



# California Regulatory Notice Register

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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. CALIFORNIA TRAVEL AND  
TOURISM COMMISSION**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE OF THE  
CALIFORNIA TRAVEL & TOURISM  
COMMISSION**

NOTICE IS HEREBY GIVEN that the **CALIFORNIA TRAVEL & TOURISM COMMISSION**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **SEPTEMBER 8, 2017** and closing on **OCTOBER 23, 2017**. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: The adding of new positions which involve making or participating in decisions which may foreseeably have a material impact on a financial interest, current designated positions needing renaming or deletion and also making other technical changes.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than OCTOBER 23, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than OCTOBER 13, 2017.

The **CALIFORNIA TRAVEL & TOURISM COMMISSION** has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Rob Jacinto, Human Resources Manager at (916) 319-5431 or [rjacinto@visitcalifornia.com](mailto:rjacinto@visitcalifornia.com).

**TITLE 2. DEPARTMENT OF  
HUMAN RESOURCES**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE OF THE  
CALIFORNIA DEPARTMENT OF HUMAN  
RESOURCES**

NOTICE IS HEREBY GIVEN that the **California Department of Human Resources**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its conflict-of-interest code. A comment period has been established commencing on September 8, 2017 and closing on October 23, 2017. All inquiries should be directed to the contact listed below.

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

This amendment addresses the numerous organizational changes that have taken place as a result of the merger between Department of Personnel Administration and the State Personnel Board to create the California Department of Human Resources.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than October 23, 2017 or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than October 9, 2017.

California Department of Human Resources has determined that the proposed amendments:

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

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

Jodi LeFebre  
Legislative Coordinator  
[jodi.lefebvre@calhr.ca.gov](mailto:jodi.lefebvre@calhr.ca.gov)  
(916) 323-8490

## **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: California Department of Human Resources  
Department of Social Services  
Department of State Hospitals

MULTI-COUNTY: Chino Basin Desalter Authority

A written comment period has been established commencing on September 8, 2017, and closing on October

23, 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 October 23, 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 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 May 4, 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 October 31, 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](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 23, 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](mailto:Dean.Kelch@cdfa.ca.gov)  
 916.403.6650  
 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 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 0.8 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 Kern County by approximately 98 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 63,030 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are nineteen 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 website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed 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(d) 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 readopted on August 31, 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 November 29, 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](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 23, 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](mailto:Dean.Kelch@cdfa.ca.gov)  
916.403.6650  
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, 5321, and 5322).

#### Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 401.5, provides that 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.

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 regulation that prohibits the movement of bulk citrus within the quarantine areas, except for shipments moved under



the terms of a special permit as authorized under Title 3, Section 3154 of the California Code of Regulations.

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 0.8 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 prohibited the movement of bulk citrus fruit within the area of quarantine, except if the commodity is moved under the terms of a special permit. This will prevent the spread of ACP and HLB within the quarantine areas. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within the quarantine areas.

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 less than 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 4,422 citrus growers and 429 bulk citrus transporters in California. A minority of these currently ship bulk citrus within the quarantine zone unenclosed. There are additional costs to growers who take their fruit to a packinghouse inside the current quarantine area if they currently do not enclose their bulk loads. Tarps range in price from \$2,500–\$3,000 apiece. Growers and shippers that already move bulk citrus in the enclosed or tarped loads will not incur additional costs. As many shippers already cover or enclose bulk citrus loads, it is not likely this added cost for some shippers will affect jobs or the number of businesses in California.

Based on the preceding information, it was determined that due to the amendment of Section 3435(d), the agency is aware there will be a cost to these shippers associated with purchasing tarps or other means of enclosure and covering or enclosing loads of citrus. 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 Depart-

ment 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(d) 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 website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

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

The Department has prepared an initial statement of reasons for the proposed 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 amended subsection 3591.15 of the regulations in Title 3 of the California Code of Regulations pertaining to Melon Fruit Fly Eradication Area as an emergency action which was effective May 4, 2017. The Department intends to retain this amendment of the regulation by submitting a Certificate of Compliance no later than October 31, 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](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on October 23, 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](mailto: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 of Food and Agriculture, 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 (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 quaran-

tine, eradication, and such other regulations as are in the Secretary's opinion necessary to circumscribe and exterminate or prevent the spread of any pest which 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.

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control and eradication activities against melon fruit fly in Riverside County.

The implementation of this regulation will prevent:

- Direct damage to the agricultural industry growing host fruits.
- Indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets.
- Increased production costs to the affected agricultural industries.
- Increased pesticide use by the affected agricultural industries.
- Increased costs to the consumers of host fruits.
- Increased pesticide use by homeowners and others.
- The need to implement a State interior quarantine.
- The need to implement a federal domestic quarantine.

There is no existing, comparable federal regulation or statute regulating the intrastate movement of melon fruit fly 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 which can implement these eradication areas for plant pests. 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

Riverside was added to the Melon Fruit Fly Eradication Area regulation as an emergency action. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against melon fruit fly in the county of Riverside.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and 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.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

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.

*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 has determined the amendment of this regulation would benefit:

- The general public
- Homeowners and community gardens
- Agricultural industry
- The State's general fund

There are no known specific benefits to worker safety or the health of California residents.

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 subsections 3591.15 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

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 to 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 website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

28122, 28124, 28126, 28128, 28130, 28134, 28138, 28142, 28144, 28148, 28150, 28152 and 28174, Financial Code; Section 11077.1, Penal Code; and 5 U.S.C. 552a.

**TITLE 10. DEPARTMENT OF BUSINESS OVERSIGHT**

NOTICE IS HEREBY GIVEN  
[Government Code Section 11346.5, subdivision (a)(1)]

The Commissioner of Business Oversight (Commissioner) proposes to adopt regulations to implement the Student Loan Servicing Act.<sup>1</sup> Specifically, the Commissioner proposes to adopt Sections 2032–2057 in Subchapter 15, Chapter 3, of Title 10 of the California Code of Regulations.

The Student Loan Servicing Act expands the authority of the Commissioner to include the licensure, regulation, and oversight of student loan servicers. The Student Loan Servicing Act took effect on January 1, 2017, and becomes operational on July 1, 2018. Prior to enactment of the Student Loan Servicing Act, there were no California standards for student loan servicers.

This proposed rulemaking provides necessary detail and specificity to implement the Act efficiently and effectively; to achieve the stated legislative intent to promote meaningful access to, and reliable information about, student loans, federal alternative repayment and loan forgiveness options; and to promote quality customer service and fair treatment.<sup>2</sup> The proposed rules provide clarity, certainty and transparency for student loan servicers and the borrowers they serve.

AUTHORITY  
[Government Code Section 11346.5, subdivision (a)(2)]

Section 28106, Financial Code.

REFERENCE  
[Government Code Section 11346.5, subdivision (a)(2)]

Sections 31, 494.5, 17900, 17910, 17913 and 17926, Business and Professions Code; Sections 1633.7, 1798.17 and 1798.24, Civil Code; Section 17520, Family Code; Sections 7470, 7473, 7490, and 13140–13144, Government Code; Sections 28104, 28106, 28108, 28110, 28112, 28114, 28116, 28118,

<sup>1</sup> AB2251 (CH. 824. Stats.2016).

<sup>2</sup> AB2251 (CH. 824. Stats.2016), § 1, subd. (f).

PUBLIC COMMENTS  
[Government Code Section 11346.5, Subdivision (a)(171)]

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department’s contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD  
[Government Code Sections 11346.4, Subdivision (a) and 11346.5, Subdivision (a)(15)]

Where to Submit Comments

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Department, addressed as follows, by any of these means:

Postal Mail

Department of Business Oversight  
Attn: Mark Dyer, Legal Division  
1515 K Street, Suite 200  
Sacramento, CA 95814

Electronic Mail

Comments may be submitted electronically to [regulations@dbo.ca.gov](mailto:regulations@dbo.ca.gov). Please identify the comments as PRO 01/17 in the subject line.

Fax  
(916) 322–1559

Time for Comments

Comments may be submitted until 5:00 p.m., October 23, 2017. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

Comments Relating to the Economic and Cost Impact to Business and Individuals

As required under Government Code section 11346.5, the Department has made an initial assessment of the costs, benefits and cost–effectiveness of the proposed regulatory action and reasonable alternatives to regulatory action.

In addition to comments relating to the proposed rules, the Department is interested in any perspectives

or insights from the public concerning the potential economic and cost consequences to businesses, servicers, and other individuals from the proposed rules, and whether there are other ways to achieve the regulatory objectives in a more cost-effective and less burdensome manner. Interested parties are encouraged, but are not required, to submit written comments to any of the following questions:

1. Would the proposed regulations under the Student Loan Servicing Act have an adverse statewide economic impact or the potential for an adverse impact on individuals or businesses, including their ability to compete with businesses in other states? If so, please explain how and to what extent the proposed changes may adversely impact businesses and individuals.
2. What are other alternatives to the proposed changes that would lessen any adverse economic impact to businesses or individuals, and accomplish the regulatory objectives of protecting investors and improving regulatory oversight of the industry?
3. What specific operational or other changes would need to be made by businesses to comply with the proposed changes and what are the potential costs of these changes?
4. What other alternatives would be more effective, or as effective and less burdensome to businesses or individuals, in achieving the regulatory objectives than the proposed changes?
5. What benefits would the proposed changes provide to businesses or individuals?
6. To what extent would the proposed changes create or eliminate jobs or businesses, or expand businesses currently doing business in this state?
7. What performance standards may be used in place of any prescriptive standards in the proposed changes? “Performance standard” means a regulation that describes an objective with the criteria stated for achieving the objective.<sup>3</sup> “Prescriptive standard” means a regulation that specifies the sole means of compliance with a performance standard by specific actions, measurements, or other quantifiable means.<sup>4</sup>

INFORMATIVE DIGEST  
[Government Code Section 11346.5,  
Subdivision (a)(3)]

Policy Statement and Specific Benefits Anticipated from Regulatory Action [Government Code Section 11346.5, Subdivision (a)(3)(C)]

The objective of the proposed regulations is to implement the provisions of the Student Loan Servicing Act as efficiently and effectively as possible, by:

- Explaining, in easily understandable detail, the process and requirements for applying for a license as a student loan servicer, including the electronic system to use, and supporting documents and information needed;
- Requiring information and documents which will allow the Commissioner to most effectively investigate applicants, to determine if they meet the standards for licensure, and to effectively oversee licensee activities;
- Requiring applicants and licensees to notify the Department of any subsequent change to information in applications;
- Specifying general books and records, as well as individual borrower servicing account records that licensees must maintain, to comply with the Student Loan Servicing Act;
- Requiring servicers to maintain their books and records at a licensed location designated by the servicer, accessible for examination by the Department; and
- Specifying, in clear detail, requirements for compliance with the borrower protection provisions of the Student Loan Servicing Act.

The proposed regulatory action establishes a structure to enable the Department to oversee the activities of student loan servicers, promoting accountability of servicers through Department inspections of books and records, and compliance with borrower protection mandates.

The benefits anticipated from this regulatory action include protective benefits to student loan borrowers, improving the Department’s regulatory oversight of the servicer industry, and strengthening enforcement of the Student Loan Servicing Act.

The rules require servicers to inform borrowers about alternative repayment plans and loan forgiveness benefits, and to train servicer representatives to encourage borrowers to enroll in an affordable, income-driven, alternative repayment plan, rather than forbearance, which increases borrowers’ debt load. The proposed rulemaking is expected to benefit California’s economy by improving the financial conditions of many Califor-

<sup>3</sup> Gov Code § 11342.570.

<sup>4</sup> Gov Code § 11342.590.

nians who will enroll in affordable, income–driven repayment plans.

Borrowers repaying under an income–based, alternative repayment plan will have more discretionary income available to invest in California’s economy.

Student loan debt is a weight on the state’s economy, preventing borrowers from achieving financial independence, starting businesses, attending graduate school, buying property or cars, or making other large investments. Higher quality student loan servicing will result in decreased defaults, more spendable income, higher credit scores, and greater access to credit. More student loan borrowers will be able to finance life’s large purchases. The cumulative effect of these rules will positively affect not just the individual student borrowers, but California’s overall economic health.

As of its operational date, this program is to be self–funded, paid through licensing fees and pro–rata annual assessments to licensees. No adverse impact is anticipated to state funds.

This entire regulatory package increases transparency in government by adopting the rules in compliance with California’s rulemaking procedures and standards. This helps ensure that the public and those who would be subject to the proposed action are provided with a meaningful opportunity to participate in the adoption of the regulations.

Summary of Existing Laws and Regulations, and Effect of Proposed Action [Government Code Section 11346.5, Subdivision (a)(3)(A)]

Existing law (the Student Loan Servicing Act) provides for the licensure, regulation, and oversight of student loan servicers by the Commissioner, as head of the Department of Business Oversight. The Student Loan Servicing Act became effective January 1, 2017, and becomes operational July 1, 2018. This rulemaking action seeks to adopt Sections 2032–2057, in eight Articles, as new Subchapter 15 to Chapter 3 of Title 10 of the California Code of Regulations, to implement and effectively administer the Student Loan Servicing Act.

Existing law requires persons servicing student loans in California to apply for, and obtain, a license from the Department, unless exempt.<sup>5</sup> The proposed rulemaking action specifies the process and requirements for licensure, including the on–line system to use, and supporting information and documents required. The proposed rulemaking defines terms, not already defined in existing law, used in the electronic licensing system designated for use by the Commissioner, to clarify the process. The proposed rulemaking defines terms commonly used in student lending and financial aid, not already defined in existing law, to implement and make

<sup>5</sup> Fin. Code, § 28102.

understandable the borrower protection mandates of the Student Loan Servicing Act.

Existing law requires applicants be fingerprinted.<sup>6</sup> The proposed rulemaking action specifies the Department of Justice process to provide fingerprinting, providing clarity.

Existing law requires annual independent audit reports, and authorizes the Commissioner to reject audits, or components of the audit.<sup>7</sup> The proposed rulemaking action implements existing law, by requiring a description of the servicer’s internal accounting controls, a list of any weaknesses, recommendations for improvement, and corrective measures planned or in place.

Existing law requires maintenance of a minimum \$25,000 surety bond, but authorizes the Commissioner to require a higher bond amount, based on the dollar amount of servicing.<sup>8</sup> The proposed rulemaking action implements this provision by specifying servicing dollar amounts requiring a higher surety bond, and the higher bond amount required.

Existing law requires servicers to adhere to specified borrower protections.<sup>9</sup> Existing law authorizes the Commissioner to investigate complaints, and prescribe the form of books and records required by a licensee.<sup>10</sup> Existing law authorizes the Commissioner to conduct investigations and examinations of licensees to determine whether a licensee is complying with the Student Loan Servicing Act.<sup>11</sup> Existing law requires the Commissioner to examine the affairs of licensees at least once every 36 months for compliance with the Student Loan Servicing Act.<sup>12</sup> This proposed rulemaking action implements these provisions, and provides clarity by specifying records licensees must maintain, and borrower protection actions licensees must take.

Existing law provides the Commissioner’s authority to promulgate rules and regulations, consistent with the Commissioner’s authority to administer the Student Loan Servicing Act.<sup>13</sup>

Existing Federal Regulation or Statute [Government Code Section 11346.5, Subdivision (a) (3) (B)]

All servicing of federal student loans is contracted out to, and performed by, just nine entities. U.S. Department of Education contracts with the federal loan servicers may contain performance metrics. However, despite the volume of student loan debt, there are no industry wide standards for student loan servicing in federal law or regulation. The California Legislature enacted

<sup>6</sup> Fin. Code, § 28114.

<sup>7</sup> Fin. Code, § 28148.

<sup>8</sup> Fin. Code, § 28142.

<sup>9</sup> Fin. Code, § 28130.

<sup>10</sup> Fin. Code, § 28106, subd. (b)(5).

<sup>11</sup> Fin. Code, § 28108.

<sup>12</sup> Fin. Code, § 28152.

<sup>13</sup> Fin. Code, § 28106, subd. (a).

the Student Loan Servicing Act to fill this void, and protect California borrowers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations [Government Code Section 11346.5, Subdivision (a)(3)(D)]

No current regulations are affected by this proposed rulemaking action. This rulemaking action seeks to adopt Sections 2032–2057, in eight Articles, as new Subchapter 15 to Chapter 3 of Title 10 of the California Code of Regulations. These proposed new regulations are necessary to implement and effectively administer new legislation in an area previously unlegislated and unregulated in California. This rulemaking provides necessary detail and specificity to implement the Act as efficiently and effectively as possible; to achieve the stated legislative intent to promote meaningful access to, and reliable information about, student loans, federal alternative repayment and loan forgiveness options; and to promote quality customer service and fair treatment.<sup>14</sup> The proposed rules provide clarity, certainty and transparency for student loan servicers and the borrowers they serve. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

[Title 1, California Code of Regulations, Section 20, Subdivision (c)(3)]

This proposed regulatory action does not incorporate any forms by reference.

DISCLOSURES REGARDING THE PROPOSED ACTION

[Government Code Section 11346.5, Subdivisions (a)(5), (6), and (12)(A)]

- Mandate on local agencies or school districts: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any state agency: The Department of Business Oversight submitted a Budget Change Proposal (BCP) to the Legislature, requesting \$1.2 million and three permanent positions in Fiscal Year 2017–18, to stand up the Student Loan Servicing Program. The BCP was approved. The BCP request will be funded by Department funds. The actual amount expended under the BCP may be less than the \$1.2 million

authorized, depending on new hire start dates and actual costs incurred. The Department may seek retroactive reimbursement from prospective student loan servicer licensees for funds advanced to cover these startup costs.

- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

ECONOMIC IMPACT ON BUSINESS  
[Government Code Section 11346.5, Subdivision (a)(8)]

The Commissioner has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The nine federal loan servicers, servicing about 93% of student loans, are all headquartered outside of California. Conversely, the protections and benefits of these rules should improve the financial condition and long-term economic health and wealth of Californians. Individuals with more disposable income may use the increased income to open businesses, potentially creating jobs, and improving California’s economic picture.

The Department relied upon the legislative findings and declarations in AB 2251 and reports referenced therein; the Consumer Financial Protection Bureau’s report, *Student Loan Servicing, Analysis of Public Input and Recommendations for Reform* (September 2015)<sup>15</sup>; and the Senate and Assembly committee analyses,<sup>16</sup> in proposing this regulatory action.

EFFECT ON SMALL BUSINESS

[Title 1, California Code of Regulations, Section 4]

Based on information and belief, the Department has determined that no small business, within the meaning of Government Code Section 11342.610, subdivision (b), conducts student loan servicing. Therefore, this rulemaking action does not impact small businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS  
[Government Code Section 11346.5, Subdivision (a)(9)]

Applicants for a student loan servicer license must pay all costs associated with licensure, including a \$300

<sup>15</sup> [http://files.consumerfinance.gov/f/201509\\_cfpb\\_student-loan-servicing-report.pdf](http://files.consumerfinance.gov/f/201509_cfpb_student-loan-servicing-report.pdf)

<sup>16</sup> Legislative analyses are available at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

<sup>14</sup> Id., subd. (f).



application fee, a \$100 fee to cover the Department's cost to investigate the applicant to determine eligibility for licensure, and expenses related to statutorily required fingerprinting. Applicants must submit audited financial statements.<sup>17</sup>

Once licensed, the law and this proposed action requires licensed servicers to adhere to specified borrower protections;<sup>18</sup> maintain a surety bond in the minimum amount of \$25,000;<sup>19</sup> pay for regulatory examinations conducted at least once every 36 months;<sup>20</sup> submit annual, audited financial statements;<sup>21</sup> and pay a pro rata share of the Department's cost to administer the Student Loan Servicing Act program.<sup>22</sup>

The Department anticipates that licensees currently maintain records and post information on their websites, employ compliance and customer service representatives, and regularly maintain audited financial statements to meet performance metrics and other requirements of their contracts with the U.S. Department of Education and other lenders and noteholders of the loans they service. Therefore, some or many of the requirements of these proposed rules may not add additional expense, or add absorbable expense. It is unknown at this time whether servicers will have to hire additional staff to comply with the borrower protection, record keeping, examination, annual report, and other requirements of the Student Loan Servicing Act and these proposed, implementing rules.

It is important to again note that 93% of the \$1.3 trillion total student debt is made up of federal student loans. Federal loans are serviced by just nine entities, all headquartered outside California.<sup>23</sup>

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

[Government Code Section 11346.5, Subdivision (a)(10)]

The Department has determined that:

- The proposed action will not create or eliminate jobs within California;
- The proposed action will not create new businesses or eliminate existing businesses within California;
- The proposed action will not expand businesses currently doing business within California;

- As discussed above under the Informative Digest, the proposed action is expected to benefit the health and welfare of California residents by improving transparency in government and the student loan servicing market; and increasing protections for student loan borrowers, resulting in improved financial conditions for many Californians, who enroll in affordable, income-driven repayment plans, default less, have more discretionary income, and greater access to credit, to invest in themselves and the California economy;
- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

#### BUSINESS REPORTING REQUIREMENT

[Government Code Section 11346.5, Subdivision (a)(11)]

The Department finds that it is necessary for the health, safety or welfare of the people of this state that the reports required in this regulatory action apply to businesses. Student loan servicers are businesses. Aggregate servicing reports called for in this regulatory action will contain fundamental information about the loans serviced by these entities. Department examinations and supervision of servicers will be efficient and effective, with access to comprehensive information in aggregate reports.

#### CONSIDERATION OF ALTERNATIVES

[Government Code Section 11346.5, Subdivision (a)(13)]

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

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

[Government Code Section 11346.5, Subdivisions (a)(16), and (20), and (b)]

As of the date this notice is published, the rulemaking file consists of this notice; the initial statement of rea-

<sup>17</sup> Fin. Code, § 28112. [oan-servicing-report.pdf](#)

<sup>18</sup> Fin. Code, § 28130.

<sup>19</sup> Fin. Code, § 28142.

<sup>20</sup> Fin. Code, § 28152.

<sup>21</sup> Fin. Code, § 28148.

<sup>22</sup> Fin. Code, § 28144.

<sup>23</sup> <https://studentaid.ed.gov/sa/repay-loans/understand/services>.

sons, which contains all the information upon which the proposal is based; and the proposed text of the regulation. The notice, initial statement of reasons, and proposed text are available by contacting the person designated below.

Mark Dyer  
Legal Analyst and Regulations Coordinator  
California Department of Business Oversight  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322-1977  
e-mail: [Mark.Dyer@dbo.ca.gov](mailto:Mark.Dyer@dbo.ca.gov)

The notice, initial statement of reasons and proposed text are also available on the Department's website at [www.dbo.ca.gov](http://www.dbo.ca.gov). To access the documents from the Department's website, hover over the "Laws/Regulations" tab at the top of the home page; click on the "Rulemaking" link below; and then click on the "Student Loan Servicing Act" link, below "Proposed and Approved Regulations (By subject).

As required by the Administrative Procedure Act, the Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Business Oversight, Legal Division, 1515 K Street, Suite 200, Sacramento, California 95814.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

[Government Code Section 11346.5,  
Subdivision (a)(18)]

If the Department makes changes which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

[Government Code Section 11346.5,  
Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named below or may be accessed on the Department's website listed above.

**CONTACT PERSON**  
[Government Code Section 11346.5,  
Subdivision (a)(14)]

Inquiries regarding the substance of the regulations described in this notice may be directed to:

Mary Dean Audick  
Senior Counsel, Legal Division  
Department of Business Oversight  
320 West 4th Street, Suite 750  
Los Angeles, California 90013-2344  
Telephone: (213) 576-7589  
e-mail: [Mary.Audick@dbo.ca.gov](mailto:Mary.Audick@dbo.ca.gov)

All other inquiries concerning this regulatory action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to the designated backup contact person:

Mark Dyer  
Legal Analyst and Regulations Coordinator  
Department of Business Oversight  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322-1977  
e-mail: [Mark.Dyer@dbo.ca.gov](mailto:Mark.Dyer@dbo.ca.gov)

**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, 9054 and 9055 of the Fish and Game Code, and to implement, interpret or make specific Sections 713, 1050, 7850, 7852.2, 7857, 9054, and 9055 of said Code, proposes to amend Taking of Sea Urchin for Commercial Purposes, and Commercial Fishing Applications, Permits, Tags and Fees.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Currently, subsection 120.7(d), Title 14 of the California Code of Regulations (CCR) sets the total number of sea urchin diving permits at 300. Subsection 120.7(e) further prescribes a random drawing system for distributing new permits as they become available. Under the current system, applicants who have held a sea urchin crewmember permit for more than two years would have their names entered into the draw one additional time for each additional year they have held such permit. However, this advantage is very small in practice due to a maximum cap of five times that a name may be entered into a draw.

Currently Section 750(c)(4) requires no fee for the random drawing application.

#### SUMMARY OF THE PROPOSED AMENDMENTS

The proposed amendments to subsection (d) would decrease the sea urchin fishery's capacity goal to 150 permittees. This capacity goal will be achieved by issuing one new permit only once 11 permits have been retired. This ratio was chosen to simplify the calculation in which new permits would be issued, taking in account the new permit that is added to the fishery.

The lottery system proposed in subsections (e) and (f) will ensure that the most qualified applicants would enjoy a realistic advantage over less-qualified applicants. Under the new system, most of the new permits would be given to applicants with the most experience in the fishery as crewmembers. The remaining percentage of the new permits would be distributed under a drawing system where every remaining applicant stands the same chance.

The proposed amendment to Section 750(c)(4) would remove reference to the current drawing application form and add a minor administrative fee of \$4.38 for future applications to enter the drawing.

Other amendments to Section 120.7 include:

- Add one extra fishing day per week in the months of June to October in Southern California.
- Clarify the requirements for authorization of an assistant for a sea urchin diver permittee.
- Remove language that no longer has any effect and clarify other regulatory text.

#### BENEFITS OF THE PROPOSED REGULATIONS

The proposed amendments would significantly decrease the latent fishing capacity within the current sea urchin fishery due to a large number of unused permits. The changes would also strike a better balance for the future succession of the fishery by ensuring that the most qualified candidates would receive sea urchin diving permits in due course. At the same time, those who may not be as qualified but nonetheless are still willing and able would still have a chance of receiving one of these permits.

The additional dive days during the summer and fall months would allow divers to dive on days with the safest weather condition. The additional days would also help the industry meet the demand of Saturday dock markets and weekend demand. The added harvesting pressure is anticipated to be minimal, but the quality will be greatly enhanced to the consuming public.

#### CONSISTENCY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and statutes and has found no other State regulations related to commercial take of sea urchins and no other State agency with authority to promulgate regulations concerning commercial take of sea urchins.

**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 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.

**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 Handlery Hotel, 950 Hotel Circle North, San Diego, California, on Thursday, December 7, 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 November 22, 2017 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 1, 2017. All comments must be received no later than December 7, 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. **Anthony Shiao, Environmental Specialist, Marine Region, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Shiao can be reached at (805) 560-6056 or [Anthony.Shiao@wildlife.ca.gov](mailto:Anthony.Shiao@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 action will not increase costs or reduce harvest quotas. The gradual reduction in the number of permits issued to 150 will accommodate the 125 average number of active urchin divers.

Over time, a reduction in permits issued should align the number of divers with the size of the harvesting grounds, increase the average catch per unit of effort and ensure the long-run sustainability of the fishery.

The addition of one more day per week of fishing during the months of June through October is anticipated to enable sea urchin divers more flexibility to harvest and bring fresh product to market at peak demand. This change should assist California sea urchin businesses in remaining competitive.

- (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:

No impacts on the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas.

- (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.

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

The Department may experience a reduction in permit sales revenue with the gradual decline in the number of permits issued from the current 300 to 150 over time. Permits are \$461 per diver annually. If some of the sea urchin diving permittees choose not to renew at a rate of five percent each year, and an estimated 80 applicants enter the annual draw for a new permit, the Department could have revenue losses of about \$6,575 in the current year and an estimated \$6,229–\$5,901 in the next two fiscal years.

Table 2. Estimated Revenue Impact to the State

Fiscal Year	Inactive Permits Retained	10% Permits Retired	Department Fee Revenue Loss
2018/19	150	15	\$ 6,915
2019/20	135	14	\$ 6,224
2020/21	122	12	\$ 5,601

No change to federal funding to the State is anticipated.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agencies 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 200, 205, 219, 265, 270, 315, 316.5, 399, 1050, 1053.1, 1055.1, 7380 and 8491 of the Fish and Game Code, and to implement, interpret or make specific sections 110, 200, 205, 206, 255, 265, 270, 316.5, 399, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, 7382, 8490 and 8491 of said Code, proposes to amend Sections 1.05, 1.11, 1.18, 1.61, 1.74, 2.10, 2.25, 5.35, 5.41, 5.88, Subsection (b) of Section 7.00, Subsection (b) of Section 7.50, and Subsection (b) of Section 8.00; Repeal Section 1.60; and Add Section 2.05, Title 14, California Code of Regulations (CCR), relating to sport fishing.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2017 Sport Fishing Regulations Review Cycle. This proposal will reduce foul-hooking of salmon, protect Shasta crayfish, protect salmon released above Shasta Dam, clarify regulations

for artificial lures and bait, increase protection for Chinook Salmon and steelhead in the lower American River, increasing bow fishing opportunities, update the sport fishing report card requirements, and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

**ROCK CREEK (SHASTA COUNTY) CLOSURE TO PROTECT SHASTA CRAYFISH**

Shasta crayfish (*Pacifastacus fortis*) is listed as an Endangered Species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.)(Cal. Code Regs., tit. 14, § 670.5(B)) and the federal Endangered Species Act (16 U.S.C. § 1531 et seq.)(53 Federal Register 38460–38465 (1988)). The current distribution for Shasta crayfish includes small and isolated spring fed areas in the Fall and Pit River drainages (Shasta County). Rock Creek, in the Hat Creek Drainage, was historically occupied by Shasta crayfish and was recently restored to provide refuge for and aid in the survival of the species. The Department is proposing to close Rock Creek to all fishing all year from Rock Creek spring downstream to Baum Lake. The proposed closure will protect Shasta crayfish and its habitat.

Proposal: Add subsection (b)(151.5) to Section 7.50, Special Fishing Regulations.

Add Rock Creek, in the Hat Creek Drainage, to the Special Fishing Regulations with an all year fishing closure to protect Shasta crayfish.

**CLARIFICATION OF NO TAKE OF SALMON IN THE SACRAMENTO AND MCCLLOUD RIVERS AND TRIBUTARIES ABOVE SHASTA LAKE**

The National Marine Fisheries Service (NMFS) and the US Bureau of Reclamation (BOR) are conducting feasibility studies for the reintroduction of winter and spring-run Chinook Salmon into the McCloud and Sacramento rivers. As part of a Fish Passage Pilot Project, federal agencies will be introducing an experimental release of Chinook Salmon into the Sacramento and McCloud drainages starting in 2017 or 2018 and continuing indefinitely. It is imperative that these rivers and their tributaries above Shasta Lake are closed to salmon fishing to reduce salmon loss and increase the success of the Fish Passage Project.

Proposal: Add new language to Subsection (b) of Section 7.00, District General Regulations, and to subsection (b)(115), McCloud River, in Section 7.50, Special Fishing Regulations.

Amend the Sierra District Regulations to clarify that all rivers and associated tributaries above Shasta Lake are closed to the take of salmon, and amend subsection (b)(115) of Section 7.50 to direct readers to the District General Regulations. These changes will protect Chinook Salmon when they are reintroduced into the upper Sacramento and McCloud rivers above the Shasta Lake.

#### AMERICAN RIVER (NIMBUS BASIN) FISHING CLOSURE

Under current regulations, the American River (in Sacramento County) from Nimbus Dam to the Hazel Avenue bridge piers is open to fishing all year (Section 7.50(b)(5)(A)), and from the Hazel Avenue bridge piers to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish weir is open to fishing January 1 through August 15 (Section 7.50(b)(5)(B)). The current request for closure is designed to protect Chinook Salmon and Central Valley steelhead trout, which will utilize this section of the river for both in-river spawning and rearing along with essential hatchery operations.

The BOR and the Department have completed a joint EIS/EIR for the Nimbus Hatchery Fish Passage Project (Project). The primary goal of the Project is to maintain a fully functional system of collecting adult Chinook Salmon and Central Valley steelhead trout sufficient to meet the hatchery’s mitigation goals. Phase 1 of the Project extends the Nimbus Hatchery fish ladder 1500 feet (.30 miles) upstream into the Nimbus Basin. With the completion of the new fish ladder, Phase 2 of the Project will permanently remove the existing Nimbus Hatchery fish weir, and spawning gravel injections will be completed within the section of river associated with section 7.50(b)(5)(B). A gravel restoration and side channel creation project to create spawning and rearing habitat in the Nimbus Basin was completed in 2014.

However, the Project has the potential to affect Chinook Salmon and Central Valley steelhead trout holding, spawning, and rearing in this section of the lower American River. Additionally, under current hatchery operations, large numbers of adult Chinook Salmon and Central Valley steelhead trout hold below the existing fish weir located below the Hazel Avenue bridge before being routed to the fish ladder located at the south end of weir. Fish that enter the hatchery that are not ripe for spawning are released back into the river through the outfall, located approximately 100 feet below the exist-

ing fish ladder. As a result, current hatchery operations utilize a small portion of the river below the weir to cycle fish in and out of the hatchery. However, once the existing fish ladder is moved upstream into the Nimbus Basin, the length of river utilized for hatchery operations will increase by approximately 1,500 feet. With completion of the Project, holding, spawning, and rearing Chinook Salmon and Central Valley steelhead trout will distribute throughout the hatchery operations area. As a result, the entire section of river should be closed to fishing all year to ensure successful hatchery operations.

Consequently, if the regulations are not changed by the Fall of 2018, anglers will continue fishing in the Nimbus Basin downstream to the USGS gauging station and target holding and spawning Chinook Salmon and Central Valley steelhead trout. Although Section 2.35 states that fishing shall not take place within 250 feet of a fish ladder, this would have little effect in protecting salmon and steelhead under the new configuration. The new ladder entrance would be greater than 250 feet from where salmon are expected to hold until the ladder is opened to allow salmon and steelhead into the Nimbus Hatchery. The regulation change would also provide the American River Trout Hatchery and Nimbus Hatchery with greater protection from contamination by the New Zealand Mud Snail (NZMS), which have been documented adjacent to the hatchery in Section 7.50(b)(5)(B).

Proposal: Amend subsections (b)(5)(A) and (b)(5)(B) of Section 7.50, Special Fishing Regulations

Combine subsections 7.50(b)(5)(A) and 7.50(b)(5)(B) and close this section of river to fishing all year.

#### ARTIFICIAL LURE AND BAIT DEFINITION CHANGES

The purpose of the regulation change is to clarify that no scents or flavors shall be used on lures on waters where only artificial lures with barbless hooks may be used. After consulting with wildlife officers on this subject, it has become clear there is some subjectivity in interpreting the current regulation which has resulted in inconsistency and confusion. By clarifying this definition, enforcement will have a lesser problem enforcing this rule and the public will have a clearer description of this rule.

The definition of a lure (Section 1.60) would be removed from the Freshwater Sport Fishing Regulations and only “artificial lure” would be used. With this change, three substitutions in the current regulations would need to be made: (1) Section 1.05 Angling; (2) Section 1.61, Non-buoyant Lure; and (3) Section 2.10(3.), Hook and Weight Restrictions. In all three sec-

tions lure would be changed to artificial lure. In addition, the definition of artificial lure would be amended to clarify that only non-scented and non-flavored lures may be used. Lastly, there is currently no definition of bait in Title 14. A definition of bait is needed to help clarify when scents and flavors can be used.

Proposal: Repeal Section 1.60, Amend Section 1.11, Artificial Lure, and add Section 1.18, Bait

Amend the current definition of artificial lure and add a definition of bait.

ALLOW BOW AND ARROW FISHING  
FOR CATFISH

The bow and arrow fishing community has requested the opportunity to fish for catfish in certain waters in the state. Bowfishers have expressed that they often encounter catfish in their pursuit for carp and would like to be able to take catfish as well. This request was considered by CDFW law enforcement and regional biologists who determined that bowfishing for bullhead and catfish could be allowed on waters with large carp populations and that are popular for bowfishing. These waters include the Sacramento San-Joaquin Delta, Lake Isabella in Kern County and Big Bear Lake in San Bernardino County. Allowing bowfishing for catfish on these waters will increase fishing opportunities for bowfishers.

Proposal: Amend Section 2.25, Bow and Arrow Fishing

Amend Section 2.25 to allow bowfishing for bullhead and catfish in the Delta, Big Bear Lake, and Lake Isabel.

REVISION OF MENDOCINO, SONOMA, AND  
MARIN COUNTIES LOW FLOW CLOSURE TIME  
PERIOD TO ALIGN WITH THE ADULT  
STEELHEAD SEASON

Section 8.00(b) established a season for special low flow conditions for Mendocino, Sonoma, and Marin County coastal streams; however, the current end date extends the length of the low flow season past the adult steelhead fishing season on most coastal streams (except Russian River), which provides an unnecessary protection and may potentially confuse anglers. The current sport fishing regulations provide fishing in coastal streams of Mendocino, Sonoma, and Marin counties from the fourth Saturday in May through March 31, except for the Russian River which is open all year. Gear restrictions change from November 1 through March 31, to accommodate fishing for adult steelhead on all Mendocino, Sonoma, and Marin Coun-

ty coastal streams. There is no need for the season of special low flow conditions to extend beyond March 31, as most streams (except Russian River) are closed to any fishing from April 1 until the fourth Saturday in May, which is prior to the end of the current low flow season. The Russian River is the exception because it is open year round due to other sport fisheries such as American shad and smallmouth bass. For consistency, the Russian River should be included in this change, but it would result in the potential reduction of protected days under a low flow closure between April 1 and the fourth Saturday in May (52-57 days depending upon the calendar year). The loss of this additional protection on the Russian River is not likely to be significant as the bulk of the steelhead will have spawned and angler effort targeting steelhead will be low in the months of April and May. The steelhead population on the Russian River is also unlike other coastal streams because it is supplemented with hatchery steelhead. Additionally, the Russian River is a flow-regulated stream and flows are likely to be higher in April and May than other coastal streams and less likely to be subject to a low flow closure due to water releases. Conforming the low flow closure season with the end of the adult steelhead fishing season on Mendocino, Sonoma, and Marin County coastal streams helps simplify regulations and reduces confusion between the fishing season and low flow closure season, and it would not significantly impact the Russian River steelhead population in the event of low flow conditions in the months of April and May.

Proposal: Amend Subsection (b) of Section 8.00, Low-Flow Restrictions

Revise Section 8.00 (b) to redefine the season of the Special Low Flow Conditions to coincide with the end of the adult steelhead fishing season on March 31.

CRAYFISH

In alignment with the proposal to close Rock Creek to fishing to protect Shasta crayfish, Section 5.35 would need to be amended to add Rock Creek to the list of waters where take of crayfish is prohibited. Rock Creek is in the Hat Creek Drainage in Shasta County.

Proposal: Amend Section 5.35, Crayfish

Amend Section 5.35 to add Rock Creek to the list of waters where fishing for crayfish is prohibited.

STEELHEAD REPORT AND RESTORATION  
CARD REQUIREMENTS

Department staff reassessed the fisheries management objectives of the Steelhead Report and Restoration Card and determined that the data being collected, location codes, and reporting instructions and require-

ments can be simplified. In order to accomplish this, verbiage within Section 5.88 must be changed.

Proposal: Amend Section 5.88, Steelhead Report and Restoration Card Requirements

Remove reference to “wild” steelhead because it is not legal to retain a wild steelhead, and remove the requirement to report the number of hours that were fished for steelhead.

**SPORT FISHING REPORT CARD REQUIREMENTS**

CCR Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card for 90 days after the reporting deadline.

When a report card is lost, a licensee may wish to obtain a duplicate, or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a duplicate report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a duplicate report card, and also for reporting harvest from a lost report card without obtaining a duplicate report card.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Amend Section 1.74 to update procedures for reporting online and for lost report cards.

**RESTRICT LEADER LENGTH TO LESS THAN SIX FEET TO REDUCE POTENTIAL FOUL-HOOKING (SNAGGING) OF SALMON AND STEELHEAD**

The Department and the Fish and Game Commission (Commission) have struggled for years to eliminate and/or regulate snagging salmon. This has proven difficult given some of the spawning aggregations, habitat, and creative snagging techniques that have evolved over time. Water operations, changes in angling ethics, and population growth likely have also contributed to this ongoing problem. After struggling with these issues statewide, the Commission directed the Department to find a solution.

In 2014, the Department formulated a snagging working group to help evaluate the issue through a

structured decision making process. Department staff and angling stakeholders participated in multiple meetings. One action resulting from this effort was a directed study to assess the efficacy of a reduced leader length in relation to the “flossing” fishing techniques based angling/snagging rig. Although this technique/rig is not the only gear that can be used to purposefully foul-hook salmon, it is currently legal and very effective when used in the right habitat (Feather, American, Sacramento, Yuba, and Klamath rivers) with high densities of spawning/migrating salmon. The results of the study showed a significant correlation with foul-hooking (82–94%) regardless of the leader length and a reduction in landing rates for the shortest leader.

Proposal: Add Section 205 to Title 14, Leader Length Restriction

Add the leader length restriction to Title 14, Chapter 2, Article 1, to reduce foul-hooking of salmon and steelhead in anadromous waters.

**Minor Editorial Corrections for Clarity**

In addition to the above proposals, minor editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

**Benefits of the Proposed Regulations**

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California’s trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

**Consistency and Compatibility with Existing 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 adopt sport fishing regulations (sections 200, 202 and 205, 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 sport fishing.

**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 Spring Hill Suites by Marriott, 900 El Camino Real, Atascadero, CA, on Wednesday, October 11, 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 at the Handlery Hotel, 950 Hotel Circle, North San Diego, CA, on Wednesday, December 6, 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., November 22, 2017 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 1, 2017. All comments must be received no later than December 6, 2017, at the hearing in San Diego, CA. 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 the Commission's website at [www.fgc.ca.gov](http://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 Sheri Tiemann at the preceding address or phone number. **Kevin Shaffer, Chief, Fisheries Branch, Department of Fish and Wildlife, [(916) 327-1841] or [kevin.shaffer@wildlife.ca.gov](mailto:kevin.shaffer@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. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. 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 Department assessed the potential for significant statewide adverse economic impacts that might result from the proposed regulatory action, and made the following initial determinations relative to the required statutory categories:

- (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 is not anticipated to 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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

- (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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore, the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon and trout sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California’s sport fishing resources.

- (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.

- (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**

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is

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

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY (DSA-SS AND DSA-SS/CC) REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 AND THE CALIFORNIA EXISTING BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

**CERTIFICATION OF COMPLIANCE FOR EMERGENCY BUILDING STANDARDS (DSA-SS and DSA-SS/CC EF-01-17)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 2 and 10. The DSA is proposing building standards related to exterior elevated elements (EEE).

**PUBLIC COMMENT PERIOD**

(Government Code Section 11346.5(a)(1) and Section 11346.5(a)(15))

A public hearing has not been scheduled; however, written comments will be accepted from **September 8, 2017**, until 5:00 p.m. on **October 23, 2017**. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Mia Marvelli, Executive Director

Written Comments may also be faxed to (916) 263-0959 or emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS

(Government Code Section 11346.5(a)(18)),  
(Government Code Section 11346.8(c))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18930, 18934.5, 18937, 18938, 18944, and Government Code (GC) Section 11346.1(e). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code (H&SC) Sections 18930, 18934.5, 18937, 18938, 18944, and Government Code (GC) Section 11346.1(e).

The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, and Education Code Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

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

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

Summary of Existing Laws

**EC Sections 17310 and 81142** authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

**EC Sections 81052 and 81053** authorize the State Architect to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with Section 81142.

**H&SC Section 16023** authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

**H&SC Section 18928.1** requires the incorporation of published model codes, national specifications, or published standards.

**H&SC Section 18930** requires that any building standard proposed or adopted by state agencies be submitted to and approved or adopted by the Building Standards Commission, prior to codification.

**H&SC Section 18937** provides that the commissioners shall act on emergency standards within 30 days, and they must act on the merit of the emergency finding as well as on the proposed standards.

**H&SC Section 18938** requires the filing of emergency standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the standards become effective when filed with the Secretary of State or at a later date specified in the standards, and that they be published in Title 24.

**GC Section 11346.1(e)** states that no regulation, amendment, or order of repeal initially adopted as an emergency regulatory action shall remain in effect more than 180 days unless the adopting agency has complied with Sections 11346.2 to 11347.3, inclusive, either before adopting an emergency regulation or within the 180-day period. The adopting agency, prior to the expiration of the 180-day period, shall transmit to the office for filing with the Secretary of State the adopted regulation, amendment, or order of repeal, the rulemaking file, and a certification that Sections 11346.2 to 11347.3, inclusive, were complied with either before the emergency regulation was adopted or within the 180-day period.

Summary of Existing Regulations

The California Building Code (Part 2, Title 24, California Code of Regulations, contains requirements for construction documents in Section 107.2, for inspection in Section 110.3.8, for live loads in Section 1616.5 and Table 1607A.1, and for wood protection in Section 2304.12.

The California Existing Building Code (Part 10, Title 24, California Code of Regulations, contains requirements for construction documents in Section 106.2, and for inspection in Section 109.3.

**Summary of Effect**

This proposed action will make permanent, upon approval by the commissioners, emergency modifications to the body of regulations with enhanced design and construction measures for exterior elevated elements, to minimize risk of failure in newly-constructed buildings. It will also reduce risk of failure due to latent causes, for existing buildings.

This proposed action will make effective, upon adoption, approval by the commissioners, and filing with Secretary of State the addition of Sections 107.2.7 and 110.3.8.1 to Chapter 1, and Sections 2304.12.2.6 of Chapter 23, Title 24, Part 2, and the amendment of Section 1616.5 of Chapter 16 and Table 1607A.1 of Chapter 16A and Section 2304.12.2.5 of Chapter 23, Title 24, Part 2 for buildings within DSA authority, necessitating immediate action to further protect the public peace, health, safety and general welfare.

This proposed action will make effective, upon adoption, approval by the commissioners, and filing with Secretary of State the addition of Sections 101.8.1, 106.2.6 and 109.3.10 to Chapter 1, Title 24, Part 10 for buildings within DSA authority, necessitating immediate action to further protect the public peace, health, safety and general welfare.

**Comparable Federal Statute or Regulations**

There currently are no federal laws or regulations for EEE.

**Policy Statement Overview**

DSA is responsible for the development of building standards for state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges.

**Evaluation of consistency**

The proposed action is not incompatible or inconsistent with existing regulations.

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

(Government Code Section 11346.5(a)(4))

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

The DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

(Government Code Section 11346.5(a)(6)) An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399)

- A. Cost or Savings to any state agency: **None known**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: DSA has prepared an Economic and Fiscal Impact Statement (STD 399) concerning the proposed action which states the following:

- Because stronger materials and better-ventilated assemblies are generally a higher purchase cost, DSA anticipates a very minor economic impact to the regulated community. The California Building Code allows alternate materials and methods, as an option to the regulated community, which may result in increased or decreased associated cost. Costs of EEEs is of such small significance, as a portion of overall building costs, that DSA believes the minor costs associated with proposed changes in materials and methods are reasonable, and are offset by the benefit of reduced risk in the integrity of EEEs, and in increased safety factors. In addition, the enhanced EEE detailing and construction inspection requirements would increase the life expectancy of EEEs thereby reducing potential future repair costs.
- DSA recognizes that implementation of these provisions will result in the expected benefit of safer conditions statewide, but acknowledges a likely economic impact to businesses that sell

ventilation products or impervious moisture barrier products or fire protection materials (which may see an increase in revenue resulting from materials purchases), and the installation of such materials.

- The 2018 International Building Code and 2018 International Existing Building Code (model code) provisions are due to be published in September. CBSC will consider adopting these proposals during the next cycle.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Government Code Section 11346.5(a)(7))

If the agency makes an initial determination that the adoption/amendment/ repeal of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, the determination shall include the following:

- A. Identification of the types of businesses that would be affected.  
Businesses that manufacture, sell, and/or install impervious moisture barriers, soffit enclosure vent screens, fire protection materials and systems or structural framing may be affected by this regulation.
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.  
None anticipated.
- C. The DSA has made an initial determination that the adoption of this regulation may have a minor adverse economic impact on businesses. The DSA has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:
  - The establishment of differing compliance requirements which take into account the resources available to businesses.
  - Consolidation or simplification of compliance for businesses.
  - The increased use of performance standards in lieu of prescriptive standards.
  - Exemption or partial exemption from the regulatory requirements for businesses.

DECLARATION OF EVIDENCE  
(Government Code Section 11346.5(a)(8))

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

DSA’s initial determination is that there will be no significant statewide adverse economic impact directly affecting businesses in California and their ability to compete with businesses in other states. Additional evidence, documents, testimony or other evidence to support this action is not required because the purpose of the proposed regulations is to make permanent the emergency measures currently in force, and to align with the next cycle of model codes that will ultimately be adopted into the Title 24, California Code of Regulations.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE  
(Government Code Section 11346.3(d))

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

Not applicable — the proposed regulatory action does not require a report by any business.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS  
(Government Code Section 11346.5(a)(9))

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

Representative private individuals and/or businesses may incur costs in reasonable compliance with this proposed action (see “ESTIMATE OF COST OR SAVINGS” and “INITIAL DETERMINATION” sections above).

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION  
(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

DSA has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**

These regulations may result in the creation and/or elimination of jobs within the construction materials product/service industry, related to the construction of EEEs, as stated in the STD 399

□ **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations may result in the creation and/or elimination of existing businesses within California's construction materials product/service industry, as stated in the STD 399.

□ **The expansion of businesses currently doing business with the State of California.**

These regulations may result in the expansion of businesses within California's construction materials product/service industry, as stated in the STD 399.

□ **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

These regulations pertain to enhanced detailing, construction inspection and maintenance of EEE and were prepared in response to a sudden and catastrophic balcony failure at Library Gardens in Berkeley, on June 16, 2015. Failures such as this demonstrate that, due to the enclosed nature of many EEE assemblies, causation factors leading to failure are not always observable in time for repair or mitigation. These regulations are intended to prevent future occurrences by reducing risk factors. The implementation of these regulations will likely result in the benefit of improved serviceability and longevity of EEE statewide, which will help increase public safety. Therefore, DSA finds that these regulations are necessary for the public's health, safety, and welfare.

**ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs).

DSA does not have authority to propose regulations applicable to residential occupancies; therefore, this

proposed regulatory action will not impact housing costs.

**CONSIDERATION OF ALTERNATIVES**  
(Government Code Section 11346.5(a)(13))

These regulations mirror the provisions currently being amended to the 2018 IBC and IEBC. Given the extensive code adoption process, the opportunity to include proposed measures with the next triennial cycle schedule would make the resulting building standards effective at the local level on January 1, 2020. DSA finds these provisions as being essential and critical for public health and safety and that there should be no undue delay in enacting measures to achieve this goal. Therefore, DSA has determined that no reasonable alternative would 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 provisions of law.

**AVAILABILITY OF RULEMAKING DOCUMENTS**  
(Government Code Section 11346.5(a)(16)),  
(Government Code Section 11346.5(a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

(Government Code Section 11346.5(a)(19).)

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 named below or at the California Building Standards Commission website.

(Government Code Section 11346.5(a)(21).)

Division of the State Architect shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the

description of proposed changes may require extending the period of public comment for the proposed action.

**CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS**  
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

**PROPOSING STATE AGENCY CONTACT  
PERSON FOR SUBSTANTIVE AND/OR  
TECHNICAL QUESTIONS ON THE PROPOSED  
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Diane Gould, Supervising Structural Engineer**  
Division of the State Architect  
1102 Q Street, Suite 5100  
Sacramento, CA 95811  
Telephone No.: (916) 324-6959  
[diane.gould@dgs.ca.gov](mailto:diane.gould@dgs.ca.gov)

**Back-up:**

**James P. Hackett, Principal Structural Engineer**  
Division of the State Architect  
1102 Q Street, Suite 5100  
Sacramento, CA 95811  
Telephone No.: (916) 322-4699  
[jim.hackett@dgs.ca.gov](mailto:jim.hackett@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS  
COMMISSION  
REGARDING THE CALIFORNIA BUILDING  
CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2  
AND  
THE CALIFORNIA EXISTING BUILDING  
CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 10**

**CERTIFICATION OF COMPLIANCE FOR  
EMERGENCY BUILDING STANDARDS  
(BSC EF-01-17)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 2 and 10. The CBSC is proposing building standards related to exterior elevated elements.

**PUBLIC COMMENT PERIOD**  
(Government Code Section 11346.5(a)(1) and  
Section 11346.5(a)(15))

A public hearing has not been scheduled; however, written comments will be accepted from **September 8, 2017**, until 5:00 p.m. on **October 23, 2017**. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Mia Marvelli, Executive Director

Written Comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the cur-

rent adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

(Government Code Section 11346.5(a)(18)),  
(Government Code Section 11346.8(c))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18930, 18934.5, 18937, 18938, 18944, and Government Code (GC) Section 11346.1(e). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code (H&SC) Sections 18930, 18934.5, 18937, 18938, 18944, and Government Code (GC) Section 11346.1(e). The CBSC is proposing this regulatory action based on Health and Safety Code (H&SC) Sections 18930, 18934.5, 18937, 18938, 18944, and Government Code (GC) Section 11346.1(e).

**INFORMATIVE DIGEST**

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

An informative digest drafted in plain English in a format similar to the Legislative Counsel’s Digest shall include the following:

**Summary of Existing Laws**

**H&SC Section 18928.1** requires the incorporation of published model codes, national specifications, or published standards.

**H&SC Section 18930** requires that any building standard proposed or adopted by state agencies be sub-

mitted to and approved or adopted by the Building Standards Commission, prior to codification.

**H&SC Section 18934.5** sets forth that, where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

**H&SC Section 18937** provides that the commissioners shall act on emergency standards within 30 days, and they must act on the merit of the emergency finding as well as on the proposed standards.

**H&SC Section 18938** requires the filing of emergency standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the standards become effective when filed with the Secretary of State or at a later date specified in the standards, and that they be published in Title 24.

**GC Section 11346.1(e)** states that no regulation, amendment, or order of repeal initially adopted as an emergency regulatory action shall remain in effect more than 180 days unless the adopting agency has complied with Sections 11346.2 to 11347.3, inclusive, either before adopting an emergency regulation or within the 180-day period. The adopting agency, prior to the expiration of the 180-day period, shall transmit to the office for filing with the Secretary of State the adopted regulation, amendment, or order of repeal, the rulemaking file, and a certification that Sections 11346.2 to 11347.3, inclusive, were complied with either before the emergency regulation was adopted or within the 180-day period.

**Summary of Existing Regulations**

The California Building Code (Part 2, Title 24, California Code of Regulations, contains requirements for construction documents in Section 107.2, for inspection in Section 110.3.8, for live loads in Table 1607.1, and for wood protection in Section 2304.12.

The California Existing Building Code (Part 10, Title 24, California Code of Regulations, contains requirements for construction documents in Section 106.2, and for inspection in Section 109.3.

**Summary of Effect**

This proposed action will make permanent, upon approval by the commissioners, emergency modifications to the body of regulations with enhanced design and construction measures for exterior elevated elements, to minimize risk of failure in newly-constructed buildings. It will also reduce risk of failure due to latent causes, for existing buildings.

This proposed action will make effective, upon adoption, approval by the commissioners, and filing with Secretary of State the addition of Sections 107.2.7 and 110.3.8.1 to Chapter 1, and Sections 2304.12.2.6 of



Chapter 23, Title 24, Part 2, and the amendment of Table 1607.1 of Chapter 16 and Section 2304.12.2.5 of Chapter 23, Title 24, Part 2 for buildings within CBSC authority, necessitating immediate action to further protect the public peace, health, safety and general welfare.

This proposed action will make effective, upon adoption, approval by the commissioners, and filing with Secretary of State the addition of Sections 101.8, 106.2.6 and 109.3.10 to Chapter 1, Title 24, Part 10 for buildings within CBSC authority, necessitating immediate action to further protect the public peace, health, safety and general welfare.

**Comparable Federal Statute or Regulations**

There currently are no federal laws or regulations for exterior elevated elements.

**Policy Statement Overview**

CBSC is responsible for the development of building standards for all occupancies of state buildings, including buildings constructed by the Trustees of the California State University and the Regents of the University of California, for which no other state agency has authority or expertise.

**Evaluation of consistency**

The proposed action is not incompatible or inconsistent with existing regulations.

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

(Government Code Section 11346.5(a)(4))

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. CBSC does not have authority to propose building standards for school districts. The proposed building standards do not impose a mandate on local jurisdictions.

**ESTIMATE OF COST OR SAVINGS**  
(Government Code Section 11346.5(a)(6))

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

Provide a copy of the “Economic and Fiscal Impact Statement” (Form 399)

- A. Cost or Savings to any state agency: None known
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- D. Other nondiscretionary cost or savings imposed on local agencies: None
- E. Cost or savings in federal funding to the state: None

Estimate: CBSC has prepared an Economic and Fiscal Impact Statement (Form 399) concerning the proposed action which states the following:

- Because stronger materials and better-ventilated assemblies are generally a higher purchase cost, CBSC anticipates a very minor economic impact to the regulated community. The Code already allows alternate materials and methods, as an option to the regulated community, which may raise or lower associated cost. Costs of exterior elevated elements is of such small significance, as a portion of overall building cost, that CBSC believes the minor costs associated with proposed changes in materials and methods are reasonable, and are offset by the benefit of reduced risk in the integrity of exterior elevated elements (EEE), and increased safety factors. In addition, the enhanced EEE detailing and construction inspection requirements would increase the life expectancy of EEE, thereby reducing potential future repair costs.
- CBSC recognizes that implementation of these provisions will result in the expected benefit of safer conditions statewide, but acknowledges a likely economic impact to businesses that sell ventilation products or fire protection materials (which may see an increase in revenue resulting from materials purchases), and the installation of such materials.
- The 2018 International Building Code and 2018 International Existing Building Code (model code) provisions are due to be published in September. CBSC will consider adopting these proposals during the next cycle.

**INITIAL DETERMINATION OF SIGNIFICANT  
STATEWIDE ADVERSE ECONOMIC IMPACT ON  
BUSINESSES**

(Government Code Section 11346.5(a)(7))

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation may

have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, the determination shall include the following:

- A. Identification of the types of businesses that would be affected.  
Businesses that manufacture, sell, and/or install fire sprinkler systems, soffit enclosure vent screens, or framing lumber may be affected by this regulation.
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.  
None anticipated.
- C. The CBSC has made an initial determination that the adoption of this regulation may have a minor adverse economic impact on businesses. The CBSC has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:
  - The establishment of differing compliance requirements which take into account the resources available to businesses.
  - Consolidation or simplification of compliance for businesses.
  - The increased use of performance standards in lieu of prescriptive standards.
  - Exemption or partial exemption from the regulatory requirements for businesses.

**DECLARATION OF EVIDENCE**  
(Government Code Section 11346.5(a)(8))

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC's initial determination is that there will be no significant statewide adverse economic impact directly affecting businesses in California and their ability to compete with businesses in other states. It does not require any additional evidence, documents or other evidence to support this action because the purpose of the regulations is to make permanent the emergency measures currently in force, and to align with the next cycle of model codes that will ultimately be captured into the Title 24, California Code of Regulations.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**  
(Government Code Section 11346.3(d))

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

Not applicable.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**  
(Government Code Section 11346.5(a)(9))

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

Representative private individuals and/or businesses may incur costs in reasonable compliance with this proposed action (see "ESTIMATE OF COST OR SAVINGS" section above).

**ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**  
(Government Code Section 11346.5(a)(10),  
Government Code Section 11346.3(b)(1))

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**  
These regulations may result in the creation and/or elimination of jobs within the construction materials product/service industry, related to the construction of EEEs, as stated in the Form 399.
- The creation of new businesses or the elimination of existing businesses within the State of California.**  
These regulations may result in the creation and/or elimination of existing businesses within California's construction materials product/service industry, as stated in the Form 399.
- The expansion of businesses currently doing business with the State of California.**  
These regulations may result in the expansion of businesses within California's construction materials product/service industry; as stated in the Form 399.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

The implementation of these regulations will likely result in the benefit of improved serviceability and longevity of EEE statewide, which will help increase public safety. Therefore, CBSC finds that these regulations are necessary for the public's health, safety, and welfare because they promote improved serviceability and longevity.

<http://www.bsc.ca.gov/>

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 named below or at the California Building Standards Commission website.

Government Code Section 11346.5(a)(21) states that CBSC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

#### ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs.

Because CBSC does not have authority to promulgate regulations applicable to residential occupancies, this proposed regulatory action would not impact housing.

#### CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS (Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

#### CONSIDERATION OF ALTERNATIVES (Government Code Section 11346.5(a)(13))

Exterior elevated elements are a design alternative; thus, other alternatives need not be considered. CBSC has determined that no reasonable alternative would 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 provisions of law.

#### PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Gary L. Fabian, Associate Architect**  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
[gary.fabian@dgs.ca.gov](mailto:gary.fabian@dgs.ca.gov)

#### AVAILABILITY OF RULEMAKING DOCUMENTS (Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

#### Back-up:

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION  
OF THE  
DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
REGARDING THE AMENDMENT OF THE  
2016 CALIFORNIA BUILDING CODE AND  
THE 2016 CALIFORNIA EXISTING BUILDING  
CODE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 2 AND PART 10**

**CERTIFICATION OF COMPLIANCE FOR  
EMERGENCY BUILDING STANDARDS  
(HCD EF-01-17)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 2 and 10. HCD is proposing building standards related to exterior elevated elements (EEE).

**PUBLIC COMMENT PERIOD**  
(Government Code Section 11346.5(a)(1) and Section 11346.5(a)(15))

A public hearing has not been scheduled; however, written comments will be accepted from **September 8, 2017**, until 5:00 p.m. on **October 23, 2017**. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Mia Marvelli, Executive Director

Written comments may also be faxed to (916) 263-0959 or emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued an-

nouncing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS**  
(Government Code Section 11346.5(a)(18)),  
(Government Code Section 11346.8(c))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**  
(Government Code Section 11346.5(a)(2))

Health and Safety Code (HSC), State Housing Law, Section 17921, provides HCD with authority to propose the adoption, amendment, or repeal of building standards to CBSC in accordance with the HSC, California Building Standards Law, and provisions for the California Building Standards Code Section 18935 *et seq.*

HSC, Employee Housing Act, Section 17040, provides HCD authority to adopt, amend, or repeal rules and regulations for the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.

HSC, Factory-Built Housing Law, Section 19990, provides HCD authority to adopt rules and regulations to implement the law. California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 1, Article 5, Section 3070, requires design and fabrication of factory-built housing to be in accordance with the applicable building standards in specified parts, including Part 11 CALGreen, of the Building Standards Code.

The California Building Standards Law also provides for the CBSC to act upon emergency standards if the proposing agency has made the finding of emergency in compliance with Government Code Section 11346.5.

HCD has determined that the adoption of these building standards is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

HSC, California Building Standards Law, Section 18937 provides that the CBSC commissioners shall act on emergency standards within 30 days, and they must act on the merit of the emergency finding as well as on the proposed standards. HSC Section 18938 requires the filing of emergency standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the standards become effective when filed with the Secretary of State or at a later date specified in the standards, and that they be published in Title 24.

#### INFORMATIVE DIGEST

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

#### Summary of Existing Laws

**HSC Section 17921** requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

**HSC Section 17922(b)** provides authority for HCD to consider local conditions and propose amendments to the adopted uniform (model) codes.

**HSC Section 18937** provides that a proposing agency can propose a finding of emergency in accordance with Government Code Sections 11346.1 and 11346.5.

**HSC Section 18938** requires the filing of emergency standards with the Secretary of State by CBSC only after they have been approved by the commissioners. It requires that the standards become effective when filed with the Secretary of State or at a later date specified in the standards, and that they be published in Title 24.

**Government Code Section 11346.1(e)** states that no regulation, amendment, or order of repeal initially adopted as an emergency regulatory action shall remain in effect more than 180 days unless the adopting agency has complied with Sections 11346.2 to 11347.3, inclusive, either before adopting an emergency regulation or within the 180-day period. The adopting agency, prior to the expiration of the 180-day period, shall transmit to the office for filing with the Secretary of State the adopted regulation, amendment, or order of repeal, the rulemaking file, and a certification that Sections 11346.2 to 11347.3, inclusive, were complied with either before the emergency regulation was adopted or within the 180-day period.

The Government Code Section 11346.1(h), also provides for the readoption of emergency regulations for up to two (90 days each) periods.

#### Summary of Existing Regulations

The California Building Code (Part 2, Title 24, California Code of Regulations), contains requirements for construction documents in Section 107.2, for inspections in Section 110.3, for minimum live loads in Table 1607.1, and for wood protection in Section 2304.12.

The California Existing Building Code (Part 10, Title 24, California Code of Regulations), contains requirements for construction documents in Section 106.2, and for inspections in Section 109.3.

#### Summary of Effect

This proposed action will make permanent, upon approval by the commissioners, emergency modifications to the body of regulations with enhanced design and construction measures for exterior elevated elements (EEEs), to minimize risk of failure in newly-constructed buildings. It will also reduce risk of failure due to latent causes for existing buildings.

This proposed action will make permanently effective, upon adoption, approval by the commissioners, and filing with the Secretary of State, the addition of Sections 107.2.7 and 110.3.8.1 to Chapter 1, and Section 2304.12.2.6 to Chapter 23; and the amendment of Table 1607.1 of Chapter 16 and Section 2304.12.2.5 of Chapter 23 in Title 24, Part 2, for buildings within HCD authority, necessitating immediate action to avoid serious harm to the public peace, health, safety and general welfare, in response to presumed ongoing conditions within the construction of the built environment.

This proposed action will make permanently effective, upon adoption, approval by the commissioners, and filing with the Secretary of State, the addition of Sections 106.2.6 and 109.3.7.1 to Chapter 1; and re-establishment of Section 101.8 (as renumbered, from the 2013 edition of Part 2) in Chapter 1, Title 24, Part 10, for buildings within HCD authority, necessitating immediate action to avoid serious harm to the public peace, health, safety and general welfare, in response to presumed ongoing conditions within the built environment.

#### Comparable Federal Statute or Regulations

There currently are no federal laws or regulations for EEEs as currently proposed.

#### Policy Statement Overview

HCD has statutory authority to adopt building standards for residential structures and accessory structures. No other state agency has primary authority to adopt building standards for residential structures.

#### Evaluation of consistency

The proposed action is not incompatible or inconsistent with existing regulations.

HCD's proposed building standards include new provisions to the CBC and CEBC, which will be published in the 2018 International Building Code (IBC) and 2018 International Existing Building Code (IEBC) model codes, which are the basis for the 2019 CBC and 2019 CEBC. Therefore, HCD's proposed building standards do not conflict with, overlap, or duplicate existing California building standards. Upon publication of the 2018 IBC and 2018 IEBC, anticipated in September 2017,

which should include duplicate measures (except for the maintenance and reinspection provision), HCD will repeal the corresponding California amendments to avoid duplication within the 2019 CBC and 2019 CEBC.

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

(Government Code Section 11346.5(a)(4))

HSC 18924.5 directs the working group established by the CBSC to report to specified legislative committees on their study of EEE failures. This report may include possible recommendations for statutory changes or changes to the CA Building Standards Code.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

HCD has determined that the proposed regulatory action would not pose a state reimbursable mandate on local agencies or school districts. HSC Section 17951(b) provides for local enforcing agencies to prescribe fees to defray costs of enforcement of the State Housing Law and building standards.

**ESTIMATE OF COST OR SAVINGS**

(Government Code Section 11346.5(a)(6))

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the “Economic and Fiscal Impact Statement” (Form 399).

- A. Cost or Savings to any state agency: Unknown (see “Estimate” Section below)
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None (See “Mandate on Local Agencies or School Districts” Section above)
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
- D. Other nondiscretionary cost or savings imposed on local agencies: Unknown
- E. Cost or savings in federal funding to the state: None

**Estimate:** Local agencies may incur additional costs related to implementation of the proposed regulations

as related to inspections. However, pursuant to HSC Section 17951(b) they may prescribe fees to defray the costs of enforcement carried out by local enforcement agencies. Therefore, local costs may be reduced to zero.

The proposed increase in live load for balconies and decks may increase the cost of construction; however, the balcony will be able to support higher loads than the existing code requirements, providing a greater margin of safety. This change will provide consistency between the IBC/CBC and the 2016 ASCE 7 Minimum Design Loads and Associated Criteria for Buildings and Other Structures. ASCE 7 provides requirements for general structural design and includes means for determining dead, live, soil, flood, snow, rain, atmospheric ice, earthquake, and wind loads, as well as their combinations, which are suitable for inclusion in building codes and other documents.

HCD finds that the adoption of amendments in the 2016 CBC and 2016 CEBC results in reasonable costs or costs savings to the public because it updates health and safety standards, provides the most recent methods, and promotes affordable costs. HSC Section 17950 mandates that the application of published building standards be applied on a statewide basis, which assists in uniformity and cost affordability. The proposed 2018 IBC and 2018 IEBC are scheduled to be published and available mid-September 2017.

**INITIAL DETERMINATION OF SIGNIFICANT  
STATEWIDE ADVERSE ECONOMIC IMPACT  
ON BUSINESSES**

(Government Code Section 11346.5(a)(7))

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, the determination shall include the following:

- A. Identification of the types of businesses that would be affected.  
Businesses that manufacture, sell, and/or install impervious moisture barriers, soffit enclosure vent screens, or framing lumber; architectural design firms, private inspection agencies may be affected by this regulation.
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.

Unknown. Optional adoption of local EEE programs for initial and periodic inspections and maintenance may require record keeping at the local level.

C. HCD and all other state agencies adopting these regulations have made an initial determination that the adoption of these regulations may have a minor adverse economic impact on businesses. HCD has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishment of differing compliance requirements which take into account the resources available to businesses.
- Consolidation or simplification of compliance for businesses.
- The increased use of performance standards in lieu of prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

DECLARATION OF EVIDENCE  
(Government Code Section 11346.5(a)(8))

The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

HCD’s initial determination of possible significant, statewide adverse economic impact directly affecting businesses in California and their ability to compete with businesses in other states is based on the rationale identified in the original code proposals submitted for the 2018 IBC and 2018 IEBC, and review among state agencies.

FINDING OF NECESSITY FOR THE PUBLIC’S  
HEALTH, SAFETY, OR WELFARE  
(Government Code Section 11346.3(d)).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

Not Applicable.

COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS  
(Government Code Section 11346.5(a)(9))

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

Representative private individuals and/or businesses may incur costs in reasonable compliance with this pro-

posed action (see “ESTIMATE OF COST OR SAVINGS” section above).

ASSESSMENT OF EFFECT OF REGULATIONS  
UPON JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION  
(Government Code Section 11346.5(a)(10),  
Government Code Section 11346.3(b)(1))

The Department of Housing and Community Development has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.**

These regulations will not cause the elimination of jobs within the State of California. These regulations may create additional jobs within the State of California especially as related to inspection, repair and maintenance of EEES.

- The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not cause the elimination of existing businesses within the State of California. These regulations may create additional businesses within the State of California especially as related to inspection, repair and maintenance of EEES.

- The expansion of businesses currently doing business with the State of California.**

These regulations may affect the expansion of businesses currently doing business within the State of California.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.**

These regulations were initially proposed as emergency regulations for the purposes of providing enhanced measures, intended to reduce risk factors and increase public safety, as related to EEES. Permanent early adoption of these regulations will keep these regulations enforced beyond January 2018, which is the latest expiration date for the emergency regulations.

ESTIMATED COST OF COMPLIANCE OF  
STANDARDS THAT WOULD IMPACT HOUSING

Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the

agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs.

The impact of these regulations may be minimal or none as the cost of compliance on a project-by-project basis will vary. Some projects may already include detailed construction requirements and details or be designed to avoid water or moisture damage or for cross ventilation, and for greater loads. Costs may be greater for projects not designed in excess of the minimum requirements of the existing code (prior to the emergency adoption). Costs would also vary depending on the amount, location and extent of EEEs in a project. Costs for existing construction would vary due to the unknown number of EEEs on existing residential structures and inspection schedules, if any, adopted by local enforcing agencies. The potential benefits include reducing and/or avoiding harm, injury or death to residential occupants due to failure of EEEs.

#### CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.2(b)(4) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

There were no alternatives available to HCD. As noted in the Finding of Emergency, in view of the urgency to provide enhanced measures, intended to reduce risk factors and increase public safety, as implied by the statute's urgent language, HCD proposed the adoption of these building standards through the emergency adoption process, authorized in HSC Section 18937. These regulations have undergone two readoption processes and further readoption without formal rulemaking is not allowed by the Administrative Procedure Act.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

(Government Code Section 11346.5(a)(20)),  
(Government Code Section 11346.5(a)(19))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

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 named below or at the California Building Standards Commission website.

Government Code Section 11346.5(a)(21) states that CBSC shall provide, upon request, a description of proposed changes included in the proposed action in the manner provided by Section 11346.6 to accommodate a person with a visual or other disability for which effective communication is required under state or federal law, and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

These regulations submitted by HCD do not pertain to disabled access or other criteria specified in Section 11346.6.

#### CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS (Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

**Michael L. Nearman, Deputy Executive Director**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959  
[Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

#### PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Stoyan Bumbalov, Codes and Standards Administrator I**  
Department of Housing and Community Development  
2020 West El Camino Ave, Suite 200  
Sacramento, CA 95833  
Telephone No: (916) 263-4715  
Facsimile No: (916) 263-4713  
[stoyan.bumbalov@hcd.ca.gov](mailto:stoyan.bumbalov@hcd.ca.gov)



**Back-up:**

**Emily Withers, Codes and Standards  
Administrator II**  
Department of Housing and Community  
Development  
2020 West El Camino Ave, Suite 200  
Sacramento, CA 95833  
Telephone No: (916) 263-2998  
Facsimile No: (916) 263-4713  
[emily.withers@hcd.ca.gov](mailto:emily.withers@hcd.ca.gov)

Pursuant to California Fish and Game Code section 2080.1, the Department of Water Resources is requesting a determination that the BO and associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and associated ITS are consistent with CESA for the proposed project, the Department of Water Resources will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**GENERAL PUBLIC INTEREST**

**SUMMARY OF REGULATORY  
ACTIONS**

**DEPARTMENT OF FISH AND  
WILDLIFE**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

**CESA CONSISTENCY DETERMINATION  
REQUEST FOR**  
2017 Storm Damage Department of Water Resources  
Emergency Rehabilitation —  
Critical Repair Sites Project  
2080-2017-007-02  
Tehama, Sutter, Yolo, San Joaquin, and Solano  
Counties

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.

The California Department of Fish and Wildlife (CDFW) received an amended notice August 25, 2017, that the Department of Water Resources proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves repair of 18 levee sites that were damaged during the heavy flow conditions of the winter of 2016/2017. Proposed activities will include, but are not limited to, creation of temporary access roads, clearing and grubbing, removing vegetation, and bank reconstruction using clean rock. The proposed project will occur at 18 sites in the Sacramento and San Joaquin Valleys within Tehama, Sutter, Yolo, San Joaquin, and Solano Counties, California.

File# 2017-0718-01  
**BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**  
Requirements — Professional Land Surveyors

This action by the Board for Professional Engineers, Land Surveyors, and Geologists clarifies experience requirements for licensure as a professional land surveyor.

The Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. 08ESMF00-2017-F-2741) (BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on August 8, 2017, which considered the effects of the proposed project on the state threatened and federally threatened giant garter snake (*Thamnophis gigas*), and the state endangered and federally threatened delta smelt (*Hypomesus transpacificus*).

Title 16  
AMEND: 425  
Filed 08/29/2017  
Effective 10/01/2017  
Agency Contact: Kara Williams (916) 263-5438

File# 2017-0719-02  
**CALIFORNIA SCHOOL FINANCE AUTHORITY**  
California School Facility Grant Program

The California School Finance Authority (Authority) submitted this timely certificate of compliance to make permanent the regulations adopted in OAL File No. 2017-0329-01E. The emergency rulemaking adopted regulations to govern administration of the Charter School Facility Grant Program, under which the Authority administers approximately \$112,000,000 in general fund assistance to charter schools for facilities rent and lease costs.

Title 4

AMEND: 10170.3, 10170.4, 10170.8, 10170.9,  
10170.10, 10170.14

Filed 08/24/2017

Effective 08/24/2017

Agency Contact: Katrina Johantgen (213) 620-2305

File# 2017-0816-02

DENTAL BOARD OF CALIFORNIA

Fee Increase

In this rulemaking action the Dental Board of California is amending sections 1021 and 1022 of title 16 of the California Code of Regulations. These amendments increase the fees for dentists and dental assistants. This rulemaking action also removes some fees and adopts other new fees.

Title 16

AMEND: 1021, 1022

Filed 08/24/2017

Effective 08/24/2017

Agency Contact: Sarah Wallace (916) 263-2187

File# 2017-0720-07

DENTAL HYGIENE COMMITTEE OF CALIFORNIA

RDH Course in Local Anesthesia, Nitrous Oxide-Oxygen Analgesia and Periodontal Soft Tissue Curettage

This action without regulatory effect by the Dental Hygiene Committee of California adds two charts to section 1107 of title 16 of the California Code of Regulations that graphically depict existing specific curriculum content requirements without materially altering any requirement, right, responsibility, condition, prescription, or other regulatory element.

Title 16

AMEND: 1107

Filed 08/30/2017

Agency Contact: Estelle Champlain (916) 576-5007

File# 2017-0712-02

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Classification and Discipline

The Department of Corrections and Rehabilitation filed this timely certificate of compliance action to make permanent the changes adopted in OAL File No. 2017-0123-04EON. In that action, the Department amended thirteen sections in title 15 of the California Code of Regulations to modify inmate classification and disciplinary processes. The Department also elimi-

nated the Close A and Close B custody designations and replaced them with a single level of Close Custody.

Title 15

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

Filed 08/23/2017

Effective 08/23/2017

Agency Contact: Laura Lomonaco (916) 445-2217

File# 2017-0719-03

DEPARTMENT OF FOOD AND AGRICULTURE

Fertilizing Materials Registration Cycle

This action by the Department of Food and Agriculture amends the registration renewal deadline for organic input material product labels by implementing a rolling registration cycle using registration groups based on the first letter or number of a firm's name.

Title 3

AMEND: 2320.1

Filed 08/30/2017

Effective 01/01/2018

Agency Contact: Dale Woods (916) 900-5022

File# 2017-0817-01

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Administrative Civil Penalties

This emergency readopt action by the Department of Resources, Recycling, and Recovery (CalRecycle) revises one section and adopts three sections in title 14 of the California Code of Regulations to implement a process for CalRecycle to impose civil liabilities for violations of the Electronic Waste Recycling Program.

Title 14

ADOPT: 18660.44, 18660.45, 18660.46

AMEND: 18660.7

Filed 08/28/2017

Effective 10/06/2017

Agency Contact: Meagan Wilson (916) 341-6077

File# 2017-0717-01

DEPARTMENT OF SOCIAL SERVICES

Foster Care Services: Cultural Competency

This action by the Department of Social Services (Department) amends regulations in title 22 of the California Code of Regulations and the Manual of Policies and Procedures to incorporate provisions of statutes 2012, chapter 639 (AB 1856), statutes 2013, chapter 338 (SB 528) and statutes 2015, chapter 805 (SB 731) relating to training, personal rights and bedroom sharing sections of Group Home, Foster Family Home, Certified Family Home, Transitional Housing Placement Program and Small Family Homes.

Title 22, MPP  
 AMEND: 83001, 83064, 83072, 83087, 84001,  
 84065, 84072, 84079, 84087, 84272, 86001, 86065,  
 86072, 86072.1, 86087, 88001, 88022, 89201,  
 89372, 89379, 89387, 89405  
 Filed 08/24/2017  
 Effective 10/01/2017  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2017-0717-02  
 DEPARTMENT OF SOCIAL SERVICES  
 Community Care Licensing Law Enforcement  
 Contacts

This action amends regulations to clarify and implement Health and Safety Code section 1538.7 regarding group home and transitional housing placement providers reporting specified incidents to the Department of Social Services when law enforcement is contacted. The amendments deal with definitions, report timing, and required data elements, among other things.

Title 22, MPP  
 AMEND: 80044, 84001, 84002, 84061, 84063,  
 84065, 84072.1, 84165, 84300.1, 84322, 84322.2,  
 84365, 86001, 86022, 86061, 86065  
 Filed 08/28/2017  
 Effective 10/01/2017  
 Agency Contact: Kenneth Jennings (916) 651-8862

File# 2017-0719-07  
 FISH AND GAME COMMISSION  
 Bay Shrimp Log

This filing of changes without regulatory effect by the Fish and Game Commission amends section 119 in Title 14 of the California Code of Regulations to update the name of a form within the regulation text and to update the name of the form. The changes reflect the update of the Department name from Department of Fish and Game to Department of Fish and Wildlife.

Title 14  
 AMEND: 119, Form FG 2025 (11/2005),  
 Appendix A  
 Filed 08/29/2017  
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2017-0720-05  
 FISH AND GAME COMMISSION  
 Falconry

This action by the Fish and Game Commission updates the falconry rules in title 14 of the California Code of Regulations.

Title 14  
 AMEND: 670  
 Filed 08/29/2017  
 Effective 10/01/2017  
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2017-0814-01  
 OCEAN PROTECTION COUNCIL  
 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: 59590  
 Filed 08/30/2017  
 Effective 09/29/2017  
 Agency Contact: Jenn Eckerle (916) 654-9055

File# 2017-0717-03  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Proposition 65 Exposure Violation Notices

The Office of Environmental Health Hazard Assessment proposed this action to amend section 25903 and Appendix A to section 25903 and to adopt Appendix B to section 25903 in title 27 of the California Code of Regulations.

Title 27  
 ADOPT: Appendix B to 25903  
 AMEND: 25903, Appendix A to 25903  
 Filed 08/23/2017  
 Effective 10/01/2017  
 Agency Contact: Monet Vela (916) 323-2517

File# 2017-0720-08  
 OFFICE OF STATEWIDE HEALTH PLANNING  
 AND DEVELOPMENT  
 Repeal of Authorization for Concluded HPEF Pilot  
 Project

This change without regulatory effect by the Office of Statewide Health Planning and Development (“OSHPD”) repeals section 97759 in title 22 of the California Code of Regulations. Health and Safety Code section 128385, subdivision (d), created a pilot project wherein “[n]ot more than 5 percent of the funds available under the Registered Nurse Education Program shall be available . . . to test whether it is possible to encourage articulation from associate degree nursing programs to baccalaureate of science degree nursing programs.” Section 97759 established the pilot project for associate degree nurses (the “Pilot Project”). The last award was made in 2005, and the Pilot Project was concluded. By 2012, the last students to receive an award

had either completed the program or breached their contracts. Since the OSHPD’s Health Professions Education Foundation no longer has authority to offer awards under subdivision (d) of Health and Safety Code section 128385, Section 97759 is being repealed as a change without regulatory effect.

**Title 22**

REPEAL: 97759

Filed 08/28/2017

Agency Contact:

Michelle Church-Reeves (916) 326-3617

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN March 29, 2017 TO  
August 30, 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**

- 08/30/17 AMEND: 59590
- 08/16/17 AMEND: 604
- 08/14/17 AMEND: 11034
- 08/14/17 ADOPT: 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, 2298.8, 2298.9, 2298.9.1 REPEAL: 2297.1, 2298
- 08/10/17 AMEND: 1897
- 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

**Title 3**

- 08/30/17 AMEND: 2320.1
- 08/22/17 AMEND: 3439
- 08/17/17 AMEND: 3435(b)
- 08/16/17 AMEND: 3435(b)
- 08/16/17 AMEND: 3439(b)
- 08/11/17 AMEND: 3439(b)
- 08/10/17 AMEND: 3435(b)
- 08/08/17 AMEND: 3854, 3855
- 08/03/17 AMEND: 3435(b)
- 07/31/17 AMEND: 3435(d)
- 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: 2320.5AMEND: 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)

**Title 4**

08/24/17 AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14  
 08/07/17 ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2  
 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

**Title 5**

08/22/17 AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602  
 08/17/17 AMEND: 19810  
 08/10/17 AMEND: 76000, 76020, 76210, 76130, 76200, 76210, 76212, 76215  
 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  
 05/30/17 ADOPT: 71396  
 04/05/17 ADOPT: 75300 AMEND: 75200, 75210

**Title 8**

07/31/17 AMEND: 3650  
 07/31/17 AMEND: 344.30  
 07/27/17 ADOPT: 5189.1  
 07/18/17 ADOPT: 9789.17.3 AMEND: 9789.12.2, 9789.17.1, 9789.18.12, 9789.19  
 06/29/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  
 06/29/17 AMEND: 344.18  
 06/20/17 AMEND: 9789.39  
 06/05/17 AMEND: 1637  
 06/05/17 AMEND: 3220  
 05/23/17 ADOPT: 20169 AMEND: 20170, 20234, 20240, 20241, 20242, 20282, 20286, 20363, 20393, 20400, 20401, 20402, 20407, 20408  
 05/16/17 AMEND: 20335(c)  
 04/14/17 AMEND: 15203.2(d)  
 04/04/17 AMEND: 5155

**Title 9**

08/17/17 ADOPT: 4020, 4020.1  
 06/13/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717

**Title 10**

08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007  
 08/03/17 AMEND: 2498.5  
 06/21/17 ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7  
 04/17/17 ADOPT: 6520, 6522, 6528

**Title 11**

08/08/17 AMEND: 1006  
 07/31/17 AMEND: 1005  
 07/31/17 ADOPT: 5470, 5471, 5472, 5473, 5474, 5474.1, 5474.2, 5475, 5476, 5477, 5478 AMEND: 5469 REPEAL: 5473  
 07/25/17 AMEND: 1009  
 07/18/17 AMEND: 1008  
 06/28/17 AMEND: 1005, 1007, 1008  
 06/21/17 AMEND: 1015  
 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

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05/23/17 AMEND: 50.19  
05/23/17 AMEND: 50.20  
05/18/17 AMEND: 50.23  
05/18/17 AMEND: 50.12  
05/18/17 AMEND: 50.14  
05/16/17 AMEND: 50.8  
05/16/17 AMEND: 50.15  
05/16/17 AMEND: 50.21  
05/16/17 REPEAL: 50.22  
05/16/17 ADOPT: 50.22  
05/15/17 AMEND: 50.5  
05/15/17 REPEAL: 50.7  
05/15/17 AMEND: 50.6  
05/15/17 AMEND: 50.16  
05/15/17 AMEND: 50.17

**Title 13**

07/31/17 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264  
07/31/17 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269  
07/27/17 AMEND: 1151.8.1  
06/29/17 AMEND: 1160.1, 1160.2, 1160.3, 1160.4  
06/20/17 AMEND: 2775, 2775.1, 2775.2  
06/19/17 AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14  
06/12/17 AMEND: 156.00  
05/15/17 AMEND: 16.06  
04/19/17 AMEND: 26.01, 26.02  
04/17/17 AMEND: 2222  
04/06/17 AMEND: 1157.21

**Title 14**

08/29/17 AMEND: 119, Form FG 2025 (11/2005), Appendix A  
08/29/17 AMEND: 670  
08/28/17 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7  
08/22/17 ADOPT: 870.17 AMEND: 870.15 REPEAL: 870.17, 870.19, 870.21  
08/10/17 AMEND: 7.50  
08/07/17 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
08/07/17 ADOPT: 817.04 AMEND: 790  
08/07/17 ADOPT: 820.02  
08/07/17 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
08/01/17 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24  
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  
07/19/17 AMEND: 502  
07/19/17 AMEND: 708.5

07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1  
07/13/17 AMEND: 13055  
07/12/17 AMEND: 670.2  
06/02/17 ADOPT: 1090.28, 1094, 1094.1, 1094.2, 1094.3, 1094.4, 1094.5, 1094.6, 1094.7, 1094.8, 1094.9, 1094.10, 1094.11, 1094.12, 1094.13, 1094.14, 1094.15, 1094.16(a)-(d)(5), 1094.17, 1094.18, 1094.19, 1094.20, 1094.21, 1094.22, 1094.23, 1094.24, 1094.25, 1094.26, 1094.27, 1094.28, 1094.29, 1094.30, 1094.31, 1094.32, 1094.33, 1094.34, 1094.35 AMEND: 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9] 929 [949, 969], 945.1, 1038, 1090.26, 1104.1, 1115.3  
05/26/17 AMEND: 7.50  
05/08/17 ADOPT: 18651.10, 18657.0, 18657.1 AMEND: 18600, 18601, 18611, 18612, 18613, 18614, 18614.1, 18616, 18619.1, 18619.2, 18619.3, 18619.4, 18619.5, 18620, 18621, 18622, 18623, 18624, 18625, 18626, 18627, 18631, 18632, 18633, 18634, 18641, 18642, 18643.0, 18643.2, 18643.3, 18643.4, 18643.5, 18643.6, 18643.7, 18650.1, 18650.2, 18650.3, 18650.4, 18650.5, 18650.6, 18650.61, 18650.7, 18650.8, 18650.9, 18651.0, 18651.1, 18651.2, 18651.3, 18651.4, 18651.5, 18651.6, 18651.7, 18651.8, 18651.9, 18653.0, 18653.1, 18653.2, 18653.3, 18653.4, 18653.5, 18653.6, 18655.1, 18655.2, 18655.3, 18655.5, 18655.51, 18655.6, 18655.7, 18655.8, 18656.0 REPEAL: 18615, 18643.1, 18655.4, 18655.9, 18658.0, 18658.1, 18658.2, 18658.3, 18659.0, 18659.1, 18659.2, 18659.3, 18659.4, 18659.5  
05/03/17 ADOPT: 1265.00, 1265.01, 1265.02, 1265.03  
05/01/17 AMEND: 27.80  
05/01/17 AMEND: 28.20  
04/18/17 AMEND: 1038  
04/13/17 ADOPT: 3805.1  
04/12/17 ADOPT: 111

04/03/17 ADOPT: 17403.3.1 AMEND: 17402,  
17403.0, 17405.0

**Title 15**

08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375,  
3375.1, 3375.2, 3375.3, 3375.4, 3375.5,  
3377.1, 3377.2, 3379

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

07/19/17 AMEND: 502

07/19/17 AMEND: 708.5

07/18/17 ADOPT: 17403.3.1 AMEND: 17402,  
17403.0, 174405.0

07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1

07/13/17 AMEND: 13055

07/12/17 AMEND: 3000, 3753, 3754, 3763, 6766,  
3769.6

06/28/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4  
AMEND: 1700, 1706, 1731, 1747,  
1747.1, 1748, 1748.5, 1749, 1749.1,  
1750, 1750.1, 1751, 1752, 1753, 1754,  
1756, 1760, 1766, 1767, 1768, 1770,  
1772, 1776, 1778, 1788, 1790, 1792

06/27/17 AMEND: 3620, 3621, 3622

06/08/17 ADOPT: 8106.2 AMEND: 8106.1

05/23/17 ADOPT: 3570, 3572, 3573, 3580  
AMEND: 3560, 3561, 3562, 3563, 3564,  
3565, 3571, 3581, 3582, 3590, 3590.1,  
3590.2, 3590.3

05/11/17 ADOPT: 3999.23

04/17/17 AMEND: 3000, 3030, 3190, 3269

04/13/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4,  
2449.5, 3043.1, 3043.2, 3043.3, 3043.4,  
3043.5, 3043.6, 3490, 3491, 3492, 3493  
AMEND: 3043, 3043.5 (renumbered to  
3043.7), 3043.6 (renumbered to 3043.8),  
3044 REPEAL: 3042, 3043.1, 3043.2,  
3043.3, 3043.4, 3043.7

04/03/17 ADOPT: 3999.22

**Title 16**

08/30/17 AMEND: 1107

08/29/17 AMEND: 425

08/24/17 AMEND: 1021, 1022

08/22/17 ADOPT: 1399.730, 1399.731, 1399.732

08/14/17 REPEAL: 901, 902, 903, 914

08/10/17 ADOPT: 4176

08/10/17 AMEND: 1105.1(b)(c)(d)(e)

08/08/17 ADOPT: 1805.2

08/02/17 AMEND: 4161, 4162, 4163

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

06/23/17 AMEND: 2649

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

06/12/17 AMEND: 1399.546

06/08/17 ADOPT: 1746.5

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

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

06/05/17 AMEND: 1387, 1387.1

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

05/30/17 AMEND: 1703

05/24/17 ADOPT: 1001.1, 1001.2

05/24/17 AMEND: 1399.395

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

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

05/08/17 ADOPT: 1398.26.3 AMEND: 1398.25

05/04/17 AMEND: 4130

**Title 17**

08/21/17 AMEND: 100010, 100020, 100030,  
100040, 100050, 100070

07/24/17 REPEAL: 1050

07/17/17 ADOPT: 95665, 95666, 95667, 95668,  
95669, 95670, 95671, 95672, 95673,  
95674, 95675, 95676, 95677

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

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

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

04/17/17 AMEND: 60201

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

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

**Title 18**

06/19/17 AMEND: 1703

06/14/17 AMEND: 5332

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

05/15/17 AMEND: 263

05/15/17 AMEND: 1051

05/03/17 ADOPT: 4001

**Title 19**

08/03/17 ADOPT: 2745.7.5, 2762.0.1, 2762.0.2, 2762.1, 2762.2, 2762.2.1, 2762.3, 2762.4, 2762.5, 2762.6, 2762.7, 2762.8, 2762.9, 2762.10, 2762.11, 2762.12, 2762.13, 2762.14, 2762.15, 2762.16, 2762.17, 2775.2.5 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2735.6, 2735.7, 2740.1, 2745.1, 2745.2, 2745.3, 2745.4, 2745.6, 2745.7, 2745.7.5, 2745.8, 2745.10, 2745.10.5, 2745.11, 2750.1, 2750.3, 2750.4, 2755.2, 2755.6, 2760.8, 2765.1, 2770.1, 2770.2, 2770.5, 2775.2, 2775.3, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.5, 2780.6, 2785.1

07/06/17 AMEND: 2021

05/01/17 AMEND: 2020, 2021

**Title 20**

08/22/17 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606

**Title 21**

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

**Title 22**

08/28/17 REPEAL: 97759

08/16/17 AMEND: 100393(a)(1)

08/16/17 AMEND: 10100

07/14/17 AMEND: 51255, 51356

07/10/17 AMEND: 51490.1

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

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

04/19/17 ADOPT: 69511, 69511.1

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

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

**Title 22, MPP**

08/28/17 AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065

08/24/17 AMEND: 83001, 83064, 83072, 83087, 84001, 84065, 84072, 84079, 84087, 84272, 86001, 86065, 86072, 86072.1, 86087, 88001, 88022, 89201, 89372, 89379, 89387, 89405

06/21/17 AMEND: 81001

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

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

04/27/17 AMEND: 101216.4, 101417

**Title 23**

08/09/17 ADOPT: 3939.53

08/09/17 ADOPT: 3939.53

08/08/17 AMEND: 3930

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

06/28/17 ADOPT: 3010

06/22/17 ADOPT: 3939.52

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

05/18/17 AMEND: 3939.23

05/16/17 ADOPT: 3939.51

**Title 25**

07/18/17 ADOPT: 5535, 5535.5, 5536, 5536.5

07/12/17 ADOPT: 6932 REPEAL: 6932

**Title 27**

08/23/17 ADOPT:  
Appendix B to 25903 AMEND: 25903, Appendix A to 25903

08/23/17 ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903

08/02/17 AMEND: 27001

05/11/17 REPEAL: 25607.30, 25607.31

05/04/17 AMEND: 25705

05/03/17 AMEND: 25805

04/04/17 AMEND: 25805

**Title 28**

06/27/17 AMEND: 1300.67.005

**Title MPP**

07/17/17 ADOPT: 31-137

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

05/01/17 AMEND: 44-211

04/25/17 AMEND: 44-211

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