: Kim DeArte (916) 309-5227

Division of Workers’ Compensation  
File # 2024-0903-02  
The Qualified Medical Evaluator Panel Selection Instruction Form

In this change without regulatory effect, the Division amends its regulation to update the phone number listed for the Division of Workers’ Compensation Information and Assistance Unit.

Title 08  
Amend: 108  
Filed 10/09/2024  
Agency Contact: Maureen Gray (510) 286-0676

Board of Behavioral Sciences  
File # 2024-0829-02  
Unprofessional Conduct

In this rulemaking action, the Board of Behavioral Sciences (BBS) repeals regulations which duplicate newly adopted statutory requirements, adds language which accounts for the requirements of the Confidentiality of Medical Information Act, amends language to be gender neutral, and makes changes to the syntax of existing regulatory requirements.

Title 16  
Amend: 1845, 1858, 1881, 1886.30 and 1886.40  
Filed 10/09/2024  
Effective 01/01/2025  
Agency Contact: Christy Berger (916) 574-7995

Board of Optometry  
File # 2024-0827-04  
Mobile Optometric Office Program

This regular rulemaking action by the California State Board of Optometry establishes registration fees, registration procedures, and operational standards pertaining to mobile optometric offices.

Title 16  
Adopt: 1583, 1584, 1584.5, 1585, 1586, 1587  
Amend: 1505, 1524  
Filed 10/09/2024  
Effective 10/09/2024  
Agency Contact: Gregory Pruden (916) 574-7808

Board of State and Community Corrections  
File # 2024-0910-03  
Minimum Standards for Training and Local Detention Facilities

This proposed rulemaking action amends sections 184 and 1028 of Title 15, of the California Code of

Regulations (CCR) pursuant to Penal Code, section 6048. The amendments require at least four hours of Adult Correctional Officer annual training be dedicated to mental and behavioral health, and to ensure that Adult Correctional Officers are certified in Cardiopulmonary Resuscitation (CPR), maintain proof of certification in CPR, and be trained on when it is safe and appropriate to begin CPR on a nonresponsive person without obtaining approval from supervisors or medical staff.

Title 15

Amend: 184

Filed 10/08/2024

Effective 01/01/2025

Agency Contact: Amanda Ferreira (916) 445–5073

Office of Environmental Health Hazard Assessment

File # 2024–0822–01

Prop 65 Clear and Reasonable Warnings

— Acrylamide

This action provides additional safe harbor warning options for businesses causing significant exposure to acrylamide in food products.

Title 27

Amend: 25607.2

Filed 10/04/2024

Effective 01/01/2025

Agency Contact: Monet Vela (916) 323–2517

California State Approving Agency for Veterans

Education

File # 2024–0829–03

Federal Title 38 Awards

Sections 21.4253 and 21.4254 of Title 38 of the Code of Federal Regulations require a postsecondary educational institution headquartered or operating in California desiring to enroll veterans or persons eligible for Title 38 awards in accredited and nonaccredited institutions and programs (“Feder-

al Title 38 Awards”) to make application for approval of these courses to the California State Approving Agency for Veterans Education (“CSAAVE”). (Ed. Code, section 67100, subdivision (a).) Assembly Bill Number 1731 (Stats. 2022, Chapter 380) requires, on or before January 1, 2024, CSAAVE to establish regulations requiring postsecondary educational institutions to provide specified information to CSAAVE as part of an application for approval or renewal. In this regular rulemaking, CSAAVE is adopting regulations regarding Federal Title 38 Awards, including regulations mandated by A.B. 1731.

Title 12

Adopt: 2500, 2501, 2502, 2503, 2504

Filed 10/02/2024

Effective 10/02/2024

Agency Contact:

Tom Waltman [Tom.waltman@calvet.ca.gov](mailto:Tom.waltman@calvet.ca.gov)

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

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