



California Regulatory Notice Register

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JULY 14, 2017

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*Time-
Dated
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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. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING**

NOTICE IS HEREBY GIVEN that the Department of Fair Employment and Housing, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on July 14, 2017 and closing on August 28, 2017. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: the code was updated to reflect the current organizational structure of the Department.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than August 28, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than August 13, 2017.

The Department of Fair Employment and Housing has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: David L Cullen, DFEH Ethics Officer, 916-478-7251, david.cullen@dfeh.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

**NOTICE OF PROPOSAL TO ADD
RULE 1597.5, MICROCHIPS REQUIRED FOR
ALL HORSES ON GROUNDS
RULE 1597.6, TAMPERING WITH MICROCHIPS
AND TO AMEND
RULE 1554, DUTIES OF HORSE IDENTIFIER
RULE 1581.1, ENTRIES
RULE 1588, HORSE INELIGIBLE TO START
IN A RACE
RULE 1597, ASSOCIATION TO MAINTAIN
RECORDS OF HORSES ON ITS GROUNDS
RULE 1853, EXAMINATION REQUIRED**

The California Horse Racing Board (Board or CHRB) proposes to add and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1597.5, Microchips Required for All Horses on Grounds, to require that all horses present within the inclosure of a licensed racing association, racing fair, or training facility carry an implanted microchip. Horses entering the inclosure that do not carry a microchip at the time of entry will be required to have a microchip implanted following specific procedures. Horses shipping from another racing jurisdiction to participate in a single stakes race may request a waiver to the microchip requirement. The Board also proposes to add Rule 1597.6, Tampering with Microchips, to prohibit any person from tampering, removing, or replacing any microchip implanted in a horse.

Furthermore, the Board proposes to amend Rule 1554, Duties of Horse Identifier, to require that each horse's microchip be scanned and verified by the Horse Identifier prior to the horse's departure for the post before a race. The Board also proposes to amend Rule 1581.1, Entries, to prohibit a horse's entry into a race if it does not carry a microchip or waiver in accordance with proposed Rule 1597.5. Additionally, the Board proposes to amend Rule 1588, Horse Ineligible to Start in a Race, to establish that a horse that does not carry a microchip or have a waiver is ineligible to start in any race. The Board also proposes to amend Rule 1597, Association to Maintain Records of Horses on Its Grounds, to require that microchip numbers be recorded with the name of each horse that enters and exits a racing inclosure, and that racing secretaries maintain such records in a manner and format that is subject to Board approval. Finally, the Board proposes to amend Rule 1853, Examination Required, to include microchip numbers as an official criteria for identifying a horse to determine its fitness to start.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, September 28, 2017**, or as soon after that as business before the Board will permit, in the **Finish Line Room** at the **Los Alamitos Race Course, 4961 E. Katella Avenue, Los Alamitos, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on August 28, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-Mail: pjlaird@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, 19562, and 19590, Business and Professions Code. Reference: Sections 19401(a), 19420, 19440, and 19562, Business and Professions Code.

Business and Professions Code Sections 19420, 19440, 19562, and 19590 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific Sections 19401(a), 19420, 19440, and 19562, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19401(a) explains that it is the intent of the Horse Racing Law to allow pari-mutuel wagering on horse races while assuring protection of the public. Business and Professions Code section 19420 states that the Board has jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering.

The proposed addition of Rule 1597.5, Microchips Required for All Horses on Grounds, will require that all horses present within the inclosure of a licensed racing association, racing fair, or training facility carry a microchip unless it is exempt under a specific provision of the rule. The proposed rule defines "microchip" as any passive transponder microchip that is International Organization for Standardization (ISO 11784/11785) compliant. The proposed rule further requires that the trainer or owner of a horse insure that the horse is implanted with a microchip within 72 hours of arriving at a licensed racing inclosure unless an extension is granted by the Board of Stewards. Additionally, the proposed rule provides an option for trainers of horses participating in a single stakes race to request a waiver from the microchip requirements by submitting CHRB Form

237, Microchip Waiver Request (new 04/16) to the Board of Stewards. If a waiver is granted, the trainer is required to post CHRB Form 235, Horse Not Microchipped (new 04/16), on the individual stall that the horse is stabled in until the horse is removed from the grounds. In the event a horse does not have a microchip and has not been granted a waiver, the proposed rule states that such horse is ineligible to enter or participate in a race. Finally, the proposed rule explains that when a horse is implanted with a microchip inside of a licensed inclosure, or possesses an unrecorded microchip, the Board of Stewards will assign the microchip number for the horse, the trainer will then have the microchip implanted by a licensed veterinarian, veterinary technician, or other authorized licensee (if not already implanted), and the microchip information shall then be verified by the horse identifier and recorded by the racing secretary.

The proposed addition of Rule 1597.6, Tampering with Microchips, will prohibit any person from tampering with, removing, or replacing an implanted microchip without approval by the Board.

The proposed amendment to Rule 1554, Duties of Horse Identifier, expands the responsibilities of the horse identifier to include scanning horses to verify microchip numbers for horses 1) not previously identified in California; 2) prior to participating in a race; and 3) when the microchips are implanted in a horse within a licensed inclosure. Additionally, the proposed amendment requires that if a horse does not carry a microchip, or the horse identifier cannot verify the microchip number, the horse shall be scratched.

The proposed amendment to Rule 1581.1, Entries, explains that no horse will be entered for a race that does not carry a microchip, or has not received a waiver from the stewards, in compliance with Rule 1597.5.

The proposed amendment to Rule 1588, Horse Ineligible to Start in a Race, establishes that a horse is ineligible to start in a race if such horse does not carry a microchip or has not received a waiver from the stewards in accordance with Rule 1597.5.

The proposed amendment to Rule 1597, Association to Maintain Record of Horses on Its Grounds, makes it a requirement that all racing associations, fairs and training facilities maintain a record of all horses that enter and exit their inclosures by microchip number, in addition to the horse name, owner name, and trainer name. The proposed amendment also requires that records be maintained in a manner and format subject to Board approval, and that such records are available to the Stewards and the Board upon request.

The proposed amendment to Rule 1853, Examination Required, makes it a requirement that the horse identifier also identify horses by microchip number when examining horses scheduled to race.

FORMS INCORPORATED BY REFERENCE

- 1) Form CHRB-235, Horse Not Micro-Chipped (New 04/16)
- 2) Form CHRB-236, Microchip Request (New 04/16)
- 3) Form CHRB-237, Microchip Waiver Request (New 04/16)

The proposed addition of Rule 1597.5 will incorporate by reference CHRB Form 235, Horse Not Micro-Chipped (New 04/16). The proposed rule will require the trainer or owner of a horse not microchipped to post the form on the horse's stall until it is implanted with a microchip under subsection (a), or until it leaves the facility inclosure if granted a waiver pursuant to subsection (c). Because CHRB Form 235 is to be actively used as signage at racing facilities, it would be cumbersome, unduly expensive, and otherwise impractical to publish the form in the California Code of Regulations.

Rule 1597.5(a) will also incorporate by reference CHRB Form 236, Microchip Request (New 04/16). The trainer or owner of a horse that does not have a microchip must submit this form to the Board of Stewards to request that their horse be microchipped when the horse enters the inclosure. Information that must be provided on the form includes the requester's name, identifying information about the horse, date, time, and location of the request, name of the authorized licensee that will implant the microchip, a spot to mark whether or not the microchip was implanted and signature of the Horse Identifier. Because CHRB Form 236 is to be filled out and submitted to the Board of Stewards at a CHRB-licensed facility for each horse not microchipped, it would be cumbersome, unduly expensive, and otherwise impractical to publish the form in the California Code of Regulations.

Finally, Rule 1597.5 will also incorporate by reference CHRB Form 237, Microchip Waiver Request (New 04/16). Pursuant to subsection (c), the trainer or owner of a horse that does not carry a microchip may apply to the Board of Stewards for a waiver from the microchip requirements in this Rule when shipping a horse in from another racing jurisdiction for the purpose of the horse's participation in a single stakes race. To do so, the trainer or owner is required to submit Form 237, which requires the requester's name, identifying information about the horse, originating jurisdiction, date, time of request, and track location, name and date of the stakes race the horse is to participate in, a spot to mark whether or not the waiver is granted, and signature of the CHRB Steward granting the waiver. Because CHRB Form 237 is to be filled out and submitted to the Board of Stewards at a CHRB-licensed facility for each trainer or owner requesting a waiver, it would be cumbersome, unduly expensive, and otherwise impractical

to publish the form in the California Code of Regulations.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1597.5, Microchips Required for All Horses on Grounds, and Rule 1597.6, Tampering with Microchips, as well as the proposed amendments to Rule 1597, Association to Maintain Record of Horses on Its Grounds, Rule 1554, Duties of Horse Identifier, Rule 1581.1, Entries, Rule 1588, Horse Ineligible to Start in a Race, and Rule 1853, Examination Required, will jointly promote the health, safety and welfare of horses that come onto the grounds of a licensed racing or training facility.

By implanting uniquely assigned microchips into every horse that comes onto the grounds of a licensed racing or training facility, the Board, as well as racing associations and fairs, will be able to significantly improve horse inventory reporting and horse identification. Such information will benefit the Board by enabling them to make more informed decisions about how many stalls an association or fair should be required to have for a particular race meet based on historic inventory. This will ensure that the associations are able to meet the stabling demands of a particular race meeting while not overspending to make unused stalls available. These proposed regulations will also benefit Board staff in determining whether or not a particular horse is on the grounds of a licensed racing or training facility, which will aid investigations as well as the Board's out-of-competition testing program. Additionally, the proposed regulations will reduce the likelihood that a horse will be misidentified and allowed to participate unlawfully in a horse race.

The proposed regulations will also benefit racing associations and fairs by enhancing their ability to meet their inventory reporting obligations under CHRB regulations. Also, the proposed regulations will give racing secretaries (who are employees of the associations and fairs) a tool to assist them in determining which races to hold on which days. By knowing exactly which horses are on the grounds, racing secretaries will be able to gauge which types of races will receive adequate entries based on the population of horses meeting the requisite criteria (i.e. race conditions).

Furthermore, the proposed regulations will increase public health and safety by helping prevent the spread of infectious equine diseases. Given the constant movement of horses to different facilities throughout the state, country, and world, these animals can sometimes contribute to the spread of infectious diseases. For example, states like Louisiana and New Mexico have re-

cently experienced a number of Equine Infectious Anemia (EIA) outbreaks in the past several years. When such an outbreak occurs, it becomes necessary to immediately quarantine those horses entering California that were exposed to the disease, which requires rapid identification of the animal. By implementing the proposed regulations, all Board-licensed racing facilities will be able to immediately identify whether a horse that was exposed to the disease is on its grounds, and take steps to quarantine the animal until it is made healthy again.

Finally, the proposed regulations will also benefit the wagering public by ensuring no horses participating in a race are misidentified. When determining which horse to wager on, bettors often consider a horse's past performance in racing and training. If another horse participates in that horse's stead though — whether by accident or on purpose — and the public is not aware, there is a deception on those wagering that may negatively impact their chances of winning. Although Horse Identifiers are entrusted to perform this function using descriptive foal certificates and unique tattoo numbers, the proposed regulations will give these officials yet another tool to verify their identifications. This will therefore further reduce the already low rate of error in horse identification, and instill greater public confidence that the horses participating in a race have all been properly identified.

CONSISTENCY EVALUATION

During the process of developing the regulation and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

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 non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed addition of Rule 1597.5, Microchips Required for All Horses on Grounds, and Rule 1597.6, Tampering with Microchips, as well as the proposed amendments to Rule 1597, Association to Maintain Record of Horses on Its Grounds, Rule 1554, Duties of Horse Identifier, Rule 1581.1, Entries, Rule 1588,

Horse Ineligible to Start in a Race, and Rule 1853, Examination Required, will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: Low. Each licensed racing association, in order to comply with the proposed new and amended regulations, will likely need to purchase necessary hardware and software support services for microchip scanning and processing. The non-recurring hardware costs per facility are estimated at less than \$10,000. The annual recurring cost for reporting/tracking software services for each association is estimated to be \$3,600, should they choose to use such services. Each licensed horse owner will be responsible for the microchip implantation cost. This cost is estimated at less than \$100 per horse.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The addition of Rules 1597.5 and 1597.6 and the amendments to Rules 1597, 1554, 1581.1, 1588 and 1853 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. These proposed regulations are a benefit to the health and welfare of California residents because they will improve the Board's ability to enforce and carry out existing laws and regulations, decrease the likelihood of misidentification of race horses, and enhance the racing industry's ability to stop the spread of infectious diseases.

Effect on small businesses: none. The proposed addition of Rules 1597.5 and 1597.6 and amendments to Rules 1597, 1554, 1581.1, 1588 and 1853 do not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: pjlaird@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy, Regulations and Legislation
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

Jeff Amador
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Fax: (916) 227-1068

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department or DOJ) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing to receive public comments on the proposed regulatory action from 10:00 a.m.–12:00 noon on Monday, August 28, 2017, at the following location:

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

The auditorium is wheelchair accessible.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on August 28, 2017. Only comments received by that time will be considered. Written comments must be submitted to:

AUTHORITY AND REFERENCE

Authority: Sections 30312, 30347, 30350, 30385, 30390, and 30395, Penal Code.

Reference: Sections 30300, 30305, 30306, 30312, 30314, 30342, 30345, 30347, 30348, 30350, 30352, 30355, 30357, 30360, 30362, 30363, 30365, 30385, 30390, and 30395, Penal Code; Sections 11500, 11501, 11502, 11503, 11504, 11504.5, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527, 11528 and 11529, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 63, "The Safety for All Act of 2016," was passed by California voters in 2016. The act added Penal Code sections 30342 and 30385 requiring a Department of Justice (Department) issued ammunition vendor license to sell more than 500 rounds of ammunition in any 30-day period beginning January 1, 2018. As detailed below, the proposed regulations establish the process of obtaining an ammunition vendor license and set the fee an ammunition vendor is authorized to charge the purchaser for processing an ammunition sale between two private parties (non-vendors).

Section 4260 specifies the application forms required to obtain and renew an ammunition vendor license, and also specifies that a firearms dealer who is on the Centralized List of Firearms Dealers is automatically deemed a licensed ammunition vendor pursuant to Penal Code section 30385(d) and is not required to submit an application for an ammunition vendor license.

Section 4261 establishes an annual application fee for an ammunition vendor license of \$198 per location if the vendor is not on the Centralized List of Firearm Dealers. This section also establishes the term of an ammunition vendor license starting January 1st and ending December 31st regardless of the date the initial license is issued.

Section 4262 specifies that ammunition displayed in a shopping area open to the public is not considered "accessible" provided it is in a locked container (e.g. display case, cabinet, cage).

Section 4263 authorizes ammunition vendors to charge a fee not to exceed five dollars (\$5) if the purchaser will be present for immediate delivery of the ammunition. Vendors may charge an additional storage fee, as agreed upon with the purchaser prior to the vendor receiving the ammunition, if the purchaser will not be present for immediate delivery of the ammunition.

Section 4264 authorizes the Department to suspend an ammunition vendor's license for up to six months for a violation of the regulations and forfeit an ammunition vendor's license for a breach of any of the prohibitions and requirements in Penal Code sections 30300 through 30365. All hearings related to a suspension or forfeiture shall be conducted in accordance with Government Code section 1500 et seq.

Anticipated Benefits of the Proposed Regulations

"The Safety for All Act of 2016" is intended to increase public safety by various means, including regulating the sale of ammunition to prevent it from being acquired by convicted felons, the dangerously mentally ill, and other persons who are prohibited from possessing firearms and ammunition. The proposed regulations will enable California ammunition vendors to comply with statutorily mandated licensing requirements for the sale of ammunition beginning January 1, 2018. A future rulemaking will establish regulations to implement provisions of Proposition 63 that require a background check on ammunition purchasers beginning July 1, 2019.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

Pursuant to Government Code section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department has reviewed existing regulations pertaining to firearms and ammunition within California Code of Regulations (CCR) Title 11, Division 5 and determined the proposed regulations are not inconsistent or incompatible. This determination is based on the fact that there are no existing regulations that address the specific subject matter of the proposed regulations.

Duplication of State Statute as Necessary to Satisfy Government Code Section 11349.1(a)(3)

Section 4260(a) of the proposed regulations duplicates and cites as authority California Penal Code section 30395, which requires applicants to submit the appropriate fee and a copy of (1) any regulatory or business license required by local government, (2) a valid seller's permit issued by the State Board of Equalization, (3) their Federal Firearms License if the applicant is federally licensed, and (4) their Certificate of Eligibility. Additionally, section 4260(c) of the proposed regulations and Penal Code section 30385(d) state that a

licensed firearms dealer shall automatically be deemed a licensed ammunition vendor. The duplication provides clarity as necessary for the regulations to satisfy the requirements of Government Code section 11349.1(a)(3).

Comparable Federal Regulations

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

FORMS INCORPORATED BY REFERENCE

Application for Ammunition Vendor License (Non-Firearms Dealer) BOF 1021 (Rev. 07/2017)

Ammunition Vendor License Renewal Fee Transmittal BOF/CAV-0012 (Rev. 07/2017)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department estimates its costs (state agency) to administer the Ammunition Vendor Licensing program will be \$131,007 over the three-year period from 7/1/2017 through 6/30/2020. The Department will recover its costs from an annual licensing fee of \$198 assessed to an estimated 220 ammunition vendors who are not on the Centralized List of Firearms Dealers.

Cost to any local agency or school district which 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 person or business: Ammunition vendors who are not on the Centralized List of Firearms Dealers will be subject to an annual licensing fee of \$198.

Significant statewide adverse economic impact directly affecting businesses and individuals: None. Although the proposed action *will* directly affect businesses statewide, including some small businesses, the Department concludes the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Business report requirement: None.

Significant effect on housing costs: None.

Other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations: None.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The Department concludes it is unlikely the proposed regulations will affect (1) the creation or elimination of jobs within the state, (2) the creation of new businesses or the elimination of existing businesses within the state, or (3) the expansion of businesses currently doing business within the state.

Benefits of the Proposed Regulations: The proposed regulations will increase public safety by establishing a process through which the Department will issue ammunition vendor licenses as statutorily required pursuant to Penal Code sections 30342 and 30385. The proposed regulations will also provide clarification regarding the term “accessible” as referenced in Penal Code section 30350.

Small Business Determination: The Department has determined the proposed regulations will affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, 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 action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

Inquiries concerning the proposed administrative action may be directed to:

Jeff Amador
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Telephone: (916) 227-4217

The back up contact person for these inquiries is:

Jacqueline Dosch
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: regulations@doj.ca.gov
Telephone: (916) 227-5419

AVAILABILITY OF RULEMAKING FILE
INCLUDING THE INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available on the DOJ website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jeff Amador.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ makes modifications that are sufficiently related to the originally proposed text, DOJ will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before DOJ adopts the regulations. Copies of any modified text will be available on the DOJ website at <http://oag.ca.gov/firearms>. A written copy of any modified text may be obtained by contacting Jeff Amador.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Upon completion, the Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>. You may also obtain a written copy of the Final Statement of Reasons by contacting Jeff Amador.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, as well as the Final

Statement of Reasons once completed, can be accessed through the DOJ website at <http://doj.ca.gov/firearms>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (the department) proposes to amend Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13 in the California Code of Regulations to identify the annual adjustment of specified fees for **2018**.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., AUGUST 28, 2017, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1678, in order to implement, interpret or make specific Vehicle Code sections 1678, 1685, 4604, 5014, 5036, 6700.25, 9102.5, 9250, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9702, 11515, 11515.2, 14900, 14900.1, 14901, 14902, 15255.1, 15255.2, 38121, 38225.4, 38225.5, 38232, 38255, 38260 and 38265; Code of Civil Procedure section 488.385; and Revenue and Taxation Code section 10902.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since January 1, 2005, Vehicle Code sections 1678 and 1685 require the department to annually review and adjust a variety of department fees. The fees are to be

adjusted in an amount equal to the increase in the California Consumer Price Index (CPI) for the prior year as calculated by the Department of Finance and will only be increased when the calculated amount equals or is greater than \$0.50 rounded to the next highest whole dollar. All of the fee adjustments provided in this proposed action are authorized under Vehicle Code section 1678.

The department proposes to amend Section 423.00 to identify the Vehicle Code sections for which the corresponding fee is being increased. These fees will be effective January 1, 2018. This proposed amendment is neither inconsistent nor incompatible with existing law.

Calculations for determining fee adjustments

In determining whether or not a fee will be adjusted, the department uses the Department of Finance CPI forecast and compares that to the CPI when the baseline of the fee was determined per the statute. That percentage increase is multiplied to the base fee to determine if the fee needs to be increased. These fees were selected for the annual adjustment because they are the only fees that increased by \$0.50 or greater and allowed the department to round up to the next dollar.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The department is tasked with collecting fees and dispersing them to both state and local agencies that use the fees to fund programs. If the fees are not adjusted according to the consumer price index, agencies that rely on these collections, may not be able to adequately fund the programs.

ANTICIPATED BENEFITS

The adjusted fees will allow the department to continue offering licensing and registration services needed by California residents. To ensure residents are aware of the adjusted fees, the department established fees in regulation.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department is the only agency tasked with collecting these transportation-based fees; therefore, there are no comparable federal or state regulations.

CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS

The department has conducted an evaluation for any regulations related to the annual adjustment of fees

specified in the Vehicle Code. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents to be incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: 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. The department is required by statute to adjust specific fees based on the California Consumer Price Index for the prior year, as calculated by the Department of Finance.
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of Government Code Section 17500 et seq.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Small Business Impact: The proposed regulation may affect small businesses. These fees are paid by individuals. If a fee is paid by a business, the department does not anticipate a significant impact, as the fee is adjusted by such a small amount.
- Significant Statewide Adverse Economic Impact Directly Affecting Businesses: The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC REGULATORY IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Government Code section 11346.3(b):

The department has determined that the fees increased by this proposed action and authorized by Vehicle Code section 1678 are not likely to impact, a) the creation or elimination of jobs within the state, b) the creation of new businesses or the elimination of existing businesses within the state, or c) the expansion of businesses currently doing business in California.

This action will bring benefits to the welfare of California residents, worker safety and the state's environment as the fees increased by this regulatory action will ensure the continued operation of the programs that are generated through the collection of the fees. These programs include vehicle registration, transfers, special license plates, and specified driver license transactions.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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 action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
 Facsimile: (916) 657-6243
 E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (department), pursuant to the authority granted by Article 1, Section 32 of the California Constitution, Government Code section 12838.5, Penal Code section 5055, and the rulemaking authority granted by Penal Code section 5058, proposes to adopt new Subchapter 5.5, "Parole Consideration," to Chapter 1 of Division 3, with new sections 3490, 3491, 3492, and 3493, and adopts new Article 15 to Title 15, Division 2, Chapter 3, "Parole Release," with sections 2449.1, 2449.2, 2449.3, 2449.4, and 2449.5, concerning parole consideration. In addition, the department proposes to adopt sections 3043, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, and 3043.8 of the California Code of Regulations, Title 15, Division 3, concerning credit earning. Further, this action will amend sections 3043, 3043.5, (renumbered to 3043.7), and 3043.6 (renumbered to 3043.8), 3044, and repeal sections 3042, 3043.1, 3043.2, 3043.3, 3043.4, and 3043.7.

PUBLIC HEARING

Date and Time: September 1, 2017— 9:00 a.m. to 12:00 p.m.
Place: Department of Water Resources Resources Building Auditorium 1416 Ninth Street Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **September 1, 2017 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at CDCR-Prop57-Comments@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Inquiries regarding this action should be directed to:
**Timothy M. Lockwood, Associate Director
 Regulation and Policy Management Branch
 Department of Corrections and Rehabilitation
 P.O. Box 942883, Sacramento, CA 94283-0001
 Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to:

**Laura Lomonaco, Correctional Counselor II
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2217**

AUTHORITY AND REFERENCE

In California, adopting, amending, or repealing a regulation requires an express grant of authority in law. As stated in subdivision (b) of section 11349 of the Government Code, “Authority” means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation.”

Ordinarily, the authority to adopt, amend, or repeal regulations in Division 3 of Title 15 (“Adult Institutions, Programs and Parole”) is found in subdivision (a) of section 5058 of the Penal Code: “The [Secretary] may prescribe and amend rules and regulations for the administration of the prisons” Authority to do the same in Division 2 of Title 15 (“Board of Parole Hearings”) is found in section 3052 of the Penal Code, which states, “The Board of Parole Hearings shall have the power to establish and enforce rules and regulations under which inmates committed to state prisons may be allowed to go upon parole outside the prison buildings and enclosures when eligible for parole.”

With the passage of The Public Safety and Rehabilitation Act of 2016 (the “Act”), the California Constitution was amended to specifically require the department to promulgate regulations in furtherance of the Act’s parole and credit provisions. Specifically, Proposition 57 states that, “notwithstanding anything in this article or any other provision of law,” CDCR “shall adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” (Cal. Const., art. 1, § 32, subds. (a)–(b).) Accordingly, the Secretary has been granted broad rule-making authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act, notwithstanding other provisions of law, and hereby invokes that constitutional grant of authority in support of this rulemaking action.

Other relevant authority: Penal Code section 5000 provides that commencing July 1, 2005, any reference to the “Department of Corrections” in this or any code, refers to the department, Division of Adult Operations. Penal Code section 5050 provides that commencing July 1, 2005, any reference to the “Director of Corrections” in this or any other code, refers to the Secretary of

the department. As of that date, the office of the “Director of Corrections” is abolished. Penal Code section 5054 provides that 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. Penal Code section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

Additional authority: Penal Code Sections 2700 and 2701.

Reference: Cal. Const., art. 1, sec. 32(a); Penal Code Sections 667, 667.5, 1170.1(c), 1170.2, 2900.1, 2900.5, 2930, 2932, 2933, 2933.05, 2933.1, 2933.3, 2933.6, 2935, 3041, 4019, 5054 and 5068; *In re Reeves* (2005) 35 Cal.4th 765; *In re Tate* (2006) 135 Cal.App.4th 756; *In re Monigold* (1988) 205 Cal.App.3d 1224; *In re Thompson* (1985) 172 Cal.App.3d 256.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

In this regulatory action, the Secretary proposes to amend regulatory provisions pertaining to parole consideration and credit earning.

A. Parole Consideration

Under Article 1, Section 32(a)(1), of the California Constitution, adopted under the Act, the department is directed to establish a parole consideration process through which inmates currently serving prison sentences for only nonviolent felony offenses shall be eligible for parole consideration after completing the full term for their primary offense, subject to certification by the Secretary of the department that these implementing regulations protect and enhance public safety. To that end, the department proposes to establish a process through which determinately sentenced state prisoners currently serving only nonviolent offenses may be considered for parole once they have served the full term of their primary offense. Under a prior emergency rulemaking proceeding, this process began July 1, 2017. A determinately sentenced inmate has been sentenced to prison for a prescribed number of years as established by statute. These inmates normally serve the prescribed lengths of their sentences, less any pre- and post-conviction credits, and are released at the end of their term without any parole review. In contrast, an inmate with an indeterminate life term has a sentence with a minimum term, but cannot be released until he or she is found suitable for parole by the board. The parole process established here affords determinately sentenced nonviolent inmates the opportunity to be reviewed by the board and to be released prior to the end of their sentence if the inmate demonstrates to the board

that he or she has been rehabilitated and no longer poses an unreasonable risk of violence to the community.

In establishing this process, the department took into consideration the court-ordered nonviolent second-striker process already in effect. Specifically, as noted above, in 2014 a federal Three-Judge Court ordered the department to implement a parole consideration process for nonviolent second-strike offenders who have served 50 percent of their sentence. This court-ordered process for nonviolent second-strike offenders requires prison officials to carefully review and screen out inmates based on public-safety criteria. Inmates who satisfy these rigorous public-safety screens are then referred to the board. Within five days of any referral, the board notifies the prosecuting agency and any registered victims. Interested parties are afforded 30 days to provide written comment and input concerning the inmate's potential parole. When considering parole for a nonviolent second-strike offender under the court-ordered process, a hearing officer from the board reviews the inmate's criminal history, behavior in prison, rehabilitative efforts, and written statements from interested parties, before deciding whether to approve or deny parole. The board's decision to approve or deny parole is based on whether the inmate poses an unreasonable risk of violence to the community.

These regulations establish a nonviolent parole consideration process that improves on the existing court-ordered nonviolent second-strike parole process. The department proposes to clarify the definitions for the terms "nonviolent," "full term," and "primary offense" as they will apply to this process, as well as establish how the department and the board identify the date upon which an inmate deemed to meet criteria as a nonviolent offender will be eligible for parole consideration. The department further proposes to establish an eligibility determination process to identify and track qualified inmates. Additionally, to carry out the public-safety requirement of the constitutional provision, the department proposes to establish a public-safety screening prior to referring otherwise qualified nonviolent offenders to the board. Screening out inmates who have engaged in recent, serious institutional misconduct protects public safety and ensures that the board is focusing its resources on the nonviolent offenders who are more likely to be found suitable for parole. Offenders who are screened out at this stage will be reviewed on an annual basis until they are deemed eligible for referral or are released under other applicable laws.

Upon referral, the department proposes to clarify how notification requirements for victims and prosecuting agencies apply to this process to ensure they have an opportunity to provide written input in the parole consideration process. A jurisdictional review process is proposed as a second check to confirm an inmate's el-

igibility for nonviolent offender parole review. The department also proposes to establish the process through which its hearing officers will conduct a nonviolent offender parole review on the merits by clarifying the scope of information to be considered and the standard for determining whether the hearing officer will approve or deny parole. For nonviolent offenders approved for parole, the department proposes to clarify the timing of release in light of other applicable requirements, such as laws governing holds, warrants, detainees, notifications, and additional sentences for in-prison offenses. Finally, the department proposes to clarify the procedures through which inmates may seek redress of department and board decisions they feel were reached in error.

B. Credit Earning

The Act also amends the California Constitution to authorize the department to award credits earned in state prison for good behavior and approved rehabilitative or educational achievements. Using this authority, the department proposes to revise the complex system of credits that currently exists in the Penal Code and regulation (see "CDCR, Credit Earning '101'"). These proposed regulations revise and simplify several existing forms of credit and adopt new ways in which inmates may earn credit based on their participation in and completion of specific rehabilitative or educational programs. Such credits may advance an inmate's release date if the inmate was sentenced to a determinate term, or advance an inmate's initial parole consideration hearing if the inmate was sentenced to an indeterminate term. Condemned inmates and those serving a sentence of life without the possibility of parole will remain ineligible to earn any credit.

Inmates who violate the rules and regulations of the department shall continue to have their credits forfeited. Credit forfeiture for disciplinary reasons is governed by existing rules in Title 15, Division 3, Chapter 1, Subchapter 4, Article 5, Inmate Discipline, sections 3310-3326. These disciplinary rules remain unchanged and are not being revised in this rulemaking. Some forfeited credits may be restored if the inmate remains free of disciplinary infractions for a specified timeframe, while others cannot be restored. Credit forfeiture occurs through a due process disciplinary procedure where both the inmate and department staff can present evidence and information. Inmates have the right to appeal any forfeiture of credit, and the forfeited credits will be restored if the disciplinary action is reversed as a result of an administrative appeal or a court action.

Activation of the revised and new credit earning categories is being phased in during the initial implementation of these regulations because of the significant training, case records and information technology infra-

structure changes and programming needed to support each credit earning change. Under a prior emergency rulemaking proceeding, Good Conduct Credit took effect on May 1, 2017, and the remaining credit provisions described below are scheduled to take effect on August 1, 2017. With the exception of Educational Merit Credit, all new or revised credit provisions will be applied prospectively from the date of implementation.

There are five categories of credit earning that are either being revised or newly adopted in this rulemaking action. They are:

1. Good Conduct Credit

Good Conduct Credit is an existing type of credit awarded to eligible inmates who comply with the regulations and rules of the department and perform the duties assigned to him or her. Over time, a multitude of credit schemes have been enacted resulting in a patchwork of credit earning categories that are increasingly difficult to administer. Currently, inmates fall within a variety of credit earning categories depending on the date and type of the inmate's offense and the law in effect on that date.

In contrast, these proposed regulations will simplify the credit-earning categories, incentivize more inmates to comply with prison regulations, and create a durable solution to prison overcrowding by adopting some previously mandatory court ordered credit increases. Condemned inmates and inmates with a term of life without the possibility of parole will not receive these credits because their sentences cannot be reduced as a matter of law.

2. Milestone Completion Credit

Milestone Completion Credit is an existing type of credit awarded to eligible inmates for successful completion of approved rehabilitative or educational programs. (See Penal Code section 2933.05.) Milestone Completion Credit requires the mastery of certain performance measures that demonstrate an understanding of course curriculum (either academic or vocational) through completion of assignments, instructor evaluations, and standardized testing.

The department altered its methodology for computing Milestone Completion Credit in this revision. Revisions to the Milestone Completion Credit Schedule will ensure credits are awarded based on actual instruction and classwork time, rather than the overall duration of a class. For example, a four-week course with 40 total hours of instruction time and home-work will receive

half as much credit as a four-week course with 80 total hours of instruction time and homework.

Before the Act, the maximum amount of Milestone Completion Credit an inmate could earn was capped statutorily at six weeks per year. (Penal Code section 2933.05.) In order to incentivize more inmates to seek out educational, rehabilitative, or vocational training programs, the maximum amount of credit an inmate may earn in a twelve-month period will double from six to twelve weeks. The department believes that doubling the existing cap on Milestone Completion Credit is in keeping with the intent of the Act to encourage more programming and that this annual limitation will ensure program availability for as many inmates as possible given the space limitations in various programs and at various institutions. Further, the proposed regulations expand the number of inmates who may participate. Currently the following inmates are excluded from Milestone Completion Credit: condemned inmates, inmates sentenced to a term of life without the possibility of parole, inmates sentenced under the Three Strikes Law (Penal Code section 1170.12, subdivision (c), or section 667, subdivisions (c) or (e)), inmates serving a term for a violent felony as defined in Penal Code section 667.5, subdivision (c), and inmates convicted of an offense that requires registration as a sex offender under Penal Code section 290. In keeping with the intent of the Act — to increase inmate participation in rehabilitative programming and thus reduce recidivism upon release — the department has determined that all inmates should participate in Milestone Completion Credit programs, except condemned inmates and inmates sentenced to a term of life without the possibility of parole (for whom credits have no effect on their sentence).

3. Rehabilitative Achievement Credit

Rehabilitative Achievement Credit is a newly proposed type of credit available to all inmates (other than those condemned or sentenced to a term of life without the possibility of parole) who participate in approved group or individual programs designed to further the educational, behavioral, or rehabilitative development of an inmate. Some examples include alcohol and substance abuse prevention, anger management, anti-gang life skills, victim awareness, and best parenting practices. Approved programs must be organized to achieve educational or rehabilitative goals, must be sponsored by department staff or

volunteers, and must be approved by the Division of Adult Institutions.

The proposed regulations establish a schedule of credits to be awarded for participation in approved inmate rehabilitative programs and self-help groups at their institutions. Inmates may earn up to a maximum of four weeks credit per year. The department set the cap for Rehabilitative Achievement Credit at four weeks because anything greater could dis-incentivize inmate participation in the Milestone Completion Credit programs, which are more structured and measurable in their results.

4. Educational Merit Credit

Educational Merit Credit is a new type of credit for eligible inmates who successfully complete, while incarcerated, a high school diploma or equivalent, an associate of arts or science degree, a bachelor of arts or science degree, a graduate degree (masters or doctorate), or an alcohol and drug counselor certification. This credit may be awarded for each level of educational achievement only once, but must be completed during the inmate's current term of incarceration. At least fifty percent of the credit toward a college level degree must be earned from a regionally accredited institution while an inmate is in prison on his or her current term. This requirement ensures that at least half of an inmate's coursework is completed after the inmate's conviction and during their incarceration, when the need for educational rehabilitation is greatest. All inmates eligible for Good Conduct Credit shall be eligible to earn Educational Merit Credit.

5. Extraordinary Conduct Credit

Extraordinary Conduct Credit is an existing type of credit awarded pursuant to Penal Code section 2935, under which the Director of the Division of Adult Institutions may grant up to twelve additional months of reduction of a sentence to a prisoner who has performed a heroic act in a life-threatening situation, or who has provided exceptional assistance in maintaining the safety and security of a prison.

With the implementation of these new and revised credit earning programs, the department intends to encourage broader inmate participation in rehabilitative and educational programs, with the aim of reducing recidivism among inmates upon their eventual release to society and thereby protecting and enhancing public safety. Department data shows that inmates who receive substance abuse treatment while in prison consistently have lower rates of returning to state prison than inmates who do not receive such treatment. The depart-

ment expects that its continued emphasis on rehabilitation through the credit incentives described above will reinforce this downward trend.

The department determined that implementation of the new and revised credit earning programs will be phased-in prospectively as follows: Good Conduct Credit on May 1, 2017; Milestone Completion Credit on August 1, 2017; Rehabilitative Achievement Credit on August 1, 2017; and Extraordinary Conduct Credit on August 1, 2017. Educational Merit Credit will be implemented on August 1, 2017, and applied retroactively if completed during the inmate's current term of incarceration.

A number of reasons support the department's determination that the new and revised credit earning programs should be implemented prospectively. First, implementation of all the new and revised credit earning programs will likely affect the credit calculations of more than 80,000 inmates. To do so prospectively represents a major task for almost all of the divisions and branches of the department, but especially for the staff responsible for updating information technology systems, auditing release date calculations, and developing credit earning programs. To apply the credits retroactively would require significantly more time, staff, and resources. Such delays would thwart the goals of the Act.

Second, records of inmate participation in Milestone Completion Credit programs may not have been uniformly entered into the department's information technology system for violent inmates because they were ineligible for such credits prior to the Act. Nor were such records entered into the department's information technology system for participation in programs that may be approved for Rehabilitative Achievement Credit because those programs were not eligible for credit prior to the Act. As a result, while some inmates whose records were maintained would be helped, many inmates (especially those serving longer sentences) would lack the necessary records from the past to receive credit retroactively, resulting in disparate treatment of those inmates.

Third, retroactive implementation would harm those inmates who were not eligible to receive credit for participation in Milestone Completion Credit programs or Rehabilitative Achievement Credit prior to the Act and therefore chose to participate in other worthwhile rehabilitative programs, such as work assignments or self-help programs. To retroactively apply these proposed regulations would disadvantage those inmates who could not have known that the rules would change in 2017.

Finally, the department has determined that no inmate shall be awarded credit or have credit restored which advances his or her release to parole supervision or Post

Release Community Supervision to a date less than 60 calendar days from the date the credit is applied or restored. This rule will ensure that the department has adequate time to conduct pre-parole assessments and planning to provide inmates with the best possible opportunity to succeed upon their transition to the community, as well as provide, where applicable, advance notification to crime victims, prosecutors, and law enforcement (as required by Penal Code sections 3058.6 and 3058.9) of the inmate’s pending transition.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The Milestone Completion Credit Schedule (Rev. 03/17) is incorporated by reference and made available to the public in this notice package.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The proposed regulations regarding credit earning will benefit our criminal justice system and our communities by creating incentives and opportunities for inmates to take responsibility for their own conduct and rehabilitation while incarcerated. These regulations enhance public safety by encouraging inmates to pursue educational and vocational achievement opportunities, engage in self-improvement programs, and make personal preparation for the transition to state parole supervision or Post Release Community Supervision. Providing incentives to inmates to engage in rehabilitative programming also reduces inmate disciplinary misconduct and violence in the prisons, yielding safer conditions for inmates and a safer workplace for staff.

Successful implementation of these regulations will help reduce overcrowding in state prisons and aid the department in keeping its inmate prison population below the 137.5 percent of design capacity threshold ordered by the federal Three Judge Court and affirmed by the Supreme Court. Furthermore, by maintaining the inmate population below the federal court cap, the department and the State avoid the possibility of indiscriminate court-ordered early releases of prisoners. Establishing a durable remedy to prison overcrowding can eventually lead to the end of federal court oversight and substantial savings from reduced litigation costs.

The establishment of the nonviolent offender parole consideration process will also make our prisons and communities safer by encouraging and motivating inmates to participate in rehabilitative programs and service opportunities that create skills, employability and hope. The proposed regulations establish rigorous screening criteria and notification procedures for regis-

tered victims and prosecuting agencies. Establishing screening criteria benefits public safety because it excludes inmates who are more likely to pose a risk to the public and provides nonviolent offenders with substantial motivation to avoid prison misconduct and focus on their rehabilitation. Establishing notification processes benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board’s consideration. Under the proposed regulations, the Board will review all relevant evidence, including an inmate’s full criminal history, institutional behavior, rehabilitative efforts, and written statements from interested parties and determine whether the inmate poses an unreasonable risk of violence to the community. This process will enhance public safety by motivating eligible inmates to take responsibility for their own rehabilitation and work to prepare them to be productive members of the community upon their release.

**EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS/REGULATIONS**

The department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation and because the Act authorizes the department to adopt regulations “notwithstanding anything in this article or any other provision of law” (Cal. Const., art. 1, § 32, subd. (a)), it has determined these proposed regulations are not inconsistent or incompatible with any existing laws or regulations within CCR, Title 15, Division 2 and Division 3.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 –17630.

FISCAL IMPACT STATEMENT:

- Cost to any local agency or school district that is required to be reimbursed: *none.*
- Cost or savings to any state agency:
 - o **Cost: Fiscal Year 2016–17 = \$0**
 - o **Cost: Fiscal Year 2017–18 = \$5.7 Million**
 - o **Cost: Fiscal Year 2018–19 = \$5.9 Million**
- Other nondiscretionary cost or savings imposed on local agencies: *none.*
- Cost or savings in federal funding to the State: *none.*

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because private businesses are not significantly affected by the management of correctional facilities or the Board of Parole Hearings.

EFFECT ON SMALL BUSINESSES

The department has made an initial determination that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because the proposed regulations affect the internal management of the department and the Board of Parole Hearings only, and place no requirements or restrictions on businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

This proposed rulemaking action is designed to implement the will of California voters when they enacted the nonviolent parole consideration and enhanced credit earning provisions mandated by The Public Safety and Rehabilitation Act of 2016. As for job creation, the nonviolent parole consideration process will necessarily create jobs at the board due to the additional parole reviews required by the Act. In addition, the enhanced credit earning provisions will create jobs within the department due to the additional rehabilitative programming required by the Act. These proposed regulations may also lead to the creation and expansion of new businesses in California to fill the need for increased rehabilitative programming mandated by The Public Safety

and Rehabilitation Act of 2016. However, in the long run, any reduction in the prison population due to increased rehabilitative programming and corresponding increases in credit awards or parole grants may result in a reduction of jobs at both the Board and the department.

The department has determined that the proposed regulations may have a positive impact on the Health and Welfare of California residents, worker safety, and the State's environment by protecting and enhancing public safety, encouraging and motivating inmate rehabilitation, and reducing prison overcrowding.

CONSIDERATION OF ALTERNATIVES

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 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 Public Safety and Rehabilitation Act of 2016. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared, and will make available, the text, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the department adopts the regulations as revised. Requests for copies of any modified regulation text should be direct-

ed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department’s contact person.

CERTIFICATION OF PUBLIC SAFETY COMPLIANCE

[Per California Constitution, Article I, Section 32]

With the passage of The Public Safety and Rehabilitation Act of 2016 (the "Act"), the California Constitution was amended to specifically require the Department of Corrections and Rehabilitation (the "department") to promulgate regulations in furtherance of the Act’s nonviolent parole consideration and credit earning provisions. Specifically, the Act states that the department "shall adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety." (Cal. Const., art. 1, § 32, subd. (b).)

Accordingly, in my role as the Secretary of the department, I have been granted broad rulemaking authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act (notwithstanding other provisions of law) and I hereby invoke that constitutional grant of authority in support of this rulemaking action. Based upon my experience and the evidence in the accompanying regulatory package, it is my firm belief that successful implementation of these regulations will achieve the Act’s primary goals to "[s]top the revolving door of crime by emphasizing rehabilitation" and "[p]revent federal courts from indiscriminately releasing prisoners." (The Public Safety and Rehabilitation Act of 2016, Section 2, Purpose and Intent.)

With the implementation of these new and revised rules, our prisons and communities will be made safer by encouraging and motivating suitable inmates to participate in programs that enhance social skills, employability, and rehabilitation. This in turn will lead to improved inmate behavior and a safer prison environment for inmates and staff alike. Almost every inmate will eventually return to society when they complete their sentence. Public safety is enhanced when inmates take responsibility for their own rehabilitation and choose to pursue and complete educational, vocational, training,

rehabilitative, and self-improvement programs — thus positioning themselves to enter our communities better equipped to find employment and be productive members of that community.

For all these reasons, and those set forth in the Initial Statement of Reasons in support of these regulations attached hereto, I do certify that these regulations protect and enhance public safety for all Californians in compliance with Section 32 of Article I of the California Constitution.

_____/s/_____
SCOTT KERNAN
Secretary
Department of Corrections and Rehabilitation
July 3, 2017
Date

TITLE MPP/22. DEPARTMENT OF SOCIAL SERVICES

ORD #1115-13

ITEM #1 RCFE Personal Rights and Miscellaneous

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 30, 2017, as follows:

Office Building # 8
744 P Street, Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 30, 2017.

Following the public hearing, CDSS may thereafter adopt the proposals 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 agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>. Additionally, all the information, which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file), is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT

Office of Regulations Development
 California Department of Social Services
 744 P Street, MS 8-4-192
 Sacramento, California 95814
 TELEPHONE: (916) 657-2586
 FACSIMILE: (916) 654-3286
 E-MAIL: ord@dss.ca.gov

CHAPTERS

Residential Care Facilities for the Elderly (RCFE) Title 22, Division 6, Chapter 8.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Residential Care Facilities for the Elderly (RCFE) Act in existing law provides for the licensure and regulation of RCFEs. RCFEs are regarded by statute as a housing arrangement chosen voluntarily by people who are 60 years of age or over or their authorized representatives where varying levels and intensities of care and supervision, protective supervision or personal care are provided based on the varying needs of a person pursuant to Section 1569.2 of the Health and Safety Code. Also pursuant to this statute, care in RCFEs may be provided to persons who are under 60 years of age with compatible needs as specified in Section 1569.316.

Previous existing law has not enacted personal rights for residents in RCFEs. Assembly Bill (AB) 2171

(Chapter 702, Statutes of 2014) became effective January 1, 2015 and:

- 1) Enacted a "bill of rights" for residents in privately operated RCFEs in a new Article 2.5 in the Residential Care Facilities for the Elderly Act.
- 2) Required licensees to post, in a prominent location, a copy of the bill of rights in English and, if residents in a facility primarily read in another language, in any other language that can be read by 5% or more of the residents in the facility.

Senate Bill (SB) 211 (Chapter 409, Statutes of 2003) became effective January 1, 2004 and required licensees to afford residents the right to contact the Department and other entities in regard to complaints.

SB 895 (Chapter 704, Statutes of 2014) became effective January 1, 2015 and required the Department to design, or cause to be designed, a poster that contains information on the appropriate reporting agency in case of a complaint or emergency for posting in RCFE.

Existing regulations in the California Code of Regulations (CCR), Title 22, Division 6, Chapter 8, RCFE section 87468 established that each resident in an RCFE has 18 personal rights, which include such concepts as the right to be accorded dignity in his or her personal relationships with staff, residents, and other persons and the right to be informed by the licensee of provisions of law regarding complaints and of procedures to confidentially register complaints, including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency. These regulations also established the requirement that licensees inform residents of their personal rights.

These proposed regulations amend the CCR, Title 22, section 87468 to incorporate statutory resident rights for residents in privately operated RCFEs into existing regulatory personal rights. They also require that: 1) residents in publicly operated RCFEs continue to be afforded the personal rights in existing regulations; 2) residents in all RCFEs be afforded the right to make complaints to specified agencies; 3) regardless of number of residents, all licensees post personal rights and complaint information; 4) in RCFEs where 5% or more of residents primarily read another language, personal rights and complaint information also be posted in other languages read by residents; and 5) all licensees keep an accurate and confidential list of all residents and languages primarily read by residents and provide this list to the Department upon request.

These proposed regulations also make miscellaneous changes to regulations that do not address resident personal rights. One of these changes is needed to amend the timeframe for notice of sale of a RCFE as a result of changes to Health and Safety Code section 1569.191, which reduced the timeframe for this notice from 60

days to 30 days. Other changes are needed to clarify requirements for medication storage, repeal an incorrect subsection reference in regulations, and adopt unstageable wounds as a prohibited health condition.

This regulatory action will benefit residents receiving care in privately operated RCFEs by according them statutory personal rights that are consistent with the patient bill of rights implemented by the California Advocates for Nursing Home Reform, California Department of Public Health, and Medicare. Residents in both privately operated and publicly operated RCFEs will continue to be protected by personal rights in existing regulations. This action will also ensure that residents, including those who read primarily in other languages, in all RCFEs have equal access to and awareness of personal rights and complaint information. In addition, it will assist all licensees in ensuring compliance in providing care to residents.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 2171, AB 878, SB 895 and SB 211, and with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that, other than mentioned above, these are the only regulations that concern personal rights and complaints for Residential Care Facilities for the Elderly in California.

Form Incorporated by Reference

Residential Care Facility for the Elderly (RCFE) Complaint Poster (PUB 475, 1/15).

Post-hearing (July 27, 2016) change summary:

The regulations were noticed on June 10, 2016 and a public hearing held on July 27, 2016. Testimony was received during the 45-day public comment period ending at 5:00 p.m., July 27, 2016. The CDSS considered the testimony and changes were made to the proposed regulations. These changes include:

- 1) Amending Section 87101 by adding definitions for “deep tissue pressure injury,” “pressure injury” and “unstageable pressure injury” in Sections 87101(d)(2), (p)(3) and (u)(3) respectively. The definition for “healing wounds” in Section 87101(h)(1) is amended to replace “dermal ulcers” with “pressure injuries.” These definitions are consistent with terminology used by the National Pressure Ulcer Advisory Panel (NPUAP). The definition for “healing wounds” is also amended to make clear that these wounds may be diagnosed and treated by a physician or an appropriately skilled professional.

- 2) Amending Section 87109(b) to clarify that notification by the licensee applies to any of the events, i.e., sale or transfer of the property or business or a bona fide offer is made that is expected to result in the pending sale or transfer of a facility, as specified in statute.
- 3) Amending Section 87468(a)(1)(D) to change phrasing from “To confidentially contact” to “To contact confidentially” to clarify that “confidentially” applies to the confidential receipt and handling of complaints by the California Department of Social Services Community Care Licensing Division.
- 4) Amending Sections 87610(a)(2), 87615(a)(1), 87631(a)(3) and (a)(3)(A) to replace references to “pressure sore (dermal ulcer)” with “pressure injury” or “pressure injuries or deep tissue pressure injuries” consistent with terminology used by the NPUAP.
- 5) Amending Section 87615(a)(2) to replace “wounds” with “pressure injuries or deep tissue pressure injuries” since both may be unstageable. Section 87615(a)(3) is amended to replace “care” with “tubes” to make clear that “tubes” describe health conditions that require care. Section 87615(a)(5) is amended to spell out “staphylococcus aureus” and include it with “staph” since both describe the same type of health condition and either may be more familiar to licensees.
- 6) Amending Sections 87631(a)(3) and (a)(3)(A) to make clear that a pressure injury may be diagnosed and treated by a physician or an appropriately skilled professional.
- 7) Adding to Documents Relied upon:
 - a) National Pressure Ulcer Advisory Panel (NPUAP) Press Release on change in terminology from pressure ulcer to pressure injury and updates the stages of pressure injury, dated April 13, 2016.
 - b) National Pressure Ulcer Advisory Panel (NPUAP), European Pressure Ulcer Advisory Panel (EPUAP) and Japanese Society of Pressure Ulcers (JSPU), et al., as sponsored by Gaymar Industries, Inc. (now Stryker) on Shear: A contributory factor in pressure ulceration slide set on NPUAP website September 21, 2016.

- c) WoundSource article on Identifying Types of Tissues Found in Pressure Ulcers, dated November 20, 2014.

COST ESTIMATE

1. Costs or Savings to State Agencies: Community Care Licensing Division received one Associate Governmental Program Analyst position via AB 2171 (Chapter 702, Statutes of 2014) for purposes of writing these regulations. No other costs or savings effect on state agencies.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT:

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

AB 2171 expands the scope of a crime. SB 211 creates a new crime. Both impose a state–mandated local program. However, neither of these laws requires reimbursement pursuant to Section 6 of Article XIII 13 of the California Constitution because the only costs that may be incurred by a local agency will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Expanded personal rights regulations to implement AB 2171 would apply to privately operated RCFEs. Existing regulatory personal rights would continue to apply to both privately and publicly operated RCFEs. A modified regulation affording residents the personal right to make complaints to specified agencies would apply to all RCFEs, regardless of whether they are privately operated or

publicly operated. Regardless of number of residents, all licensees would be required to post personal rights and complaint information, and post this information in other languages when five percent or more of residents primarily read in another language.

This determination was made based on that there will be some administrative costs to licensees of all RCFEs as a result of statutory requirements enacted by AB 2171, SB 211 and SB 895. Licensees would need to update admission agreements as they relate to resident personal rights and facility procedures as they relate to posting these rights and complaint information in other languages read by five percent or more of residents in a facility. Licensees would also need to develop and implement a method for collecting information from residents on the language they primarily read and compile this information into a single list that is kept accurate and current. The CDSS anticipates that this list will result in negligible cost to licensees since existing regulations in the CCR, Title 22, section 87508 require a register of residents, which may be expanded to address languages read by residents. In addition, licensees would need to update the posted resident personal rights and/or complaint information whenever the composition of languages primarily read by residents changes based on the five percent rule.

Further, miscellaneous changes to regulations that do not address resident personal rights will require licensees of RCFEs to not accept or retain residents with unstageable wounds. However, this and other miscellaneous changes do not have any statewide adverse economic impact directly affecting businesses or private persons in California.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The proposed regulations in regard to personal rights would apply to privately operated RCFEs, while regulations in regard to posting personal rights and complaint information would apply to all RCFEs. The CDSS is aware that there will be some administrative cost impacts that a representative private person or business would incur in reasonable compliance with the statutory requirements enacted by AB 2171, SB 211 and SB 895. These administrative cost impacts are described under “Statement of Significant Adverse Economic Impact on Business” above.

SMALL BUSINESS IMPACT STATEMENT

The proposed regulations would apply to all RCFEs. RCFEs with a capacity of six or less comprise approximately 80 percent of RCFEs licensed by CDSS. The CDSS has made an initial determination that there will

be some administrative cost impacts to small businesses as a result of statutory requirements enacted by AB 2171, SB 211 and SB 895. These administrative cost impacts are described under “Statement of Significant Adverse Economic Impact on Business” above.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments to regulations will neither create nor eliminate jobs in the State of California, nor result in the creation of new business, or expansion or elimination of existing businesses within the State of California. The benefits to the health and welfare of California residents within the RCFE system are as a result of the passage of AB 2171 and SB 211, which modify some of, and add to, the resident personal rights that have been in the CCR, Title 22, Division 6, RCFE, section 87468 since 2008. Further benefits are as a result of the passage of SB 895, which requires that licensees post a poster on how to file complaints, modifying the requirement to post procedures for filing complaints that has been in the CCR, Title 22, Division 6, RCFE, section 87468, since 2008. Other amendments to regulations that do not address personal rights, but are the result of miscellaneous changes in law or standards of care either modify, or are consistent with, requirements that have been in the CCR, Title 22, Division 6, RCFE, since 2008. For these reasons, CDSS has determined that the proposed regulations will not have an impact on worker safety, the state’s environment, or the creation or elimination of jobs, nor the creation of new business, or the expansion or elimination of existing businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any alternatives because no reasonable alternative has been presented for review.

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

AUTHORITY AND REFERENCE CITATIONS

Authority: 1569.30, Health and Safety Code. References: Sections 1569.1, 1569.191, 1569.265, 1569.267, 1569.269, 1569.31, 1569.312, 1569.33, 1569.885 and 1569.889, Health and Safety Code; and Section 5350, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Kenneth Jennings
(916) 657-2586

Backup: Sylvester Okeke
(916) 657-2586

PETITION DECISION

BOARD OF PAROLE HEARINGS

RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7

BPH PETITION RESPONSE 2017-02

The Board of Parole Hearings (hereinafter “board”) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Kirk Williams on May 30, 2017. In accordance with subdivision (a) of section 11340.7, this document serves as the board’s response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

- 1. NAME OF AGENCY:** Board of Parole Hearings
- 2. PARTY SUBMITTING THE PETITION:** Kirk Williams (F44523)
- 3. PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** Petitioner’s cited regulations do not exist.
- 4. REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner references the board’s regulations regarding “Non-Violent Second Striker

Review,” but such regulations do not exist. Petitioner also cites to California Code of Regulations, title 15, section 2028 and the United States Constitution.

5. REASONS SUPPORTING THE AGENCY’S DECISION: Petitioner requests that the board repeal or amend its regulations regarding the Non–Violent Second Striker (hereinafter “NVSS”) process. Petitioner contends that the board’s NVSS process violates California Code of Regulations, title 15, section 2028 and his constitutional right to due process because he was not provided an opportunity to review information submitted by the District Attorney’s office prior to the board’s NVSS review of his case.

Petitioner’s request is DENIED: Petitioner’s reference to the board’s NVSS regulations is erroneous, as such regulations do not exist. On February 10, 2014, the Three–Judge Court in the class action lawsuits of *Plata v. Brown* and *Coleman v. Brown* ordered the California Department of Corrections and Rehabilitation to immediately create and implement a “new parole determination process through which non–violent second–strikers will be eligible for parole consideration by the Board of Parole Hearings once they have served 50% of their sentence.” (February 10, 2014 Three–Judge Court Order Granting in Part and Denying in Part Defendants’ Request for Extension of December 31, 2013 Deadline, at 3, *Plata v. Brown*, No. C01–1351 TEH (N.D. Cal.), and *Coleman v. Brown*, No. 2:90–cv–0520–KJM DAD (E.D. Cal).) In compliance with this court order, the board instituted the NVSS review process. Furthermore, before the board could promulgate regulations regarding the NVSS process, on June 20, 2017, the Three–Judge Court modified its prior February 10, 2014 order to suspend the NVSS process beginning July 1, 2017, as it will be replaced by the Non–Violent Parole Process (hereinafter “NVPP”) under the Public Safety and Rehabilitation Act of 2016, also known as Proposition 57. (June 20, 2017 Three–Judge Court Order Suspending Paragraph 4(B) of February 10, 2014 Order, *Ibid.*)

Therefore, because no NVSS regulations exist as the NVSS process was implemented under a court order, and because the NVSS process has been suspended in light of the NVPP, petitioner’s request to repeal or amend the board’s NVSS regulations is denied.

6. BOARD CONTACT PERSON:

Mina Y. Choi
 Staff Attorney
 Board of Parole Hearings
 P. O. Box 4036
 Sacramento, CA 95812–4036
 Office: (916) 322–6729
 Fax: (916) 322–3475
 BPH.Regulations@cdcr.ca.gov

7. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2017–02** in the request.

DATE OF DECISION: June 29, 2017

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# 2017–0622–02
 BOARD OF STATE AND COMMUNITY CORRECTIONS
 Construction Financing Program

This emergency readopt action by the Board of State and Community Corrections amends twenty–six sections and adopts four sections in title 15 of the California Code of Regulations. The proposed regulations add eligibility requirements, matching fund requirements, a proposal process, and evaluation criteria for the construction financing program for adult local criminal justice facilities pursuant to Senate Bill 844.

Title 15
 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
 Filed 06/28/2017
 Effective 06/28/2017
 Agency Contact: Lindsay Tu (916) 324–1959

File# 2017–0517–01
 CALIFORNIA HIGHWAY PATROL
 General Hazardous Materials Regulations

This regular rulemaking by the California Highway Patrol amends sections 1160.1, 1160.2, 1160.3, and

1160.4 in title 13 of the California Code of Regulations. These sections are being amended to, inter alia, align the state's hazardous materials regulations with national transportation requirements.

Title 13
AMEND: 1160.1, 1160.2, 1160.3, 1160.4
Filed 06/29/2017
Effective 10/01/2017
Agency Contact: Joseph Mosiniski (916) 843-3422

File# 2017-0523-09
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Training and Testing Specifications

This regulatory action by the Commission on Peace Officer Standards and Training amends Learning Domain #12: Controlled Substances in the "Training and Testing Specifications for Peace Officer Basic Courses," which is incorporated by reference in three sections in Title 11 of the California Code of Regulations, to reflect new laws created by Proposition 64.

Title 11
AMEND: 1005, 1007, 1008
Filed 06/28/2017
Effective 08/01/2017
Agency Contact: Cheryl Smith (916) 227-0544

File# 2017-0517-02
DEPARTMENT OF FOOD AND AGRICULTURE
Denial, Suspension, or Revocation of a Registration
Certificate

In this File and Print Only action, the Department of Food and Agriculture (the "Department") is amending section 1358.7 in title 3 of the California Code of Regulations. Section 1358.7 sets forth procedures relating to the denial, suspension, or revocation of an egg handling or egg producer certificate of registration. This filing is exempt from the Administrative Procedure Act pursuant to Food and Agricultural Code section 27561.5, subdivision (f).

Title 3
AMEND: 1358.7
Filed 06/28/2017
Effective 06/28/2017
Agency Contact: Nancy Grillo (916) 900-5033

File# 2017-0622-01
DIVISION OF WORKERS' COMPENSATION
Medical Provider Suspension Procedure

The Division of Workers' Compensation submitted this emergency readoption action to keep in effect sections 9788.1, 9788.2, 9788.3, and 9788.4 of title 8 of the California Code of Regulations, which were adopted as

an emergency. The regulations implement suspension hearing and related procedures for medical providers that meet specified criteria in subdivision (a)(1) of Labor Code section 139.21.

Title 8
ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
Filed 06/29/2017
Effective 07/06/2017
Agency Contact:
Yvonne Hauscarriague (510) 286-0680

File# 2017-0623-03
OCCUPATIONAL SAFETY AND HEALTH (CAL-
OSHA) DIVISION
Portable Amusement Ride Fees

This action by the Department of Industrial Relations, Division of Occupational Safety and Health (Division) is an emergency request to file and print an amendment to section 344.18 of title 8 of the California Code of Regulations. The purpose of this action is to set the hourly rate for Division engineers to perform certain specified services for owners and operators of portable amusement rides.

Title 8
AMEND: 344.18
Filed 06/29/2017
Effective 06/29/2017
Agency Contact:
Christopher Grossgart (510) 286-7348

File# 2017-0523-08
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
Update of Authority and Reference Notes for HPEF
Regulations

In this change without a regulatory effect, the sections found in Chapter 14, Division 7, Title 22, of the California Code of Regulations are amended to change the reference citations. The references cited in these sections are Education Code sections that have been replaced by Health and Safety Code sections, pursuant to Assembly Bill 446 (Stats. 1995, Ch. 758), Senate Bill 1497 (Stats. 1995, Ch. 1023), and Senate Bill 1360 (Stats. 1995, Ch. 415). The amendments replace the repealed Education Code sections with the current applicable Health and Safety Code sections. The amendments also make some minor punctuation and syntax corrections.

Title 22
AMEND: 97700.1, 97700.2, 97700.3, 97700.4,
97700.5, 97700.6, 97700.7, 97700.8, 97700.13,
97700.15, 97700.17, 97700.18, 97700.19,
97700.20, 97700.21, 97700.23, 97700.25,
97700.26, 97700.27, 97700.29, 97700.31,

97700.32, 97700.33, 97700.35, 97700.41,
97700.43, 97700.45, 97700.47, 97700.49,
97700.51, 97700.53, 97700.55, 97700.57,
97700.59, 97700.61, 97700.63, 97700.65, 97720,
97722, 97724, 97726, 97730, 97731, 97732, 97734,
97735, 97737, 97740, 97743, 97745, 97747, 97750,
97752, 97755, 97757, 97759, 97760

Filed 07/03/2017

Agency Contact:

Michelle Church-Reeves (916) 326-3617

File# 2017-0315-05

STATE PERSONNEL BOARD

Classification, Exam, and Selection Process

This action adopts, amends, and repeals regulations related to civil service classifications, examinations, and selection. The regulations address definitions, class lists and specifications, merit-based standards and qualifications, probationary periods, civil service exam eligibility and announcements, applications, scoring, interviews, promotions, and confidentiality, among other things. These regulations are exempt from the Administrative Procedure Act. (Govt. Code, § 18211.)

Title 2

ADOPT: 171, 171.2, 174, 193.1, 193.2, 194, 195,
195.1, 195.2, 195.3, 242, 249.1, 249.2, 249.3, 249.4,
249.5, 249.6, 249.7, 250, 250.2, 265, 265.1, 548.53
AMEND: 156, 171.1, 174, 193, 258, 548.40, 548.41
REPEAL: 157, 171, 194, 195, 196, 198, 199, 199.1,
200, 205, 206, 210, 250, 265, 548.70

Filed 07/01/2017

Effective 04/27/2017

Agency Contact: Jeanne Wolfe (916) 651-0924

File# 2017-0516-03

STATE WATER RESOURCES CONTROL BOARD

Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions

On May 2, 2017, the State Water Resources Control Board (SWRCB) adopted Resolution 2017-0027, which approved "Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California — Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions" to provide a consistent regulatory approach by setting mercury limits to protect the beneficial uses associated with the consumption of fish. Additionally, the SWRCB established three new beneficial use definitions for use by the SWRCB and Regional Water Boards in designating Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses to inland surface waters, enclosed bays, or estuaries in the state. The SWRCB approved one new narrative and four new numeric mercury water quality

objectives to apply to inland surface waters, enclosed bays, and estuaries of the state that have any of the following beneficial use definitions: COMM, CUL, T-SUB, WILD, MAR, RARE, WARM, COLD, EST, or SAL with the exception of water with site-specific mercury objectives. These provisions will be implemented through National Pollution Discharge Elimination System permits, water quality certifications, waste discharge requirements (WDRs) and waivers of WDRs.

Title 23

ADOPT: 3010

Filed 06/28/2017

Effective 06/28/2017

Agency Contact: Zane Poulson (916) 341-5254

File# 2017-0619-02

STATE WATER RESOURCES CONTROL BOARD

Implementation of the Sustainable Groundwater Management Act of 2014

This emergency rulemaking by the State Water Resources Control Board (Board) adopts regulations to implement the reporting and fee requirements of the Sustainable Groundwater Management Act of 2014. Pursuant to Water Code sections 348 and 1530, these emergency regulations shall remain in effect until revised by the Board.

Title 23

ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044,
1045, 1046

Filed 06/29/2017

Effective 06/29/2017

Agency Contact: Nicole Kuenzi (916) 322-4142

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 1, 2017 TO
July 5, 2017**

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

07/01/17 ADOPT: 171, 171.2, 174, 193.1, 193.2,
194, 195, 195.1, 195.2, 195.3, 242, 249.1,
249.2, 249.3, 249.4, 249.5, 249.6, 249.7,
250, 250.2, 265, 265.1, 548.53 AMEND:
156, 171.1, 174, 193, 258, 548.40, 548.41

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REPEAL: 157, 171, 194, 195, 196, 198, 199, 199.1, 200, 205, 206, 210, 250, 265, 548.70	03/14/17 AMEND: 3061
06/22/17 AMEND: 327	03/13/17 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
06/21/17 AMEND: 3700	03/07/17 AMEND: 3435(b)
06/19/17 AMEND: 1859.2, 1859.82	03/02/17 AMEND: 3435(b)
06/08/17 AMEND: 52.4, 548.49, 548.136	02/28/17 ADOPT: 3070
05/31/17 ADOPT: 249.8	02/27/17 ADOPT: 751, 751.1, 754.3, 754.4, 820.1, 830, 830.1, 830.2, 830.3, 830.4, 831, 831.1, 831.2, 831.3, 831.4, 831.5, 837, 838, 1302, 1302.1, 1302.2, 1302.3, 1302.4 AMEND: 752, 752.1, 752.2, 752.3, 752.4, 752.5, 752.6, 753, 753.1, 753.2, 754, 754.1, 754.2, 755, 755.1, 755.4, 756, 756.1, 758, 820, 820.3, 820.4, 820.5, 820.55, 820.6, 820.7 REPEAL: 753.3, 755.2, 755.3, 756.2, 756.3, 757, 758.1, 820.1, 820.2
05/26/17 AMEND: 11030, 11031, 11034	02/24/17 AMEND: 3435(b)
04/10/17 ADOPT: 552.1	02/21/17 AMEND: 3435(b)
03/27/17 ADOPT: 11017.1 AMEND: 11017	02/16/17 AMEND: 3435(b)
03/22/17 AMEND: 58000	02/13/17 AMEND: 3435(b)
03/21/17 ADOPT: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09	02/13/17 AMEND: 3435(b)
03/03/17 ADOPT: 599.829.1	02/06/17 AMEND: 3435(b)
02/28/17 AMEND: 2270, 2271	02/02/17 AMEND: 3435(b)
02/16/17 ADOPT: 59820	
Title 3	Title 4
06/28/17 AMEND: 1358.7	06/20/17 AMEND: 1696
06/26/17 AMEND: 3435(b)	06/01/17 AMEND: 1433, 1845
06/22/17 ADOPT: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324	05/31/17 AMEND: 1632
06/19/17 AMEND: 3435(b)	05/30/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221
06/14/17 AMEND: 3435(b)	05/08/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14
06/08/17 AMEND: 3435(b)	05/04/17 AMEND: 10031, 10032, 10033, 10035, 10036
06/07/17 AMEND: 3435(b)	05/02/17 ADOPT: 10325.5 AMEND: 10337
06/05/17 ADOPT: 3591.28	04/20/17 AMEND: 1581, 1843
06/02/17 AMEND: 3435(d)	04/10/17 AMEND: 10170.3, 10170.8, 10170.9, 10170.10, 10170.14
06/01/17 AMEND: 3591.12	03/14/17 ADOPT: 299 AMEND: 297, 300
05/30/17 AMEND: 3439(b)	02/28/17 ADOPT: 6000, 6010, 6011, 6012, 6013, 6014, 6020, 6021, 6022, 6023, 6024, 6030, 6040, 6041, 6042, 6043, 6050, 6051, 6052, 6053, 6060, 6061, 6062
05/15/17 AMEND: 3435(b)	02/15/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14
05/15/17 AMEND: 3435(b)	02/09/17 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10330, 10335, 10337
05/09/17 AMEND: 3435(b)	
05/08/17 AMEND: 1402.7, 1402.8	
05/08/17 AMEND: 3439(b)	
05/04/17 AMEND: 3435(b)	
05/04/17 AMEND: 3435(b)	
05/04/17 AMEND: 3591.15	
04/24/17 AMEND: 3435(b)	
04/24/17 AMEND: 3435(b)	
04/20/17 AMEND: 3435(b)	
04/18/17 AMEND: 3435(b)	
04/17/17 AMEND: 3435(b)	
04/17/17 AMEND: 3435(b)	
04/07/17 AMEND: 3435(b)	
04/04/17 AMEND: 3435(b)	
03/30/17 AMEND: 3435(b)	
03/30/17 AMEND: 3435(b)	
03/28/17 AMEND: 3435(b)	
03/28/17 AMEND: 3406(c), 3591.5(b)	
03/24/17 AMEND: 3435(b)	

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02/07/17	AMEND: 10031, 10032, 10033, 10035, 10036	02/28/17	ADOPT: 8200, 8210, 8220, 8230
Title 5		02/21/17	AMEND: 2498.6
06/27/17	REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9	02/21/17	AMEND: 2498.6
06/26/17	AMEND: 19810	02/21/17	ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007
06/14/17	AMEND: 41908	02/16/17	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
06/05/17	ADOPT: 11517.6, 11518, 11518.5, 11518.10, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.55, 11518.60, 11518.65, 11518.70, 11518.75, 11518.80, 11519, 11519.5	02/15/17	AMEND: 2498.4.9
06/02/17	ADOPT: 11534.1 AMEND: 11530, 11533, 11534	02/09/17	AMEND: 2498.4.9
05/30/17	ADOPT: 71396	Title 11	
04/05/17	ADOPT: 75300 AMEND: 75200, 75210	06/28/17	AMEND: 1005, 1007, 1008
03/14/17	AMEND: 15495 REPEAL: 15497.5	06/21/17	AMEND: 1015
02/06/17	AMEND: 22000	06/01/17	AMEND: 50.10
02/02/17	AMEND: 851, 853.5, 853.7, 855, 856	06/01/17	AMEND: 50.13
Title 8		05/31/17	REPEAL: 50.18
06/29/17	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4	05/30/17	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, 2120, 2130, 2131, 2132, 2133
06/29/17	AMEND: 344.18	05/23/17	AMEND: 1001, 1005, 1008
06/20/17	AMEND: 9789.39	05/23/17	AMEND: 50.19
06/05/17	AMEND: 1637	05/23/17	AMEND: 50.20
06/05/17	AMEND: 3220	05/18/17	AMEND: 50.23
05/23/17	ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408	05/18/17	AMEND: 50.12
05/16/17	AMEND: 20335(c)	05/18/17	AMEND: 50.14
04/14/17	AMEND: 15203.2(d)	05/16/17	AMEND: 50.8
04/04/17	AMEND: 5155	05/16/17	AMEND: 50.15
03/27/17	AMEND: 9701, 9702	05/16/17	AMEND: 50.21
03/20/17	AMEND: 4306	05/16/17	REPEAL: 50.22
03/14/17	AMEND: 17304	05/16/17	ADOPT: 50.22
02/24/17	ADOPT: 10770.7 AMEND: 10770	05/15/17	AMEND: 50.5
02/02/17	AMEND: 10134	05/15/17	REPEAL: 50.7
Title 9		05/15/17	AMEND: 50.6
06/13/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	05/15/17	AMEND: 50.16
03/15/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	05/15/17	AMEND: 50.17
02/13/17	ADOPT: 4600, 4601, 4602	02/21/17	AMEND: 1084
Title 10		02/01/17	AMEND: 1005, 1007, 1008
06/21/17	ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7	Title 13	
04/17/17	ADOPT: 6520, 6522, 6528	06/29/17	AMEND: 1160.1, 1160.2, 1160.3, 1160.4
03/22/17	ADOPT: 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380	06/20/17	AMEND: 2775, 2775.1, 2775.2
03/22/17	AMEND: 2218.30	06/19/17	AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14
03/09/17	AMEND: 2911, 2912	06/12/17	AMEND: 156.00
		05/15/17	AMEND: 16.06
		04/19/17	AMEND: 26.01, 26.02
		04/17/17	AMEND: 2222
		04/06/17	AMEND: 1157.21

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02/22/17 AMEND: 1153
 02/21/17 ADOPT: 26.01, 26.02
 02/21/17 AMEND: 553.70
 02/16/17 ADOPT: 15.01 AMEND: 15.00
 02/02/17 AMEND: 2467, 2467.1, 2467.2, 2467.3,
 2467.4, 2467.5, 2467.6, 2467.7, 2467.8,
 2467.9

Title 14

06/02/17 ADOPT: 1090.28, 1094, 1094.1, 1094.2,
 1094.3, 1094.4, 1094.5, 1094.6, 1094.7,
 1094.8, 1094.9, 1094.10, 1094.11,
 1094.12, 1094.13, 1094.14, 1094.15,
 1094.16(a)-(d)(5), 1094.17, 1094.18,
 1094.19, 1094.20, 1094.21, 1094.22,
 1094.23, 1094.24, 1094.25, 1094.26,
 1094.27, 1094.28, 1094.29, 1094.30,
 1094.31, 1094.32, 1094.33, 1094.34,
 1094.35 AMEND: 895, 895.1, 913.11
 [933.11, 953.11], 916.5 [936.5, 956.5],
 919.9 [939.9], 923 [943, 963], 923.2
 [943.2, 963.2], 923.3 [943.3, 963.3],
 923.4 [943.4, 963.4], 923.5 [943.5,
 963.5], 923.9 [943.9, 963.9] 929 [949,
 969], 945.1, 1038, 1090.26, 1104.1,
 1115.3
 05/26/17 AMEND: 7.50
 05/08/17 ADOPT: 18651.10, 18657.0, 18657.1
 AMEND: 18600, 18601, 18611, 18612,
 18613, 18614, 18614.1, 18616, 18619.1,
 18619.2, 18619.3, 18619.4, 18619.5,
 18620, 18621, 18622, 18623, 18624,
 18625, 18626, 18627, 18631, 18632,
 18633, 18634, 18641, 18642, 18643.0,
 18643.2, 18643.3, 18643.4, 18643.5,
 18643.6, 18643.7, 18650.1, 18650.2,
 18650.3, 18650.4, 18650.5, 18650.6,
 18650.61, 18650.7, 18650.8, 18650.9,
 18651.0, 18651.1, 18651.2, 18651.3,
 18651.4, 18651.5, 18651.6, 18651.7,
 18651.8, 18651.9, 18653.0, 18653.1,
 18653.2, 18653.3, 18653.4, 18653.5,
 18653.6, 18655.1, 18655.2, 18655.3,
 18655.5, 18655.51, 18655.6, 18655.7,
 18655.8, 18656.0 REPEAL: 18615,
 18643.1, 18655.4, 18655.9, 18658.0,
 18658.1, 18658.2, 18658.3, 18659.0,
 18659.1, 18659.2, 18659.3, 18659.4,
 18659.5
 05/03/17 ADOPT: 1265.00, 1265.01, 1265.02,
 1265.03
 05/01/17 AMEND: 27.80
 05/01/17 AMEND: 28.20
 04/18/17 AMEND: 1038
 04/13/17 ADOPT: 3805.1

04/12/17 ADOPT: 111
 04/03/17 ADOPT: 17403.3.1 AMEND: 17402,
 17403.0, 17405.0
 03/27/17 AMEND: 27.80
 03/17/17 AMEND: 550, 550.5, 551, 552, 630, 702,
 703
 03/16/17 ADOPT: 18660.47, 18660.48, 18660.49,
 18660.50, 18660.51 AMEND: 18660.5,
 18660.20
 03/14/17 REPEAL: 8600
 03/07/17 ADOPT: 749.9
 03/03/17 ADOPT: 16500
 03/02/17 ADOPT: 748.6
 03/02/17 ADOPT: 54.00, 54.01, 54.02, 54.03,
 122.1, 122.2 AMEND: 29.80, 29.90, 121,
 121.5, 122, 705
 02/28/17 AMEND: 1.74, 5.05, 5.20, 5.35, 5.40,
 5.60, 7.00, 7.50, 29.45, 43, 671
 02/27/17 ADOPT: 715 AMEND: 702
 02/17/17 AMEND: 895, 895.1, 898.2, 912.5,
 913.4, 914.1, 915.3, 916.2, 916.5, 916.8,
 916.9, 916.11, 919.2, 919.3, 919.5, 919.9,
 919.11, 919.12, 921.1, 921.6, 926.3,
 927.12, 953.9, 959.15, 961.1, 1020,
 1024.5, 1036.1, 1037.3, 1037.5, 1051,
 1051.1, 1051.4, 1051.5, 1052.3, 1052.4,
 1052.5, 1054.3, 1055, 1055.2, 1056,
 1056.1, 1056.2, 1056.3, 1090.5, 1090.10,
 1090.17, 1092.16, 1092.18, 1092.27,
 1100, 1153 REPEAL: 926.21
 02/17/17 AMEND: 632
 02/07/17 ADOPT: 28.47 AMEND: 27.20, 27.25,
 27.30, 27.35, 27.40, 27.45, 27.50, 28.27,
 28.49, 28.55

Title 15

06/28/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4
 AMEND: 1700, 1706, 1731, 1747,
 1747.1, 1748, 1748.5, 1749, 1749.1,
 1750, 1750.1, 1751, 1752, 1753, 1754,
 1756, 1760, 1766, 1767, 1768, 1770,
 1772, 1776, 1778, 1788, 1790, 1792
 06/27/17 AMEND: 3620, 3621, 3622
 06/08/17 ADOPT: 8106.2 AMEND: 8106.1
 05/23/17 ADOPT: 3570, 3572, 3573, 3580
 AMEND: 3560, 3561, 3562, 3563, 3564,
 3565, 3571, 3581, 3582, 3590, 3590.1,
 3590.2, 3590.3
 05/11/17 ADOPT: 3999.23
 04/17/17 AMEND: 3000, 3030, 3190, 3269
 04/13/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4,
 2449.5, 3043.1, 3043.2, 3043.3, 3043.4,
 3043.5, 3043.6, 3490, 3491, 3492, 3493
 AMEND: 3043, 3043.5 (renumbered to
 3043.7), 3043.6 (renumbered to 3043.8),

3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7

04/03/17 ADOPT: 3999.22

03/22/17 AMEND: 8006

03/21/17 ADOPT: 8900 AMEND: 8901

03/14/17 AMEND: 8004, 8004.3

03/07/17 AMEND: 3332, 3343

02/22/17 AMEND: 3173.2

02/09/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379

Title 16

06/23/17 AMEND: 2649

06/22/17 AMEND: 80.1, 80.2, 87, 87.1

06/12/17 AMEND: 1399.546

06/08/17 ADOPT: 1746.5

06/07/17 ADOPT: 1399.407, 1399.407.1, 1399.407.2, 1399.407.3

06/06/17 ADOPT: 1776, 1776.1, 1776.2, 1776.3, 1776.4, 1776.5, 1776.6

06/05/17 AMEND: 1387, 1387.1

05/31/17 REPEAL: 3036.1, 3036.2, 3037.1, 3037.2

05/30/17 AMEND: 1703

05/24/17 ADOPT: 1001.1, 1001.2

05/24/17 AMEND: 1399.395

05/24/17 AMEND: 1399.434, 1399.437 REPEAL: 1399.436

05/10/17 AMEND: 426.10, 426.14, 426.50

05/08/17 ADOPT: 1398.26.3 AMEND: 1398.25

05/04/17 AMEND: 4130

03/27/17 AMEND: 1105.2

03/21/17 AMEND: 1803, 1812, 1813, 1814, 1816.1, 1816.2, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1846, 1850.6, 1850.7, 1854, 1856, 1877.2, 1877.3, 1886, 1886.10, 1886.20, 1886.30, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0 REPEAL: 1816.8, 1819.1, 1829, 1877, 1887, 1887.2, 1887.3, 1887.6, 1887.13, 1887.14

03/20/17 AMEND: 1732.05, 1732.2, 1732.5

03/20/17 AMEND: 1751, 1751.4

03/14/17 ADOPT: 3063.4 AMEND: 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3 (renumbered as 3063.2), 3063.4 (renumbered as 3063.3).

03/02/17 AMEND: 1707.5

02/23/17 AMEND: 1399.672

02/09/17 AMEND: 9.1

Title 17

05/10/17 ADOPT: 51000, 51001, 51002

05/09/17 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072

04/24/17 ADOPT: 51000, 51001, 51002

04/17/17 AMEND: 60201

04/17/17 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78 AMEND: 6500.35, 6500.39, 6500.45, 6500.50, 6501, 6501.5, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67

04/13/17 ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369

03/23/17 AMEND: 95000

03/20/17 ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022

Title 18

06/19/17 AMEND: 1703

06/14/17 AMEND: 5332

05/24/17 ADOPT: 19195-1, 19195-2

05/15/17 AMEND: 263

05/15/17 AMEND: 1051

05/03/17 ADOPT: 4001

03/17/17 AMEND: 1703

03/09/17 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598

Title 19

05/01/17 AMEND: 2020, 2021

03/24/17 ADOPT: 920, 921, 922, 923, 924, 924.1, 924.2, 924.3, 924.4, 924.5, 924.6, 924.7, 924.8, 924.9, 924.10, 924.11, 924.12, 925, 925.1, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 946.1, 947, 948

02/09/17 ADOPT: 2020, 2021, 2030 AMEND: 2000

Title 20

03/27/17 AMEND: 2909

03/27/17 AMEND: 1602, 1606

03/27/17 AMEND: 1606, 1607

Title 21

05/25/17 ADOPT: 1478.1, 1478.2 AMEND: 1476

Title 22

07/03/17 AMEND: 97700.1, 97700.2, 97700.3, 97700.4, 97700.5, 97700.6, 97700.7, 97700.8, 97700.13, 97700.15, 97700.17, 97700.18, 97700.19, 97700.20, 97700.21, 97700.23, 97700.25, 97700.26, 97700.27, 97700.29, 97700.31, 97700.32, 97700.33, 97700.35, 97700.41, 97700.43, 97700.45, 97700.47, 97700.49, 97700.51, 97700.53, 97700.55, 97700.57, 97700.59, 97700.61, 97700.63, 97700.65, 97720, 97722, 97724, 97726, 97730, 97731, 97732, 97734, 97735, 97737, 97740, 97743, 97745, 97747, 97750, 97752, 97755, 97757, 97759, 97760

05/11/17 ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2, 100061, 100062, 100063, 100064, 100069, 100070, 100072, 100073, 100074, 100075, 100079, 100080, 100081, 100083

04/19/17 ADOPT: 69511, 69511.1

04/18/17 REPEAL: 97770, 97771, 97772

04/10/17 ADOPT: 64300, 64305, 64310, 64315

03/27/17 AMEND: 51121

03/16/17 AMEND: 20100.5

03/09/17 AMEND: 64806

Title 22, MPP

06/21/17 AMEND: 81001

05/09/17 AMEND: 87163, 87217, 87775

05/02/17 AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211

04/27/17 AMEND: 101216.4, 101417

02/09/17 ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3,

85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2

Title 23

06/29/17 ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044, 1045, 1046

06/28/17 ADOPT: 3010

06/22/17 ADOPT: 3939.52

06/09/17 AMEND: 865 REPEAL: 864.5, 866

05/18/17 AMEND: 3939.23

05/16/17 ADOPT: 3939.51

03/16/17 ADOPT: 3929.15

03/08/17 ADOPT: 3949.12

03/07/17 ADOPT: 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015

02/27/17 ADOPT: 863, 864, 864.5, 865, 866

Title 27

05/11/17 REPEAL: 25607.30, 25607.31

05/04/17 AMEND: 25705

05/03/17 AMEND: 25805

04/04/17 AMEND: 25805

03/21/17 AMEND: 27000

02/08/17 AMEND: 27001

Title 28

06/27/17 AMEND: 1300.67.005

03/21/17 AMEND: 1300.67.241

Title MPP

06/19/17 AMEND: 40-188, 44-207, 44-316, 44-318, 80-310, 82-518, 82-812 REPEAL: 44-314

05/01/17 AMEND: 44-211

04/25/17 AMEND: 44-211

04/04/17 AMEND: 40-105, 40-131, 40-161