



California Regulatory Notice Register

REGISTER 2017, NO. 31-Z

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2017-0725-09 1139
Amendment

State Agency: Prison Industry Authority
 State and Community Corrections Board
 California Travel and Tourism
 California Department of Technology
 California Government Operations Agency

Multi-County: San Francisco Bay Restoration Authority
 Sonoma Clean Power Authority

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2017-0725-10 1140
Amendment

Multi-County: North Valley Schools Insurance Group
 Oxford Preparatory Academy

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

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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. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY:	Prison Industry Authority State and Community Corrections Board California Travel and Tourism California Department of Technology California Government Operations Agency
MULTI-COUNTY:	San Francisco Bay Restoration Authority Sonoma Clean Power Authority

A written comment period has been established commencing on August 4, 2017, and closing on September 18, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than September 18, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND
BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cesar Cuevas, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cesar Cuevas, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: North Valley Schools
Insurance Group
Oxford Preparatory
Academy

A written comment period has been established commencing on August 4, 2017, and closing on September 18, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Jones, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than September 18, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

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Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on March 24, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 20, 2017.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 18, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.406.6650
916.651.2900 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

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

Anticipated Benefits from This Regulatory Action

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

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

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes dis-

cretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

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

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

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

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

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

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

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

AMENDED TEXT

The emergency rulemaking action expanded the quarantine area for ACP in Alameda County by approximately 30 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 62,556 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are no citrus production nurseries in the affected area that will be impacted. There are 6 retail nurseries in the affected area. There are no citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area. There are no citrus packinghouses located within this quarantine area.

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining

to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on March 28, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 20, 2017.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 18, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
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916.406.6650
916.651.2900 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

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

Anticipated Benefits from This Regulatory Action

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

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

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

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

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

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

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

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

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.”

The amendment of this regulation is preventing the artificial spread of ACP to unfested areas of the State.

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

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

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

AMENDED TEXT

The emergency rulemaking action established the quarantine area for ACP in Contra Costa and Alameda counties by approximately 187 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 65,556 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse eco-

nomic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA—*

National Agricultural Statistics Service 2010 data for citrus fruit). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

**Sections 10176, 10177, 10178, 10179, 10180, 10181,
10182, 10183, 10184, 10185, 10186, 10187, 10188,
10189, and 10190**

**Title 4, Division 15, Article 2
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority or CSFA), organized and operating pursuant to Sections 10176 through 10191 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, September 18, 2017. The Authority Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as contact person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, and 10190 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The amended Regulations implement the Authority's responsibilities related to the Charter School Facility Grant Program (Program).

AUTHORITY AND REFERENCE

Authority: Sections 17179 and 17180 of the Education Code. Section 17179 provides CSFA with the authority to do all things reasonably necessary to carry out its responsibilities. Section 101780(a) of the Education Code provides CSFA the authority to adopt bylaws for the regulation of its affairs and the conduct of its business. Subdivision (d) provides CSFA with the authority to receive and accept grants from the federal government. Subdivision (o) allows CSFA the authority to adopt guidelines for grants.

Reference: Section 17180(d) of the Education Code; and Section 47600, et seq., of the Education Code. These Regulations implement the State Charter School Facilities Incentive Grants Program (Grant) and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations. They also rely on a number of provisions in the Charter Schools Act of 1992, commencing with section 47600 of the Education Code. Section 17180(d) provides CSFA with the authority to receive grants from the federal government.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Authority was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code Section 17170, et seq.). The Authority is authorized to adopt bylaws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code Sections 17179 and 17180).

In 2004, 2009 and 2014, the United States Department of Education approved grant awards to CSFA pursuant to the State Charter School Incentive Grant (Grant), authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. The Grant provided for \$49,250,000 in 2004, \$46,132,749 in 2009, and \$50,000,000 in 2014, to be awarded over

five-year periods for the purposes of funding per-pupil facilities aid programs for California charter schools. Grant funds may be applied toward a charter school's annual costs of rent, lease, mortgage, debt service, or Proposition 39 pro-rata payments for facilities, or towards the costs of purchase, design, construction, and/or renovation of a new or existing facility.

Pursuant to the federal rules governing the Grant, an annual portion of funds must be allocated during each of five consecutive federal fiscal years. The first funding round began on June 28, 2005, when an emergency rulemaking file was approved by the Office of Administrative Law. Permanent Regulations implementing the Grant were approved March 24, 2006.

The Authority adopted emergency regulations through the Office of Administrative Law's (OAL's) Emergency Rulemaking procedures, and such emergency regulations were approved by OAL on April 27, 2017 (OAL Regulatory Action # 2015-0417-01 E). In order to establish permanent regulations for purposes of administration of the Program, the Authority is proposing permanent regulations through OAL's permanent rulemaking process and through submission of a Certificate of Compliance.

The allocation of these grant funds to eligible charter schools are based on preference points assigned for certain factors, including the low income population served by the school as reported by the percentage of students eligible to receive free and reduced price meals, the school's nonprofit status, whether a school is located in an overcrowded attendance area, whether the school has previously received a Program award, the school's academic performance as measured by its Annual Performance Index (API), and the school's academic performance in comparison to nearby schools as measured by an Adequate Yearly Progress (AYP) metric. However, as the California Department of Education (CDE) no longer uses API and AYP as metrics, these Regulations are being presented in part to replace API and AYP with the Smarter Balanced Assessment System currently employed by CDE.

The amendments to the Regulations are briefly summarized below and are intended to address the following: (1) the aforementioned change in CDE evaluation criteria from API and AYP to Smarter Balanced; (2) establish criteria the Authority will use to assess a charter school's operational and financial autonomy from their charter authorizer; (3) clarify ineligible costs; (4) solidify deadlines for forms and communications from applicants, subgrantees and the Authority itself on corrective actions when deadlines are not met; (5) separates the policy language and requirements of construction/renovation applicants from that language for facility purchase applicants; (6) omits language that is no longer relevant to the Grant program; (7) omits redun-

dant language; and (8) revises language to more accurately reflect current processes and timelines based on actual practice with current workload and staffing levels.

The Authority has conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with this type of program. Therefore the proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

Anticipated Benefits of Proposed Regulations

Please see “Results of Economic Impact Assessment” item “d,” for a description of benefits.

The amended Regulations are summarized below. The reader is referred to the Initial Statement of Reasons for a detailed explanation regarding the necessity of each amendment.

Section 10176 (“Definitions”):

The amended Section sets forth the following changes: (1) deletes reference to API and AYP and replaces it with Smarter Balanced Assessment System; definitions added for “Average Daily Attendance” and “Enrollment”; (2) clarification on Davis Bacon and Related Acts and their application to the Grant program.

Section 10177 (“Eligible Applicant”):

The amended Section adds subdivisions (d)(1) & (2) to establish the criteria the Authority will use to assess a charter school’s degree of financial and operational autonomy from their charter authorizer. Further, the language establishes the documentation the Authority can request from schools to confirm autonomy. Language has also been added to expand the degree to which a school can demonstrate cost eligibility.

Section 10178 (“Eligible and Ineligible Costs”):

Along with nonsubstantive language changes primarily involving acronyms, the amended Section removes redundant terms and adds “Ineligible Costs” to the title for purposes of clarity.

Section 10179 (“Maximum Grant”):

The amended Section adds subdivision (e), which clarifies the Authority’s ability to reduce award amounts in cases where a subgrantee’s enrollment/lease costs/other circumstances may have changed and asserts the Authority’s inability to enhance rewards in inverse cases.

Section 10180 (“Application Submission”):

The amended Section requires applications for grant funds to be made via online form and adds new language in subdivision stating that before an applicant is deemed ineligible for submitting an incomplete application, the applicant will be notified of any deficiencies and given the opportunity to cure. In addition, subdivi-

sion (c) extends the date for grant awards from June 30th to August 31st of each fiscal year.

Section 10181 (“Content of Application”):

The amended Section sets forth the following changes: (1) changes to reflect the change to an online application, including the deletion of requirements for original executed signatures submitted via hard copy, (2) clarification that subgrantees must comply with Davis Bacon and Other Acts with respect to prevailing wage requirements for Grant funds; (2) new language strengthening the Authority’s ability to enforce forfeitures of loan if a subgrantee is declared ineligible and clarification that loan reverts to the Authority if forfeited.

Section 10182 (“Evaluation Criteria”):

The amended Section replaces API and AYP with Smarter Balanced Assessment Standards data when evaluating student performance in English Language Arts/Literacy and Mathematics for assigning preference points.

Section 10183 (“Award Methodology”):

The amended Section has added language regarding Preference Points that were otherwise alluded to but never specified.

Section 10184 (“Approval of Grant and Notification of Subgrantee”):

The amended Section has added language specifying that applicants will be notified of awards within 7 days of the CSFA Board meeting where subgrantees are approved.

Section 10185 (“Obligation and Expenditure of Grant Funds”):

The amended Section includes a new paragraph giving non-responsive subgrantees 90 days to resolve their outstanding issues before the subgrantee is declared ineligible to receive remaining disbursements, with forfeited funds reverting to the Authority.

Section 10187 (“Grant Agreements”):

The amended section specifies that subgrantees that change their school name, facility address and/or charter authorizer must notify the Authority within 30 days of the change.

Additionally, “the end of each Academic Year” has replaced “Information Day” as the 30-day deadline for when California Longitudinal Pupil Achievement Data System (CALPADS) or California Basic Educational Data System (CBEDS) enrollment data must be reported to the Authority.

Section 10188 (“Release of Funds”):

The amended Section reorganizes language to present the material in a more coherent manner, broken down by project type. Subdivision (a)(1)(f) specifying the Legal Status Questionnaire (LSQ) as an enforce-

ment tool for the Authority is moved to this section from its previous location in Section 10190 as it is a requirement for the release of funds and is not related to audits or conflicts of interest. The LSQ discloses information relating to any legal or regulatory proceedings or investigations in which the subgrantee or their affiliate may have been a party and which may have a material impact on the financial or educational viability of the charter school.

Subdivisions (a)(2)(A)–(J) are newly added, documenting the procedures and policies for release of funds for construction projects. Similarly, subdivisions (a)(3)(A)–(J) have been added documenting the same procedures and policies for acquisition projects. Previously, construction/renovation and purchase projects were bundled in policy language together but have now been separated.

Section 10189 (“Completion of Grant Funded Construction Project”):

The amended section includes the addition of the phrase “prior to final disbursement” to clarify that documentation specified in subdivision (a)(1) is required prior to final disbursement.

Section 10190 (“Audits and Conflicts of Interest”):

The amended Section clarifies that subgrantees must comply with Davis Bacon and Related Acts. The contract amount has been removed to avoid having to revise regulations each time the Davis Bacon and Related Acts threshold is revised. Provisions related to the LSQ have been relocated to Section 10188.

**OTHER MATTERS PRESCRIBED BY STATUTES
APPLICABLE TO THE SPECIFIC STATE
AGENCY OR TO ANY SPECIFIC REGULATION
OR CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to the Authority or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or the Authority.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

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

FISCAL IMPACT

The Authority has determined that the Regulations do not impose any additional cost or savings to any state

agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

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

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

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the Regulations will not affect small business. The Program is a voluntary Grant program available to charter schools to assist in the costs of charter school facilities.

COST IMPACTS

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

**ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION**

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

The proposed regulations will unlikely have an impact on the creation or elimination of jobs within the State of California. In addition, the Authority is unaware of any reason providing Grant funds to awardees

would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for a Grant program that will disburse funds to existing charter schools in need across the State of California for per-pupil facilities funding. There are no provisions within the proposed regulations that place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.

The proposed regulations will unlikely have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for a Grant program that provides per-pupil facilities funding to existing charter schools in need. There are no provisions within the proposed regulations that place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result of the proposed regulations.

The proposed regulations will unlikely have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth uniform and consistent criteria to administer a Grant program that will provide per-pupil facilities funding to existing charter schools.

The proposed regulations are intended to provide per-pupil facilities funding to existing charter schools in need, especially serving communities with low-income households. As such, to the extent that the awards benefit the long-term viability of charter schools, the Program and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority, would be more effective in carrying out the purpose for which the Regulations are proposed or would be as effective and less burdensome to affected private persons than the Regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

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

Katrina Johantgen, Executive Director
California School Finance Authority
at:
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4608

or
915 Capitol Mall, Room 516
Sacramento, CA 95814
(916) 651-7710

or
kjohantgen@treasurer.ca.gov

or
csfa@treasurer.ca.gov

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

Mark Paxson, General Counsel
State Treasurer's Office
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations will end at 5:00 p.m. on Monday, September 18, 2017. All comments to be considered by the Authority must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Suite 516, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's website at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

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

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 5061 of the Fish and Game Code, Section 597 of the Penal Code, Sections 11503 and 11506 of the Government Code and to implement, interpret or make specific Sections 5060 and 5061 of the Fish and Game Code, Section 597, of the Penal Code, Sections 11503 and 11506 of the Government Code, proposes to add Section 42 and subsection (a)(2) of Section 703, and amend subsection (c) of Section 43 and subsection (a) of Section 651, relating to Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Fish and Game Commission (Commission) received a petition in 2015 to amend existing regulations or adopt new regulations that would allow for the commercial use of native rattlesnakes to develop antivenom, vaccines, and other therapeutic agents. The Commission approved the petition request at its February 11, 2016 meeting in Sacramento and forwarded it to the Department of Fish and Wildlife (Department) for evaluation. Department staff met with the petitioners during 2016 to gather additional information. The petitioners had initially proposed using "nuisance" snakes collected by rattlesnake removal businesses for this purpose, as well as raising the possession limit on native rattlesnakes for aversion trainers. However, those proposals would have required additional public outreach and scoping of affected businesses that would have greatly delayed the development of the new regulations. Therefore, with the petitioners' consent, the Department narrowed the scope of the regulatory proposal to address only commercialized use of native rattlesnakes for venom extraction in conjunction with research and development of biomedical and therapeutic agents. In addition, the Department added provisions regarding propa-

gation of native rattlesnakes at the request of the petitioners.

The Commission has the statutory authority to adopt regulations for the commercial use of native reptiles pursuant to Fish and Game Code Section 5061. Currently, there are only two authorized commercial activities in California: captive propagation and sale of three species of snakes, which is allowed under Section 43, and wild collection and sale of native reptiles by Biological Supply Houses, which is allowed under Section 651.

Venom from rattlesnakes differs by species, and in some cases by location within the species. For example, Southern Pacific Rattlesnake (*Crotalus oreganus helleri*) venom has unique properties that differ across its range. Antivenom and vaccines that are derived from different species of rattlesnakes than the species that inflicted the bite are less effective, and sometimes not effective at all, in treatment of the bite. Currently, the only way antivenom, vaccines, and therapeutic agents can be derived from native rattlesnakes in California is through non-commercial research and development through a valid Scientific Collecting Permit pursuant to Section 650. However, Biological Supply Houses can collect native rattlesnakes and sell them to out-of-state scientific and educational facilities that develop and sell these products.

Existing Regulations

The text of Section 42 was repealed in January 2002, but the title and note are still listed in Title 14, California Code of Regulations (CCR). Section 43 contains regulations for the captive propagation of native reptiles and sale of three species of native snakes. Section 651 regulations specify the wild collection and sale of native reptiles by Biological Supply Houses.

Proposed Regulations

The proposed Section 42 regulation will allow California businesses to develop and sell regionally specific antivenom, vaccines, and therapeutic agents derived from native rattlesnake venom that would benefit human, pet, and livestock health. The new permit is structured to allow for:

1. Businesses which seek to maintain live native rattlesnake species for venom extraction and develop and sell therapeutic products from the native rattlesnake venom, or
2. Businesses which only intend to develop and sell therapeutic products from the native rattlesnake venom.

In addition, it is necessary to make minor amendments to Sections 43, 651, and 703 to provide consistency and clarity with the proposed Section 42.

Subsection (a) of Section 42 details the activities that are allowed with a commercial native rattlesnake permit issued by the Department.

Subsection (b) of Section 42 specifies that this regulation does not supersede any other federal, state, or local laws regulating or prohibiting possession of native rattlesnakes or the activities authorized under a commercial native rattlesnake permit.

Subsection (c) of Section 42 lists the species of native rattlesnakes that may be used under this regulation.

Subsection (d) of Section 42 specifies regulations for the permit application, fees, duration of permit, and qualification requirements, such as minimum qualifications, letter of reference, statement of purpose, an emergency action plan, an initial inspection and minimum age. A separate permit is proposed for each facility housing native rattlesnake species or creating products from venom extracted from native rattlesnake species. The proposed regulation establishes a new 2018 Commercial Native Rattlesnake Permit Application (Form DFW 1044 (New 4/2017)), which is incorporated by reference herein.

Subsection (e) of Section 42 describes the general conditions associated with possessing a permit pursuant to this section, including agreeing to random inspections, ability to transfer or exchange rattlesnakes among permittees, prohibition of release into the wild, and conditions under which applications will be denied or permits will be revoked.

Subsection (f) of Section 42 describes the humane care and treatment that permittees must provide to native rattlesnakes possessed under this regulation. It includes requirements on enclosure size, substrate, and cleanliness; appropriate food and water; pest control; and observation and handling.

Subsection (g) of Section 42 describes the requirement for each facility to maintain an Emergency Action Plan and the minimum contents of that plan in the event of a bite, escape, or emergency evacuation.

Subsection (h) of Section 42 describes the records a permittee must maintain while operating under a permit pursuant to this section and the duration the records must be kept and made available to the department. The proposed regulation establishes a new Commercial Native Rattlesnake Permit Record (Form DFW 1044A (New 4/2017)), which is incorporated by reference herein.

Subsection (i) of Section 42 describes the annual reporting requirements under the regulation.

Subsection (j) of Section 42 describes the terms of shipping live native rattlesnakes under the authority of this regulation and clarifies that this regulation does not

supersede any federal, state, local, or shipping entity's rules regarding shipment of live rattlesnakes.

Subsection (c) of Section 43 restricts the sale, possession, transportation, importation, exportation, and propagation of native reptiles for commercial purposes except as provided in subsection 40(f) and the species identified within Section 43. To ensure consistency with the new regulation, this amendment adds an exception for entities permitted through Section 42.

Subsection (a) of Section 651 limits the sale of native reptiles and amphibians to scientific or educational institutions to biological supply houses that operate under a permit issued by the Department. This proposed amendment states that persons who hold a valid commercial native rattlesnake permit issued by the department and commercial developers of biomedical or therapeutic agents shall be considered scientific and educational institutions for the purposes of this section.

Subsection (a)(2) of Section 703 specifies the forms and fees associated with the Commercial Native Rattlesnake Permit.

FORMS INCORPORATED BY REFERENCE

2018 Commercial Native Rattlesnake Permit
Application
Form DFW 1044 (New 4–2017)

Commercial Native Rattlesnake Permit Record
Form DFW 1044A (New 4/2017)

BENEFITS OF THE REGULATIONS

Allowing for limited collection and possession of native rattlesnakes as described in Section 42 is expected to result in more effective and cheaper antivenom and vaccines as well as other therapeutic agents.

CONSISTENCY WITH STATE AND FEDERAL REGULATIONS

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate commercial take of native reptiles (Fish & Game Code, § 5061). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to na-

tive rattlesnakes. Further, the Commission has determined that the proposed regulations are neither incompatible nor inconsistent with existing federal regulations.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the SpringHill Suites by Marriott, 900 El Camino Real, Atascadero, California, on Wednesday, October 11, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on September 28, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 6, 2017. All comments must be received no later than October 11, 2017, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Laura Patterson, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Patterson can be reached at (916) 341–6981 or Laura.Patterson@wildlife.ca.gov.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. It establishes the ability for California companies to compete with out-of-state companies in the development and sale of pharmaceutical products derived from native rattlesnakes.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California due to the limited number of anticipated permit applications.

The Commission anticipates benefits to the health and welfare of California residents through the development of improved therapeutic agents to treat rattlesnake bites in pets and domestic livestock. The Commission does not anticipate any non-monetary benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission estimates that a representative private person or business would necessarily incur \$815 in permitting and inspection costs in the first year and \$113 in annual costs in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates revenue to recover the Department's administrative costs from initial inspections and permit fees for the first year from each business and annual renewal fees thereafter. The proposed action will not affect any other State Agency.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1050, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1050, 7071, 7852.2, 7857, 7858, 8046, 8585.5, 8587.1, 8589.5, 8589.7, 9001 and 9001.5 of said Code, relating to Nearshore Fishery Permit, Nearshore Fishery Permit Gear Endorsements, and Deeper Nearshore Species Fishery Permit Transferability.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current regulations (Section 150), only persons with a Nearshore Fishery Permit are allowed to take nearshore species (cabezon; California scorpionfish; California sheephead; kelp and rock greenlings; and, black-and-yellow, China, gopher, grass and kelp rockfishes). Transfer of Nearshore Fishery Permits is allowed on a two-for-one basis with the new permittee purchasing two permits, agreeing to retire one permit and fish using the other. The number of permits has declined 35 percent in the past 13 years and it's become very difficult to find two permits for sale in the same regional management area. The proposed regulations would change permit transfers to one-for-one making it easier for new permittees to get into the fishery as well as current permittees to retire. Additionally, the proposed regulations would standardize the transfer paperwork by changing from notarized letters from permit holders to a notarized application provided by the Department. The following is a summary of the changes proposed for Section 150:

- Clarify that Nearshore Fishery Permit holders can only have one permit, regardless of the management area, at any time (Subsection 150(b))
- Add a requirement that the estate of a non-transferable Nearshore Fishery Permit shall immediately surrender the permit to the Department. (Subsection 150(e)(5))
- Revise permit transfers (Subsection 150(g)(1)–(7)):
 - Allow for permit transfers on a one-for-one basis,
 - Change the paperwork from notarized letters to a notarized application,
 - Allow the estate of a deceased permittee two years to transfer the permit,
 - Require that the estate temporarily relinquish the permit until the transfer can be made, and
- Delay the transfer pending resolution of any criminal, civil and/or administrative action involving the current permittee.
- Change the process for appealing denial of a transfer from a two-step process to a one-step process (Subsection 150(m)(3)) whereby the person denied a transfer can appeal directly to the Commission within 60 calendar days of the Department's denial.

Under current regulations (Section 150.02), only persons who held a valid Deeper Nearshore Species Fishery Permit (for the take of black, blue, brown, calico, copper, olive, quillback and treefish rockfishes) during

the immediately preceding permit year are eligible to obtain a permit for the following permit year. This has resulted in a permit moratorium that prohibits any new entrants into the fishery. The proposed regulation would allow new individuals to enter the fishery by obtaining a permit from an existing permit holder. Additionally, the proposed regulations would require completion of a notarized transfer application. The following is a summary of the changes proposed for Section 150.02:

- Establish permit transfer provisions (Subsection 150.02(j)):
- Establish that all Deeper Nearshore Species Fishery Permits are transferable,
- Establish a notarized application for the permit transfer,
- Allow the estate of a deceased permittee two years to transfer the permit,
- Require that the estate temporarily relinquish the permit until the transfer can be made, and
- Delay the transfer pending resolution of any criminal, civil and/or administrative action involving the current permittee.
- Establish a permit transfer fee as specified in Section 705 (Subsection 150.03(d))

Current regulations (Section 150.03) allow persons with a Nearshore Fishery Permit to use trap gear with a Nearshore Fishery Gear Endorsement, which is transferable on a one-for-one basis. The proposed regulations would change the permit transfer requirement from notarized letters from the permit holder to a notarized application provided by the Department. The following is a summary of the changes proposed for Section 150.0:

- Move the subsection 150.03(c)(5) requirement that a non-transferable Nearshore Fishery Gear Endorsement become null and void upon the death of the individual that holds the permit and propose to add that the estate of a non-transferable Nearshore Fishery Gear Endorsement holder shall immediately surrender the permit to the Department to Subsection 150.03(d)(6)
- Revise permit transfers (Subsection 150.03(d)) to:
- Change the paperwork from notarized letters to a notarized application,
- Allow the estate of a deceased permittee two years to transfer the gear endorsement,
- Require that the estate temporarily relinquish the gear endorsement until the transfer can be made, and
- Delay the transfer pending resolution of any criminal, civil and/or administrative action involving the current permittee.

- Change the process for appealing denial of a transfer from a two-step process to a one-step process (Subsection 150.03(h)(3)) whereby the person denied a transfer can appeal directly to the Commission within 60 calendar days of the Department's denial.

Current regulations (Section 705) establish a Nearshore Fishery Permit Transfer Fee of \$500. The proposed regulations would increase the permit transfer fee to a range of \$1,000 to \$2,500 and also establish a transfer fee in the range of \$1,000 to \$2,500 for the Deeper Nearshore Species Fishery Permit. The proposed regulations would also include reference to the proposed Nearshore Fishery Permit and Nearshore Fishery Trap Endorsement Transfer Application (DFW 1045) and the proposed Deeper Nearshore Species Fishery Permit Transfer Application (DFW 1048).

Additional minor changes are proposed to correct grammatical errors and remove section references to Title 14, CCR, to improve clarity and standardize regulatory format.

BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulatory action will benefit fishermen, processors, and the State's economy by maintaining a healthy sustainable fishery, and ensuring future harvestable nearshore populations.

CONSISTENCY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of nearshore species (Section 8587.1, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of nearshore fish stocks.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Thursday, August 16, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the SpringHill Suites by Marriott, 900 El Camino Real, Atascadero, California, on Thursday, October 12, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on September 28, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 6, 2017. All comments must be received no later than October 12, 2017, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sheri Tiemann at the preceding address or phone number. **Traci Larinto, Senior. Environmental Specialist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Ms. Larinto can be reached at (562) 355-7061 or Traci.Larinto@wildlife.ca.gov.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

- (a) The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed changes are not expected to reduce the number of fishermen active in the fishery, nor the number of trips or harvest quantities.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed changes are not expected to reduce the number of fishermen active in the fishery, nor the number of trips or harvest quantities.

The proposed regulatory action will benefit fishermen, processors, and the State's economy by maintaining a healthy sustainable fishery, and ensuring future harvestable nearshore populations.

The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission anticipates cost impacts ranging from \$1,000 to \$2,500 per permit transfer that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department anticipates revenue in the range of \$4,200–\$63,000 annually to recover the costs of administering one to fifteen for each nearshore and deeper nearshore permit transfers per year. The proposed action is not anticipated to affect any other State Agency or Federal Funding to the State.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 8405.3 of the Fish and Game

Code and to implement, interpret or make specific Sections 8026, 8405.1, 8405.3 and 8500 of said Code, proposes to add Section 128, Title 14, California Code of Regulations (CCR), relating to commercial taking of sea cucumber.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed addition of new regulations in Section 128, Title 14, CCR, will create a seasonal closure that would prohibit all commercial take of warty sea cucumber during a significant portion of the spawning season and prohibit the possession aboard commercial vessels and landings of warty sea cucumbers during the closed season.

Current laws governing commercial harvest of sea cucumber in California are permissive with only permits and permitting provisions for the sea cucumber fishery (Fish and Game Code (FGC) Section 8405, et seq.). There are no seasons, size limits, catch limits or limits on dive gear usage (e.g. SCUBA and surface supplied air) when commercially fishing for sea cucumber by diving or trawling.

Under FGC subsection 8405.3(a), the Commission has the authority to adopt regulations that are reasonably necessary to protect the sea cucumber resource, to assure a sustainable sea cucumber fishery, or to enhance enforcement activities. Consistent with the policy and criteria outlined in FGC subsection 8405.3(a), the Department of Fish and Wildlife (Department) recommends that the Commission add Section 128, Title 14, CCR, to establish a closed season for warty sea cucumber. The proposed regulations would promote a sustainable warty sea cucumber fishery through the protection of the spawning population.

Three seasonal closure options are provided for the Commission's consideration:

- April 1 to June 30; or
- March 1 to June 14; or
- January 1 to June 14.

The proposed regulations would also clarify the existing recordkeeping obligations for commercial sea cucumber dive activities (FGC subsection 8405.1(c)) by referencing Section 120.7, Title 14, CCR, which incorporates the Department's Commercial Dive Fishing Log form (DFG 120.7) by reference. A similar regulation currently exists for recordkeeping of commercial trawling activities for sea cucumber in Section 176, Title 14, CCR.

Benefits of the Regulations

The proposed closed season for the commercial warty sea cucumber fishery would protect warty sea cucumber spawning aggregations from overexploitation

and promote the long-term sustainability of the fishery resource. The recordkeeping requirements would provide clarification and improve compliance with and enforcement of the regulations.

Consistency and Compatibility with Existing Regulations

The proposed regulations are consistent with sections 120, 120.7, 123, 189 and 632, Title 14, CCR. Commission staff has searched the CCR and found no other regulations that address the commercial take of sea cucumber and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt regulations necessary to protect the sea cucumber resource and to assure a sustainable sea cucumber fishery (FGC subsection 8405.3(a)). No other State agency has the authority to regulate the commercial take of warty sea cucumber.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held to be held in the Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Wednesday, August 16, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the SpringHill Suites by Marriott, 900 El Camino Real, Atascadero, California, on Thursday, October 12, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 28, 2017, at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 6, 2017.** All comments must be received no later than October 12, 2017, at the hearing in Atascadero, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through our website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie

Termini or Sherrie Fonbuena at the preceding address or phone number. **Carlos Mireles, Department of Fish and Wildlife, phone (805) 568-1221, email Carlos.Mireles@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.**

Availability of Modified Text

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because harvest quantities by California permittees are not anticipated to fall and a commercial warty sea cucumber fishery only exists in the State of California and there are no like products that currently compete as substitutes for warty sea cucumber. While no other state has a commercial fishery that poses competition, Mexico does have a warty sea cucumber fishery. However, Mexico's fishery has been exhibiting similar signs of decline. In light of the fact that other sea cucumber stocks in the world have been overharvested, it is critical to maintain a sustainable sea cucumber fishery in California.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates limited short-term negative impacts from a curtailed season length on the creation or elimination of jobs within the State, with the potential for the direct, indirect, and induced loss of 17 to 21 jobs that are directly or indirectly linked to the warty sea cucumber fishery statewide.

The proposed action is not anticipated to exert significant impact on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California because the proposed action will not constitute a substantial year-round drop in fishery activity.

The Commission anticipates generalized benefits to the health and welfare of California residents through the improved reporting and better monitoring of the fishery.

No impacts to worker safety are anticipated.

The State's environment should benefit by the improved management of the warty sea cucumber resource with the goal of creating a more sustainable sea cucumber dive fishery, which would benefit existing businesses in the long term.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency 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 annual income from sea cucumber harvesting is not likely to change for individuals since the regulation only changes the season dates. The proposal does not impose additional compliance costs such as gear, fees, etc. The individuals comprising the sea cucumber fishery support the changes in order to sustain the fishery for future years.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808 and 2809 in order to implement, interpret and make specific Penal Code Section 2808, propose to amend Sections 8004 and 8004.1 Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning CALPIA's Inmate Employability Program, and specifically non-discriminatory participation in addition to the Test of Adult Basic Education (TABE) score requirements for inmate employment opportunities with CALPIA.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **September 3, 2017**, 15 days prior to September 18, 2017.

PUBLIC COMMENT PERIOD

The public comment period will close **September 18, 2017, at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVER

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Moirra Doherty, Legal Analyst
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711

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

Diana Harbaugh, Executive Secretary II
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711

AUTHORITY AND REFERENCE

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Section 2808, in order to implement, interpret and make specific Penal Code Sections 2808 and 2809, propose to amend Sections 8004 and 8004.1 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning CALPIA's Inmate Employability Program, and specifically non-discriminatory participation in addition to the TABE score requirements for inmate employment opportunities with CALPIA.

**INFORMATIVE DIGEST/
POLICY STATEMENT OVERVIEW**

In order for CALPIA to function safely and efficiently, these revised regulations are needed to widen the

number of inmates able to apply for and obtain employment with CALPIA.

These proposed regulations will help to ensure that CALPIA operations have lower vacancy rates for available inmate positions and affirm non-discrimination in CALPIA program participation consistent with the ADA, FEHA, *Armstrong v. Davis*, *Armstrong v. Wilson*, *Coleman v. Brown*, *Pa. Dep't of Corr. v. Yeskey*, and *Heckler v. CDCR*. The amendment to these regulations will provide clarity that CALPIA complies with anti-discrimination laws and court decisions regarding the inmate population and will allow CALPIA to create increased training and employment opportunities for a greater number of inmates. CALPIA's ability to properly maintain all of the CALPIA enterprises and Career Technical Education programs at full offender capacity is a persistent issue, resulting in 20% to 50% employment vacancy rates respectively. These revised regulations change the TABE score requirement for CALPIA offender employment from 9.0 to 7.0 and the alternative intake TABE score requirement for CALPIA offender employment from 7.0 to 5.0, as authorized per Title 15, Division 8, Section 8004.1(g).

The proposed adoption will be vetted through the public process of the PIB, as required in PC Section 2808(h) and (i), and promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). CALPIA will give notice to employees affected by the proposed regulations and give such employees the opportunity to submit their comments or alternative suggestions. The PIB will review these regulations at the next board meeting. Upon approval, the PIB's Record of Vote and the applicable portion of the meeting minutes will be included in the rulemaking file. All rulemaking documents will be filed with the Office of Administrative Law (OAL) and are all available to the public on CALPIA's website. The proposed regulatory action benefits the public and the general welfare of California, and for additional details, see the "Benefits of the Regulation" discussion under the "Result of the Economic Impact Analysis/Assessment."

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

During the process of developing this regulation, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing laws and regulations.

Local Mandates:

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

Fiscal Impact Statement:

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

Cost or savings to any state agency: None.

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

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

Effect of Housing Costs:

CALPIA has made an initial determination that the proposed action will have no significant effect of housing costs.

Significant Statewide Adverse Economic Impact on Business:

CALPIA has initially determined 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 because they are not affected by the internal management of CALPIA employees.

Results of the Economic Impact Analysis/Assessment

In accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

CALPIA has determined that these regulatory changes will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

Creation of New Businesses or Elimination of Existing Businesses within the State of California

These regulatory changes will have no effect on the creation of new or elimination of existing businesses within California because those businesses are not affected by the internal management of CALPIA employees.

Expansion of Businesses Currently Doing Business within the State of California

These regulatory changes will have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of CALPIA employees.

Benefits of the Regulations

The proposed regulatory action will benefit CALPIA inmates by providing more inmates with employment and training opportunities. These amendments will create opportunities, incentives and motivation for inmates to seek employment with CALPIA, which increases productivity. Increased productivity of good and ser-

vices that are used by the California Department of Corrections and Rehabilitation (CDCR) reduces the cost of CDCR's operations, which also results in savings to taxpayers. **Thus, this proposed action benefits the public and general welfare.**

Cost Impacts on Representative Private Persons or Businesses

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

Effect on Small Businesses

CALPIA has determined that this action has no significant adverse economic impact on small business es because they are not affected the internal management of CALPIA inmate workers.

Consideration of Alternatives

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, 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 implementing the statutory policy or other provision of law.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

Reports Relied Upon

The CALPIA, in proposing these regulations, has identified and/or relied upon the following technical, theoretical, or empirical studies, reports, or similar documents:

1. CALPIA Report to the Legislature, FY 2015–2016 (www.calpia.ca.gov/pdf/Public_Affairs/2017-Jan/LegReport2015.2016.pdf).
2. CDCR, Division of Rehabilitative Programs, Office of Correctional Education, Program Overview, 2013 (www.cdcr.ca.gov/Rehabilitation/docs/DSAG/DSAG-Slides-10-29-2013.pdf).
3. California Legislative Analyst's Office, From Cellblocks to Classrooms: Reforming Inmate Education to Improve Public Safety, Feb 2008, (www.lao.ca.gov/2008/crim/inmate_education/inmate_education_02108.aspx).
4. California Department of Corrections & Rehabilitation (CDCR) Fall 2016 Population Projections, Office of Research, January 2017. (http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/F16Pub.pdf).

ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/F16Pub.pdf).

5. Prison Industry Authority Report to the Legislature 2011–2012

(http://www.calpia.ca.gov/pdf/Public_Affairs/2013-Jan/Report-Leg-011713.pdf).

6. California (State) Legislature. Senate Committee on Public Safety. State Prison Inmate Classification: Participation of Education. Bill Analysis SB 1121 (as amended April 9, 2012) (teachers reported long waiting lists [for inmates] to get into classes) (http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201120120 (hearing date June 19, 2012, Assembly Public Safety Committee) SB1121).

7. L. Davis, Rand Corporation, Santa Monica, California, "Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs that Provide Education to Incarcerated Adults", (2013) sponsored by the U.S. Department of Justice, Bureau of Justice Assistance (<https://www.bja.gov/publications/rand-correctional-education-meta-analysis.pdf>).

8. L. Davis, Rand Corporation, Santa Monica, California, "Serving Time or Wasting Time?" (2013) (www.rand.org/pubs/periodicals/rand-review/issues/2013/fall/viewing-gallery.html).

9. Remarks of Deputy Attorney General Sally Quillian Yates on Criminal Justice Reform at Columbia Law School, October 29, 2015 (www.justice.gov/opa/speech/deputy-attorney-general-sally-quillian-yates-delivers-remarks-criminal-justice-reform).

10. California Legislative Analyst's Office, "How much does it cost to incarcerate an inmate?" 2016–2017, (http://www.lao.ca.gov/PolicyAreas/CJ/6_cj_inmatecost).

11. California Bureau of State Audit Report, 2009, California Department of Corrections and Rehabilitation at p. 65 (2009).

12. CALPIA Report to the Prison Industry Board, Career Technical Education (CTE) Programs, Fiscal years 2007–08 to 2010–2011 (November 2012).

13. *Armstrong v. Davis*, 318 F. 3d 965, 968–9 (9th Cir. 2003).

14. *Armstrong v. Davis*, 275 F. 3d 849, 854–858 (9th Cir. 2001), cert. denied 2002 U.S. LEXIS 5480 (U.S. Oct. 2002).

15. *Armstrong v. Wilson*, 124 F. 3d 1019, 1020–21 (9th Cir. 1997).

16. *Pa. Dep't of Corr. v. Yeskey*, 524 U.S. 206 (1998).

17. *Heckler v. CDCR*, Docket 2:05-CV-02441-LKK-JFM (E.D.Cal.) (Order for final approval of settlement March 2, 2015).

Availability of Proposed Text, Initial Statement of Reasons, and Rulemaking Record; Documents on CALPIA's Website

The Proposed Text, Initial Statement of Reasons, and all the information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

Availability of Changes to Proposed Text

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA 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 PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: www.calpia.ca.gov.

Availability of the Final Statement of Reasons

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

ELECTRONIC DOCUMENTATION AND AUTHORIZATION

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs' (DCA) Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the action described in the Informative Digest. Any person(s) interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing or hearings to be held at the following location on the following date:

NORTHERN CALIFORNIA

**Tuesday, September 26, 2017 at 10:00 a.m.
Bureau of Automotive Repair
Hearing Room
10949 North Mather Blvd.
Rancho Cordova, CA 95670**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than 5:00 p.m. on Monday, September 18, 2017, or must be received by the Bureau at the above-referenced hearing. The Bureau, upon its own motion or at the request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 137, 9882, 9884.9, 9884.11, 9884.19, and 9887.1 Business and Professions Code, and to implement, interpret, or make specific sections 9880.1, 9882, 9884.7, 9884.8, 9884.9, 9884.10, 9884.11, 9889.50, 9889.51, 9889.52, and 17500 Business and Professions Code, and sections 12000 and 12001, Vehicle Code, the Bureau is proposing to amend section 3303 of Article 1, Article 7, commencing with section 3352, and section 3371 of Article 9 within Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 1971, the Legislature adopted the Automotive Repair Act (Business and Professions Code (BPC) §9880 et seq.) to protect consumers from fraud and ensure their ability to make informed choices in automotive repair transactions. The Act established the Bureau of Automotive Repair (Bureau) within the California Department of Consumer Affairs to interpret and enforce its requirements. A critical means by which the Bureau protects consumers under the Act is enforcement of requirements pertaining to documents and disclosures provided to consumers before, during, and after a repair transaction.

The proposed regulatory action updates these requirements, particularly in response to calls for modernization from automotive repair businesses moving toward the use of information and communication technologies to improve efficiency and transparency. Specifically, the Bureau has updated estimate, work order, and invoice requirements, as well as sublet disclosure and general recordkeeping requirements. The proposed action also reorganizes sections within Article 7 and makes minor clarifying edits to make it easier for repair business owners and consumers to read and understand the regulations and to more closely align with the chronology of an automotive repair transaction.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

This proposed regulatory action is cost neutral.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Costs to any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

BAR has made an initial determination the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. BAR held a series of workshops attended by representatives of various segments of the automotive repair industry and considered their input regarding any adverse impacts on the industry in drafting the regulation.

Also, the proposed regulations allow businesses increased flexibility to use a wide variety of electronic technologies when disclosing information to and obtaining information from consumers while ensuring these practices provide adequate consumer protection. Businesses will benefit to the extent these electronic methods of conducting business improve productivity, efficiency, and consumer satisfaction.

It is possible some businesses that currently use point of sale systems will incur some costs to update those systems to ensure compliance with the updated regulations. These costs are indeterminable, as systems vary from business to business. Nonetheless, the Bureau anticipates any fiscal impact directly resulting from the proposed regulatory action will be minimal and more than offset by improved productivity, efficiency, and consumer satisfaction. At a July 2016 workshop conducted by the Bureau, several representatives of small, independent automotive repair businesses discussed their point of sale systems and expressed support for the regulation, suggesting their systems were flexible enough to capture the changes proposed in this regulation.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The majority of businesses that are likely to be affected by this regulation are small businesses. The regulatory requirements updated by this regulation would have a negligible, though indeterminable impact on small businesses. The cost of disclosing additional information during repair transactions is likely to be absorbed by any business subject to the regulation. The cost of updating point of sale software systems is indeterminable, though comments received from small businesses developing point of sale software systems during the development of the regulation suggest it would be minor and absorbable.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on Jobs/Businesses:

BAR has made the following initial determinations regarding the impact of the proposed regulatory action on jobs/businesses:

- It will not have any impact on the creation or elimination of jobs, the creation of new businesses, or the elimination of existing businesses.
- It will not have any impact on the expansion of businesses currently doing business within the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents:

BAR has made an initial determination the regulation may have a positive impact on the health and welfare of California citizens to the extent it promotes more efficiency and/or transparency in automotive repair transactions.

Benefits of the Regulation to Worker Safety:

BAR has made an initial determination the proposed regulatory action will not have any impact on worker safety in California.

Benefits of the Regulation to the State's Environment:

BAR has made an initial determination the proposed regulatory action may have a positive, though indeterminate, impact on the environment.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

BAR has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing from the Bureau of Automotive Repair at 10949 North Mather Blvd., Rancho Cordova, California, 95670.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file. Further, the express terms, Initial Statement of Reasons, and information upon which the proposed regulations are based is available for public inspection by contacting the contact person(s) named below.

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person(s) or by accessing the website listed below.

CONTACT PERSON

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

Brian Clark
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, California, 95670
Telephone: (916) 403-8560
E-mail: Brian.Clark@dca.ca.gov
Fax: (916) 464-3424

The backup contact person is:

Bill Thomas
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, California, 95670
Telephone: (916) 403-8187
E-mail: Bill.Thomas@dca.ca.gov
Fax: (916) 464-3405

WEBSITE ACCESS

Materials regarding this proposal can also be found on BAR's website at www.bar.ca.gov.

**TITLE 20. CALIFORNIA ENERGY
COMMISSION**

**PROPOSED ADDITIONS TO AND
MODIFICATIONS OF
REGULATIONS GOVERNING DATA
COLLECTION**

California Code of Regulations
Title 20, Division 2,
Chapter 3, Article 1, Sections 1302, 1304, 1306,
1308, & 1314
Chapter 3, Article 2, Sections 1344 & 1353
Chapter 7, Article 2, Section 2505

California Energy Commission
Docket Number 16–OIR–03

The California Energy Commission (“Energy Commission”) proposes to adopt, modify, and delete regulations under the authority of Sections 25213 and 25218 of the Public Resources Code. These regulations are found at Articles 1 and 2 of Chapter 3 and Article 2 of Chapter 7 of Division 2 of Title 20. In general, these regulations address the Commission’s rules of practice and procedure for energy data collection, specify the types of electrical generation and consumption data and electricity and natural gas system data to be filed, and address the confidential treatment afforded certain types of energy data. The modifications address new statutory requirements and changed market conditions affecting the level of detail the Energy Commission must provide in its statutorily mandated energy forecasts and assessments. The proposed changes implement, interpret, and make specific a number of statutory provisions found in the Public Resources Code, the Public Utilities Code, and the Government Code; the specific sections are identified in the authority and reference section found later in this notice.

**NOTICE THAT A PUBLIC HEARING
IS SCHEDULED**

The date set for the adoption of regulations at a public hearing is as follows:

California Energy Commission Business Meeting
October 11, 2017
Beginning 10:00 a.m.
California Energy Commission
1516 Ninth Street
First Floor, Arthur Rosenfeld Room
Sacramento, California
Wheelchair Accessible

ORAL AND WRITTEN STATEMENTS

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the hearing, or may submit written comments to the Energy Commission for consideration on or prior to September 20, 2017. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments using the Energy Commission’s e-commenting feature by going to the Energy Commission website at <http://www.energy.ca.gov/sb350/energydata/index.html> and clicking “Submit comment.” Your name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) will be required. After a challenge–response test to ensure that responses are generated by a human user and not a computer, click the “Agree & Submit Your Comment” button to submit the comment to the Energy Commission’s Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your name and contact information) become part of the viewable public record.

If you are unable to submit your comments through the docket system, you may send a paper copy of your comments to:

Docket Unit
California Energy Commission
Docket No. 16–OIR–03
1516 9th Street, MS–4
Sacramento, CA 95814
Telephone: 916–654–5076

Or e-mail comments to: Docket@energy.ca.gov.

AUTHORITY AND REFERENCE

Government Code, section 11346.5(a)(2) and Title 1,
California Code of Regulations, section 14

Sections 25213, 25218(e), and 25320 of the Public Resources Code, and Section 6253(a) of the Government Code, authorize the Energy Commission to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 25005.5, 25100–25141, 25216, 25216.5, 25223, 25300, 25301, 25302, 25302.5, 25303, 25303.5, 25305, 25305.1, 25305.2, 25310, 25322, 25324, 25330 et seq., 25364, 25366, 25400, 25401, 25401.2, 25403, 25403.5, 25602 and 25604 of the Public Resources Code; and Sections 9615 and 9620 of the Public Utilities Code.

INFORMATIVE DIGEST
Government Code Section 11346.5(a)(3)

Concise summary of existing laws — Government Code Section 11346.5(a)(3)(A)

The Energy Commission is required by statute to “conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices.” (Pub. Resources Code § 25301, subd. (a).) These forecasting and assessment activities are developed as part of the Integrated Energy Policy Report (IEPR) that is mandated every two years. (Pub. Resources Code § 25303.) As part of the IEPR process, the Energy Commission adopts a detailed demand forecast that is used by other energy agencies — including the California Independent System Operator — to identify resource additions needed to ensure reliability. (Pub. Resources Code § 25302, subds. (c) & (f).) In addition, the demand forecast is used “for analyzing the success of and developing policy recommendations for public interest energy strategies.” (Pub. Resources Code § 25305.) In conducting assessments and forecasts for the IEPR and tracking progress with various energy policy goals, the Energy Commission is authorized to collect data from a broad range of market participants, including generators, gas utilities, load-serving entities, and utility distribution companies.¹ The Energy Commission implements the IEPR statutes through the regulations that are the subject of this rulemaking.

Recent legislation expanded the Energy Commission’s IEPR responsibilities, requiring it to “establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings by 2030.” (Pub. Resources Code § 25310, subd. (c)(1).) The Energy Commission is now explicitly required to “*assess the hourly and seasonal impact*” of efficiency savings on statewide and local demand for electricity and natural gas, both in setting the doubling targets initially and in tracking and evaluating the state’s progress in achieving these targets in its biennial IEPR. (Pub. Resources Code § 25310, subds. (c)(3) & (e) (emphasis added).)

¹ Pursuant to Pub. Resources Code § 25108, “electric utility” includes all generators and distributors of electric power. The latter group includes utility distribution companies or “UDCs,” and load-serving entities or “LSEs.” UDC is an electric utility that distributes electricity to end-use customers, whereas an LSE sells electricity to end-use customers. A UDC can be either an investor-owned utility or a local publicly owned electric utility. All UDCs in California are also LSEs, but there are LSEs — such as community choice aggregators — that rely on a UDC to distribute the power the LSE sells. The proposed changes affect regulations governing UDC data reporting requirements.

Effect of the proposed changes — The effect of the proposed changes is to require various market participants to provide the more granular data needed to generate the disaggregated forecasts and assessments identified in statute and to respond to changed market conditions, including increased deployment of photovoltaics, energy storage, and electric vehicles, as well as natural gas shortages. Section 1302 definitions have been clarified and expanded to include new terms utilized in the proposed regulations. The amendments modify the reporting requirements in Section 1304 for cogenerator owners and UDCs, requiring more detailed useful thermal output data and increasing the types of interconnected resources for which the reporting of capacity and interconnection information is required. Proposed changes to Sections 1306 and 1308 relieve obligated parties from reporting aggregated data since similar, more detailed, data will be collected in the proposed Sections 1314 and 1353, and changes to Section 1308 also correct names of various natural gas infrastructure locations. The load research data required in Section 1344 is expanded to include research and characterization of behind-the-meter resources by the five largest California UDCs. Additionally, new Sections 1314 and 1353 have been added to obtain hydraulic natural gas modeling and detailed customer-level consumption and billing data not collected in the past, respectively. Finally, a new subdivision is being added to Chapter 7, Article 2, Section 2505 to provide for automatic confidential designation of confidential data proposed to be received as part of Sections 1314 and 1353.

Objectives and benefits from the proposed regulations — Government Code Section 11346.5(a)(3)(C)

The overarching objective of the proposed additions and modification to the data collection regulations is to enable the Energy Commission to meet its analytical responsibilities supporting the reliable operation of the state’s electricity and natural gas supply systems and assessing progress in and developing recommendations for meeting state energy goals.

The primary benefits of the proposed new reporting requirements will be that the Energy Commission will be able to more accurately depict when, where, and for what purpose energy is used and to more accurately identify the specific effect of various energy programs and policies on electricity and natural gas consumption patterns. This will improve electricity forecasts geographically, by sector, and by end-use, and will allow for better tracking and targeting of policies designed to promote state energy goals. In addition, obtaining the data needed to perform natural gas modeling will provide the benefit of allowing the state to assess the results of a range of natural gas demand and supply scenarios. In light of the close interrelationship between the natu-

ral gas supply system and the reliability of the electricity system, this information will allow the Energy Commission to make recommendations to ensure that the state has a reliable supply of both natural gas and electricity, as required by Pub. Resources Code Sections 25303, subds. (a)(3) & (4) and 25303.5, subd. (b)(6).

The modifications to the identification of natural gas infrastructure in Section 1308 correct inaccuracies in the current regulations, and the two new categories of information automatically designated as confidential in Section 2505 streamline the process for confidential treatment of data that the Energy Commission already determines to be confidential.

Evaluation of inconsistency or incompatibility with existing state regulations — Government Code Section 11346.5(a)(3)(C)

These provisions modify the Energy Commission's data collection regulations set forth in Articles 1 and 2 of Chapter 3 of Division 2 of Title 20 and regulations governing disclosure of information set forth in Chapter 7 of Division 2 of Title 20. There are no other state regulations that specify conflicting requirements with respect to this information. Therefore, the Energy Commission has determined that these proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Differences from federal regulation or statute — Government Code Section 11346.5(a)(3)(B)

Several federal agencies require the submission of energy data. For example, the United States Energy Information Agency collects and publishes a broad range of energy statistics and analysis and the Federal Energy Regulatory Commission collects information for its market oversight functions. Much of this information is publicly available. However, the data that would be required to be reported as a result of the proposed express terms is either different information or submitted on a different schedule than the information submitted to the federal agencies. If federal law is changed and requires the submission of the specific data required under the proposed express terms, Sections 1303 and 1342 of the Energy Commission's regulations allow the filer to apply for approval from the Commission's Executive Director to submit the federal filing in lieu of meeting the formatting and submission requirements found in the Commission's regulations. If the request is approved, no further permission is needed for the submission of the alternative data. (Cal. Codes Regs., tit. 20 sections 1303, subd. (1), 1343, subd. (g).)

OTHER MATTERS PRESCRIBED BY STATUTE Government Code Section 11346.5(a)(4)

There are no other matters prescribed by statute applicable to the Energy Commission or to any specific regulation or class of regulations affected by this action.

DOCUMENTS INCORPORATED BY REFERENCE

Title 1, California Code of Regulations, section 20(c)(3)

The proposed regulations do not incorporate any documents by reference.

MANDATED BY FEDERAL LAW OR REGULATIONS

Government Code Sections 11346.2(c) and 11346.9

The proposed regulations are not mandated by, or identical to, any federal statute or regulation.

LOCAL MANDATE DETERMINATION Government Code Section 11346.5(a)(5)

Pursuant to Government Code Section 11346.5(a)(5), the Commission is required to determine whether the proposed regulations, if adopted, will impose a mandate on local agencies or school districts, and if so, whether the mandate requires state reimbursement. This rulemaking amends the reporting requirements that are applicable to local publicly owned electric utilities. Pursuant to the Constitutional provisions governing reimbursement for local mandates, "local governments" are any city, county, city and county, school district, special district, authority, or other political subdivision of or within the state. (Cal. Const., Section XIII B, Section 8.) Local publicly owned electric utilities would appear to fall within this definition. These local publicly owned electric utilities (referred to as publicly owned utilities in the proposed regulations) may be subject to reporting requirements applicable to owners of cogeneration facilities, and are subject to reporting requirements applicable to "load-serving entities" or "LSEs," and "utility distribution companies" or "UDCs." The proposed changes increase the reporting requirements for owners of cogeneration facilities, and increase the reporting requirements for interconnection data for all UDCs (including municipal utilities), and require the provisions of new data on load shape re-

search and customer billing and usage for the two largest municipal utilities. Thus, the effect of the modifications will vary depending on the local publicly owned electric utility. However, some local publicly owned electric utilities will experience increased reporting requirements as a result of this rulemaking.

Nonetheless, these reporting requirements are not state mandates, as state mandates are limited to “new programs or higher levels of service.” (Cal. Const., Section XIIB, Section 6.) The mandate’s activities must involve the provision of governmental services and must apply uniquely to the local agency. (*City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 266 Cal.Rptr. 139.) To the extent the regulations require local publicly owned electric utilities to submit data, the requirements are not unique to those entities, and are due to the fact that they have chosen to enter into the business of generating, distributing, and selling electricity, which is not a government service. Therefore, the proposed regulations will not impose a mandate on local agencies or school districts.

In addition, under Gov. Code § 17556, subd. (d), any costs incurred by a local publicly owned electric utility associated with the proposed changes to the data collection regulations would not be reimbursable because the publicly owned electric utilities have the ability to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service. Pub. Utilities Code §§ 10001 et seq., 11501 et seq., 15501 et seq., and Wat. Code § 20500 et seq. provide revenue sources for the local publicly owned electric utility for recouping costs incurred through compliance with the proposed regulations.

FISCAL IMPACTS

Government Code Section 11346.5(a)(6)

There is estimated to be no cost to local agencies or school districts which will require State reimbursement. The avoided costs to local public agencies for fiscal years 2018/19 and 2019/20 are \$505 and \$1,041, respectively. By dividing the total local agencies’ avoided costs of \$1,546 by the one and half years (because reporting is no longer required in the second half of fiscal year 2018/19), the estimated annual avoided cost to local agencies is estimated at \$1,031. The cost impact to local agencies for fiscal years 2017/18, 2018/19, and 2019/20 are estimated to be \$804,438, \$657,978, and \$646,145, respectively. However, for the reasons noted above these costs do not constitute a new state mandate requiring state reimbursement. There are no other non-

discretionary costs or savings imposed on local agencies.

The proposed regulations will result in no costs or savings in federal funding to the state.

The Energy Commission will have an initial cost of implementation of \$253,795 for fiscal year 2017/18. There is no cost or savings to any state agency besides the Energy Commission.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Government Code Sections 11346.5(a)(10), 11346.3(a) & (b)

Private obligated parties, both cogenerators and utilities, have estimated costs of \$486,374, \$307,796, and \$269,672 for fiscal years 2017/18, 2018/19, and 2019/20, respectively. Local obligated parties, again including both cogenerators and utility entities, have estimated costs of \$804,438, \$657,978, and \$646,145 for fiscal years 2017/18, 2018/19, and 2019/20, respectively.

The state is estimated to have a first fiscal year cost of \$253,795. Much of this early cost is due to information technology infrastructure modifications to existing systems to manage the volume of new data that will be collected. Later year impacts include a small benefit for the elimination of potentially duplicative data reporting requirements.

Private obligated party avoided costs are estimated to be \$4,337 and \$8,934 for fiscal years 2018/19 and 2019/20, respectively. Local public obligated parties avoided costs are estimated at \$505 and \$1,041 for fiscal years 2018/19 and 2019/20, respectively. State avoided costs are estimated to be \$1,491 and \$2,886 for fiscal years 2018/19 and 2019/20, respectively.

None of the proposed regulations will result in the creation or elimination of any jobs within California as all obligated parties are performing data reporting to the state already under current data collection regulations. Existing businesses and staff will perform all the work necessary to meet the new obligation. No new businesses will be created and neither will any existing business be eliminated by the new regulations. The proposed regulatory changes will not expand any existing businesses doing business in California and there will be no direct monetary benefits of the data collection to the health and welfare of California residents, to worker safety, or to the state’s environment. The proposed regulations are expected to result in indirect, non-monetary benefits, which are discussed in the foregoing section entitled “*Objectives and benefits from the proposed regulations.*”

INITIAL DETERMINATION REGARDING
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE
Government Code Sections 11346.5(a)(7),
11346.5(a)(8), and 11346.3(a) & (b)

Subdivisions (a)(7) and (a)(8) of Government Code Section 11346.5 require an agency undertaking a rule-making to take certain actions with respect to findings concerning whether the proposal will have a significant, statewide, adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. When an agency determines that the proposal will not have such an effect, it must make a declaration to that effect in the notice of proposed action, and provide in the record the facts, evidence, documents, testimony or other evidence to support the initial determination.

The Commission has not yet completed the rulemaking process, but at this time, the Commission finds that no significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states will result from the proposed regulations. The rationale for that conclusion is all entities impacted by the proposed regulations are providing data to the Energy Commission under current regulations. Additionally, the costs are estimated to be modest (as explained in the economic impact analysis discussion) and are largely born by electric and gas utilities who are able to recoup the expenses through rates that determine the amount electric and gas customers pay for utility services.

These conclusions, along with the initial and annual costs associated with each regulation are documented in the Economic Impact Statement and its attachments, which have been submitted to the Office of Administrative Law (OAL), and are available on the Energy Commission's website at <http://www.energy.ca.gov/sb350/energydata/index.html>. In addition, the assumptions underlying the cost estimates for each regulation are explained in the attachments to the economic impact statement, and summarized in the initial statement of reasons.

COST IMPACTS ON REPRESENTATIVE PERSON
OR BUSINESS

Government Code Section 11346.5(a)(9)

There are two primary types of entities impacted by the proposed regulations: cogenerator owners and electricity and natural gas utilities. Private and local agency cogenerator owners will be required to provide additional details associated with useful thermal output and are estimated to have an annual cost of \$163,622

(\$119,552 + \$44,070), \$64,359 (\$47,024 + \$17,334), and \$66,290 (\$48,435 + \$17,855) in fiscal years 2017/18, 2018/19, and 2019/20, respectively. This translates to an annual average cost of \$1,177, \$463, and \$477 per cogenerator owner, given there are 139 California cogenerator owners, for fiscal years 2017/18, 2018/19, and 2019/20, respectively. The new requirements will involve adding detailed information into an updated form, submitting the information to the Energy Commission, and working with Energy Commission staff to resolve any issues and questions.

The remaining proposed regulations impact electricity and natural gas utilities and involve reporting more detailed information to the Energy Commission. The electricity and gas utilities include both private and local agency utilities. Investor-owned utilities may have costs impacts of up to \$107,433, \$73,513, and \$59,933 for fiscal years 2017/18, 2018/19, and 2019/20, respectively. Publicly owned utilities may have cost impacts of \$105,253, \$71,263, and \$57,620, respectively.

Across all obligate parties the weighted average (based on the number of obligated parties) is \$8,001, \$5,154, and \$4,295 costs for fiscal years 2017/18, 2018/19, and 2019/20, respectively. Costs include the need to augment existing reporting systems to provide additional detail, resolve data issues, communication with state agencies, summarizing data, and transmitting data.

HOUSING COSTS

Government Code Section 11346.5(a)(12)

Pursuant to Government Code Section 11346.5(a)(12), the Commission has determined, based on the nature of the proposed regulations, that they will not have a significant effect on housing costs. Modifying energy information reporting requirements that are applicable to energy market participants could have only the most indirect and minor effect on housing costs, and likely would have no impact.

BUSINESS REPORT

Government Code Sections 11346.5(a)(11) and
11346.3(d)

Government Code Section 11346.5(a)(11) requires the Commission to include the finding required by Government Code section 11346.3(d), if required. That section states that no administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses. The proposed regulations do include requirements for new data submis-

sions. The Commission finds that the proposed modifications are necessary for the health, safety, or welfare of the people of the state. The information that will be collected as a result of this proposed action is necessary to assess and understand how energy markets are functioning, how policies are impacting energy consumption and demand at the state, regional, and local levels, and to assess the hourly and seasonal impact of efficiency savings on demand for electricity and natural gas as required by Public Resources Code § 25310, subds. (c)(3) & (e). As a result, the information provides the foundation for mandated analytical work and allows for better targeting of policies to promote state energy goals and ensuring system reliability. Without this information, the Energy Commission will not be able to monitor regional energy trends, develop regional energy demand forecasts, and track and develop targeted energy policies necessary to assure the reliability of the electricity and gas system and supplies necessary for the health, safety, and welfare of the people of California.

SMALL BUSINESS IMPACTS

Title 1, California Code of Regulations,
section 4(a) and (b)

Pursuant to Title 1 of California Code of Regulations, section 4, the Commission concludes that the proposed regulatory action may affect one small business. All other businesses affected by the proposed regulatory action do not meet the definition of small business contained in Government Code, section 11342.610.

ALTERNATIVES STATEMENT

Government Code Section 11346.5(a)(13)

In accordance with Government Code section 11346.5, subdivision (a)(13), the Energy Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Energy Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Energy Commission is not aware of any alternatives that would be as effective as and less burdensome than the proposed modifications to the regulations. The Energy Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC ADVISER AND OTHER COMMISSION CONTACTS

The Energy Commission Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489 (toll free at (800) 822-6228).

If you have a disability and require assistance to participate, please contact Poneh Jones at poneh.jones@energy.ca.gov or (916) 654-4425.

Media inquiries should be sent to the Media and Public Communications Office at mediaoffice@energy.ca.gov or (916) 654-4989.

CONTACT PERSON

Government Code Section 11346.5(a)(14)

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations, should be directed to:

Malachi Weng-Gutierrez
Energy Assessments Division
California Energy Commission
1516 Ninth Street, MS-22
Sacramento, CA 95814
Telephone: (916) 654-4588
Email: Malachi.Weng-Gutierrez@energy.ca.gov

The designated backup contact person for these inquiries is:

Caryn Holmes
Office of Chief Counsel
California Energy Commission
1516 Ninth Street, MS-14
Sacramento, CA 95814
Telephone: (916) 654-4178
Email: Caryn.Holmes@energy.ca.gov

COPIES OF THE INITIAL STATEMENT OF REASONS, PROPOSED TEXT, AND RULEMAKING RECORD

Government Code Section 11346.5(a)(16)

The Commission has prepared and made available an initial Statement of Reasons (ISOR) and the express terms of the proposed regulations. To obtain a copy of either document, please visit the Commission's website at www.energy.ca.gov/sb350/energydata/index.html or contact Malachi Weng-Gutierrez at (916) 654-4588 or Malachi.Weng-Gutierrez@energy.ca.gov. Additionally, the Commission has available all the information upon which the proposed regulations are based; to obtain

copies, please contact the Docket Unit at (916) 654-5076 or by e-mail at docket@energy.ca.gov.

**AVAILABILITY OF SUBSTANTIAL CHANGES
TO ORIGINAL PROPOSAL FOR AT LEAST 15
DAYS PRIOR TO AGENCY
ADOPTION/REPEAL/AMENDMENT OF
RESULTING REGULATIONS**
Government Code Section 11346.5(a)(18)

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Commission considers substantive changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Commission adopts or amends the resulting regulations.

**COPY OF THE FINAL STATEMENT
OF REASONS**
Government Code Section 11346.5(a)(19)

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared, by visiting the Commission's website at <http://www.energy.ca.gov/sb350/energydata/index.html> or contacting Malachi Weng-Gutierrez at (916) 654-4588 or Malachi.Weng-Gutierrez@energy.ca.gov.

INTERNET ACCESS
Government Code Sections 11346.4(a)(6) and
11346.5(a)(20)

The Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Commission for this rulemaking, including this notice of proposed action, the express terms, the initial statement of reasons, and the economic and fiscal impact statements, as well as many other documents in the rulemaking file, have been posted at <http://www.energy.ca.gov/sb350/energydata/index.html>.

**TITLE 21. DEPARTMENT OF
TRANSPORTATION**

PUBLIC HEARING

The Department of Transportation (Caltrans) will hold a public hearing at the date, time and location listed below. The meeting facility is wheel-chair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

September 19, 2017 from 6:00–8:00 p.m.
South Pasadena Public Library
1100 Oxley Street
South Pasadena, CA 91030

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Caltrans. Comments may also be submitted by e-mail to AffordableSalesProgram@dot.ca.gov. The written comment period closes at 5:00 p.m. on September 18, 2017. Caltrans will consider only comments received by that time. Please submit comments to:

Carolyn Dabney
Division of Right of Way and Land Surveys
ATTN: Affordable Sales Program
California Department of Transportation
1120 N Street, MS 37
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Sections 118 through 118.6 of the Streets and Highways Code authorize Caltrans to dispose of real property no longer required for transportation uses. Caltrans is implementing, interpreting, and making more specific Government Code sections 54235 through 54238.8 which require certain properties owned by state agencies to be disposed of in a manner that preserves, upgrades, and expands the supply of housing available to affected persons and families of low or moderate income.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Caltrans acquires real property necessary for state transportation purposes, and must, by law, attempt to dispose of properties no longer required for those pur-

poses (Streets and Highway Code section 118.6). Government Code sections 54235 through 54238.8 (the “Roberti Act”) set forth the priorities and procedures for disposing of surplus residential property for State Route 710 (SR 710) in Los Angeles County.

In 1979, the Legislature reaffirmed its findings that there exists within the urban and rural areas of the state a serious shortage of decent, safe, and sanitary housing which persons and families of low or moderate income can afford, and consequently a pressing and urgent need for the preservation and expansion of the low and moderate income housing supply. The Legislature further reaffirmed its findings that highway and other state activities have contributed to the severe shortage of such housing, and that provision of decent housing for all Californians is a state goal of the highest priority. The Legislature stated that actions of state agencies including the sales of surplus residential properties which result in the loss of decent and affordable housing for persons and families of low or moderate income is contrary to state housing, urban development, and environmental policies and is a significant environmental effect, within the meaning of Article XIX of the California Constitution, which will be mitigated by the sale of surplus residential property pursuant to the provisions of the Roberti Act.

Additionally, the Legislature stated the sale of surplus residential property pursuant to the provisions of the Roberti Act will directly serve an important public purpose. In accordance with the intentions of the Roberti Act to preserve, upgrade, and expand the supply of housing available to persons and families of low or moderate income, Caltrans adopted Chapter 9.5 of Title 21 to implement and interpret the Roberti Act. The regulations became effective on July 26, 2016, allowing Caltrans to move forward with plans to sell the surplus residential properties covered by the Roberti Act. On December 16, 2016, pursuant to Chapter 9.5, Caltrans sent out Notices of Conditional Offers Prior to Sale for 42 surplus properties. However, with the recent enactment of Senate Bill 580, Caltrans is unable to dispose of some of the 42 properties without further clarification provided by the proposed regulations.

Senate Bill 580 was enacted on September 27, 2016, while Caltrans was implementing its plan to sell the first 42 surplus properties. Caltrans must now adopt regulations to allow for the continuation of selling the properties affected by SB 580, specifically those properties identified as historic homes. This rulemaking action sets forth the procedures and criteria for the disposal of historic, surplus residential properties. These properties were originally acquired for the extension of SR 710 in the cities of Los Angeles, South Pasadena, and Pasadena and will be disposed of in accordance with the Roberti Act.

The regulations proposed in this rulemaking action will:

Amend Section 1476 — Defines the terms used in the proposed regulations. This section is needed to provide additional detail and further clarify certain words or phrases as they are used in the “Roberti Act” and are used in the proposed regulations.

Adopt Section 1478.1(a) — Sets forth the criteria for disposing of residential surplus properties identified as historic homes.

Adopt Section 1478.1(b) — Sets forth use and resale restrictions.

Adopt Section 1478.2 — Identifies by address the surplus residential properties designated as historic homes.

The objective of the proposed rulemaking action is to clarify the requirements for disposing of historic, residential surplus properties. The proposed action will enable Caltrans to continue selling these historic properties in order to preserve, upgrade, and expand the availability of housing to low or moderate income persons or families.

After conducting an evaluation for any related regulations, Caltrans has determined the proposed regulations are neither inconsistent nor incompatible with existing regulations or statutes, and do not differ substantially from existing comparable federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

Caltrans has made the following initial determinations:

Caltrans has determined the proposed regulations do not impose a mandate on local agencies or schools.

Caltrans has determined the proposed regulations will not involve any costs or savings to any state agency, no costs to any local agency or school district requiring reimbursement pursuant to Government Code Section 17500 et seq., no other non-discretionary costs or savings imposed upon local agencies, and no costs or savings in federal funding to the state.

Caltrans has made the following determinations when assessing the economic impact associated with the proposed regulations:

Caltrans has determined the proposed regulatory action will not have any significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Caltrans has determined the proposed regulations will not affect small business because the proposed regulations are limited in scope to certain state-owned residential properties. The regulations have no economic

impact on businesses within the state. This regulatory action is to administer a state program which provides for the sale of affordable housing opportunities to low and moderate income persons and families. The proposed regulations are promulgated to set standards and criteria for the sale of historic, surplus residential properties and do not regulate a commercial or private individual activity or any private business.

Caltrans 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 proposed regulatory action will not have a significant effect on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations clarify and interpret California Government Code section 54237 as amended by SB 580 pertaining to the disposition of historic, surplus residential properties. The purpose of the clarification is to provide for the procedures for disposal of the historic properties and to identify the historic properties by address.

The Initial Statement of Reasons for the adoption of the Affordable Sales Program regulations (21 CCR 1475 et seq.) identified significant economic impacts. As explained at the time, without the regulations, Caltrans' properties would continue to be rented, but with the regulations, the properties could be sold — which would create economic impacts. Those regulations have been adopted, and those economic impacts are now part of the baseline.

Caltrans anticipates these proposed regulations will have no impact on the new baseline. These proposed regulations allow for historic homes to be offered to nonprofit private entities (NPPEs) dedicated to rehabilitating and maintaining historic homes for public use, under the same terms and restrictions that those homes would otherwise be offered to housing-related entities (HREs) under current regulations. The properties will still be sold and the terms of use will remain the same.

Therefore, the proposed regulatory action will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Caltrans has determined the proposed regulations will benefit NPPEs by allowing NPPEs the opportunity to bid on historic residential properties at the same time and under the same conditions and restrictions as other HREs identified in section 1477(a)(4)(iii), furthering the important public purpose of preserving, upgrading,

and expanding the supply of housing available to persons and families of low or moderate income.

ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5(a)(13) Caltrans must determine that no reasonable alternative to the regulations considered by Caltrans or that have otherwise been identified and brought to the attention of Caltrans would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Caltrans invites interested persons to present statements with respect to alternatives to the regulations during the written comment period.

CONTACT PERSONS

Any inquiries concerning the proposed regulations may be directed to Carolyn Dabney or the back-up contact person Mike Whiteside at the Department of Transportation, Division of Right of Way and Land Surveys, 1120 N Street, MS 37, Sacramento, CA 95814; (916) 654-5863.

AVAILABILITY OF STATEMENTS OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

Caltrans has prepared an Initial Statement of Reasons (ISOR) for the proposed action. The ISOR and all information upon which the proposed rulemaking is based, including the express terms of the proposed action, are available and may be obtained upon request. Requests should be directed to the contact person named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Caltrans may adopt the proposed regulations substantially as described in this notice. If Caltrans makes modifications which are sufficiently related to the originally proposed text, Caltrans will make the modified text, with changes clearly indicated, available to the public at least 15 days prior to adopting the regulations. Caltrans will accept written comments on the modified regulations for at least 15 days after the date on which they are made available. Any interested person may obtain a copy of said regulations prior to the

date of adoption by contacting Carolyn Dabney or Mike Whiteside at the address or telephone number listed above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available and copies may be requested from the Caltrans contact person identified in this notice, or documents may be accessed on the Caltrans' website listed below.

INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the express terms of the proposed regulations can be accessed through the Caltrans website at <http://www.dot.ca.gov/legislative/>.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

TOXICITY CRITERIA FOR HUMAN HEALTH RISK ASSESSMENTS, SCREENING LEVELS AND REMEDIATION GOALS RULE

Department Reference Number: R-2016-08

**Office of Administrative Law Notice File Number:
Z-2017-0725-08**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (Department) proposes to adopt California Code of Regulations (CCR), Title 22, Division 4.5, sections 68400.5, 69020, 69021, and 69022 to set a narrative cleanup performance standard, and adopt the listed toxicity criteria for all human health risk assessments calculating health-based (hereinafter risk-based) screening levels and risk-based remediation goals at hazardous substance release cleanup sites in California.

PUBLIC WORKSHOPS

The Department will hold public workshops on the proposed regulations at the following times and locations:

NORTHERN CALIFORNIA

Date: August 28, 2017

Time: 2:00 to 4:00 p.m. PDT

Location: California Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Board Room

Webinar Link: <http://calepa.ca.gov/Broadcast/>

SOUTHERN CALIFORNIA

Date: August 31, 2017

Time: 2:00 to 4:00 p.m. PDT

Location: California Department of Toxic Substances Control
5796 Corporate Ave.
Cypress, CA
All-Staff Room

Webinar Link: <http://calepa.ca.gov/Broadcast/>

At the times and locations listed above, any person(s) may ask questions about the proposed rule in an interactive workshop setting. The workshops will convene at 2:00 p.m. PDT and will remain open until 4:00 p.m. PDT, or until attendees have no further questions, whichever occurs first. Attendees are also welcome to attend the Public Hearing (below) to have questions or comments on record.

PUBLIC HEARING

The Department will hold a public hearing on the proposed regulations at the following time and location:

Date: September 20, 2017

Time: 2:00 p.m.-4:00 p.m. PDT

Location: 8800 Cal Center Drive
Sacramento, California 95826
Board Room

Webcast Link: <http://calepa.ca.gov/Broadcast/>

At the time and location listed above, any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearing will convene at 2:00 p.m. PDT and will remain open until 4:00 p.m. PDT, or until no attendees present testimony, whichever occurs first.

Representatives of the Department will preside at the hearing. The Department requests persons who wish to speak to please register before the hearing. Pre-hearing registration is conducted at the location of the hearing from 1:00 p.m. PDT until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in upon arrival to the Sacramento Department Regional Office at the administration desk on the first floor of the building. Please

ask the guard at the security desk for directions. Be sure to allow adequate time to sign in and receive a visitor badge before the public hearing begins.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, the Department will provide disability related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the following staff person as soon as possible, preferably no later than 10 business days prior to the scheduled hearing:

Ms. Litiana Patino
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Litiana.Patino@dtsc.ca.gov
Phone: (916) 324-3095

TTY/TDD/Speech-to-Speech users may dial "7-1-1" for the California Relay Service.

WRITTEN COMMENT PERIOD

Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to the Department in either electronic or hard-copy formats. Written comments will be accepted until 11:59 p.m. on September 20, 2017.

Written comments may be submitted electronically through the Department regulations email address at ToxCriteriaRule@dtsc.ca.gov or please direct hard-copy written comments to:

Mr. Kevin Depies
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Attn: Toxicity Criteria Rule
E-Mail: ToxCriteriaRule@dtsc.ca.gov
Fax Number: (916) 255-6560

AUTHORITY AND REFERENCE

Authority

These regulations are being adopted under the following express authorities:

- Health and Safety Code (HSC) section 25150 stipulates that the Department shall adopt, and revise when appropriate, standards and regulations for the management of hazardous substances.
- HSC section 25159 states that the Department shall adopt and as necessary revise regulations pertaining to the administration of the state hazardous waste program.
- HSC section 25159.5 authorizes the Department to adopt regulations for corrective action.
- HSC section 25351.5 grants the Department authority to adopt any regulations necessary to carry out its responsibilities pursuant to Chapter 6.5.
- HSC section 58004 grants the Department all duties, powers, purposes, responsibilities and jurisdiction of the Toxic Substances Control Program of the State Department of Health Services, including, but not limited to, those powers and duties specified in Chapter 6.5.
- HSC section 58012. This section allows the Department to adopt and enforce rules and regulations for the carrying out of the Department's duties.

The Department also has implied rulemaking authority under Chapter 6.82, the California Land Reuse and Revitalization Act of 2004 (Health and Safety Code [HSC] sections 25395.60-25395.109). This law designates the Department as an oversight agency at sections 25395.64 and 25395.71, and requires hazardous substance cleanups done under that chapter, including risk assessments, to meet the requirements of Chapter 6.8 (HSC sections 25395.92 and 25395.94). Therefore, the Department has the implied authority to clarify and implement requirements under this law, and should do so consistent with its express authority for rulemaking under Chapter 6.8.

Reference

These regulations implement, interpret, or make specific the following statutes:

- HSC section 25150 authorizes the Department to apply the standards and regulations adopted for the management of hazardous wastes. It also stipulates that the Department may not adopt standards or regulations that are less stringent than that by RCRA and shall inform other state and local agencies of adoption of relevant regulations.

- HSC section 25159 authorizes the state to receive and maintain federal authorization to administer a state hazardous waste program in lieu of the federal program.
- HSC section 25159.7 authorizes the Department to carry out all hazardous waste management responsibilities imposed or authorized by the federal act and the Comprehensive Environmental Response, Compensation, and Liability Act as amended.
- HSC section 25187 authorizes the Department to issue orders for corrective action to address hazardous waste releases to the environment.
- HSC section 25355.8 prohibits the Department from issuing a no further action determination for hazardous waste sites unless certain conditions are met.
- HSC sections 25356.1 and 25356.1.5 authorize the Department to issue a Remedial Action Plan for designated hazardous waste sites and that remedial action be no less stringent than those required under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and also allows that state requirements can be more stringent than those under the NCP.
- HSC Section 25395.92 requires property owners to address a hazardous substance release site consistent with Chapter 6.8 protections. Section 25395.94 requires parties to comply with section 25356.1.5, Chapter 6.8's risk assessment provision, for risk assessments.
- HSC Section 25159.5 stipulates that state standards and regulations conform with corresponding U.S. Environmental Protection Agency (U.S. EPA) standards and regulations, respectively but also that the state may adopt standards more stringent than U.S. EPA.
- HSC Section 116365 authorizes the State Water Board to adopt primary drinking water standards enforced by the Department which are not being replaced by the proposed regulations.
- Public Resources Codes section 71110 requires the California Environmental Protection Agency to, among other things, design its mission for programs and standards to "conduct its programs in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state" and "promote enforcement of all health and environmental statutes within its jurisdiction" in the same manner.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

For specified contaminants at hazardous substance release sites, the proposed regulations would require the use of California's Office of Environmental Health Hazard Assessment (OEHHA) toxicity criteria, which take into account California-specific considerations, and are more stringent than federal toxicity criteria. Toxicity criteria are used for risk assessments, and setting risk-based screening levels and remediation goals for contaminants at hazardous substance release (e.g., cleanup) sites. The proposed regulations will formalize the long-standing current practice dating back to 1994. Finally, the proposed regulations will ensure consistency in selecting the appropriate toxicity criteria for all cleanup sites in California factoring in California's overall environmental goals and environmental justice objectives, across age, racial, ethnic, cultural and income differences.

Proposed Regulations

The proposed regulations will adopt specified California toxicity criteria, for use in human health risk assessments, to set risk-based screening levels and remediation goals, for both corrective action under the Hazardous Waste Control Law (Chapter 6.5) and response actions under the Hazardous Substances Account Act (Chapter 6.8). Note also that because execution of the California Land Reuse and Revitalization Act (Chapter 6.82) specifically refers to Chapter 6.8 for risk assessments, risk assessments, screening levels and remediation goals under Chapter 6.82 will also be governed by this rule.

Anticipated Benefits

The proposed regulation will:

- 1) Provide more protection than federal toxicity criteria for California's population from hazardous substances in the environment.
- 2) Ensure that human health risk assessments protect the entirety of California's diverse population (age, race, culture, income levels) based on known science and consistent with state environmental justice and children's health-protection goals, through adoption of the OEHHA toxicity criteria in Appendix I.
- 3) Define the protective risk-based screening level as one in a million for cancer risk and a hazard quotient of 1 for non-cancer risk for all screening level risk assessments, which is consistent with federal guidance.
- 4) Ensure that toxicity criteria used in California are of high scientific quality and credibility, and apply the best available science.

- 5) Ensure consistency by applying these toxicity criteria to risk-based cleanups of all hazardous substances release sites (corrective action and hazardous substance remediation) in California.
- 6) Mandate that risk-based cleanup screening levels and remediation goals (cleanup levels) achieve the same protection at federal hazardous substance cleanup sites as for all other cleanup sites in California.
- 7) Reduce uncertainty and time spent resolving differing interpretations of federal guidance to decide applicable toxicity criteria.

Summary of Existing Statutes and Regulations

The Department has researched existing state statutes and regulations determining toxicity criteria for human health risk evaluations including determining human health screening levels and setting remediation goals. The Department has identified only the following statutes and regulations for evaluating human health risk in California:

- Health and Safety Code section 25356.1.5, subdivision (c). Specifies that human health risk assessments be consistent with the federal National Contingency Plan; include the most current sound scientific methods, knowledge, and practices of public health and environmental professionals; and be based on public health considerations, to the extent scientific data are available.
- Water Code, Division 7, Section 13304.2 Water Quality Enforcement and Implementation. Specifies human health risk assessments for “Brownsfield” sites.
- Health and Safety Code, Division 26, Section 39660 Identification of Toxic Air Contaminants. Requires the Air Resources Board to evaluate health risks of certain chemicals emitted to the atmosphere.
- Health and Safety Code, Division 26, Section 42315 Air District Permitting for Nonvehicular Air Pollution Control. Requires the Air Resources Board to evaluate health effects of toxic substances released to the atmosphere.
- Health and Safety Code Division 26, Section 44300 et seq. Air Toxics Hot Spots Program. Requires the Air Resources Board to evaluate human health risk of emissions derived from industrial, commercial, and disposal facilities in California.
- Health and Safety Code, Division 104, Section 116365 California Safe Drinking Water Act. Requires the State Water Board to assess human health risks in adopting drinking water standards.

- Health and Safety Code, Section 901: Children’s Environmental Health Center. Authorizes the Department of Public Health to assess health risks for proposed school sites.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department has evaluated the proposed regulations for any inconsistency or incompatibility with existing state statutes and regulations. The Department has identified no state regulations specific to toxicity criteria application to human health risk assessments and has determined that the proposed regulations are consistent with the requirements specified in the above state statutes.

Evaluation of Inconsistency/Incompatibility with Existing Federal Regulations

The proposed draft rulemaking is consistent with federal requirements, particularly 40 Code of Federal Regulations Part 264 and especially Section 300.430.

Incorporated By Reference

The proposed regulation incorporates by reference the unit risk factor, oral slope factor, reference dose, and reference concentration values in this U.S. EPA IRIS database, available online at <https://www.epa.gov/iris>, as of September 30, 2017.

DISCLOSURE REGARDING THE
PROPOSED ACTION

Mandates on Local Agencies or School Districts

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

Cost or Savings to State or Local Agencies, or School Districts

The proposed regulations will not result in costs to any local agency or school district requiring reimbursement pursuant to Government Code sec. 17500 et seq.

Other Nondiscretionary Cost or Savings on Local Agencies

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

Cost or Savings in Federal Funding to the State

The Department does not anticipate any changes to federal funds which the state of California receives.

Cost or Savings to any State Agency

The proposed regulations implement procedures that have been historically applied to California hazardous substance release sites. Implementation of the regulations may result in cost savings to the state by the anticipated reduction in regulatory staff time debating and negotiating risk assessments, screening levels and re-

mediation goals at hazardous substance release sites. However, the potential cost savings is unquantifiable.

Determination of no Significant Statewide Economic Impact

The Department has made a determination through the economic impact assessment that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

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.

Effect on Small Businesses

The Department has determined that the proposed regulations will not impact small businesses. First, this action does not change the liability of parties responsible for cleanup. Second, this action does not change the screening and cleanup levels presently required at sites in California under Department oversight because it does not change existing practices for evaluating risk and developing risk-based cleanup actions for hazardous substance cleanup sites in California. The proposed regulations do not increase cleanup costs or the scale or scope of hazardous substance release cleanups in California. In contrast, implementation of the proposed regulations may result in cost savings to small businesses due to greater certainty in the application of toxicity criteria applied at hazardous substance release sites. Accordingly the department has determined that the proposed regulations will have no or minimal effect on small businesses.

Effect on Housing Costs

The proposed regulations formally implement procedures currently and historically used for selecting toxicity criteria for human health risk assessments and determining human health-based screening levels and remediation goals for hazardous substance release sites in California. Accordingly, the department has determined that the proposed regulations will not impact housing costs.

Results of the Economic Impact Analysis

The proposed regulations clarify and specify the selection of toxicity criteria for human health risk assessments and establishing health-based screening levels and remediation goals at hazardous substance release sites in California and implement procedures in place since at least 1994 to assess human health risk at hazardous substance release sites in California. Because the proposed regulations implement procedures that

have been in effect, there will be no change to the liability of businesses responsible for cleanup of hazardous substances.

The Department concludes that there will be no direct economic costs to businesses from this action, including the creation or elimination of jobs, the creation of new businesses or elimination of existing businesses, an impact to expansion of businesses currently doing business in the state of California, and the ability of California businesses to compete with businesses in other states. Conversely, there may be fiscal benefits to California business from the greater certainty in the application of toxicity criteria applied at hazardous substance release sites.

BUSINESS REPORTING REQUIREMENT

The proposed regulations apply no reporting requirement to State of California businesses.

CONSIDERATION OF ALTERNATIVES

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

On November 11, 2016, the Department published a “pre-APA” version (Alternative 1) of the draft regulations and on December 12, 2016, held a public workshop to interactively solicit comment and input from the public on the proposed regulations. This pre-APA version was similar to the current proposed regulations (Alternative 3 discussed below), but less descriptive and more rigidly applied the “most protective” toxicity criteria of the three most reliable (scientifically supported) sources listed in the draft rule. It also incorrectly implied remediation goals must be set at an excess cancer risk of 1×10^{-6} and a non-cancer hazard index (HI) of “1.0” for contaminants at a hazardous waste release site.

From the input received in the workshop and comments, the Department developed Alternative 2. It “ranked” the primary toxicity criteria sources; included an exclusion for certain metallic elements and a variance procedure; and clarified the application of the 1×10^{-6} cancer risk level and an HI of 1 for non-cancer risk contaminant screening levels and remediation goals.

Upon further internal deliberation and consultation with other state and federal agencies, the Department

determined some of the changes incorporated into Alternative 2 were impracticable or did not adequately factor in California's unique demographic in selecting appropriate criteria, and significantly changed current and historical practice for selecting toxicity criteria. Accordingly, the current proposed regulation (Alternative 3) is consistent with current and past practice, applies the best scientific practice, and factors in California's unique demographic in selecting toxicity criteria. In contrast to Alternative 1, it also does not include specific language regarding application of the 1×10^{-6} cancer risk level and HI of 1 for non-cancer risk to set remediation goals, but instead refers to the National Contingency Plan for that process.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

California Environmental Quality Act (CEQA) Compliance

After a preliminary evaluation the Department has determined a Notice of Exemption pursuant to California Code of Regulations, title 14, section 15061(b)(3), is applicable to fulfill CEQA requirements.

CONTACTS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Mr. Kevin Depies at (916) 255-6547 or by email at ToxCriteriaRule@dtsc.ca.gov. If Mr. Depies is not available, contact the Regulations Coordinator, Ms. Jackie Buttle at (916) 255-3730 or regs@dtsc.ca.gov. Note: oral inquiries are not part of the official rulemaking record.

A 45-day public comment period for this rulemaking file, as described above, will commence on August 4, 2017 and close on September 20, 2017 at 11:59 p.m. PDT. During this time, the Department will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before the Department adopts, amends, or repeals these regulations.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND RULEMAKING RECORD

Copies of the Notice of Proposed Action, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which its proposal is based, and the express terms of the proposed regulations will be posted to The Department's Internet site at <http://dtsc.ca.gov/LawsRegsPolicies/Regs/Toxicity-Criteria-for-Human-Health-Risk-Assessment.cfm>, or may be obtained from Ms. Jackie Buttle, Regulations Coordinator, as specified below.

After the close of the comment period, the Department may adopt the proposed regulations. If substantial changes are made, the modified full text will be made available for comment for no less than 15 days prior to adoption. Only persons who request these specific proposed regulations, attend the hearing, or provide written or oral comments on the proposed regulations will be sent a copy of the modified text if substantive changes are made.

Once the regulations have been adopted, the Department will prepare a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how the Department addressed comments, and includes other materials required by Government Code § 11346.9. Copies of the Final Statement of Reasons may also be obtained from the Regulations Coordinator at the address listed below. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State, and the effective date of the regulations will also be posted on the Department's Internet site at: <http://dtsc.ca.gov/LawsRegsPolicies/Regs/Toxicity-Criteria-for-Human-Health-Risk-Assessment.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable eList, or to subscribe directly, e-mail: regs@dtsc.ca.gov.

Ms. Jackie Buttle
Regulations Coordinator
Office of Planning and Environmental Analysis
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

E-mail address: regs@dtsc.ca.gov
Fax number: (916) 255-3785
Phone number: (916) 255-3730

If Ms. Buttle is unavailable, please contact Mr. Depies at (916) 255-6547 or by email at ToxCriteriaRule@dtsc.ca.gov.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

Notice of Date Change for Public Hearing on Proposed Regulatory Action

In a notice of proposed regulatory action published in the California Regulatory Notice Register 2017, No. 20-Z, on May 19, 2017, the Fish and Game Commission proposed to add Section 1.95, Title 14, California Code of Regulations, regarding a process to automatically conform State recreational fishing regulations to federal regulations. **The date of the hearing relevant to this action has been changed from Thursday, August 17, 2017, to Wednesday, August 16, 2017, at 8:00 a.m.,** or as soon thereafter as the matter may be heard. The location remains the same at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA.

Written comments mailed, delivered, or emailed to the Commission office, must be received before 12:00 noon on August 11, 2017. All comments must be received no later than **August 16, 2017**, at the hearing in Sacramento, California.

For additional information, please refer to the notice published on May 19, 2017.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ANNOUNCEMENT OF FIRST PUBLIC COMMENT PERIOD AND WORKSHOP

Draft Technical Support Document On The Proposed Update Of The Public Health Goals For Cis-/Trans-1,2-Dichloroethylene In Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of the draft technical support document for the update of the Public Health Goals (PHGs) for cis-1,2-dichloroethylene (cis-1,2-DCE) and trans-1,2-dichloroethylene

(trans-1,2-DCE) in drinking water. The document proposes an updated PHG of 13 parts per billion (ppb) for cis-1,2-DCE and 50 ppb for trans-1,2-DCE.

PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the State Water Resources Control Board in setting California's drinking water standards (Maximum Contaminant Levels, or MCLs).³

The draft technical support document for this update is posted on the OEHHA website at www.oehha.ca.gov. OEHHA is soliciting comments on the draft document during a 45-day public comment period. **Written comments must be received at PHG.Program@oehha.ca.gov or at the postal address at the end of this notice by 5:00 p.m. on September 18, 2017 to be considered.**

The Office will hold a public workshop on September 18, 2017 at the California Environmental Protection Agency Headquarters Building, 1001 I Street, Sacramento, California, 95814, Training Room 1 East/West, from 2:00 to 4:00 p.m., or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The workshop is provided to enable a dialogue between OEHHA scientists and the public to discuss the scientific basis of the proposed PHG updates, and to receive comments. After the public workshop, OEHHA will submit the draft risk assessment for external scientific peer review.

Following the workshop, public comment period and external scientific peer review, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for a 30-day public comment period. After any subsequent revisions, the final document will be posted on the OEHHA website along with responses to the external peer review comments and to major comments received at the workshop and during the two public comment periods.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at PHG.Program@oehha.ca.gov or at (916) 324-7572.

¹ Codified at Health and Safety and Code, section 116270 et seq.

² Health and Safety and Code section 116365(c).

³ Health and Safety and Code section 116365(a) and (b).

Written comments on the draft technical support document may be submitted by 5:00 p.m. on September 18, 2017 to PHG.Program@oehha.ca.gov or to:

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

DECISION NOT TO PROCEED

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Informed Consent and Capacity Determination —
Notice File No. Z2016-0915-02

Re: Notice of Change to Regulations concerning Informed Consent and Capacity Determination and Selection of Surrogate.

Pursuant to Government Code 11347, the California Department of Corrections and Rehabilitation (CDCR) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Notice Register on September 30 2016, Register 2016, No. 40-Z, concerning Informed Consent and Capacity Determination (OAL Notice Z-2016-0915-02).

Any interested person with questions concerning this rulemaking should contact Sherri Garcia at either (916) 445-2266 or by e-mail at sherri.garcia@cdcr.ca.gov.

The Department will also post this Notice of Decision Not to Proceed on its website.

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

PETITIONER:

Inmate Dean Walsh, #AB0172

AUTHORITY:

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

CONTACT PERSON:

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

AVAILABILITY OF PETITION:

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

SUMMARY OF PETITION:

Inmate Walsh acknowledges that on April 13, 2017, the Department duly adopted regulations to implement the provisions of Proposition 57 approved by California voters in November 2016. The official title of the regulations is: "Credit Earning and Parole Consideration". He is now petitioning to amend and/or repeal California Code of Regulations (CCR), Title 15, Division 2, Section 2449.1(a)(1) and Division 3, Section 3490(a)(1), to include Nonviolent Third Strike offenders in the parole consideration process created by Proposition 57. Inmate Walsh notes that Section 32(a)(1) of Article I of the California Constitution states, "Parole consideration: Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense." The petitioner contends by excluding nonviolent third strike offenders from parole consideration, the regulations are invalid and should be revised for the following reasons:

- The regulations violate the constitutional provisions by excluding nonviolent third strike offenders from parole consideration, because the regulations ignore the language in the constitution which states “any persons;” this means “all persons,” as long as they are not convicted of a violent offense, are entitled to parole consideration pursuant to Section 32(a)(1) of Article I of the California Constitution.
- The regulations violate the separation of powers doctrine by redefining what constitutes a nonviolent [felony] offender, because only the legislature has the authority to define crimes. The constitution guarantees parole consideration to any person convicted of nonviolent felony offense. However, the regulations exclude nonviolent third strike offenders. Petitioner states CDCR is beyond the scope of their authority by excluding nonviolent third strike offenders from parole consideration. Noting the term nonviolent offender was not defined in the constitution or by the legislature the Department does not have the authority to define what criminal conduct is. Therefore, CDCR’s definition of a nonviolent offense should not be valid, and the regulation should be amended to include nonviolent third strikers for parole consideration, because violent offenders are already defined in California Penal Code section 667.5(c) and CCR Sections, 2449.1(c), 3490(c), 3000, and 3078(a)(1).
- The regulations are contrary to the intent of the voters by excluding nonviolent third strikers for parole consideration. Petitioner states the voters were aware that the language of early parole consideration would apply to all nonviolent offenders, who were sentenced under alternative sentencing, as described in Section 32(a)(1)(a) of Article I of the California Constitution. Petitioner further states the Three Strikes Law is an “alternative sentence” and “any person convicted of a nonviolent felony,” who is currently sentenced pursuant to the Three Strikes Law, “shall be eligible for parole consideration” as noted in Section 32(a)(1)(a) of Article I of the California Constitution. Petitioner requests that the Department change the regulations to include third strike nonviolent offenders since this was the intent of the voters.
- The regulations conflict with the California Supreme Court decision of Brown v. Superior Court, 63 Cal.4th 335, 352–53 (2016) by excluding nonviolent offenders who are serving “Three Strikes Sentences.” Petitioner asserts the

California Supreme Court stated Proposition 57 is “a constitutional amendment that would significantly modify parole consideration after completing ‘the full term’ for their ‘primary offense,’ defined as “the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.” Therefore, the regulations are in conflict with the court’s decision and should be amended.

DEPARTMENT DECISION:

A public hearing on the Department’s regulations implementing Proposition 57 has been scheduled for September 1, 2017 from 9 a.m. to 12 p.m. at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California 95814. The Notice of Proposed Regulations, CDCR’s Notice of Change to Regulations and the accompanying Initial Statement of Reasons and regulation text implementing Proposition 57 were published for public comment on July 14, 2017. The title of the rulemaking is: “Credit Earning and Parole Consideration.” Copies of these documents were sent to those on the contact list maintained by the Department for notices of regulation changes. The Department has confirmed that the petitioner is on the contact list for regulations and has been mailed copies of the documents. The petitioner may submit comments during the public comment period using the contact information contained in the notice. The petitioner now will have the benefit of the explanations and reasoning for the regulations contained in the Initial Statement of Reasons. The Department will respond to comments in the Final Statement of Reasons.

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

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

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

DEPARTMENT OF JUSTICE

2017 OAL DETERMINATION NO. 2
(OAL MATTER NO. CTU2017-0112-01)

REQUESTED BY: TURLOCK POKER ROOM & GOLD GAMING CONSULTANTS

CONCERNING: Department of Justice, Bureau of Gambling Control's "Notification Regarding Rules of Games Featuring A Player-Dealer Position," dated June 30, 2016.

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations, title 1, section 250.¹ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

CHALLENGED RULE

The challenged rule is the "Notification Regarding Rules of Games Featuring a Player-Dealer Position," addressed to California Gambling Establishment Representatives, dated June 30, 2016 and issued by the De-

partment of Justice, Bureau of Gambling Control (Bureau). It is attached as Exhibit A and will be referred to as the "Notification."

DETERMINATION

OAL determines that the Notification meets the definition of a "regulation" that should have been adopted pursuant to the APA, but was not. It is, therefore, an underground regulation.

FACTUAL BACKGROUND

On January 12, 2017, Turlock Poker Room and Gold Gaming Consultants (Petitioners) submitted a petition to OAL challenging the Notification as an underground regulation.

OAL accepted the petition for consideration on March 13, 2017. The petition was published in the California Regulatory Notice Register on March 24, 2017. Comments from the public were solicited until April 24, 2017. Numerous comments were received from gaming establishments and individuals employed at gaming establishments, all of which reflected opposition to the underlying policy decision of the Bureau in the issuance of the challenged rule. The commenters also contend that the policy articulated in the Notification creates a significant economic impact due to the new rules in the Notification. The Notification deviates from a previous interpretation of Penal Code section 330.11 by the Bureau and the commenters object to the deviance from the previously set standards for the approval of games involving the rotating dealer-player position. The Bureau declined to submit a response to the petition.

The Notification is addressed to "All California Gaming Establishments." It provides that a review was conducted by the Bureau with respect to the play of games featuring a rotating player-dealer position. It states that the Bureau is issuing a notification of the revised practice "relating to the rotation of the player-dealer position in games permitted by Penal Code section 330.11." It further states that Penal Code section 330.11 "provides in relevant part that acceptance of the deal by every player is not mandated if the Bureau finds that the rules of the game render the maintenance or operation of a bank impossible by other means." It then goes on to state:

Accordingly, in considering rules for games featuring a player-dealer position that do not mandate acceptance of the deal by every player, the Bureau will deny approval to rules that do not do all of the following:

¹ As defined by title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

1. Provide for an offer of the player–dealer position to each player seated at the table immediately upon completion of every second consecutive hand, or more frequently if desired. The offer must be clearly visible to surveillance cameras and audible, so that each player at the table is aware of the opportunity made available by the offer.
2. Provide that no one person or entity may hold or otherwise be involved in the player–dealer position continuously for 60 minutes. The player–dealer position must rotate completely away from a person or entity within a 60–minute period, to a different person or entity from the one who occupied the position during the hand immediately preceding the rotation. The 60–minute period commences upon acceptance of the player–dealer position.
3. Provide that upon failure of fulfillment of any of the requirements of play identified in paragraph 2, the game must end, and that a new game cannot begin for at least two minutes.
4. Provide for immediate notification to all players that the game has ended, cards or tiles cannot be dealt, and wagers cannot be made. The dealer tray must be covered during this time to indicate the game has ended.
5. Provide for the shuffling of all cards or tiles upon the opening of a new game.

The Notification further indicates that the gaming establishments are to review current game rules for the games that are already approved as to compliance with the new Notification. If the rules for any of the games listed in the attachment to the Notification (which was indicated to be a list of “games featuring a player–dealer position currently approved for play in [their] gambling establishment”), are not in compliance with the Notification, then the gaming establishment is to provide the Bureau with proposed modified rules for each game no later than September 30, 2016. Games could continue if proposed new rules are postmarked by September 30, 2016, “under the currently approved rules until the Bureau makes a determination on the proposed modified game rules.” It further provides that no fee was required and that the Bureau would exercise its authority under section 2071(c) of title 11 of the California Code of Regulations and issue temporary (12 month) approvals to continue to monitor game play to ensure compliance with items 1 through 5, above. Finally, it provides that approval will be withdrawn and the game may no longer be offered if there is not full compliance with 1 through 5, above, and receipt by the Bureau of proposed modified game rules by the deadline (September 30, 2016).

UNDERGROUND REGULATIONS

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

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

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

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

ANALYSIS

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

A regulation is defined in Government Code section 11342.600 as:

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

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

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

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

The Notification was addressed to "All California Gaming Establishments" and appears to have been sent to all gaming establishments under the jurisdiction of the Bureau, or to at least all those who offer games with a rotating player-dealer position. The Notification is intended to be generally applicable to all gaming establishments that offer a rotating player-dealer position, which is a clearly defined class. The first element of *Tidewater*, therefore, is met.

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

California Penal Code Section 330 makes it a crime for any person to cause to be conducted "any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice, or any device". (Pen. Code § 330) Under Penal Code section 330, all of the eleven specified games, as well as any banking or percentage games, are prohibited. "A 'banking game' is one in which the 'house' or 'bank' is a participant in the game, taking on all corners, paying all winners, and collecting from all losers. . . [citations omitted]." (*Oliver v. City of Los Angeles*, 66 Cal.App. 4th 1397, 1407, 78 Cal.Rptr. 2d 641 (1998).)

Penal Code section 330.11 provides that a banking game "does not include a controlled game if the published rules of the game feature a player-dealer position that is "continuously and systematically rotated

amongst each of the participants during the play of the game." Penal Code Section 330.11 states:

"Banking game" or "banked game" does not include a controlled game if the published rules of the game feature a player-dealer position and provide that *this position must be continuously and systematically rotated amongst each of the participants during the play of the game*, ensure that the player-dealer is able to win or lose only a fixed and limited wager during the play of the game, and preclude the house, another entity, a player, or an observer from maintaining or operating as a bank during the course of the game. For purposes of this section *it is not the intent of the Legislature to mandate acceptance of the deal by every player if the division finds that the rules of the game render the maintenance of or operation of a bank impossible by other means*. The house shall not occupy the player-dealer position. (Emphasis added.)

The Notification challenged by the current petition contains, among other requirements, five specific requirements that must be met when the rules for games featuring a rotating player-dealer position do not mandate acceptance of the deal by every player. The Notification specifically refers to interpretation of Penal Code Section 330.11 and the provision that "acceptance of the deal by every player is not mandated if the Bureau finds that the rules of the game render the maintenance or operation of a bank impossible by other means." The Notification goes on to articulate the five specific criteria to make that decision as to whether the rules of the game "render the maintenance or operation of a bank impossible by other means." The Bureau states that it will deny approval of a game if its rules do not meet the five stated requirements or if the Bureau did not receive (or have a postmark of) a games' modified rules by September 30, 2016. The Bureau is clearly implementing, interpreting and making more specific Penal Code Section 330.11 in the Notification.

The requirements set forth in the Notification, therefore, meet the definition of "regulation" in Government Code section 11342.600.

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

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

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

The Bureau has not identified an express statutory exemption from the APA that would apply to the requirements articulated in the Notification, nor did OAL find such an exemption.

CONCLUSION

In accordance with the above analysis, OAL determines that the Notification meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. It is, therefore, an underground regulation.

Date: July 24, 2017

/s/
Debra M. Cornez
Director

/s/
Elizabeth A. Heidig
Assistant Chief Counsel

Copy: Wayne J. Quint, Jr., Bureau Chief
Paris Modha, Deputy Attorney General

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# 2017-0613-02
BOARD OF FORESTRY AND FIRE PROTECTION
Rule Alignment #2, 2017

This action, without regulatory effect, (1) makes grammatical and stylistic changes; (2) amends scientific names of species; and (3) removes provisions which have expired by their own sunset terms.

Title 14
AMEND: 895.1, 896, 897, 898, 898.1, 898.2, 900, 901, 902, 902.1, 902.2, 902.3, 903.1, 903.2, 906, 907, 911
Filed 07/26/2017
Agency Contact: Matt Dias (916) 653-8007

File# 2017-0613-01
CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
Children’s Hospital Program of 2004

In this rulemaking action, the California Health Facilities Financing Authority (CHFFA) amends regulations and adopts one new regulation in Title 4 of the California Code of Regulations to enable CHFFA to administer a third funding round to award and distribute the remaining approximately \$8 million in grant funds under the Proposition 61 Children’s Hospital Program of 2004 and to administer a fourth funding round if grant funds remain at the conclusion of the third funding round.

Title 4
ADOPT: 7033.1 AMEND: 7030, 7033, 7034, 7035, 7037, 7040, 7042, 7045
Filed 07/26/2017
Effective 10/01/2017
Agency Contact: Carolyn Aboubechara (916) 653-3213

File# 2017-0613-05
CALIFORNIA HORSE RACING BOARD
Racing Secretary Conditions & Medication, Drugs and other Substances

The California Horse Racing Board submitted this timely certificate of compliance to make permanent the regulations adopted in OAL File No. 2016-0715-02E, readopted in 2017-0113-06EE, and again in 2017-0414-03EE.

Title 4
AMEND: 1581, 1843
Filed 07/26/2017
Effective 07/26/2017
Agency Contact: Philip Laird (916) 263-6025

File# 2017-0619-01
CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
CPCFA — CalCAP Seismic Safety Financing Program

This Certificate of Compliance resubmittal filing by the California Pollution Control Financing Authority (“CPCFA”) makes permanent the adoption of sections 8078.15, 8078.16, 8078.17, 8078.18, 8078.19, 8078.20, and 8078.21 in title 4 of the California Code of Regulations. Health and Safety Code section 44559 establishes the Capital Access Program (“CalCAP”) and authorizes CPCFA to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. This rulemaking makes permanent alternate provisions specific to the California Seismic Safety Capital Access Loan Program (the “CalCAP/Seismic Safety Program”)

within CalCAP. Specifically, these regulations assist qualified residential property and small business owners in obtaining loans to finance the costs of seismically retrofitting residences and small businesses. Additionally, the CalCAP/Seismic Safety Program provides a credit enhancement to support private bank loans to qualified residential and commercial property owners to make improvements to mitigate seismic damage.

Title 4

ADOPT: 8078.15, 8078.16, 8078.17, 8078.18, 8078.19, 8078.20, 8078.21

Filed 07/26/2017

Effective 07/26/2017

Agency Contact: Elena Miller (916) 654-5951

File# 2017-0711-07

CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS SITE AUTHORITY**Conflict-of-Interest Code**

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

Title 2

AMEND: 57700

Filed 07/25/2017

Effective 08/24/2017

Agency Contact: Deanne Ellison (805) 437-3151

File# 2017-0613-04

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**Amend Academy Instructor Certificate Program Content**

This action amends the Academy Instructor Certificate Program (AICP) to permit Academy Directors, Coordinators, and Recruit Training Officers (Academy Staff) to provide incidental instruction as needed to supplement and clarify instructional content taught in the AICP, excluding certain specialized subjects.

Title 11

AMEND: 1009

Filed 07/25/2017

Effective 10/01/2017

Agency Contact: Christy Correa (916) 227-4847

File# 2017-0613-03

**DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine**

This certificate of compliances makes permanent the prior emergency action that expanded the quarantine

area for the Asian Citrus Psyllid (ACP) in the Kingsburg area of Kings County. (See OAL File No. 2016-1219-03E.) The effect of this action provides authority for the state to perform quarantine activities against ACP within this area.

Title 3

AMEND: 3435(b)

Filed 07/24/2017

Effective 07/24/2017

Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0707-03

**DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine**

This timely certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* by adding the Fairfield area of Napa and Solano Counties (OAL 2017-0106-03E). This adds a quarantine area of approximately 120 square miles in response to the identification of one adult ACP on December 21, 2016. This action provides permanent authority for the State to perform quarantine activities against ACP within this additional area.

Title 3

AMEND: 3435(b)

Filed 07/20/2017

Effective 07/20/2017

Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0720-03

**DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing Disease Interior Quarantine**

This emergency rulemaking by the Department of Food and Agriculture expands the quarantine area for Huanglongbing ("HLB") disease into the Rosemead area of Los Angeles County. The quarantine area is being expanded by approximately 11 square miles in response to the confirmation on June 23, 2017, of the presence of HLB from suspect citrus tissue samples collected in the Rosemead area. This emergency action provides authority for the state to perform quarantine activities against HLB within this additional area. The total area which is now under regulation is approximately 427 square miles.

Title 3

AMEND: 3439(b)

Filed 07/26/2017

Effective 07/26/2017

Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0720-04

DEPARTMENT OF FOOD AND AGRICULTURE

Peach Fruit Fly Eradication Area and Peach Fruit fly Interior Quarantine

This emergency action by the Department of Food and Agriculture supplants the existing host list for the peach fruit fly, *Bactrocera zonata*, with the host list recently revised and disseminated by the United States Department of Agriculture.

Title 3

AMEND: 3591.12, 3424(c)

Filed 07/25/2017

Effective 07/25/2017

Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0609-02

DEPARTMENT OF PUBLIC HEALTH

Clinical Lab Standards (Proficiency Testing) Part 2, Section 100

This action by the Department of Public Health repealed section 1050 in title 17 of the California Code of Regulations based on determinations that the federal Clinical Laboratory Improvement Amendments published by the Centers for Medicare and Medicaid Services in 2003 are equivalent to or more stringent than existing California law or regulation.

Title 17

REPEAL: 1050

Filed 07/24/2017

Agency Contact: Linda Cortez (916) 440-7807

File# 2017-0608-01

FISH AND GAME COMMISSION

Deer Tagging and Reporting

The Fish and Game Commission amended California Code of Regulations, title 14, section 708.5, which pertains to deer tagging and reporting requirements. The amendments eliminate delivery of deer hunting report cards in person to the Department of Fish and Wildlife and provide report cards submitted by mail but not received by the Department of Fish and Wildlife are considered not reported.

Title 14

AMEND: 708.5

Filed 07/19/2017

Effective 10/01/2017

Agency Contact: Jon Snellstrom (916) 653-4899

File# 2017-0608-03

FISH AND GAME COMMISSION

Waterfowl

The Fish and Game Commission amended California Code of Regulations, title 14, section 502, which per-

tains to hunting of specified migratory waterfowl in various zones throughout California. The amendments to section 502 re-designate portions of the boundaries for the Southern San Joaquin Valley Zone and the Colorado River Zone, and re-designates some of the dates or times for hunting specified waterfowl and related daily bag and possession limits in all zones.

Title 14

AMEND: 502

Filed 07/19/2017

Effective 07/19/2017

Agency Contact: Jon Snellstrom (916) 653-4899

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 22, 2017 TO
July 26, 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

07/25/17 AMEND: 57700

07/12/17 ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067

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 REPEAL: 157, 171, 194, 195, 196, 198, 199, 199.1, 200, 205, 206, 210, 250, 265, 548.70

06/22/17 AMEND: 327

06/21/17 AMEND: 3700

06/19/17 AMEND: 1859.2, 1859.82

06/08/17 AMEND: 52.4, 548.49, 548.136

05/31/17 ADOPT: 249.8

05/26/17 AMEND: 11030, 11031, 11034

04/10/17 ADOPT: 552.1

03/27/17 ADOPT: 11017.1 AMEND: 11017

03/22/17 AMEND: 58000

03/21/17 ADOPT: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09

03/03/17 ADOPT: 599.829.1

02/28/17 AMEND: 2270, 2271

Title 3

07/26/17 AMEND: 3439(b)
 07/25/17 AMEND: 3591.12, 3424(c)
 07/24/17 AMEND: 3435(b)
 07/20/17 AMEND: 3435(b)
 07/17/17 AMEND: 3435(b)
 07/12/17 ADOPT: 6190
 07/10/17 AMEND: 3435(b)
 07/06/17 AMEND: 3439(b)
 07/06/17 AMEND: 3439(b)
 07/06/17 AMEND: 3435(b)
 06/28/17 AMEND: 1358.7
 06/26/17 AMEND: 3435(b)
 06/22/17 ADOPT: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324
 06/19/17 AMEND: 3435(b)
 06/14/17 AMEND: 3435(b)
 06/08/17 AMEND: 3435(b)
 06/07/17 AMEND: 3435(b)
 06/05/17 ADOPT: 3591.28
 06/02/17 AMEND: 3435(d)
 06/01/17 AMEND: 3591.12
 05/30/17 AMEND: 3439(b)
 05/15/17 AMEND: 3435(b)
 05/15/17 AMEND: 3435(b)
 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)
 03/14/17 AMEND: 3061
 03/13/17 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
 03/07/17 AMEND: 3435(b)
 03/02/17 AMEND: 3435(b)
 02/28/17 ADOPT: 3070
 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

02/24/17 AMEND: 3435(b)

Title 4

07/26/17 ADOPT: 7033.1 AMEND: 7030, 7033, 7034, 7035, 7037, 7040, 7042, 7045
 07/26/17 AMEND: 1581, 1843
 07/26/17 ADOPT: 8078.15, 8078.16, 8078.17, 8078.18, 8078.19, 8078.20, 8078.21
 07/18/17 ADOPT: 610
 07/12/17 ADOPT: 299 AMEND: 297, 300
 07/12/17 AMEND: 10325.5
 06/20/17 AMEND: 1696
 06/01/17 AMEND: 1433, 1845
 05/31/17 AMEND: 1632
 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
 05/08/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14
 05/04/17 AMEND: 10031, 10032, 10033, 10035, 10036
 05/02/17 ADOPT: 10325.5 AMEND: 10337
 04/20/17 AMEND: 1581, 1843
 04/10/17 AMEND: 10170.3, 10170.8, 10170.9, 10170.10, 10170.14
 03/14/17 ADOPT: 299 AMEND: 297, 300
 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

Title 5

07/18/17 AMEND: 851, 853.5, 853.7, 855, 856
 06/27/17 REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9
 06/26/17 AMEND: 19810
 06/14/17 AMEND: 41908
 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

06/02/17	ADOPT: 11534.1 AMEND: 11530, 11533, 11534	05/23/17	AMEND: 50.20
05/30/17	ADOPT: 71396	05/18/17	AMEND: 50.23
04/05/17	ADOPT: 75300 AMEND: 75200, 75210	05/18/17	AMEND: 50.12
03/14/17	AMEND: 15495 REPEAL: 15497.5	05/18/17	AMEND: 50.14
Title 8		05/16/17	AMEND: 50.8
07/18/17	ADOPT: 9789.17.3 AMEND: 9789.12.2, 9789.17.1, 9789.18.12, 9789.19	05/16/17	AMEND: 50.15
06/29/17	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4	05/16/17	AMEND: 50.21
06/29/17	AMEND: 344.18	05/16/17	REPEAL: 50.22
06/20/17	AMEND: 9789.39	05/16/17	ADOPT: 50.22
06/05/17	AMEND: 1637	05/15/17	AMEND: 50.5
06/05/17	AMEND: 3220	05/15/17	REPEAL: 50.7
05/23/17	ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408	05/15/17	AMEND: 50.6
05/16/17	AMEND: 20335(c)	05/15/17	AMEND: 50.16
04/14/17	AMEND: 15203.2(d)	05/15/17	AMEND: 50.17
04/04/17	AMEND: 5155	Title 13	
03/27/17	AMEND: 9701, 9702	06/29/17	AMEND: 1160.1, 1160.2, 1160.3, 1160.4
03/20/17	AMEND: 4306	06/20/17	AMEND: 2775, 2775.1, 2775.2
03/14/17	AMEND: 17304	06/19/17	AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14
02/24/17	ADOPT: 10770.7 AMEND: 10770	06/12/17	AMEND: 156.00
Title 9		05/15/17	AMEND: 16.06
06/13/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	04/19/17	AMEND: 26.01, 26.02
03/15/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	04/17/17	AMEND: 2222
Title 10		04/06/17	AMEND: 1157.21
06/21/17	ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7	02/22/17	AMEND: 1153
04/17/17	ADOPT: 6520, 6522, 6528	Title 14	
03/22/17	ADOPT: 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380	07/26/17	AMEND: 895.1, 896, 897, 898, 898.1, 898.2, 900, 901, 902, 902.1, 902.2, 902.3, 903.1, 903.2, 906, 907, 911
03/22/17	AMEND: 2218.30	07/19/17	AMEND: 502
03/09/17	AMEND: 2911, 2912	07/19/17	AMEND: 708.5
02/28/17	ADOPT: 8200, 8210, 8220, 8230	07/18/17	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0
Title 11		07/17/17	AMEND: 360, 361, 362, 363, 364, 364.1
07/25/17	AMEND: 1009	07/13/17	AMEND: 13055
07/18/17	AMEND: 1008	07/12/17	AMEND: 670.2
06/28/17	AMEND: 1005, 1007, 1008	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
06/21/17	AMEND: 1015	05/26/17	AMEND: 7.50
06/01/17	AMEND: 50.10		
06/01/17	AMEND: 50.13		
05/31/17	REPEAL: 50.18		
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		
05/23/17	AMEND: 1001, 1005, 1008		
05/23/17	AMEND: 50.19		

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	07/18/17	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 174405.0
05/03/17	ADOPT: 1265.00, 1265.01, 1265.02, 1265.03	07/17/17	AMEND: 360, 361, 362, 363, 364, 364.1
05/01/17	AMEND: 27.80	07/13/17	AMEND: 13055
05/01/17	AMEND: 28.20	07/12/17	AMEND: 3000, 3753, 3754, 3763, 6766, 3769.6
04/18/17	AMEND: 1038	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
04/13/17	ADOPT: 3805.1	06/27/17	AMEND: 3620, 3621, 3622
04/12/17	ADOPT: 111	06/08/17	ADOPT: 8106.2 AMEND: 8106.1
04/03/17	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0	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
03/27/17	AMEND: 27.80	05/11/17	ADOPT: 3999.23
03/17/17	AMEND: 550, 550.5, 551, 552, 630, 702, 703	04/17/17	AMEND: 3000, 3030, 3190, 3269
03/16/17	ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20	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
03/14/17	REPEAL: 8600	04/03/17	ADOPT: 3999.22
03/07/17	ADOPT: 749.9	03/22/17	AMEND: 8006
03/03/17	ADOPT: 16500	03/21/17	ADOPT: 8900 AMEND: 8901
03/02/17	ADOPT: 748.6	03/14/17	AMEND: 8004, 8004.3
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	03/07/17	AMEND: 3332, 3343
02/28/17	AMEND: 1.74, 5.05, 5.20, 5.35, 5.40, 5.60, 7.00, 7.50, 29.45, 43, 671	02/22/17	AMEND: 3173.2
02/27/17	ADOPT: 715 AMEND: 702	Title 16	
Title 15		07/06/17	AMEND: 1398.3, 1398.4, 1398.6, 1398.15, 1398.20, 1398.21, 1398.21.1, 1398.23, 1398.28, 1398.37, 1398.44, 1398.47, 1398.50, 1398.51, 1398.52, 1399, 1399.23, 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1398.24, 1398.27, 1398.42
07/18/17	ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12	06/23/17	AMEND: 2649
07/19/17	AMEND: 502	06/22/17	AMEND: 80.1, 80.2, 87, 87.1
07/19/17	AMEND: 708.5	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	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
05/24/17	ADOPT: 1001.1, 1001.2	Title 18	
05/24/17	AMEND: 1399.395	06/19/17	AMEND: 1703
05/24/17	AMEND: 1399.434, 1399.437 REPEAL: 1399.436	06/14/17	AMEND: 5332
05/10/17	AMEND: 426.10, 426.14, 426.50	05/24/17	ADOPT: 19195-1, 19195-2
05/08/17	ADOPT: 1398.26.3 AMEND: 1398.25	05/15/17	AMEND: 263
05/04/17	AMEND: 4130	05/15/17	AMEND: 1051
03/27/17	AMEND: 1105.2	05/03/17	ADOPT: 4001
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	03/17/17	AMEND: 1703
03/20/17	AMEND: 1732.05, 1732.2, 1732.5	03/09/17	AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598
03/20/17	AMEND: 1751, 1751.4	Title 19	
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).	07/06/17	AMEND: 2021
03/02/17	AMEND: 1707.5	05/01/17	AMEND: 2020, 2021
02/23/17	AMEND: 1399.672	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
Title 17		Title 20	
07/24/17	REPEAL: 1050	03/27/17	AMEND: 2909
07/17/17	ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677	03/27/17	AMEND: 1602, 1606
05/10/17	ADOPT: 51000, 51001, 51002	03/27/17	AMEND: 1606, 1607
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	Title 21	
04/24/17	ADOPT: 51000, 51001, 51002	05/25/17	ADOPT: 1478.1, 1478.2 AMEND: 1476
04/17/17	AMEND: 60201	Title 22	
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	07/14/17	AMEND: 51255, 51356
04/13/17	ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369	07/10/17	AMEND: 51490.1
03/23/17	AMEND: 95000	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		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
04/19/17	ADOPT: 69511, 69511.1		02/27/17	ADOPT: 863, 864, 864.5, 865, 866
04/18/17	REPEAL: 97770, 97771, 97772	Title 25		
04/10/17	ADOPT: 64300, 64305, 64310, 64315	07/18/17		ADOPT: 5535, 5535.5, 5536, 5536.5
03/27/17	AMEND: 51121	07/12/17		ADOPT: 6932 REPEAL: 6932
03/16/17	AMEND: 20100.5	Title 27		
03/09/17	AMEND: 64806	05/11/17		REPEAL: 25607.30, 25607.31
Title 22, MPP		05/04/17		AMEND: 25705
06/21/17	AMEND: 81001	05/03/17		AMEND: 25805
05/09/17	AMEND: 87163, 87217, 87775	04/04/17		AMEND: 25805
05/02/17	AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211	03/21/17		AMEND: 27000
04/27/17	AMEND: 101216.4, 101417	Title 28		
Title 23		06/27/17		AMEND: 1300.67.005
06/29/17	ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044, 1045, 1046	03/21/17		AMEND: 1300.67.241
06/28/17	ADOPT: 3010	Title MPP		
06/22/17	ADOPT: 3939.52	07/17/17		ADOPT: 31–137
06/09/17	AMEND: 865 REPEAL: 864.5, 866	06/19/17		AMEND: 40–188, 44–207, 44–316, 44–318, 80–310, 82–518, 82–812
05/18/17	AMEND: 3939.23			REPEAL: 44–314
05/16/17	ADOPT: 3939.51	05/01/17		AMEND: 44–211
03/16/17	ADOPT: 3929.15	04/25/17		AMEND: 44–211
		04/04/17		AMEND: 40–105, 40–131, 40–161