



# California Regulatory Notice Register

REGISTER 2016, NO. 39-Z

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SEPTEMBER 23, 2016

## PROPOSED ACTION ON REGULATIONS

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*Adopt*

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California Montessori Project

State Agency: Commission on the Status of Women and Girls

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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**

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**TITLE 2. COMMISSION ON THE  
STATUS OF WOMEN AND GIRLS**

**NOTICE OF INTENTION TO ADOPT A  
CONFLICT-OF-INTEREST CODE OF THE  
COMMISSION ON THE STATUS OF WOMEN  
AND GIRLS**

NOTICE IS HEREBY GIVEN that the Commission on the Status of Women and Girls pursuant to the authority vested in it by §87300 of the Government Code, proposes its conflict-of-interest code. A comment period has been established commencing on September 23, 2016, and closing on November 7, 2016.

The Commission on the Status of Women and Girls proposes to adopt 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 §87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

The Commission on the Status of Women and Girls is a nonpartisan state agency. The Commission's priority issues include, but are not limited to, examining any laws, practices, or conditions concerning or affecting women and girls which impose special limitations or burdens upon them or upon society, or which limit or tend to limit opportunities available to women and girls generally and specifically as it relates to gender equity in the media, educational needs of women and girls, gender in the workplace and employment, health and safety of women and girls, and women in the military, women veterans and military families. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than November 7, 2016, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than October 23, 2016, by contacting the Contact Person set forth below.

The Commission on the Status of Women and Girls has determined that the proposed code:

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 § 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 should be directed to:

Emily Van Atta, Fiscal and Operations Director  
The Commission on the Status of Women and Girls  
900 N Street, Suite 390  
Sacramento, CA 94814  
Phone: (916) 651-5405  
Email: [emily.vanatta@women.ca.gov](mailto:emily.vanatta@women.ca.gov)

**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**

**ADOPT**

**MULTI-COUNTY:** Ednovate, Incorporated  
California Montessori Project

**STATE AGENCY:** Commission on the Status of  
Women and Girls

A written comment period has been established commencing on September 23, 2016, and closing on November 7, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), 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 her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than November 7, 2016. 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 code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 3 Street, Suite 620, Sacramento, California 95814, 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 Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 2. STATE LANDS COMMISSION**

#### **TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 4.5. MARINE INVASIVE SPECIES CONTROL FUND FEE**

The California State Lands Commission (Commission) will decide whether to adopt the regulatory actions described below after considering all comments, objections, or recommendations regarding the proposed action.

#### **PROPOSED REGULATORY ACTION**

The Commission proposes to amend sections 2270 and 2271 in Article 4.5 of Title 2, Division 3, Chapter 1 of the California Code of Regulations.

The Commission proposes amending section 2270 so that regulatory definitions are consistent with recent statutory amendments of the Public Resources Code. As of January 1, 2016, AB 1312 (Chapter 644, Statutes of 2015), amended Public Resources Code section 71200(r) ("Voyage") by replacing "any" with "a" before the word "California" and deleted "or place" before the word "outside." Section 2270 currently reflects the definition of "Voyage" as it existed prior to AB 1312

and thus the wording lacks consistency. Additionally, AB 1312 relettered the definition of “Voyage” requiring the regulations to update the citation from 71200(q) to 71200(r). Finally, the statutory definition of “waters of the state” (subdivision (o)) has a comma after the word “waters” that is not present in the regulation. These non–substantive changes are proposed so that the regulatory text mirrors that in statute for clarity purposes.

The proposed amendment to section 2271 would increase the fee paid by vessels arriving at California ports (the Fee) from eight hundred fifty dollars (\$850) per qualifying voyage to one thousand dollars (\$1,000) per qualifying voyage if the vessel has traveled from outside of California. The Fee funds all activities of the Marine Invasive Species Program as described in Division 36 of the Public Resources Code.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on Monday, November 7, 2016. The Commission must receive all written comments by that time. Submit written comments to:

Ravindra Varma  
 Supervisor, Planning Branch  
 California State Lands Commission  
 Marine Environmental Planning Division  
 200 Oceangate, Suite 900  
 Long Beach, CA 90802

Written comments may also be submitted by facsimile to (562) 499–6317 or by email to [CSLC.MEPDRegulations@slc.ca.gov](mailto:CSLC.MEPDRegulations@slc.ca.gov). Please include “**Article 4.5 Comments**” in the subject line of the email.

#### PUBLIC HEARING

Commission staff has not scheduled a public hearing on this proposed action. However, the Commission will hold a public hearing, pursuant to Government Code section 11346.8, 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.

#### AUTHORITY AND REFERENCE

Authority: Public Resources Code section 71201.7 authorizes the Commission to adopt regulations necessary to implement the Marine Invasive Species Act.

Public Resources Code section 71215 requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act.

Reference: The proposed regulations would implement, interpret, and make specific Public Resources Code sections 71200 and 71215.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 1999, the Governor and Legislature recognized the urgent need to curtail introductions of Non–Indigenous Invasive Species (NIS) from ships’ ballast water discharges into State waters. The Ballast Water Management for Control of Nonindigenous Species Act established a new division in the Public Resources Code titled, “Division 36. Ballast Water Management for Control of Nonindigenous Species” (Public Resources Code section 71200 et seq.). In 2003, the ballast water management program was renamed the Marine Invasive Species Program (MISP), and the MISP was reauthorized and expanded through passage of the Marine Invasive Species Act (Chapter 491, Statutes of 2003).

Public Resources Code section 71215 created the Marine Invasive Species Control Fund and requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act. It also states that the Fee may not exceed one thousand dollars (\$1,000) per vessel voyage; however, this amount may be adjusted for inflation every two years.

The proposed amendment would increase the Fee requirement authorized by Public Resources Code section 71215(b)(2). The Fee is required to fulfill the specific multi–agency activities mandated by the Act. However, the current Fee amount (\$850 per qualifying voyage) will not meet the costs of the programs mandated under the Act by early 2018. The proposed amendment (Title 2 California Code of Regulations section 2271(a)) would set the amount of the Fee to be used to support the activities required under the Act at one thousand dollars (\$1,000) per qualifying voyage. The objective of this proposed action is to increase the fee in order to sustain the Fund, enabling the Commission to continue implementing the Marine Invasive Species Program, protecting public health and safety and the environment through Fiscal Year 2019/2020.

The Commission adopted regulations defining “voyage” and “waters of the state,” in section 2270 of Title 2 of the California Code of Regulations, mirroring the definitions in Public Resources Code section 71200. However, amendments to the definitions in section 71200 created two inconsistencies with definitions in section 2270. First, the amendments to section 71200

changed “any California port” to “a California port”; second, the amendments changed the lettering of the definitions so that “voyage” is now defined under subdivision (r), not subdivision (q). Additionally, Commission staff has determined that the definition of “waters of the state” in section 2270, subdivision (o) is missing a comma. To avoid confusion and ensure consistency, the Commission proposes amending these regulatory definitions to correctly reflect the current statutory definitions.

The Commission staff evaluated whether there were any other state or federal regulations on these matters. Although the federal government regulates ballast water management, the Commission is proposing these amendments under authority granted by California law. The proposed action would increase the fee for each qualifying voyage by one hundred fifty dollars (\$150). Also, the amendments to regulatory definitions correspond to only state law. Because this proposed action applies to the function and implementation of state law, no duplication or conflict with federal regulations is expected to occur. The Commission staff evaluated whether there were any other regulations on this matter and has found that these state regulations are the only regulations concerning the fee or subject definitions. Therefore, the proposed action is neither inconsistent nor incompatible with existing state or federal regulations.

#### DETERMINATION ON MAJOR REGULATION DESIGNATION

The Commission staff has determined that this proposed regulatory action is not a major regulation as defined by Government Code section 11342.548. First, the proposed action non-substantively amends regulatory definitions without creating new standards or requirements. Accordingly, these definition amendments will create no economic impact. Second, this proposed action would also increase the existing Fee amount to one thousand dollars (\$1,000), an increase of one hundred fifty dollars (\$150) per qualifying voyage. Utilizing vessel voyage information from 2015, Commission staff estimates the annual cost to an individual shipping company will range from one hundred fifty dollars (\$150) to forty-seven thousand two hundred fifty dollars (\$47,250). Assuming 5,300 qualifying vessel voyages annually statewide, the economic impact per year to the entire regulated community is estimated to be seven hundred ninety-five thousand dollars (\$795,000); because major regulations are those which exceed an economic impact of fifty million dollars

(\$50,000,000), this proposed action is not a major regulation.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Commission staff, acting on behalf of the Commission, has made the following initial determinations:

##### LOCAL MANDATE

Commission staff has determined that the proposed regulatory action does not impose any mandates on local agencies or school districts.

##### FISCAL IMPACTS

Commission staff has determined that this proposed regulatory action imposes no mandates or costs requiring state reimbursement to any local agency or school district pursuant to Government Code sections 17500 et seq. No other non-discretionary costs or savings imposed on local agencies are anticipated.

Commission staff has determined that the proposed amendment will not result in any costs or savings to the State.

Commission staff has determined that this proposed action will have no impact on costs or savings in federal funding to the State.

##### HOUSING COSTS

Commission staff has determined that this proposed action will have no impact on housing costs.

#### STATEMENT REGARDING ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Commission staff has determined that the proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

- 1) Will likely have no impact on the creation or elimination of jobs within the State of California.

- 2) Will likely have no impact on the creation or elimination of businesses within the State of California.
- 3) Will not affect the expansion of businesses currently doing business within California.
- 4) Will have no impact upon worker safety within the State of California; and
- 5) Will benefit the health and welfare of California residents and the state's environment by ensuring sufficient funding for the Marine Invasive Species Program, which will continue to protect California from the introduction of nonindigenous species from vessels that arrive at California ports.

#### COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

The proposed regulation would amend regulatory definitions and increase the Fee requirements pursuant to California Public Resources Code section 71215. The fee will affect the owners and operators of large vessels (300 gross registered tons or more) that arrive at a California port after traveling from a non-California port. All vessel owners or operators affected by the proposed amended regulation would be required to pay an increased fee of one hundred fifty dollars (\$150) per qualifying voyage. Commission staff assumes that representative businesses will each have one to three hundred fifteen (1-315) qualifying voyages to California ports. Accordingly, the annual cost to an individual business is predicted to range from one hundred fifty dollars (\$150) to forty-seven thousand two hundred fifty dollars (\$47,250), depending on the business's number of qualifying voyages.

#### SMALL BUSINESS DETERMINATION

The Commission staff finds that the proposed amendments of this regulation may affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission 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 Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulation to:

Nicole Dobroski  
 Assistant Chief, Marine Environmental Protection  
 Division  
 California State Lands Commission  
 100 Howe Avenue, Suite 100 South  
 Sacramento, CA 95825-8202  
 Telephone: (916) 574-0742  
 Facsimile: (916) 574-1950  
 Email: Nicole.Dobroski@slc.ca.gov

Or:  
 Patrick Huber  
 Staff Attorney  
 California State Lands Commission  
 100 Howe Avenue, Suite 100 South  
 Sacramento, CA 95825-8202  
 Telephone: (916) 574-0728  
 Facsimile: (916) 574-1855  
 Email: Patrick.Huber@slc.ca.gov

Requests for copies of the proposed text 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 should be directed to:

Ravindra Varma  
 Supervisor, Planning Branch  
 California State Lands Commission  
 Marine Environmental Protection Division  
 200 Oceangate, Suite 900  
 Long Beach, CA 90802-4335  
 Telephone: (562) 499-6400  
 Facsimile: (562) 499-6317  
 Email: Ravi.Varma@slc.ca.gov

#### AVAILABILITY OF STATEMENTS

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento and Long Beach offices listed 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, the initial statement of reasons, including the economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interest-

ed parties may obtain copies of any of the aforementioned files by contacting Ravindra Varma as listed above, or by visiting the website listed below.

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be available to the public for at least fifteen days prior to the date that the Commission considers adopting the regulations. Interested parties shall send requests for copies of any modified regulations to the attention of Ravindra Varma at the address indicated above. The Commission will accept written comments on the modified regulations for fifteen days after the date that they are available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Ravindra Varma at the address, telephone number, or email address listed above or by accessing the website listed below.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at <http://www.slc.ca.gov>.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on July 7, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 3, 2017.

This notice is being provided to be in compliance with Government Code Section 11346.4.

#### PUBLIC HEARING

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 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 amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on November 7, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if, one is requested, or following the written comment period if no public hearing 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.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated 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 (Food and Agricultural Code (FAC) 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

#### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably

necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated 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.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department has considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and this is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

#### AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 15 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,840 square miles.

#### 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: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are 14 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approxi-

mately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

#### *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

#### Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons

than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

#### AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. 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, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed,

they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 30, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 27, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

#### PUBLIC HEARING

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 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 amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on November 7, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing 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.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated 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 (Food and Agricultural Code (FAC) 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

#### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

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

Existing law, FAC Section 5321, provides that the Secretary is obligated 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.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available

at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

The Department has considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and this is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Monterey County by approximately 111 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,951 square miles.

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: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are eight retail nurseries in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or

- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it has considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.

Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. 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, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 14. DEPARTMENT OF CONSERVATION**

**RESOURCE CONSERVATION DISTRICT ACCREDITATION PROGRAM NOTICE OF PROPOSED RULEMAKING ACTION REGARDING**

**TITLE 14. NATURAL RESOURCES DIVISION 2. DEPARTMENT OF CONSERVATION CHAPTER 6. OFFICE OF LAND CONSERVATION**

**NOTICE IS HEREBY GIVEN** that the California Department of Conservation (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. With this rulemaking the Department will propose permanent regulations, after the consideration of all comments, objections, or recommendations.

### WRITTEN COMMENT PERIOD

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the Department. Comments may be submitted by facsimile (FAX) at (916) 327-3430, by email to [rcd@conservation.ca.gov](mailto:rcd@conservation.ca.gov), or by mail to:

Department of Conservation  
ATTN: Resource Conservation District  
Assistance Program  
801 K Street, MS14-15  
Sacramento, CA 95814

**The written comment period closes at 5:00 p.m. on Monday, November 21, 2016.** The Department will only consider comments received at the Department's offices by that time.

### PUBLIC COMMENT HEARING

No public hearing regarding the regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Department at least 15 days before the end of the written comment period. Such request should be addressed to the Department Contact Person identified in this Notice and should specify the regulations for which the hearing is being requested.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 9062 of the Public Resources Code, and to implement, interpret, or make specific sections 9062 and 9063 of the Public Resources Code, the Department is proposing the addition Article 3, including sections 3200 through 3202 and 3205 through 3210, to Chapter 6, Division 2 of Title 14 of the California Code of Regulations.

### POLICY STATEMENT OVERVIEW/INFORMATIVE DIGEST

Existing law establishes Resource Conservation Districts (Districts) as legal subdivisions of the State that maintain their own locally appointed or elected independent boards of directors. State law establishes Districts to implement projects on public and private lands that conserve soil and water; control runoff; and prevent, control, and stabilize soil erosion in open areas, agricultural areas, urban development, wildlife areas, recreational developments, and watersheds. Currently,

there are 98 Districts that manage diverse resource conservation projects covering more than 85 percent of the State.

State law requires the Department to assist in the formation, organization, and operation of Districts. The Department provides assistance to Districts in their mission to promote the long-term sustainability of the State's rich and diverse working landscapes. This support can take the form of financial assistance, administrative education, and information and technical support.

State law grants Districts the right to form associations to coordinate resource conservation efforts on a larger level. The California Association of Resource Conservation Districts (Association) coordinates assistance to Districts, offers a structure for Districts to meet and set priorities, and represents the interests of California Districts to State and federal representatives.

From 2011 to 2013, the Association's President visited 91 Districts to solicit input on and develop an understanding of the needs of Districts statewide. The Association's President confirmed that District capacity varied widely. Specifically, it was evident that some Districts were not meeting basic legal requirements while others were highly functional organizations effectively meeting the conservation needs of their communities. The visits prompted the Association to initiate a collaborative process to identify concrete goals, and develop criteria to meet those goals, to help Districts improve their operational capacity and enhance their programs and services.

To incentivize Districts to achieve the goals identified in this process and to add value to the accomplishment of the goals, the Association requested that the Department establish an accreditation program. The proposed accreditation program structure reflects the goals and criteria regarding basic legal requirements and best practices for good governance identified in that process. Districts can apply for Tier I Accreditation on a voluntary basis. Those unable to achieve accreditation can seek technical assistance from the Department and the Association.

#### Proposed Regulations

§3200. Definitions.

The regulations proposed in this section clarify the definitions of "Department," "District," and "Program."

§3201. Voluntary Review.

The regulations proposed in this section clarify that the Department will not review all Districts for accreditation; it will only review those that have applied. The Department is not requiring accreditation as a condition for technical assistance and outreach.

§3202. Tier I.

The regulations proposed in this section establish the requirements a District must meet in order to achieve a Tier I Good Governance Accreditation rating. This new section incorporates the Tier I Form (September 12, 2016) by reference, which a District must complete and submit to the Department in order to be considered for accreditation. This new section limits the duration of Tier I Accreditation to twelve months. If the District is interested in maintaining accreditation, it must reapply prior to the end of the twelve month period.

§3205. Submittal.

The regulations proposed in this section require a District to notify the Department at least five days prior to a District's submittal of its first application in order for the Department to provide the District with an electronic filing account. This new section also clarifies that if an application is insufficient, as determined by the Department, the District may re-submit its application at any time.

§3206. Department Review.

The regulations proposed in this section establish the Department's responsibilities regarding the review of applications. Specifically, it specifies that the Department must determine whether an application is complete within 30 days of receiving an application. Furthermore, the Department must determine the District's eligibility for accreditation within 90 days of determining the completeness of an application. If the District is ineligible for accreditation, the Department must provide an explanation of what the District must improve to meet accreditation. This section also clarifies that the Department may contact the District with any questions it may have while reviewing the material.

§3207. Loss of Accreditation.

The regulations proposed in this section establish that any District that does not submit the information required for certification prior to the renewal date will lose accreditation. Furthermore, this new section establishes that a District may lose accreditation if the Department becomes aware that the information provided for the accreditation is no longer valid or is not accurate.

§3208. Department's Website.

The regulations proposed in this section require the Department to list on its website each of the Districts that have obtained accreditation.

§3209. Relationship of Certification to Funding.

The regulations proposed in this section clarify that when the Department has funding available to distribute to Districts, the Department may require Tier 1 certification as a component of eligibility.

Anticipated Benefits of the Proposed Regulations

The Department anticipates that the status conveyed by accreditation will serve as an incentive for Districts to improve their capacity and performance. Furthermore, it will provide a third-party validation that the District in question is meeting legal requirements and best practices for good governance. This will enable the Department to easily identify District leaders as well as Districts that need additional assistance. The Department and the Association can then target their assistance efforts to better meet the needs of Districts at all levels. Other governmental and non-governmental organizations could also use the proposed accreditation program as one method to evaluate Districts for financial assistance.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department has determined that the 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 Department has concluded that these are the only regulations that concern the accreditation of Districts in California.

INCORPORATED BY REFERENCE FORM

Tier 1 Form, September 12, 2016.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are written to be easily understood by the parties that will use them.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the regulations do not impose a mandate on local agencies or school districts.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT

The Department has determined that the regulations do not impose costs to local agencies or school districts.

OTHER NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES

The Department has determined that there are no other nondiscretionary costs or savings imposed on local agencies.

COSTS OR SAVINGS IN FEDERAL FUNDING  
TO THE STATE

The Department has determined that there are no costs or savings in federal funding to the State.

FISCAL IMPACT

The Department has determined that the regulations impose minor and absorbable costs to the Department and Districts (which are legal subdivisions of the State).

The Department estimates that, of the 98 Districts in California, approximately 40 will apply for accreditation in any one year. To administer the Tier I Program, this will require \$131,000 per year to support 1.125 positions, composed of one Staff Services Manager II (0.125) to manage the program, and one Associate Governmental Program Analyst (1.0) to administer program. This cost estimate includes posting the application and instructions to the Department's website; establishing electronic filing accounts for Districts upon request; responding to requests for information and clarification; and downloading, collecting, and reviewing applications. The Department has determined that these costs are absorbable with the Department's existing Resource Conservation District Assistance Program.

During the pre-rulemaking period, the Department requested that a representative sample of Districts "test drive" the Tier I application process. From this informal study, the Department estimates that Districts that apply for Tier I will, on average, need three hours of a District Manager's time and two hours of an administrative assistant's time to read, interpret, and complete the form; reach out to the Department with any questions or clarifications; collect and compile the necessary documentation; and submit the entire package to the Department. This is a minor and absorbable cost for Districts.

INITIAL DETERMINATION REGARDING ANY  
SIGNIFICANT, STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING  
BUSINESS AND INDIVIDUALS

The Department has made an initial determination that the regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Furthermore, the regulations will not have any significant, statewide adverse economic impact directly affecting individuals.

EFFECT ON SMALL BUSINESSES

The Department has determined that the adoption of the regulations will not affect small business. The Program is a voluntary accreditation program available to Districts to assess their governance capacity.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS

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

COST IMPACT ON HOUSING

The regulations will not have any effect on housing costs.

RESULTS OF ECONOMIC  
IMPACT ASSESSMENT

The Department has made an initial determination that the adoption of these regulations will NOT significantly affect the following:

- The creation or elimination of jobs within the State of California
- The creation of new businesses or the elimination of existing business within the State of California
- The expansion of businesses currently doing business within the State of California, and
- The health and welfare of California residents, worker safety, or the State's environment.

The regulations provide Districts the option to apply for Department accreditation. The accreditation program will impact Districts by incentivizing them to meet basic State laws and best practices for good governance. To compile and submit an application, the Department estimates that it will cost each District three hours of a District Manager's time and two hours of an administrative assistant's time. This should be minor and absorbable for Districts.

While the proposed regulations will impact those Districts that choose to seek accreditation, they do not apply to or affect businesses. Therefore, they will not create or eliminate businesses, affect their competitiveness, or impact the expansion of businesses currently doing business in the State.

Additionally, these regulations do not impact the health and welfare of California residents, worker safety, or the environment. They strictly impact the governance capacity of Districts.

Benefits of Proposed Action: The status conveyed by accreditation will serve as an incentive for Districts to

improve their capacity and performance. Furthermore, it will provide a third-party validation that the District in question is meeting legal requirements and best practices for good governance. This will enable the Department to easily identify District leaders as well as Districts that need additional assistance. The Department and the Association can then target their assistance efforts to better meet the needs of Districts at all levels. Other governmental and non-governmental organizations could also use the proposed accreditation program as one method to evaluate Districts for financial assistance.

#### REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the regulations are 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 statements with respect to alternatives to the regulations during the written comment period.

#### DEPARTMENT CONTACT PERSONS

Written comments, inquiries, and any questions regarding the substance of the regulations shall be submitted or directed to:

David Thesell, Deputy Chief  
 Department of Conservation  
 801 K Street, MS14-15  
 Sacramento, CA 95814  
[David.thesell@conservation.ca.gov](mailto:David.thesell@conservation.ca.gov)  
 916/324-0868

The following person is designated as a backup Contact Person for inquiries only regarding the regulations:

Jenny Di Stefano  
 Resource Specialist  
 Department of Conservation  
 801 K Street, MS14-15  
 Sacramento, CA 95814  
[Jenny.e.distefano@conservation.ca.gov](mailto:Jenny.e.distefano@conservation.ca.gov)  
 916/804-2345

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS

The Department has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Department's office at 801 K Street, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request, from the Department Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The rulemaking file, including the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text, may be viewed on the Department's Website at <http://www.conservation.ca.gov/dlrp/RCD/publications/regulations>.

#### 15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Department may adopt the regulations substantially as described in this Notice, without further notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Department's Web site described above) for at least fifteen (15) calendar days before the Department adopts the proposed regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Department Contact Person identified in this Notice.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Department is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the Department has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Department's Web site described above. Written re-

quests for copies should be addressed to the Department Contact Person identified in this Notice.

## TITLE 14. STRATEGIC GROWTH COUNCIL

### Allocation of Transformative Climate Community Program Funds

**NOTICE IS HEREBY GIVEN** pursuant to Government Code section 11346.6 that the California Strategic Growth Council (Council) proposes to adopt regulations allocating funding of Transformative Climate Community Program (Program) funds pursuant to Public Resources Code sections 75240 *et seq.*

#### PROPOSED ACTION

Assembly Bill 2722 (Burke, 2016) created the Program to be administered by the Council. Public Resources Code Section 75242 requires the Council to develop guidelines and selection criteria for plan development and implementation of the Program. This proposed action is the first of several to develop the guidelines. Specifically, this action specifies a portion of total program funds for applications from specific geographic locations. These program details will be added to Division 6.5, Title 14 of the California Code of Regulations.

More information about the proposed regulatory action can be found in the Initial Statement of Reasons.

#### PUBLIC HEARING, WRITTEN COMMENT PERIOD AND AGENCY CONTACT

The Council will hold a public hearing in accordance with the requirements set forth in Government Code section 11346.8. The hearing details are as follows:

Date: November 7, 2016  
Time: 9:00 a.m.  
Location: Fresno City Council Chambers  
City Hall, 2nd Floor  
2600 Fresno Street  
Fresno, CA 93721

The hearing will be closed when all persons present have had an opportunity to comment on the proposed action. Time limits may be placed on oral comments to ensure that all persons wishing to comment have the opportunity within the available time for the hearing. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the close of the public comment period. The public comment period for this regulatory action will begin on September 23, 2016. To be considered by the Council, written comments not physically submitted at the hearing, must be submitted by November 7, 2016 and received no later than 5:00 p.m. The Council will consider only comments submitted and received by that time. Following the conclusion of the written comment period, the Council may adopt the proposal as set forth without further notice. Comments submitted electronically are preferred.

Submit comments to:

[tccpubliccomments@sgc.ca.gov](mailto:tccpubliccomments@sgc.ca.gov)

or to:

Kim Danko  
1400 Tenth Street  
Sacramento, CA 95814

Please note that under the California Public Records Act (Government Code, §6250 *et seq.*), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Pursuant to Government Code section 11346.9(a)(3), the Council shall in a final statement of reasons respond to comments submitted during the comment period containing objections and/or recommendations specifically directed at the Council's proposed action or to the procedures followed by the Council in proposing or adopting the proposed action

#### AUTHORITY AND REFERENCE

Authority: Public Resources Code section 75243.

Reference: Public Resources Code sections 75240–75243.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The purpose of the Program is to fund plans that include multiple, coordinated greenhouse gas emissions reduction projects within disadvantaged communities. (Pub. Resources Code § 75240.) The Council is authorized to develop guidelines and selection criteria to govern implementation of the Program and the award of Program funds. (*Id.* § 75242.) The statute specifically authorizes the Council to prioritize awards in areas that have a high proportion of census tracts identified as disadvantaged communities and that focus on communities that are most disadvantaged. (*Id.* § 75242(b)(2).)

The Council will develop the Program guidelines and selection criteria in phases. The first phase, which is the subject of this action, proposes to allocate a portion of total program funds for applications from specific geographic locations. Future phases of the guidelines development will specify selection criteria and competitive process for individual applications as well as procedures for Program implementation.

Specifically, this proposed action does two things. First, it would specify that Program funds shall be allocated in the City of Los Angeles, the City of Fresno and a third location. Second, it specifies that a minimum of fifty percent of the Program funds shall be allocated within the City of Fresno and a minimum of twenty five percent within the City of Los Angeles.

**Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking**

Senate Bill 732 (Steinberg, 2008) created the Council. The Council is a cabinet level committee that coordinates the activities of state agencies to:

- Improve air and water quality
- Protect natural resources and agriculture lands
- Increase the availability of affordable housing
- Promote public health
- Improve transportation
- Encourage greater infill and compact development
- Revitalize community and urban centers
- Assist state and local entities in the planning of sustainable communities and meeting AB 32 goals

The Council administers several programs using revenues raised from Cap and Trade allowance auctions, also known as the Greenhouse Gas Reduction Fund (GGRF). For example, the Council’s Affordable Housing and Sustainable Communities (AHSC) Program provides grants and affordable housing loans for compact transit-oriented development and related infrastructure and programs that reduce greenhouse gas emissions.

Senate Bill 535 (de Leon, 2012) requires that certain portions of GGRF provide benefits to disadvantaged communities, and at least some projects be located within disadvantaged communities.

Assembly Bill 2722 (Burke, 2016) created the Program to fund plans that include multiple, coordinated greenhouse gas emissions reduction projects within disadvantaged communities. (Pub. Resources Code § 75240.)

**Summary of the Effect of the Proposed Rulemaking**

The effect of the proposed rulemaking will be to specify how and where certain Program funds are to be allocated.

**Policy Objectives and Specific Benefits Anticipated by the Proposed Regulation Including Non-monetary Benefits**

Consistent with the legislative intent described in Assembly Bill 2722, this proposed action will advance several policy objectives. As explained in more detail in the Initial Statement of Reasons, the Council intends for the Program to enable transformative change in disadvantaged communities. The Public Resources Code authorizes the Council to prioritize severely disadvantaged communities, and the cities of Fresno and Los Angeles have the largest populations living in the most severely disadvantaged communities as described in Section 39711 of the Health and Safety Code.

Additionally, this action proposes that Program funds be allocated in a few large investments, rather than numerous and comparatively small awards. This type of targeted investment is more likely to attract catalytic private resources.

By leveraging public investments in inadequate infrastructure, the funds are intended to allow neighborhoods to become communities where businesses have access to workers, workers have access to jobs, and residents have access to safe, environmentally sound places to live.

**The Proposed Regulation is Not Inconsistent with or Incompatible with Existing State Regulations**

The Council evaluated the regulations for inconsistency or incompatibility with existing state regulations and has found that these are the only regulations dealing with the Transformative Climate Communities Program. Therefore, the proposed regulation is not inconsistent or incompatible with existing state regulations.

**FORMS INCORPORATED BY REFERENCE**

There are no forms incorporated by reference in the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

**FISCAL IMPACT DETERMINATION REGARDING THE PROPOSED ACTION**

Pursuant to Government Code sections 11346.5(a)(5) and (a)(6), the Chair has made an initial determination that the proposed regulatory action would not create costs to State agencies. The proposed regulatory actions would not create costs or savings in federal funding to the State, costs or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, Title 2, Division 4, Part 7 (commencing with section

17500) or other nondiscretionary costs of savings to State or local agencies.

The regulation does not impose a mandate on any private individual, business or local government because participation in the Program is optional and voluntary. However, regulatory actions taken in subsequent phases that lay out guidelines for applying for and approving program proposals will likely have costs to these entities if they choose to participate.

The determinations of the Chair concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below:

- Cost to any Local Agency or School District Requiring Reimbursement Pursuant to Government Code section 17500 et seq.: None.
- Cost or Savings for State Agencies: None.
- Other Non-Discretionary Costs or Savings on Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

**There is No Significant Effect on Housing Costs**

The Chair has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs because the proposed regulation only specifies where program funds may be allocated, it does not add new requirements under the law. There may be effects on housing costs from regulatory actions in subsequent phases, including if programs are implemented that affect development or transportation in targeted communities.

**There is No Significant Adverse Economic Impact Directly Affecting Business, Including Ability to Compete and Declaration of Initial Determination of No Impact**

The Chair has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. Regulatory actions in subsequent phases could have positive economic impacts on businesses and individuals, and indeed these are the aim of the program. An initial determination has been made that there is no impact because the proposed regulation only specifies where program funds may be allocated, and further regulatory action is needed before programs may be proposed or chosen.

**There is No Effect on Small Business**

Regulatory actions in subsequent phases could have positive economic impacts on small businesses. An ini-

tial determination has been made that there is no impact of this phase, however, because the proposed regulation only specifies where program funds may be allocated, and further regulatory action is needed before programs may be proposed or chosen.

**STATEMENT OF RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The Chair has made an initial determination that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic and Fiscal Impact Analysis, which is a section in the Initial Statement of Reasons, ISOR.

While Program funds are expected to result in economic benefits, this proposed action does not affect the total amount of funds available. Rather, it merely allocates where those funds may be awarded. They therefore have no benefit, either positive or negative.

**COST IMPACTS TO REPRESENTATIVE PERSONS OR BUSINESSES, INCLUDING SMALL BUSINESSES**

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

The Chair has also made an initial determination that, pursuant to California Code of Regulations, Title 1, section 4, the proposed regulatory action would not affect small businesses because the proposed action only specifies where program funds may be allocated, it does not add new requirements under the law.

**ALTERNATIVES CONSIDERED**

In accordance with subsection 11346.5(a)(13) of the Government Code, the Council must determine that no reasonable alternative considered by the Council or that has otherwise been identified and brought to the attention of the Council 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 that the proposed action, and/or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Two alternatives were considered: one to award funds to neighborhoods judged on a competitive basis, and another to have a more even allocation of funds to Fresno, Los Angeles, and a third community to be determined. The first alternative was rejected as it would not allow for the scale of investments that are likely needed to catalyze transformation. The second was rejected as it would reduce the potential catalytic effects of large investments in Fresno.

#### CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

[tccpubliccomments@sgc.ca.gov](mailto:tccpubliccomments@sgc.ca.gov)

or to:

Kim Danko  
1400 Tenth Street  
Sacramento, CA 95814

Please direct requests for copies of the proposed text (“the express terms”) of the regulations, the initial statement of reasons, or other information upon which the proposed rulemaking is based to Kim Danko at the above address. A backup person to contact for access to documents is Mackenzie Weiser at [mackenzie.wieser@sgc.ca.gov](mailto:mackenzie.wieser@sgc.ca.gov), (916) 327-4737.

#### AVAILABILITY OF RULEMAKING PACKAGE AND INTERNET ACCESS

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of this date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms of the proposed text of the regulations, the initial statement of reasons, and supporting information. Copies may be obtained by contacting either Kim Danko or Mackenzie Wieser at their address and/or phone numbers and email addresses listed above.

If there are substantial and related changes to the proposed regulation, the full text of the regulation, if changed after the forty-five day initial public comment period, will be available for at least 15 days prior to the date on which the Council adopts, amends, or repeals the proposed regulation.

#### Final Statement of Reasons

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested

from the agency contact persons in this notice, or may be accessed on the Council’s website: [www.sgc.ca.gov](http://www.sgc.ca.gov).

#### Internet Availability

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, will be available on the Council’s website: [www.sgc.ca.gov](http://www.sgc.ca.gov).

#### NON-DUPLICATION OF FEDERAL LAW AND RELATIONSHIP TO FEDERAL LAW

The proposed regulations do not duplicate federal law, nor are they mandated by federal law or regulations.

#### OTHER STATUTORY REQUIREMENTS

In accordance with Government Code section 11346.5(a)(4), there are no other requirements identified in this notice that are that are specific to the Council or any specific regulation or class of regulations.

#### REASONABLE ACCOMMODATIONS

The hearing location is accessible to persons with disabilities. If any member of the public wishes to comment and requires other reasonable accommodations, please contact Kim Danko at the Strategic Growth Council as listed above at least five days prior to the scheduled workshop.

#### TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

##### Enhanced Behavioral Supports Homes

The Department of Developmental Services (DDS) proposes to adopt the proposed regulations as well as forms DS 6023 and DS 6024 described below after considering all comments, objections, and recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at 5:00 p.m. on November 7, 2016.

DDS will consider only comments received by DDS by that time.

CONTACT

Tiffani Andrade  
 Acting Assistant Deputy Director, Community  
 Development & Housing  
 Department of Developmental Services  
 1600 9th Street, Room 320, MS 3-9  
 Sacramento, CA 95814  
 FACSIMILE: (916) 654-2775  
 EMAIL: [tiffani.andrade@dds.ca.gov](mailto:tiffani.andrade@dds.ca.gov)

PUBLIC HEARING

DDS will hold a public hearing starting at 1:00 p.m. on November 7, 2016 at the following location:

1600 9th Street  
 Room 360  
 Sacramento, California

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. DDS requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. DDS will adjourn the hearing immediately following the completion of testimony presentations. The room is wheelchair accessible.

Following the public hearing, DDS may thereafter adopt the proposed regulations substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the department contact identified above.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons are available from the contact listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Additionally, all information which DDS considered as the basis for these proposed regulations (i.e., the rulemaking file) is available for public reading/perusal at the contact address listed above. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to treatment and habilitation services and supports in the least restrictive environment. With the reduced reliance on restrictive institutional and out-of-state placements, there is a need to increase community capacity and develop new alternatives, particularly for the most difficult-to-serve consumers, including those with challenging behaviors.

The vast majority of people with developmental disabilities live and receive services and supports in the community; however, many still reside in restrictive institutional settings, including state developmental centers and locked mental health facilities, while others receive services in out-of-state placements. This includes individuals who are difficult to serve in the community due to behaviors which are difficult to manage. To continue the development of alternative living arrangements for people with developmental disabilities, Senate Bill 856, Chapter 30, Statutes of 2014 (SB 856), requires the DDS to develop Enhanced Behavioral Supports Homes to reduce reliance on institutional living arrangements for, or out-of-state placements of, people with developmental disabilities who receive services and supports pursuant to the Lanterman Act but are difficult to serve in the community with currently available resources and living options. Many consumers who require intensive services and supports due to challenging behaviors that cannot be managed in a community setting without the availability of enhanced behavioral services and supports, and who are now in more restrictive placements, including developmental centers, locked mental health facilities and out-of-state placements, or are at risk of institutionalization, will be afforded more appropriate, less restrictive community-based alternatives with the development of Enhanced Behavioral Supports Homes.

As required by SB 856, Section 4684.86 of the Welfare & Institutions Code, DDS has promulgated emergency regulations, at Title 17 California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 24 (effective February 5, 2016), establishing program standards for Enhanced Behavioral Supports Homes, licensed as either Adult Residential Facilities or Group Homes by the Department of Social Services. These standards include program plan requirements, staffing structure, staff qualifications and training, requirements and timelines for the completion and updating of

consumers' individual behavior supports plans, admission and continued stay requirements, requirements for ensuring appropriate services and supports are provided at the time of admission, the rate methodology, and assurances of consumer rights and protections. As required by SB 856, the emergency regulations were developed in consultation with stakeholders, including the State Department of Social Services, consumer advocates, and regional centers. DDS is now undertaking the regular rulemaking process to make the emergency regulations permanent.

The statutory authorization for the development of Enhanced Behavioral Supports Homes benefits individuals with developmental disabilities eligible for services under the Lanterman Act. It furthers the purpose and intent of the Lanterman Act by enabling individuals who would otherwise require placement in more restrictive, institutional settings to live in less restrictive, community-based living arrangements. The proposed regulations are intended to ensure that safeguards and procedures are in place consistent with the intent of the governing statutes and the Lanterman Act to protect individuals' rights with respect to procedures for admission to and residence in Enhanced Behavioral Supports Homes.

As these are the only regulations dealing with this subject matter for people with developmental disabilities, DDS finds that the proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 856, as well as the Lanterman Act and other existing state statute and regulations.

Section 59050: Defines terms relative to Enhanced Behavioral Supports Homes and these regulations.

Section 59051: Sets forth general requirements for the operation of the Enhanced Behavioral Supports homes.

Section 59052: Specifies the items to be included in the Facility Program Plan to ensure the stable operation of the facility and ensure the health and safety of the consumers in residence.

Section 59053: Requires department review of the Facility Program Plan to ensure it meets the requirements of section 59052 and permits department approval of the Facility Program Plan and requires the department to submit a Certificate of Approval to the Department of Social Services as a condition of licensure.

59054: Requires the development of an Individual Behavior Supports Plan for each consumer that outlines the behavioral treatment the consumer will receive.

59055: Specifies regional center monitoring of an Enhanced Behavioral Supports Home to ensure consistent treatment of the consumer and ensure the health and safety of the consumer.

59056: Specifies the assessments that must be completed and plans that must be completed to ensure a con-

sumer is smoothly transitioned into the Enhanced Behavioral Supports Home.

59057: Requires a contract between the Enhanced Behavioral Supports Home and the regional center and specifies what must be in the contract.

59058: Allows for contract termination when the Enhanced Behavioral Supports Home is unable to maintain substantial compliance with applicable laws or its contract with the regional center or when the Enhanced Behavioral Supports Home demonstrates an inability to ensure the health and safety of consumers.

59059: As a matter of due process, allows the Enhanced Behavioral Supports Home to appeal the regional center's decision to terminate the contract.

59060: Specifies the minimum qualifications that must be met in order to be a facility administrator.

59061: Specifies the minimum qualifications that must be met in order to be direct care staff persons.

59062: Specifies the minimum staffing requirements to ensure the orderly operation of the facility and to ensure the health and safety of consumers.

59063: Specifies the minimum amount of training required of direct care staff to ensure competent care of consumers.

59064: Specifies the minimum amount of continuing education required of direct care staff to ensure continued competent care of consumers.

59065: Specifies which situations are considered an immediate danger.

59066: Specifies which situations are considered substantial inadequacies.

59067: Requires the development of a corrective action plan.

59068: Requires the regional center to apply sanctions when there is noncompliance with the corrective action plan.

59069: As a matter of due process, allows the facility administrator to file an appeal of regional center findings of immediate danger, substantial inadequacies and sanctions.

59070: Requires the maintenance of a facility file and specifies what must be included in the file.

59071: Requires the maintenance of a consumer file and specifies what must be included in the file.

59072: Sets forth the procedures for development of rates for both facility costs and individual costs associated with residency, and specifics for payment of said rates.

#### FORMS INCORPORATED BY REFERENCE

Form DS 6023 Enhanced Behavioral Supports Home — Rate Development Facility Cost (New 10/2015):

This is the new form developed for use in determining the facility rate.

Form DS 6024 Enhanced Behavioral Supports Home — Rate Development Individual Costs Associated With Residency (New 10/2015):

This is the new form developed for use in determining an individual consumer’s rate.

**LOCAL MANDATE STATEMENT**

These regulations do not constitute a mandate on local agencies or school districts.

**FISCAL IMPACT**

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: None. DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

DDS has made an initial determination that the proposed regulations 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.

**SMALL BUSINESS IMPACT STATEMENT**

DDS has determined that there is no impact on small business as a result of filing of these regulations because the regulations only govern program requirements for licensed residential care providers that choose to operate an Enhanced Behavioral Supports Home.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The proposed regulations are a continuation of the current emergency regulations. The authorizing statutes permit but do not require the establishment of Enhanced Behavioral Supports Homes, which are licensed as Adult Residential Facilities or Group Homes.

The adoption of the proposed regulations will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These regulations are expected to improve the health and welfare of California residents by filling an unmet need and enabling the development of previously unavailable community living alternatives for consumers who require intensive services and supports due to challenging behaviors. SB 856 and the proposed regulations benefit the general welfare of people with developmental disabilities by furthering the intent of the Lanterman Act, as well as the federal Americans with Disabilities Act, to support their integration into the community.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

DDS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of DDS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE**

Authority: Welfare and Institutions Code sections 4684.80, 4684.81, 4684.82, 4684.83, 4684.84, 4684.85, 4684.86, and 4684.87.

Reference: Welfare and Institutions Code sections 4684.80, 4684.81, 4684.82, 4684.83, 4684.84, 4684.85, 4684.86, and 4684.87.

**CONTACT PERSON REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATIONS**

Contact Person:  
Tiffani Andrade  
(916) 654-3016

Backup:  
Ingrid Oliver  
(916) 654-2203

<b>GENERAL PUBLIC INTEREST</b>
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**DEPARTMENT OF HEALTH CARE  
SERVICES**

**FINAL RULES, CMS-2249-F, REQUIRE  
HOME AND COMMUNITY-BASED (HCB)  
SETTING COMPLIANCE  
Statewide Transition Plan Resubmission**

**Purpose:**

The California Department of Health Care Services (DHCS) gives notice that the revised Statewide Transition Plan (STP) will be resubmitted to the Centers for Medicare and Medicaid Services (CMS) in October, 2016, for approval. The Community-Based Adult Services (CBAS) Transition Plan is an attachment to the STP. This revised STP describes California's plan to ensure approved Home and Community-Based Services (HCBS) waivers comply with the new federal HCBS setting rules. DHCS, state partners and stakeholders have updated the STP based on the CMS guidance letter, which can be found at: <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/ca/ca-cmia.pdf>.

DHCS invites all interested parties to review the STP, including the CBAS Transition Plan, and provide public input. The 30-day public comment period will begin August 29, and end September 29, 2016. Public comments on the STP should be input onto the STP Public Comment Template, which will be available on the DHCS website listed below. The DHCS website will provide a link to the CBAS Transition Plan and the CBAS Plan's Public Comment Template.

Please mail or email public comments using the contact information below. DHCS will review all feedback and incorporate into the STP as appropriate. Public input is essential to the development and implementation of the STP, and will assist the state to achieve approval of the STP and compliance with the HCBS Settings Final Rule.

DHCS will host a statewide conference call in mid-September to discuss the revised STP, milestones and timelines, state strategies for HCBS setting compliance, and any questions or concerns raised by the public. Please check the STP website below for the date, time, call-in number, and agenda.

**The ST and public comment template including a link to the CBAS Transition Plan and its public com-**

**ment template can be found at:**

<http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>

**More information about the new federal rules is available at:** <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

**For Further Information on the STP, contact**  
**[STP@dhcs.ca.gov](mailto:STP@dhcs.ca.gov)**  
**Department of Health Care Services**  
**Long-Term Care Division**  
**1501 Capitol Avenue, MS 4502**  
**P.O. Box 997437**  
**Sacramento, CA 95899-7413**

**For additional information on the CBAS**  
**Transition Plan, contact**  
**[cbascda@aging.ca.gov](mailto:cbascda@aging.ca.gov)**  
**(916) 419-7545**  
**California Department of Aging**  
**1300 National Drive, Suite 200**  
**Sacramento, CA 95834**

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

Former Technichem, Inc., Site  
Proposed Consent Decree  
4245 Halleck Street  
Emeryville, California 94608

**NOTICE OF PUBLIC COMMENT PERIOD**

September 23, 2016, through October 23, 2016

Si usted desea informacion en espanol sobre este aviso, favor de llamar a Jesus Cruz sin costo al (866) 495-5651.

The Department of Toxic Substances Control ("DTSC") invites you to review and comment on a proposed consent decree (the "Consent Decree") with Butler Cleaners; Debra J. Dolch, as Administrator of Estate of Fred Walker; Celebrity Cleaners; and Custom Commercial Dry Cleaners, Inc., regarding the former Technichem, Inc., site located at 4245 Halleck Street, Emeryville, Alameda County, California 94608 (the "Site"). The Consent Decree resolves DTSC's claims against the above parties under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. section 9601, et seq., for the Site. DTSC filed a CERCLA lawsuit against several parties, including those above, to recover DTSC's costs of investigating and cleaning up hazardous substances

releases at the Site. Under the Consent Decree, those parties will pay to DTSC a total of \$24,000 to reimburse DTSC for costs it has incurred responding to the tetra-chloroethylene contamination at the Site.

DTSC will consider comments received during the public comment period on the Consent Decree and file with the Court any written comments received and DTSC's responses thereto. The Court may then enter or approve the Consent Decree. DTSC also reserves the right to withdraw or withhold its consent to entry (approval) of the Consent Decree if comments regarding the Consent Decree disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or inadequate.

#### WHERE DO I SUBMIT MY COMMENTS?

DTSC will consider comments that are postmarked or received by October 23, 2016. Please submit comments by October 23, 2016 to:

Karen Toth, Project Manager  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
[Karen.Toth@dtsc.ca.gov](mailto:Karen.Toth@dtsc.ca.gov)

You may view documents at the following locations:

The Consent Decree and background documents may be examined on the DTSC EnviroStor website at: [http://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=80001769](http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=80001769). You may also review documents in the File Room at DTSC's Berkeley office (by appointment only) located at:

Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
Call (510) 540-3800 for an appointment

For questions on the Technichem, Inc. Site or the proposed Consent Decree:

Karen Toth, Project Manager  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710  
(510) 540-3834  
[Karen.Toth@dtsc.ca.gov](mailto:Karen.Toth@dtsc.ca.gov)

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### Notice to Interested Parties

#### ANNOUNCEMENT OF PUBLICATION OF PUBLIC HEALTH GOAL FOR ANTIMONY IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the publication of the updated Public Health Goal (PHG) for antimony in drinking water. A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water standards (Maximum Contaminant Levels, or MCLs) for California.<sup>3</sup> The final technical support document is posted on the OEHHA web site at <http://www.oehha.ca.gov>.

The technical support document presents an update of the antimony PHG, originally published in 1997. The update includes changes in critical study and endpoint selection, and updated dose-response analysis and exposure estimates. These changes resulted in the revision of the antimony PHG from 20 parts per billion (ppb) to 1 ppb.

A companion document on OEHHA's website contains responses to public comments received during two public comment periods that ended in September 2009 and August 2016, and comments received in February 2016 from an external scientific peer review. OEHHA has evaluated all the comments received and revised the technical support document as appropriate.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at [PHG.Program@oehha.ca.gov](mailto:PHG.Program@oehha.ca.gov) or at (916) 324-7572. Written inquiries can also be addressed to:

<sup>1</sup> Codified at Health and Safety Code section 116270 et seq.

<sup>2</sup> Health and Safety and Code section 116365(c).

<sup>3</sup> Health and Safety and Code section 116365(a) and (b).

Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
P.O. Box 4010, MS-12B  
Sacramento, California 95812  
Attention: PHG Program

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**Notice to Interested Parties**

**ANNOUNCEMENT OF PUBLICATION OF  
DRINKING WATER PUBLIC HEALTH GOALS  
AND AVAILABILITY OF FINAL TECHNICAL  
SUPPORT DOCUMENT FOR:**

**CARBOFURAN, DIQUAT, ENDRIN,  
PICLORAM, AND THIOBENCARB**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the publication of updated Public Health Goals (PHGs) for carbofuran, diquat, endrin, picloram, and thiobencarb in drinking water. The PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water standards (Maximum Contaminant Levels, or MCLs) for California.<sup>3</sup> The final technical support document is posted on the OEHHA web site at <http://www.oehha.ca.gov>.

The technical support document presents updates of the carbofuran, diquat, endrin, picloram, and thiobencarb PHGs, originally published in 2000, 2000, 1999 (updated in 2008), 1997, and 2000, respectively. The updated PHGs are 0.7 parts per billion (ppb) for carbofuran, 6 ppb for diquat, 0.3 ppb for endrin, 166 ppb for picloram, and 42 ppb for thiobencarb, all based on non-cancer effects. The updates consider recent toxicological literature and incorporate updated water consumption rates, and where appropriate, updates in risk assessment methodology and provisions to account for the most sensitive members of the population.

<sup>1</sup> Codified at Health and Safety Code section 116270 et seq.

<sup>2</sup> Health and Safety and Code section 116365(c).

<sup>3</sup> Health and Safety and Code section 116365(a) and (b).

OEHHA posted the first draft of this document on August 14, 2015 for a 45-day public comment period and held a public workshop on September 28, 2015. Subsequently, an external scientific peer review of the draft PHGs document was conducted pursuant to Health and Safety Code Section 116365 (c)(3)(D). The second draft document was released for a 30-day public comment period on July 29, 2016. OEHHA received comments from the Sacramento River Source Water Protection Program during the first comment period and received no comments during the second comment period. OEHHA has evaluated all the comments received and revised the technical support document as appropriate. A document containing responses to the public and peer review comments is posted on OEHHA's website.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at [PHG.Program@oehha.ca.gov](mailto:PHG.Program@oehha.ca.gov) or (916) 324-7572. Written inquiries can also be addressed to:

Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
P.O. Box 4010, MS-12B  
Sacramento, California 95812  
Attention: PHG Program

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE OF EXTENSION OF THE PUBLIC  
COMMENT PERIOD FOR THE  
AVAILABILITY OF HAZARD  
IDENTIFICATION MATERIALS FOR NITRITE  
IN COMBINATION WITH  
AMINES OR AMIDES**

On August 26, 2016, the California Environmental Protection Agency's (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2016, No. 35-Z) announcing the availability of Hazard Identification Materials for Nitrite in Combi-

nation with Amines or Amides under the Safe Drinking Water and Toxic Enforcement Act of 1986.<sup>1</sup>

The August 26 notice initiated a 45-day public comment period that was scheduled to close on October 10, 2016. OEHHA has received a request from the North American Meat Institute seeking an extension of the comment period for the Hazard Identification Materials for Nitrite in Combination with Amines or Amides. **OEHHA hereby extends the public comment period for these materials until 5 p.m., Monday, October 17, 2016.**

We encourage you to submit comments via e-mail, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65PublicComments@oehha.ca.gov](mailto:P65PublicComments@oehha.ca.gov) with “2016 Nitrite in combination with amines or amides” in the subject line. Hard copy comments may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:  
Michelle Ramirez  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010  
Fax: (916) 323-2265

Street Address:  
1001 I Street  
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the chemicals will be considered. Comments received during the public comment period will be posted on the OEHHA web site in advance of the meeting. Electronic files submitted should not have any form of encryption.

If you have any questions, please contact Michelle Ramirez at [michelle.ramirez@oehha.ca.gov](mailto:michelle.ramirez@oehha.ca.gov) or at (916) 327-3015.

**OAL REGULATORY  
DETERMINATIONS**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATIONS**

**(Pursuant to Government Code Section 11340.5  
and  
Title 1, section 270, of the  
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or [mmolina@oal.ca.gov](mailto:mmolina@oal.ca.gov).

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**2016 OAL DETERMINATION NO. 2  
(OAL MATTER NO. CTU2016-0219-01)**

**REQUESTED BY: ANGELO ESCALANTE**  
**CONCERNING: Sensitive Needs Yard  
Placement Considerations;  
Memoranda dated February  
19, 2002, June 24, 2003 and  
February 14, 2012, Issued by  
the Department of  
Corrections and  
Rehabilitation.**

**DETERMINATION ISSUED  
PURSUANT TO  
GOVERNMENT CODE  
SECTION 11340.5.**

**SCOPE OF REVIEW**

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations (CCR), title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

### CHALLENGED RULE

The rules challenged as underground regulations are three memoranda from the California Department of Corrections and Rehabilitation (Department). The first of the three memoranda is titled “Sensitive Needs Yard [SNY] Placement Considerations,” dated February 19, 2002 (attached as Exhibit A). It was modified by a memorandum dated June 24, 2003 (attached as Exhibit B), and reaffirmed in a memorandum dated February 14, 2012 (attached as Exhibit C). The three memoranda will collectively be referred to as “Memoranda.”

### DETERMINATION

OAL determines that the challenged rules contained in the Memoranda meet the definition of “regulations” that should have been adopted pursuant to the APA, but were not.

### FACTUAL BACKGROUND

On February 19, 2016, Angelo Escalante (Petitioner) submitted a petition to OAL challenging the Memoranda as underground regulations.

OAL accepted the petition for consideration on April 19, 2016. The petition was published in the California Regulatory Notice Register (Notice Register) on May 6, 2016. Comments from the public were solicited until June 6, 2016. No comments were received. The Department declined to submit a response to the petition which would have been due by June 20, 2016.

The February 19, 2002 memorandum titled “Sensitive Needs Yard Placement Considerations,” was

signed by Larry Witek, the Department’s Deputy Director, Institutions.

The February 19, 2002 memorandum was modified by a June 24, 2003 memorandum titled “Modification to Memorandum Dated February 19, 2002, *Sensitive Needs Yard Placement Considerations*, regarding Housing Sensitive Needs Yard Eligible Inmates with Unresolved Enemy Concerns.” The June 24, 2003 memorandum was signed by W.A. Duncan, the Department’s Deputy Director, Institutions Division.

The February 19, 2002 memorandum was subsequently the subject of a February 14, 2012, memorandum titled “Sensitive Needs Yard Placement Consideration for Validated Prison Gang Dropouts.” It is signed by R. J. Subia, the Department’s Director, Division of Adult Institutions. All three memoranda are addressed to Wardens and Classification Staff, as well as others.

The February 14, 2012 memorandum reaffirms the February 19, 2002 memorandum, stating that “inmates validated as active or inactive prison gang members or associates by the Office of Correctional Safety (OCS) are ineligible for SNY placement. Only those validated inmates whose status has been changed to ‘dropout’ by OCS may be considered for SNY placement.” The February 14, 2012 memorandum indicates that in unique cases, where a compelling reason exists, SNY placement may be considered for an inmate who does not meet the criteria articulated in the three memoranda.

Inmates who indicate a desire to be removed from a validated status, i.e., as being associated with a Security Threat Group (STG), go through a process called debriefing (the process by which an inmate is determined by the Department to have dropped out of a Security Threat Group, or gang) and transferred from being a validated gang member (or associate) to being a “dropout.” The debriefing process is to provide information about the STG’s “structure, activities, and affiliates.” (CCR, title 15, section 3378.5 (b)). The debriefing is a long process, often lasting many months, where the inmate provides detailed information about their past, including in-depth criminal activity, which is reviewed and evaluated by Department staff (See sections 3378.5 and 3378.6 of title 15 of the CCR). Only fully debriefed inmates, as designated by the Department, are eligible for SNY placement according to the Memoranda.

In addition, the Memoranda challenged as underground regulations establish SNY placement for certain inmates pursuant to specific criteria, and establish procedures for when and how to assign SNY housing. Article 7 of title 15 of the CCR, titled “Segregated Housing,” deals with various types of segregated housing for inmates. A search of this and other articles in title 15 did not reveal regulations concerning this type of SNY

<sup>1</sup> As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

housing, or regulations detailing the criteria established in the attached Memoranda.

### UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

### ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, §11342, subd. (g)).<sup>2</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>3</sup>

The challenged rules in the attached Memoranda affect current and future inmates. Certain inmates are allowed to be housed in these SNY placements based upon the criteria established in the Memoranda. The Memoranda concern current and future inmates under the custody of the Department and those inmates who seek placement in the SNYs. The special housing arrangement will be extended to some, but not all inmates, as identified in the Memoranda. Only those from STGs designated as “dropouts” are eligible. The Memoranda affect current and future inmates who may want to be placed in a SNY.

The Memoranda, therefore, apply generally to inmates throughout the state, and so the first element of *Tidewater* is met.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

<sup>2</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>3</sup> See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

Penal Code section 5054, states in part:

Commencing July 1, 2005, 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 are vested in the Secretary of the Department of Corrections and Rehabilitation.

Penal Code section 5058(a) states:

The director may prescribe and amend rules and regulations for the administration of the prisons and for the administration of the parole of persons sentenced under Section 1170 except those persons who meet the criteria set forth in Section 2962. The rules and regulations shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code [the APA], except as otherwise provided in this section and Sections 5058.1 to 5058.3, inclusive. All rules and regulations shall, to the extent practical, be stated in language that is easily understood by the general public.

The Memoranda indicate which inmates will be allowed to participate in the SNY placement, as well as how inmates are allowed in and out of the SNYs. Thus, the Memoranda establish administration criteria for management of the prisons, as well as provide for procedures for housing inmates at those institutions. The Memoranda thereby implement, interpret and make specific Penal Code sections 5054 and 5058.

The Memoranda, therefore, meet the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the Memoranda fall within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department has not identified an express statutory exemption from the APA that would apply to the Memoranda, nor did OAL find such an exemption.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal

Code section 5058, subdivision (c), establishes exemptions expressly for the Department:

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan. The court indicated that only policies that *did not apply generally* would meet the requirements of the “local rule” exemption.

The challenged rules in this case, the Memoranda, do not apply to only one institution, but provide rules generally applicable to all inmates throughout the state. The Memoranda establish criteria to determine which inmates will be allowed to participate in the SNY placements. Therefore, the rules contained in the Memoranda are not “local rules,” and do not fall within the local rule exemption.

#### PUBLIC COMMENTS

OAL did not receive any public comments.

#### AGENCY RESPONSE

The Department declined to respond to the petition.

#### CONCLUSION

In accordance with the above analysis, OAL determines that the rules contained in the Memoranda meet the definition of “regulations” that should have been adopted pursuant to the APA, but were not.

Date: September 6, 2016

/s/

Debra M. Cornez  
Director

/s/

Elizabeth A. Heidig  
Assistant Chief Counsel

cc: Scott Kernan, Secretary  
Timothy Lockwood, Chief

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**

**2016 OAL DETERMINATION NO. 3  
(OAL MATTER NO. CTU2016-0225-01)**

**REQUESTED BY:** RICKY FOSTER  
**CONCERNING:** Memorandum titled  
“Enhanced Program Facility  
Institutions/Facilities” dated  
December 31, 2013, issued by  
the Department of  
Corrections and  
Rehabilitation.

**DETERMINATION ISSUED  
PURSUANT TO  
GOVERNMENT CODE  
SECTION 11340.5.**

**SCOPE OF REVIEW**

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

**CHALLENGED RULE**

The rule challenged as an underground regulation is a memorandum titled “Enhanced Program Facility

Institutions/Facilities” dated December 31, 2013 (Memorandum). The Memorandum is addressed to Wardens and Associate Directors of the Division of Adult Institutions. The Memorandum indicates that certain General Population (GP) and Sensitive Needs Yard (SNY) institutions were being designated as Enhanced Program Facilities (EPFs). The Memorandum lists seven correctional institutions that would be designated as EPFs as of January 1, 2014. It also states how inmates are placed in the enhanced programs, how they are removed from the programs and lists various options for program enhancements to be instituted at the selected individual correctional institutions, such as:

- Access to college degree programs
- Additional Self Help Groups
- Hobby craft programs
- Technology, canteen and yard photo privileges, food sales, among other options.

The Memorandum states that enhancements will be provided by EPFs to inmates at the selected EPFs “based on their behavior and willingness to meet programming expectations.” The Memorandum states that inmates will be identified via the facility’s classification process at annual or program reviews. It then lists exclusionary factors and mandatory expectations of program participants. In addition, it lists how inmates will be removed from participating in the EPF program.

The Memorandum was signed by M. D. Stainer, Director, Division of Adult Institutions, Department of Corrections and Rehabilitation (Department). A copy of the Memorandum is attached to this determination as Exhibit A.

**DETERMINATION**

OAL determines that the challenged rule, the Memorandum titled “Enhanced Program Facility Institutions/Facilities,” dated December 31, 2013, meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not.

**FACTUAL BACKGROUND**

On February 25, 2016, Ricky Foster (Petitioner) submitted a petition to OAL challenging the Memorandum as an underground regulation.

OAL accepted the petition for consideration on April 25, 2016. The petition was published in the California Regulatory Notice Register on May 6, 2016. Comments from the public were solicited until June 6, 2016. No comments were received. The Department declined to submit a response to the petition which would have been due by June 20, 2016.

The challenged rule contained in the Memorandum was sent to the Wardens and Associate Directors of the

<sup>1</sup> As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Division of Adult Institutions for the Department, as well as to others. It designates seven General Population (GP) and Sensitive Needs Yard (SNY) institutions/facilities as being Enhanced Program Facilities/Institutions (EPFs). The Memorandum concerns current and/or future inmates under the custody of the Department and selects those certain institutions for special program enhancements and/or privileges that will be extended to some, but not all, inmates based upon the criteria set forth in the Memorandum. Each of the seven institutions is identified as an “Enhanced Program Facility.”

### UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5, it creates an underground regulation as defined in title 1, section 250 of the California Code of Regulations.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code, sec. 11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

### ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, §11342, subd. (g)).<sup>2</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>3</sup>

The challenged rule in the Memorandum affects current and future inmates. Certain institutions are selected to be EPFs and selected inmates are allowed to participate in these special enhancement programs based upon criteria as determined by the Department. The Memorandum concerns current and future inmates under the custody of the Department and the programs apply to only the selected institutions. The special program enhancements and privileges will be extended to some, but not all, inmates, as identified in the Memorandum. The Memorandum affects current and future inmates who may be interested in participating in these enhanced programs.

The Memorandum, therefore, applies generally, and the first element of *Tidewater* is met.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

Penal Code section 5054, states in part:

<sup>2</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>3</sup> See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

Commencing July 1, 2005, 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 are vested in the Secretary of the Department of Corrections and Rehabilitation.

Penal Code section 5058(a) states:

The director may prescribe and amend rules and regulations for the administration of the prisons and for the administration of the parole of persons sentenced under Section 1170 except those persons who meet the criteria set forth in Section 2962. The rules and regulations shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code [the APA], except as otherwise provided in this section and Sections 5058.1 to 5058.3, inclusive. All rules and regulations shall, to the extent practical, be stated in language that is easily understood by the general public.

The Memorandum creates a special category of institution and indicates which institutions will be designated as EPFs. In addition, the Memorandum sets forth criteria as to which inmates will be allowed to participate in the special enhancements provided at these designated EPFs. The Memorandum establishes criteria for the administration and management of the prisons, as well as the inmates housed in those institutions. Thus, the Memorandum implements, interprets and makes specific Penal Code sections 5054 and 5058.

The Memorandum, therefore, meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department has not identified an express statutory exemption from the APA that would apply to the Memorandum, nor did OAL find such an exemption.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the Department:

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan. The court indicated that only policies that *did not apply generally* would meet the requirements of the “local rule” exemption.

The challenged rule in this case, the Memorandum, does not apply to just one institution, but applies generally throughout the state. It indicates that “participating” inmates will be allowed program enhancements based upon the Department’s designation of their institution as an EPF and selection of the inmate to participate in the program pursuant to the requirements and articulated criteria that apply to all inmates. Therefore, the Memorandum does not fall within the local rule exemption.

#### PUBLIC COMMENTS

OAL did not receive any public comments.

#### AGENCY RESPONSE

The Department declined to respond to the petition.

#### CONCLUSION

In accordance with the above analysis, OAL determines that the Memorandum meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not.

Date: September 6, 2016

/s/  
Debra M. Cornez  
Director

/s/  
Elizabeth A. Heidig  
Assistant Chief Counsel

cc: Scott Kernan, Secretary  
Timothy Lockwood, Chief

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
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.

File# 2016-0801-04  
BOARD OF FORESTRY AND FIRE PROTECTION  
White and Black Oak Management Special Prescription

The Board of Forestry and Fire Protection filed this action to amend sections 913.4 and 933.4 of title 14 of the California Code of Regulations, which are applicable to the Coast Forest District and the Northern Forest District, respectively. The purpose of the amendments is to provide flexibility to landowners to better manage stands of Oregon white oak and California black oak in which conifer species are encroaching.

Title 14  
AMEND: 913.4, 933.4  
Filed 09/08/2016  
Effective 01/01/2017  
Agency Contact: Matt Dias (916) 653-8007

File# 2016-0801-05  
BOARD OF PHARMACY  
Compounding Drug Preparations

This action amends and adopts regulations specific to the compounding of drug products to strengthen the regulations and enforcement as to pharmacies engaged in the activity by, among other things, aligning the regulations with standards in the United States Pharmacopoeia — National Formulary.

Title 16  
ADOPT: 1751.8, 1751.9, 1751.10, 1752, 1753, 1754  
AMEND: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8, 1751, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8  
Filed 09/13/2016  
Effective 01/01/2017  
Agency Contact: Lori Martinez (916) 574-7917

File# 2016-0803-04  
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
Firearm Qualifications and Training

This rulemaking action by the Bureau of Security & Investigative Services amends regulations related to the issuance and renewal of firearms qualification permits.

Title 16  
ADOPT: 635.1  
AMEND: 631, 631.1, 633, 635  
Filed 09/12/2016  
Effective 01/01/2017  
Agency Contact: Sam Stodolski (916) 575-7024

File# 2016-0802-03  
CALIFORNIA ARCHITECTS BOARD  
Education and Training Credits

This rulemaking by the California Architects Board/Landscape Architects Technical Committee amends section 2620 in Title 16 of the California Code of Regulations to update the requirements for taking the Landscape Architect Registration Examination. Currently, six years of training and educational experience in landscape architecture are required. That will not change. This action allows candidates to gain up to one year of training/practice credit for teaching in a landscape architecture degree program, as specified.

Title 16  
AMEND: 2620  
Filed 09/13/2016  
Effective 01/01/2017  
Agency Contact: Kourtney Nation (916) 575-7237

File# 2016-0805-03  
CALIFORNIA HORSE RACING BOARD  
Criteria to Evaluate Rehabilitation

This rulemaking action by the California Horse Racing Board establishes criteria to evaluate the rehabilitation of licensees and applicants pursuant to Business and Professions Code section 482.

Title 4  
ADOPT: 1489.2  
Filed 09/13/2016  
Effective 09/13/2016  
Agency Contact: Philip Laird (916) 263-6025

File# 2016-0804-03  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
Definitions, Training for Non-Sworn and Paraprofessional Personnel, Reimbursements, and Requirements for Course Certification

This resubmittal of OAL File Nos. 2015-0929-03S and 2016-0317-02SR by the Commission on Peace Of-

ficer Standards and Training (“POST”) amends sections 1001, 1014, 1015, and 1055 in title 11 of the California Code of Regulations. These sections are amended primarily to incorporate requirements from Section E of the POST Administrative Manual (“PAM”) into Sections 1014 and 1015. These amendments also list reimbursement rates and add reimbursement for attendance at the Regular Basic Course, Modular Format (Intensive) by agency-sponsored attendees.

Title 11  
 AMEND: 1001, 1014, 1015, 1055  
 Filed 09/08/2016  
 Effective 01/01/2017  
 Agency Contact: Brian Clark (916) 227-4847

File# 2016-0804-01  
 COMMISSION ON STATE MANDATES  
 General Cleanup Provisions

This file and print action by the Commission on State Mandates amends thirty sections in title 2 of the California Code of Regulations to clarify Commission regulations, eliminate duplicative language, and update authority and reference citations.

Title 2  
 AMEND: 1181.2, 1181.3, 1181.6, 1183.1, 1183.2, 1183.3, 1183.8, 1183.9, 1183.10, 1183.11, 1183.14, 1183.15, 1183.17, 1183.18, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1187.4, 1187.6, 1187.7, 1187.8, 1187.9, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5  
 Filed 09/13/2016  
 Effective 10/01/2016  
 Agency Contact: Jill Magee (916) 323-3562

File# 2016-0726-04  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Bactrocera Latifrons Interior Quarantine

This Certificate of Compliance for an emergency regulatory action established Los Angeles County as a quarantine area with respect to the Malaysian fruit fly (“Bactrocera latifrons”) and adds a host list due to recent findings of the pest. The effect of the establishment of the quarantine area provides authority to the State to perform control and eradication activities against the Malaysian fruit fly in Los Angeles County to prevent spread of the fly to noninfested areas in order to protect California’s agricultural industry.

Title 3  
 ADOPT: 3442  
 Filed 09/07/2016  
 Effective 09/07/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0909-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP), Diaphorina citri in the Winton area of Merced County to approximately 42 square miles. The amendment provides authority for the state to perform quarantine activities against ACP within this area.

Title 3  
 AMEND: 3435(b)  
 Filed 09/14/2016  
 Effective 09/14/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0902-04  
 DEPARTMENT OF TOXIC SUBSTANCES  
 CONTROL

Disposition Options for Universal Waste CRTs

This rulemaking action is a second readoption, pursuant to Health and Safety Code section 25214.10.2, of the emergency regulations adopted by the Department of Toxic Substances Control (Department) in 2012, and first readopted in 2014, concerning the recycling of cathode ray tubes (CRTs) and devices. The regulations authorize a universal waste handler who treats CRTs to recycle or dispose of the generated CRT glass as fully regulated hazardous waste or to be excluded from regulation of this material as hazardous waste pursuant to the Health and Safety Code. The regulations also amend waste management standards and add notification, reporting, and recordkeeping requirements intended to promote enforcement of the waste management standards and add provisions for the protection of trade secrets.

Title 22  
 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75  
 Filed 09/12/2016  
 Effective 09/12/2016  
 Agency Contact: John Meerscheidt (916) 255-3552

File# 2016-0802-04  
 FISH AND GAME COMMISSION  
 Nonlead Ammunition Coupon Program

This rulemaking action establishes the process by which the Department of Fish and Wildlife will implement a non-lead ammunition coupon program to provide non-lead ammunition at no or a reduced cost to hunters using non-state funds as required by Fish and Game Code Section 3004.5.

Title 14  
 ADOPT: 250.2  
 Filed 09/13/2016  
 Effective 01/01/2017  
 Agency Contact: Caren Woodson (916) 653-4899

File# 2016-0818-03  
 MEDICAL BOARD OF CALIFORNIA  
 Licensing Examination Passing Score

In this regular rulemaking, the Medical Board of California (the "Board") is adopting section 1328.1 in title 16 of the California Code of Regulations. Section 1328.1 sets the minimum passing score the Board will accept for each step of the required national physician and surgeon licensing examinations. The minimum score will be determined by the Board-approved organization developing and/or administering the examination in question.

Title 16  
 ADOPT: 1328.1  
 Filed 09/07/2016  
 Effective 01/01/2017  
 Agency Contact: Kevin Schunke (916) 263-2368

File# 2016-0802-02  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Chemical Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment (OEHHA) submitted this file and print action to revise the list of chemicals known to the State to cause cancer in title 27, California Code of Regulations section 27001(b). Health and Safety Code section 25249.8 provides that the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity and shall cause the list to be revised and republished in light of additional knowledge at least once per year. This list is contained in section 27001 of the California Code of Regulations.

Title 27  
 AMEND: 27001  
 Filed 09/08/2016  
 Effective 09/08/2016  
 Agency Contact: Michelle Ramirez (916) 445-6900

File# 2016-0803-03  
 PHYSICIAN ASSISTANT BOARD  
 PAB Manual of Model Disciplinary Guidelines & Model Disciplinary Orders

This change without regulatory effect filing by the Physician Assistant Board revises the Manual of Disciplinary

Guidelines and Model Disciplinary Orders, which is incorporated by reference into section 1399.523 of title 16 of the California Code of Regulations, to update the document index and correct page numbering.

Title 16  
 AMEND: 1399.523  
 Filed 09/14/2016  
 Agency Contact: Anita Winslow (916) 561-8782

File# 2016-0727-01  
 STATE LANDS COMMISSION  
 Administrative Hearings

In this resubmitted regulatory action, the Commission is adopting numerous sections in Title 2 of the California Code of Regulations. The regulations establish the procedures that allow the Commission to enforce its authority to remove trespassers who maintain structures on land owned by the state and under the jurisdiction of the Commission. These procedures include issuing a Notice of Violation, setting an administrative hearing, imposing penalties, and ordering the removal of encroaching structures.

Title 2  
 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016  
 Filed 09/07/2016  
 Effective 01/01/2017  
 Agency Contact: Warren Crunk (916) 574-1935

File# 2016-0727-01  
 STATE LANDS COMMISSION  
 Administrative Hearings

In this resubmitted regulatory action, the Commission is adopting numerous sections in Title 2 of the California Code of Regulations. The regulations establish the procedures that allow the Commission to enforce its authority to remove trespassers who maintain structures on land owned by the state and under the jurisdiction of the Commission. These procedures include issuing a Notice of Violation, setting an administrative hearing, imposing penalties, and ordering the removal of encroaching structures.

Title 2  
 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016  
 Filed 09/07/2016  
 Effective 01/01/2017  
 Agency Contact: Warren Crunk (916) 574-1935

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN April 13, 2016 TO  
September 14, 2016**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

09/13/16 AMEND: 1181.2, 1181.3, 1181.6, 1183.1, 1183.2, 1183.3, 1183.8, 1183.9, 1183.10, 1183.11, 1183.14, 1183.15, 1183.17, 1183.18, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1187.4, 1187.6, 1187.7, 1187.8, 1187.9, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5

09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016

08/31/16 AMEND: 18531.5

08/17/16 AMEND: 18239

08/17/16 AMEND: 59000

07/29/16 ADOPT: 599.860

07/13/16 AMEND: 1859.2, 1859.102 REPEAL: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5, 1866.5.1, 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9, 1866.7, 1866.8, 1866.9, 1866.9.1, 1866.10, 1866.12, 1866.13, 1866.14

07/11/16 AMEND: 59560

06/27/16 AMEND: 1897

06/23/16 ADOPT: 17010, 17011, 17012, 17013, 17014, 17030, 17031, 17032, 17033, 17034, 17035, 17036, 17037, 17038, 17039, 17040, 17041, 17042, 17043, 17044, 17045, 17046, 17047 REPEAL: 17010, 17030, 17111, 17112, 17113, 17120, 17121, 17122, 17130, 17140, 17141, 17142, 17150, 17151, 17152, 17153, 17160, 17200, 17201, 17210, 17220, 17300, 17400, 17402, 17403, 17404, 17405, 17406, 17408, 17412, 17414, 17416, 17418, 17420, 17422, 17424, 17426, 17430, 17432, 17434, 17435, 17436, 17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454,

17458, 17460, 17461, 17463, 17464, 17466, 17468, 17470, 17471, 17473, 17475, 17477, 17478, 17481, 17482, 17483, 17485, 17486, 17488, 17490, 17491, 17493, 17495, 17498, 17500, 17502, 17504, 17508, 17510, 17512, 17514, 17515, 17516, 17518, 17519, 17520, 17521, 17525, 17527, 17528, 17530, 17532, 17534, 17538, 17542, 17544, 17546, 17548, 17550, 17551, 17552, 17553, 17554, 17555, 17556, 17557, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 17565, 17566, 17567, 17570, 17571, 17572, 17575, 17576, 17580, 17581, 17582, 17588, 17590, 17592

05/25/16 AMEND: 604

05/23/16 AMEND: 23000

05/19/16 ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752

04/21/16 AMEND: 599.744

**Title 3**

09/14/16 AMEND: 3435(b)

09/07/16 ADOPT: 3442

09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016

08/29/16 ADOPT: 3591.26

08/29/16 AMEND: 3435(b)

08/29/16 AMEND: 3591.2

08/26/16 AMEND: 3435(b)

08/25/16 AMEND: 3435(b)

08/24/16 AMEND: 3435(b)

08/24/16 AMEND: 1358.7

08/23/16 AMEND: 3435(b)

08/03/16 AMEND: 3435(b)

08/02/16 AMEND: 3435(b)

08/01/16 AMEND: 3435(b)

08/01/16 AMEND: 3435(b)

07/25/16 AMEND: 3024.5

07/25/16 AMEND: 3435(b)

07/25/16 AMEND: 3435(b)

07/25/16 AMEND: 3435(b)

07/21/16 AMEND: 3435(b)

07/20/16 AMEND: 3435(b)

07/07/16 AMEND: 3435(b)

07/05/16 AMEND: 3435(b)

07/05/16 AMEND: 3435(b)

06/30/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452

06/30/16 AMEND: 3435(b)

06/30/16 AMEND: 3435(b)

06/28/16 AMEND: 3435(b)

06/22/16 AMEND: 3435(b)

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06/22/16	AMEND: 3435(b)	07/05/16	REPEAL: 6100, 6101, 6102, 6103, 6104, 6105, 6110, 6111, 6112, 6113, 6115, 6116, 6120, 6125, 6126
06/20/16	AMEND: 3591.12		
06/16/16	AMEND: 3435(b)	06/15/16	REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870
06/13/16	AMEND: 3435(b)		
06/13/16	AMEND: 3435(b)	05/31/16	REPEAL: 9517.1, 9531, 9532, 9535
06/08/16	AMEND: 850	05/31/16	ADOPT: 11533, 11534 AMEND: 11530, 11531
06/06/16	ADOPT: 1358.7		
06/02/16	AMEND: 3439(b)	05/31/16	ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522
06/02/16	AMEND: 3435(b)		
06/01/16	AMEND: 3435(b)	05/18/16	ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864
05/25/16	AMEND: 3435(b)		
05/23/16	AMEND: 3435(b)	04/25/16	AMEND: 41906.5, 41906.6
05/18/16	AMEND: 3435		
05/17/16	AMEND: 3906		
05/12/16	AMEND: 3435(b)		
05/12/16	AMEND: 3435(b)		
05/11/16	AMEND: 3435(b)		
05/11/16	AMEND: 3435(b)		
05/10/16	AMEND: 3435(b)		
05/09/16	ADOPT: 3591.27		
04/25/16	AMEND: 3435(b)		

**Title 4**

09/13/16 ADOPT: 1489.2  
 08/29/16 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14  
 08/09/16 AMEND: 10031, 10032, 10033, 10035, 10036  
 07/25/16 AMEND: 1581, 1843  
 07/19/16 AMEND: 5170  
 07/19/16 ADOPT: 1866.1 AMEND: 1844  
 07/05/16 AMEND: 1689.1  
 06/29/16 AMEND: 8034, 8035  
 06/15/16 ADOPT: 299 AMEND: 297, 300  
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230  
 04/27/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12  
 04/25/16 ADOPT: 1866.1 AMEND: 1844  
 04/21/16 ADOPT: 610  
 04/13/16 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15

**Title 5**

08/30/16 ADOPT: 1700  
 08/26/16 AMEND: 27000, 27004  
 08/16/16 ADOPT: 80022 AMEND: 80025.3  
 08/03/16 AMEND: 19810  
 07/27/16 AMEND: 19810  
 07/20/16 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959  
 07/14/16 ADOPT: 74117 AMEND: 74110, 74112

**Title 8**

08/02/16 ADOPT: 346, 346.1, 346.2, 350.3, 350.4, 355.1, 355.2, 355.3, 355.4, 355.5, 372.8, 372.9, 376.8 AMEND: 347, 348, 352, 354, 356, 356.1, 356.2, 359, 359.1, 361.3, 364.2, 371, 371.1, 371.2, 372.6, 376.1, 376.4, 376.7, 378, 380, 383, 391.1, 392, 392.4, 392.5 REPEAL: 355  
 07/28/16 ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2  
 06/28/16 AMEND: 5148(c)  
 05/18/16 AMEND: 362, 364, 364.1

**Title 9**

06/27/16 ADOPT: 4600, 4601, 4602  
 06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5  
 05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3  
 05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6  
 04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799

**Title 10**

09/01/16 ADOPT: 6864  
 08/29/16 AMEND: 3568

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08/29/16 AMEND: 3569  
 08/10/16 AMEND: 250.30 REPEAL: 5.2000, 5.2001  
 08/09/16 AMEND: 2498.6  
 08/09/16 AMEND: 2498.4.9  
 08/09/16 AMEND: 2498.6  
 08/09/16 AMEND: 2498.4.9, 2498.6  
 08/08/16 AMEND: 2498.5  
 07/11/16 AMEND: 2053, 2053.1, 2054, 2054.1, 2054.2, 2054.3, 2054.5, 2054.6, 2054.7, 2055, 2056, 2057, 2058, 2059, 2061, 2061.1, 2061.2, 2061.3, 2061.4, 2061.5, 2062, 2062.1, 2062.2, 2063, 2063.1, 2063.2, 2063.3, 2064, 2065, 2066, 2066.1, 2066.2, 2066.3, 2066.4, 2066.5, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2077.1, 2078, 2079, 2079.1, 2080, 2081, 2082, 2083, 2083.1, 2084, 2086, 2087, 2088, 2088.1, 2088.2, 2088.3, 2089, 2090, 2091, 2092, 2094, 2094.1, 2094.2, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2101.1, 2101.2, 2101.3, 2102, 2103, 2104 REPEAL: 2054.4, 2060  
 06/14/16 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552  
 06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140, 8150  
 06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
 05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502  
 05/26/16 ADOPT: 6858  
 05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718  
 05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516  
 05/10/16 AMEND: 2318.6, 2353.1, 2354  
 05/10/16 AMEND: 2353.1

**Title 11**  
 09/08/16 AMEND: 1001, 1014, 1015, 1055  
 08/30/16 ADOPT: 3205 AMEND: 3000, 3001, 3003, 3201, 3203, 3204  
 08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959  
 07/28/16 AMEND: 1005, 1007, 1008  
 07/08/16 AMEND: 310, 312, 999.1  
 06/22/16 AMEND: 1004, 1011

06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960  
 06/01/16 AMEND: 51.22  
 04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132  
 04/25/16 ADOPT: 50.24

**Title 12**  
 08/31/16 AMEND: 452, 453  
 08/30/16 ADOPT: 463, 464 AMEND: 461  
 06/17/16 ADOPT: 509  
 05/23/16 ADOPT: 462

**Title 13**  
 09/01/16 AMEND: 550  
 08/23/16 AMEND: 1606, 16.08, Appendix  
 07/25/16 AMEND: 1202.1, 1202.2, 1232  
 07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, 2485, 95302, 95662  
 07/07/16 AMEND: 15.01  
 06/23/16 ADOPT: 15.08 AMEND: 15.07  
 06/23/16 AMEND: 268.10  
 05/09/16 AMEND: 156.00, 156.01

**Title 14**  
 09/13/16 ADOPT: 250.2  
 09/08/16 AMEND: 913.4, 933.4  
 09/01/16 ADOPT: 820.02  
 09/01/16 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 09/01/16 ADOPT: 817.04 AMEND: 790  
 08/30/16 AMEND: 699.5  
 08/15/16 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3, 1666.4, 1666.5, 1666.6, 1666.7, 1666.8, 1666.9, 1666.10, 1666.11, 1666.12, 1666.13, 1666.14, 1666.15, 1666.16 AMEND: 1665.2 REPEAL: 1665.8  
 08/03/16 AMEND: 29.85  
 08/01/16 ADOPT: 131  
 08/01/16 AMEND: 1724.9  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/25/16 AMEND: 13055  
 07/18/16 AMEND: 1038  
 07/07/16 AMEND: 1120 REPEAL: 1121  
 06/30/16 AMEND: 190, 195

06/30/16 AMEND: 18660.23, 18660.24,  
18660.25, 18660.33, 18660.34  
06/23/16 AMEND: 502, 507  
06/16/16 AMEND: 120.7  
06/15/16 ADOPT: 8.01  
06/09/16 AMEND: 7.50  
05/25/16 AMEND: 1670  
05/11/16 AMEND: 17852  
05/02/16 AMEND: 29.85  
04/28/16 ADOPT: 131  
04/27/16 AMEND: 27.80  
04/26/16 AMEND: 29.45  
04/26/16 AMEND: 28.20  
04/20/16 ADOPT: 1760.1, 1779.1

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09/06/16 ADOPT: 3040.2 AMEND: 3000, 3040.1,  
3041, 3041.3, 3043.6, 3379  
08/17/16 AMEND: 3000, 3306, 3323  
08/11/16 AMEND: 3375.1, 3377  
07/13/16 AMEND: 8000, 8001, 8100, 8901  
06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2,  
3054.3, 3054.4, 3054.5  
06/21/16 ADOPT: 3359.8  
06/02/16 AMEND: 3000, 3084.7, 3312, 3313,  
3314, 3315, 3316, 3317, 3317.1, 3317.2,  
3320, 3322, 3326, 3340, 3341.3, 3376,  
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05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,  
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05/11/16 AMEND: 3000, 3213  
05/10/16 AMEND: 3173.2  
04/28/16 AMEND: 3000

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09/14/16 AMEND: 1399.523  
09/13/16 ADOPT: 1751.8, 1751.9, 1751.10, 1752,  
1753, 1754 AMEND:  
1735, 1735.1, 1735.2, 1735.3, 1735.4,  
1735.5, 1735.6, 1735.7, 1735.8, 1751,  
1751.1, 1751.2, 1751.3, 1751.4, 1751.5,  
1751.6, 1751.7, 1751.8  
09/13/16 AMEND: 2620  
09/12/16 ADOPT: 635.1 AMEND: 631, 631.1,  
633, 635  
09/07/16 ADOPT: 1328.1  
09/01/16 AMEND: 1399.696  
08/30/16 REPEAL: 1054, 1054.1, 1054.2  
08/25/16 ADOPT: 1746.4  
08/23/16 AMEND: 2043  
08/22/16 AMEND: 1023.16  
08/22/16 AMEND: 1495.1  
08/15/16 AMEND: 4110  
08/10/16 ADOPT: 1730.2  
08/03/16 AMEND: 1397.12 (renumbered to  
section 1395.2)

08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2,  
2087.3 AMEND: 2034, 2035, 2036.5  
07/28/16 ADOPT: 3395.5 AMEND: 3340.1,  
3340.10, 3340.28, 3395.4  
07/19/16 AMEND: 1355.35  
07/12/16 AMEND: 36.1  
07/12/16 ADOPT: 1399.469.3  
06/22/16 AMEND: 438  
06/16/16 AMEND: 109  
06/07/16 ADOPT: 1100  
06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126,  
1127, 1133  
06/07/16 ADOPT: 1104, 1104.1, 1104.2  
05/26/16 ADOPT: 1815.5  
05/13/16 AMEND: 910  
05/10/16 AMEND: 2403  
05/04/16 AMEND: 4170  
05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326,  
2326.1, 2326.5  
04/28/16 AMEND: 1417  
04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2,  
1105.3, 1105.4, 1106  
04/20/16 AMEND: 1715, 1784

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08/11/16 AMEND: 6901, 6902, 6903  
07/25/16 ADOPT: 51000, 51001, 51002  
07/01/16 AMEND: 6540  
07/01/16 AMEND: 6508  
05/25/16 AMEND: 1050  
05/24/16 AMEND: 2500, 2502, 2505  
04/25/16 AMEND: 100800

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08/31/16 AMEND: 1597  
08/16/16 AMEND: 1590  
08/02/16 AMEND: 17000.30  
07/27/16 ADOPT: 4076  
07/27/16 AMEND: 1506  
06/28/16 AMEND: 1698, 4901  
06/21/16 AMEND: 1432  
04/22/16 AMEND: 1668  
04/20/16 AMEND: 5600, 5601, 5603

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06/30/16 AMEND: 1980.00, 1980.02, 1980.04,  
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1990.02, 1990.03, 1990.04, 1990.05,  
1990.06, 1990.07, 1990.08, 1990.11,  
1990.12  
06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704,  
2705, 2706, 2707, 2708, 2709, 2710  
05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632,  
2640, 2642, 2643, 2644, 2645, 2646,  
2647, 2648, 2651, 2652, 2653, 2654,  
2655, 2656, 2657, 2658, 2659, 2670,  
2671 AMEND: 2650 renumbered to

2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

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06/30/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607

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07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491  
 05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171  
 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

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09/12/16 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101  
 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75  
 08/31/16 REPEAL: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100041, 100042  
 08/01/16 AMEND: 51516.1  
 07/20/16 AMEND: 97212, 97215, 97225, 97226, 97227, 97228, 97229, 97248, 97252, 97258, 97259, 97260, 97264 REPEAL: 97261  
 06/28/16 REPEAL: 75047  
 06/20/16 AMEND: 51179.7  
 06/09/16 ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7

06/08/16 AMEND: 7000  
 04/27/16 AMEND: 53626(a)  
 04/21/16 AMEND: 50188  
 04/19/16 AMEND: 123000

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08/17/16 AMEND: 86500, 86501, 86501.5, 86505.1, 86506, 86522, 86524, 86528, 86561, 86565, 86565.5, 86568.1, 86568.2, 86568.4, 86570, 86575, 86577, 86580, 86587, 86587.1  
 07/07/16 AMEND: 83074, 83087, 84074, 84087, 86074, 86087, 86574, 86587, 89374, 89387

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08/17/16 ADOPT: 3939.50  
 08/15/16 ADOPT: 350, 350.2, 350.4, 351, 352, 352.2, 352.4, 352.6, 353, 353.2, 353.4, 353.6, 353.8, 353.10, 354, 354.2, 354.4, 354.6, 354.8, 354.10, 354.12, 354.14, 354.16, 354.18, 354.20, 354.22, 354.24, 354.26, 354.28, 354.30, 354.32, 354.34, 354.36, 354.38, 354.40, 354.42, 354.44, 355, 355.2, 355.4, 355.6, 355.8, 355.10, 356, 356.2, 356.4, 357, 357.2, 357.4, 358, 358.2, 358.4  
 07/18/16 AMEND: 2922  
 07/18/16 ADOPT: 3909.2  
 07/18/16 ADOPT: 3909.4  
 07/14/16 ADOPT: 3909.3  
 07/12/16 ADOPT: 3929.14  
 07/11/16 AMEND: 3939.19  
 06/02/16 ADOPT: 3919.16  
 05/31/16 ADOPT: 863, 864, 864.5, 865, 866  
 05/17/16 ADOPT: 3991.1 REPEAL: 3989  
 05/04/16 AMEND: 3935, 3936, 3939.13  
 04/14/16 ADOPT: 3939.48

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07/28/16 ADOPT: 7062.5, 7065.5 AMEND: 7065  
 07/05/16 ADOPT: 6924, 6932 REPEAL: 6924, 6932

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09/08/16 AMEND: 27001  
 08/30/16 ADOPT: 25600, 25600.1, 25600.2, 25601, 25602, 25603, 25604, 25605, 25606, 25607, 25607.1, 25607.2, 25607.3, 25607.4, 25607.5, 25607.6, 25607.7, 25607.8, 25607.9, 25607.10, 25607.11, 25607.12, 25607.13, 25607.14, 25607.15, 25607.16, 25607.17, 25607.18, 25607.19, 25607.20, 25607.21, 25607.22, 25607.23, 25607.24, 25607.25, 25607.26, 25607.27, 25607.28, 25607.29, 25607.30, 25607.31 AMEND:

25603.3(f) (renumbered to Section 25607.30), 25603.3(g) (renumbered to Section 25607.31) REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2	31-002, 31-003, 31-005, 31-040, 31-066, 31-075, 31-101, 31-105, 31-110, 31-115, 31-120, 31-125, 31-135, 31-201, 31-205, 31-206, 31-310, 31-315, 31-335, 31-405, 31-406, 31-410, 31-420, 31-425, 31-430, 31-445, 31-510 REPEAL: 31-515, 31-520
08/10/16 AMEND: 27001	
08/09/16 AMEND: 27001	
07/28/16 AMEND: 27001	08/01/16 ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207
07/27/16 AMEND: 25805	
06/27/16 AMEND: 27001	07/19/16 AMEND: 30-754.2
06/22/16 AMEND: 27001	06/13/16 ADOPT: 30-754 AMEND: 30-701
06/13/16 AMEND: 27001	05/02/16 ADOPT: 45-102, 45-600, 45-601, 45-602, 45-604, 45-605, 45-606, 45-607 AMEND: 31-002, 31-003, 31-075, 31-201, 31-205, 31-206, 31-225, 31-425, 31-503, 90-101
06/13/16 AMEND: 25805	
05/09/16 AMEND: 10052	
04/18/16 AMEND: 25603.3	
04/13/16 AMEND: 27001	
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08/16/16 ADOPT: 31-136 AMEND: 31-001,	