



California Regulatory Notice Register

REGISTER 2017, NO. 40-Z

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OCTOBER 6, 2017

PROPOSED ACTION ON REGULATIONS

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Conflict-of-Interest Code — Notice File No. Z2017-0926-06 1489

Adoption

Muti-County: Compass Charter Schools
 Connecting Waters Charter Schools
 Antelope Valley Union High School District

Amendment

Multi-County: Yucaipa Valley County Water District
 San Geronio Pass Water Agency
 Turlock Union School District

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2017-0926-07 1490

Amendment

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 Schools Risk and Insurance Management Group

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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

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

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

ADOPTION

MULTI-COUNTY: Compass Charter Schools
Connecting Waters Charter
Schools
Antelope Valley Union High
School District

AMENDMENT

MULTI-COUNTY: Yucaipa Valley County Water
District
San Geronio Pass Water
Agency
Turlock Union School District

A written comment period has been established commencing on October 6, 2017, and closing on November 20, 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 November 20th, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cesar Cuevas, Fair

Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

**MULTI-COUNTY: Peninsula Corridor Joint
Powers Board
Schools Risk and Insurance
Management Group**

A written comment period has been established commencing on October 6, 2017, and closing on November 20, 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 November 20, 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.

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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.

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Section, contained in Title 2, California Code of Regulations (CCR). 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code, and makes specific reference to Sections 17070.35, 17072.12, and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school

districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its June 5, 2017 meeting, adopted a proposed regulatory amendment to the SFP Regulations that would extend for one year [until January 1, 2019] the additional grant to school districts for new construction general site development costs. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

Bond Funds Impacted

The following five State school bonds were authorized by the Legislature and approved by the State's electorate for purposes of school facility construction:

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)
- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)
- Kindergarten through Community College Public Education Facilities Bond Act of 2017 (Proposition 51)

Background and Problem Being Resolved

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting. The proposed regulation was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB. The following is a sequence of events extending the additional grant for general site development:

- First One-Year Extension: The SAB, at its December 12, 2007 meeting, approved emergency regulations extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on March 3, 2008.
- Second One-Year Extension: The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.
- Third One-Year Extension: The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1, 2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.
- Fourth One-Year Extension: The SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012,” which was approved by the OAL and filed with the Secretary of State on April 27, 2011.
- Fifth Two-Year Extension: The SAB, at its July 12, 2011 meeting, approved extending the suspension date to “no later than January 1, 2014,” which was approved by the OAL and filed with the Secretary of State on December 28, 2011.
- Sixth One-Year Extension: The SAB, at its May 22, 2013 meeting, approved extending the suspension date to “no later than January 1, 2015,” which was approved by the OAL, filed with the Secretary of State on October 30, 2013, and took effect January 1, 2014, due to Senate Bill (SB) 1099, Chapter 295, Statutes of 2012.
- Seventh One-Year Extension: The SAB, at its August 20, 2014 meeting, approved extending the suspension date to “no later than January 1, 2016,” which was approved by the OAL, filed with the Secretary of State on February 9, 2015, and took effect on April 1, 2015, due to SB 1099, Chapter 295, Statutes of 2012.

- Eighth One-Year Extension: The SAB, at its May 27, 2015 meeting, approved extending the suspension date to “no later than January 1, 2017,” which was approved by the OAL and filed with the Secretary of State on December 21, 2015.
- Ninth One-Year Extension: The SAB, at its May 25, 2016 meeting, approved extending the suspension date to “no later than January 1, 2018,” which was approved by the OAL and filed with the Secretary of State on December 12, 2016.

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on OPSC’s website at www.dgs.ca.gov/opsc. Copies of the amended regulatory text will be mailed to any person requesting this information by using OPSC contact information set forth on page 7. The proposed regulation amends the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Financial Impact

From the inception of the general site development grant in 2006 through June 5, 2017, 479 school facility projects have received the general site development additional grant, averaging \$542,881 per eligible project in State bond cost. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

The bond funds apportioned to date for the general site development grant are:

	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	TOTAL
# of Projects	127	141	71	69	19	11	23	4	7	4	3	479
Total \$ Allocated (in millions)	\$62.3	\$71.6	\$46.3	\$42.3	\$8.9	\$5.1	\$16.8	\$1.3	\$2.9	\$1.5	\$1.04	\$260.04

The SAB is providing unfunded approvals for Charter School Facilities Program (CSFP) and Facility Hardship/Seismic Mitigation Program (SMP) projects. Facility Hardship/Rehabilitation and SMP projects are health and safety projects that could be eligible for the

general site development grant. Health and safety projects are presented to the SAB on an on-going basis.

Anticipated Benefits of the Proposed Regulations

Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.

The State of California benefits from this regulation as it assists in increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as help to support job creation. This regulation will have a positive impact to various businesses, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unknown number of [temporary] jobs.

There is a public health and safety impact assigned to the regulation. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

The proposed regulatory amendment is therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of this regulatory amendment will have a positive impact on public health and safety at K-12 public schools because school site occupants will have less risk of injury for the reasons noted above.

Summary of the proposed regulatory amendment is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended "no later than January 1, 2018" unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until "no later than January 1, 2019."

Statutory Authority and Implementation

Education Code Section 17070.35(a). In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt

rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is required.

After conducting a review, OPSC, on behalf of the SAB, has concluded that this is the only regulation on this subject area, and therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendment is within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts or charter schools to incur additional costs in order to comply with the proposed regulation.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency, school district, or charter school requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulation creates no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

There is a positive economic impact to California business by extending for one year the SFP general site development grant. This will provide the funds to school districts building new construction projects to contract with businesses and suppliers for necessary landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, thus supporting jobs in these construction-related industries. The proposed regulation:

- Continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities

and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects;

- Extends this additional grant until “no later than January 1, 2019”;
- Adds an average \$542,881 per eligible project in State bond funds to the SFP new construction funding model, which includes the pupil grant base amount and other additional grants;
- Creates an unknown amount of (temporary) jobs in landscaping, concrete, asphalt, finishing, playground and athletic field equipment, and other construction trades, along with stimulating the economy; and
- Could potentially create savings for a school district to utilize towards another high priority capital outlay project.

Further, by extending the SFP general site development grant for another year, it will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements because school districts will be able to more fully afford them. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, which continues to promote the stimulation of the economy and helps to support job creation.

Therefore, the proposed regulation will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- There is a health and safety impact assigned to this regulatory amendment. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects, and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.
- This regulation will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.) and municipalities, and supports the creation of an unspecified number of jobs.
- There is no impact to the State's environment from the proposed regulation.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulation will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts and charter schools for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory

action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than November 20, 2017 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations
Coordinator

Mailing
Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail
Address: lisa.jones@dgs.ca.gov
Fax No.: (916) 375–6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376–1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376–1646.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE
A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet website at: <http://www.dgs.ca.gov/opsc> under “Resources,” then click on “Laws and Regulations” then click on “SFP Pending Regulatory Changes.”

ALTERNATIVES

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

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency’s regulations coordinator named in this notice or may be accessed on the website listed above.

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended 3591.12 and 3424(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Peach Fruit Fly Interior Quarantine and Eradication Areas as an emergency action which was effective on July 25, 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 January 22, 2018.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 20, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
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) 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).

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Department evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has found that these are the only state regulations dealing with the quarantine and eradication of pests in the state. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

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.

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.” On June 16, 2017 the United States Department of Agriculture released a revised, more extensive host list for the Peach fruit fly, *Bactrocera zonata*. As the state had an active quarantine for Peach fruit fly in Los Angeles County, it was necessary to adopt the revised host list in order to successfully enforce the quarantine and adjust treatments to incorporate the new information. This adoption is necessary to avoid the United States Department of Agriculture (USDA) from declaring the whole state of California a quarantine zone for Peach fruit fly.

If the fly were allowed to spread and become established in host fruit production areas, California’s agricultural industry would suffer losses due to decreased production of marketable fruit, increased pesticide use, and loss of markets if other states or countries enacted quarantines against California products. Therefore, it is necessary to amend the eradication regulation [California Code of Regulations Title 3 (CCR) Section 3591.12] and quarantine regulation [CCR Section 3424(c)] for Peach fruit fly to reflect the changes and additions in the potential host list.

AMENDED TEXT

The emergency rulemaking action revised and updated the known host list for Peach fruit fly in California regulation to coincide with the official Peach fruit fly host list promulgated recently by the USDA. This harmonizes departmental quarantine and eradication authorities with USDA standards and prevents the quarantine of the entire state by USDA. It also allows for more targeted actions for eradication of Peach fruit fly and reduces the chance of allowing distribution of infested fruit and the subsequent spread of the pest in California.

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 determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section

17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action. Any future quarantine activities will take place as ongoing departmental activities; changes to the Peach fruit fly host list will not use additional resources or staff.

The Department has determined that 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 Department's determination that this action will not have a significant adverse economic impact on businesses was based on the following:

No business has gone out of business due to any host list provisions. Many businesses have benefited from the sales of safeguarding materials and others have benefited from Peach fruit fly expenditures by State and Federal governments.

Based on the preceding information, it was determined that due to the amendment of Section 3591.12 and 3424(c) 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 improving procedures to prevent the artificial spread of Peach fruit fly to non-infested areas of California.

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 ef-

fective 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 3591.12 and 3424(c) pursuant to the authority vested by Sections 401.5, 407, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5321 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) .

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on July 17, 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 January 16, 2017.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 20, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
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) 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 it finds 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 Monterey County by approximately 13 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 63,168 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 zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area. There are zero citrus packinghouses located within this quarantine area.

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;

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

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street,

Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on July 26, 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 January 22, 2018.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for

a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 20, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.403.6650
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 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 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 (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Anticipated Benefits from This Regulatory Action

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 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 (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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 specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

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 adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increasing the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya spp.*), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; it finds 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 consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Rosemead area of Los Angeles County by approximately 11 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 427 square miles.

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 other 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.

Significant effect on housing costs: None.

Small Business Determination

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

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 that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at

reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

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 neither be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to affected private persons nor 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 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763, 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 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/cdfa/pendingregs).

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.

TITLE 9. DEPARTMENT OF REHABILITATION

SUBJECT: COLLECTION AND RELEASE OF PERSONAL INFORMATION

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation ("Department") proposes to amend 7140.5 of Title 9 of the California Code of Regulations, described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing has been scheduled. Any interested person or his or her duly authorized representative may make a written request for a public hearing. The written request to hold a public hearing must be received by the

contact person identified in this notice no later than 15 days prior to the close of the written comment period. The Department shall, to the extent practicable, provide notice of the time, date and place of the hearing by mailing the notice to every person who submitted written comments, or who requested a hearing, on the proposed amendments.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Shelly Risbry, Regulations Coordinator
Department of Rehabilitation
721 Capitol Mall
Sacramento, California 95814

Comments may also be submitted by facsimile transmission (FAX) at (916) 558-5826 or by email to Legal@dor.ca.gov. Comments must be received by the Regulations Coordinator by 5:00 p.m. on November 20, 2017. All written comments received by the Department during the public comment period are subject to disclosure under the California Public Records Act (Gov. Code § 6250 et seq.).

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the written comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority:

Sections 19006 and 19016, Welfare and Institutions Code; and 1798.30, Civil Code.

Reference:

5 USC Section 552a, 29 USC Section 705(2) and 3141; 42 USC Section 290dd-2; 42 CFR Sections 2.1-2.67; 34 CFR Section 361.38; Sections 56.10, 56.11, 56.13, 56.15, 1798.14 thru 1798.23, Civil Code; and Sections 19005 and 19011, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the Department's requirements when collecting personal information from individuals who are applying for or receiving services from the Department. The Department must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information of applicants for and recipients of Department services. (34 C.F.R. § 361.38.) These policies and procedures must ensure safeguards are established for the release of information and notice applicants and recipients of the conditions and reasons for accessing and releasing information. The Information Practices Act also requires specific notice be provided to individuals when collecting or releasing their personal information. (Civ. Code § 1798.17.) Also, Federal law requires the Department to release some personal information to other state agencies in order to match data, such as wage records, for federal performance accountability requirements. (29 U.S.C. § 3141.)

Specifically, the Department is proposing to amend California Code of Regulations, title 9, section 7140.5 to delete reference to two existing consent forms (one for medical information and the other for non-medical information), adopt a new consent form that may be used for medical and non-medical information, by incorporating it by reference, and replace outdated, unnecessary language in the regulation. The language on the proposed form, including the privacy notice, is consistent with State and Federal law and regulations.

Not amending the regulation would mean that the outdated language and forms would continue to be available to applicants and consumers. Further, multiple forms are not efficient, in that the Department must frequently instruct consumers and facilities as to the correct form for the particular type of information (medical or non-medical) involved.

Welfare and Institutions Code section 19006 authorizes the Department to adopt, amend or repeal, rules and regulations as may be reasonably necessary to enable it to carry out its duties and powers. Welfare and Institutions Code section 19016 authorizes the Department to prepare and promulgate regulations and statements of policy governing the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation and determination thereof, for vocational rehabilitation services, procedure for fair hearings and such other regulations and policies as are found necessary to carry out the purposes of the Department.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY OF EXISTING REGULATIONS

The Department has determined that the proposed amendments to this regulation are not inconsistent or incompatible with existing regulations. The Department has determined that these regulations are the only ones that concern collection of information pertaining to individuals who apply for or receive services from the Department.

ANTICIPATED BENEFITS

The benefit of updating California Code of Regulations, title 9, section 7140.5 is to remain consistent with state and federal statutes and regulations, while amending language to reference the proposed form that will be clearer and more convenient to utilize by individuals who have applied for or are receiving services from the Department, rehabilitation counselors, and the general public. This is a benefit as it will be one less form that will need to be completed. This will allow for openness and transparency of the Department while continuing to provide services to individuals in need.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are Incorporated by Reference:

- (a) DR 260 (New 07/17) — Consent to Release and Obtain Information [Proposed]
- (b) DR 264 (REGS/Rev. 01/90) — Consent to Release Non-Medical Personal/Confidential Information [Repealed]
- (c) DR 264A (dated July, 1993) — Consent to Release Medical Information [Repealed]

DISCLOSURES REGARDING THE PROPOSED REGULATIONS

FISCAL IMPACT

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.

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

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

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

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

COST IMPACT ASSESSMENT

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

RESULTS OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. This regulatory action will not have an effect on the health and welfare of the California residents, worker safety or the state's environment. The benefit anticipated from this regulatory action includes simplifying the process to obtain personal information needed in order for the Department to provide essential services to individuals seeking assistance.

BUSINESS REPORTS

Business Reporting Requirement: None.

HOUSING COSTS

Significant effect on housing costs: None.

**DETERMINATION OF EFFECT ON
SMALL BUSINESS**

The Department has determined that these proposed amendments will not affect small business as the amendments are clarifying the language that the Department already has in place.

CONSIDERATION OF ALTERNATIVES

The Department did not consider any other alternatives than the one proposed because there were no other alternatives proposed.

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Shelly Risbry, Regulations Analyst
Department of Rehabilitation
721 Capitol Mall
Sacramento, California 95814
Telephone: (916) 558-5825
Email: srisbry@dor.ca.gov

The backup contact person for these inquiries is Lisa Niegel at (916) 558-5825 or Legal@dor.ca.gov.

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, Proposed Text of Regulations, and Initial Statement of Reasons. Copies may be obtained by contacting Shelly Risbry at the address or phone number listed above.

The Department will also provide copies of the regulation proposal in large print, Braille, on audiotape or compact disk, or transmit copies of the regulation proposal electronically, upon request.

The Department shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Government Code 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.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public comment period has ended and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text with the changes clearly indicated available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Shelly Risbry at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Shelly Risbry at the address above or accessed through the Department's website at www.dor.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the Proposed Text of the Regulations in underline and strikeout, can be accessed through the Department's website at www.dor.ca.gov.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Adoption of Title 22, California Code of Regulations Section 320.5–15

OCCUPATIONAL EMPLOYMENT STATISTICS SURVEY

The Employment Development Department (Department) proposes to adopt regulations that will establish mandatory submission of employment and wage data by employers identified for participation in the Occupational Employment Statistics (OES) Program survey. The proposed regulations will be added as California Code of Regulations (CCR), Title 22, Section 320.5–15.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The OES Program survey is the only comprehensive source of regularly produced occupational employment and wage rate statistics for the nation, states, and all metropolitan and nonmetropolitan areas in each state. The OES Program survey collects information on all full-time and part-time wage and salary workers in nonfarm industries. It does not include wages for the self-employed. Occupational survey data is used to create detailed cross-sectional employment and wage estimates across all industries and areas and is key to economic and workforce planning. Currently, the survey is voluntary in California.

The OES Program is operated under a federal-state cooperative agreement between the federal Bureau of Labor Statistics (BLS) and the Department, the state workforce agency in California. The Department has designated this responsibility to the Labor Market Information Division (LMID), which is responsible for conducting the survey sent to approximately 34,000 employers annually. LMID draws samples from its database of employers paying into the California Unemployment Insurance Fund. LMID collects local government and private sector wage information, and BLS collects state and federal employee wage information for its portion of the survey.

All employment and wage data in the survey is categorized using the federal Standard Occupational Classification system. These occupations typically include entry level through journey level workers, and often first level supervisors and managers. Therefore, the OES Program survey represents a wide spectrum of wages for each occupation. Each year, employment and wage estimates are produced for over 800 occupations. The survey data is collected from approximately 102,000 local government and private sector employers in California over a three-year period (six survey panels) updating any aged survey data using the Employment Cost Index (ECI) before combining it with current data to produce updated occupational wage estimates. For wage updating purposes, LMID uses the national over-the-year fourth quarter wage changes for the relevant years for the occupational divisions for which the ECI estimates are available. Such a procedure assumes that each occupation's wage, as measured in each year, moves according to the average movement of its occupational division, and that no major geographic or detailed occupational differences in the percent change exist.

The Department requests approval to adopt a new regulation as a part of Title 22, California Code of Regulations Section 320.5, to authorize mandatory reporting of employment and wages by employers selected to participate in the OES Program survey. The federal–state cooperative agreement between BLS and the Department obligates LMID to collect usable survey responses from 75% of sampled units participating in the OES Program survey. Due to the voluntary nature of the survey, this performance mandate is becoming more difficult to meet because employers are continually avoiding the reporting of occupations and wages to the OES Program. In recent years, the Department has struggled to collect enough survey responses from employers to meet the contractually mandated survey response rates. The Department has not met these targets in the past six years, or 12 survey panels.

The Department is requesting the adoption to address these non–response issues, which affect the Department’s ability to meet the performance mandates to which it agreed to when it entered into the cooperative agreement with BLS. The collection of data from employers allows for timely and required statistical reporting to BLS specified under 29 United States Code Section 2, which requires that the Department, “under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year full and complete statistics of the conditions of labor.” The response rate to the OES Program survey will increase by making the survey mandatory, thus making reluctant employers respond to the survey, as well as reduce the Department’s data collection costs in its efforts to collect information from employers.

ANTICIPATED BENEFITS FROM THE PROPOSED REGULATION

Making the OES Program survey response mandatory for employers will improve the Department’s ability to produce more accurate and higher quality occupational–based labor market information that supports California’s workforce system. This data is a key resource that allows the Department to produce useful and accurate labor market information for the public, including the planning information provided to the California Workforce Development Board and California’s local workforce boards. Improvement of the response rate will not only help the Department reach the performance mandate of the cooperative agreement with BLS, but it will also help improve the quality of occupational employment and wage estimates through the use

of actual data provided by employers participating in the survey rather than relying on imputed, estimated data for the employers not reporting their occupations and wages. Use of reported, real data instead of imputed data will result in a more accurate measurement of occupational employment and the wages paid to workers in those occupations, within an industry and area, and improve the information the Department provides to the public.

Occupational employment and wage data are among the most requested labor market information that the Department provides to the public. Many employers request wage data to determine appropriate wage levels for their workforce. Public policymakers, workforce system staff, training providers, and educators all utilize the occupational employment and wage information for program planning, to evaluate the effectiveness of training programs, and to guide students in their career choices. Job seekers utilize occupational employment and wage data for career planning and to assess occupational–based job opportunities within various industries and geographic areas in the state. Economists and researchers rely on occupational employment and wage statistics to inform decision makers and assist them to determine the composition of employment and the scope of business investment in their communities. Economic developers utilize the employment and wage data to identify the occupational assets of the state’s labor markets to assist them in their efforts to attract businesses to their communities. Mandatory reporting of survey data will thus improve the accuracy and timeliness of the occupational employment and wage data collected through the OES Program survey.

Additionally, a significantly important LMID activity is the annual updating of its occupational staffing patterns. This data is used to produce short–term and long–term occupational employment projections by industry and Metropolitan Statistical Areas. Accurate occupational employment data collected through the OES Program survey is a key component of this annual update process and is critical to the quality of the projections, which measures employment changes over time and forecasts occupational growth and demand. The projection data is one of the most important tools used by California policymakers in their efforts to guide California’s public workforce training and educational programs. This data also allows LMID staff to answer a myriad of questions related to occupational employment and wages by industry, such as questions regarding the effect of raising minimum wages on local economies or the types of jobs that are related to plant closures or layoffs.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department evaluated whether or not the proposed regulations are inconsistent or incompatible with existing state regulations and has found that these are the only regulations concerning the general reporting requirements of the OES Program survey. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

AUTHORITY AND REFERENCE

Sections 305, 306, and 310, Unemployment Insurance Code.

Sections 320, 320.5, 1085, and 1088, Unemployment Insurance Code.

LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulation will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

FISCAL IMPACT

Anticipated costs or savings in federal funding to the State: Savings in printing and mailing will likely occur with the reduction of fourth and elimination of fifth mailing of non-response letters to employers.

Anticipated costs or savings to any State Agency: None.

Anticipated costs or savings to any local agency or school district: None.

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

The costs impact on representative persons or businesses: Pursuant to California Unemployment Insurance Code Section 1085, employers are already required to keep true and accurate records of employee status and employee wages. A business may incur a cost of approximately \$18.30 to complete the OES Program survey.

Anticipated impact on housing costs: None.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None.

BUSINESS REPORTING REQUIREMENT

It is necessary for the health, safety, or welfare of the people of the state that this regulation, which requires a report, apply to businesses.

SMALL BUSINESS IMPACT

The Department has determined that the proposed regulatory action will not have a significant impact on small businesses because, pursuant to California Unemployment Insurance Code Section 1085, employers are already required to keep true and accurate records of employee status and employee wages. A small business may incur a cost of approximately \$14.81 to complete the OES Survey.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT PURSUANT TO GOVERNMENT CODE SECTION 11346.3(b)(1)

The Department has determined that the proposed regulation will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

Making the OES Program survey response mandatory for employers will improve the Department's ability to produce more accurate and higher quality occupational-based labor market information that supports California's workforce system. This data is a key resource that allows the Department to produce useful and accurate labor market information for the public, including the planning information provided to the California Workforce Development Board and California's local workforce boards. Improvement of the response rate will not only help the Department reach the performance mandate of the cooperative agreement with BLS, but it will also help improve the quality of occupational employment and wage estimates through the use of actual data provided by employers participating in the survey rather than relying on imputed, estimated data for the employers not reporting their occupations and wages. Use of reported, real data instead of imputed data will result in a more accurate measurement of occupational employment and the wages paid to workers in those occupations, within an industry and area, and improve the information the Department provides to the public.

Occupational employment and wage data are among the most requested labor market information that the Department provides to the public. Many employers request wage data to determine appropriate wage levels

for their workforce. Public policymakers, workforce system staff, training providers, and educators all utilize the occupational employment and wage information for program planning, to evaluate the effectiveness of training programs, and to guide students in their career choices. Job seekers utilize occupational employment and wage data for career planning and to assess occupational-based job opportunities within various industries and geographic areas in the state. Economists and researchers rely on occupational employment and wage statistics to inform decision makers and assist them in determining the composition of employment and the scope of business investment in their communities. Economic developers utilize the employment and wage data to identify the occupational assets of the state's labor markets to assist them in their efforts to attract businesses to their communities. Mandatory reporting of survey data will thus improve the accuracy and timeliness of the occupational employment and wage data collected through the OES Program survey.

Additionally, a significantly important LMID activity is the annual updating of its occupational staffing patterns. This data is used to produce short-term and long-term occupational employment projections by industry and Metropolitan Statistical Areas. Accurate occupational employment data collected through the OES Program survey is a key component of this annual update process and is critical to the quality of the projections, which measures employment changes over time and forecasts occupational growth and demand. The projection data is one of the most important tools used by California policymakers in their efforts to guide California's public workforce training and educational programs. This data also allows LMID staff to answer a myriad of questions related to occupational employment and wages by industry, such as questions regarding the effect of raising minimum wages on local economies or the types of jobs that are related to plant closures or layoffs.

CONSIDERATION OF ALTERNATIVES

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Taran Kaler via U.S. mail, email, or fax (see U.S. mail and email addresses and fax number indicated below). **Email comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, email, or fax, must be received by the Department no later than November 20, 2017 at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Taran Kaler, Staff Counsel
Employment Development
Department
P.O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Taran Kaler, Staff Counsel
Employment Development
Department
800 Capitol Mall, Room 5040
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-8410
Fax No.: (916) 654-9069
Email Address: eddlegal@edd.ca.gov

Note: In the event Mr. Kaler is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Debbie Kunitake, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed at this time to:

Name: Taran Kaler, Staff Counsel
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select “Proposed Regulations.”

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person’s written request. **Such request must be received no later than 15 days prior** to the close of the written comment period which is 5 p.m. on November 20, 2017. A request for hearing can be made by contacting the persons noted above.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department’s Internet website at <http://www.edd.ca.gov>.

FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted

above, or access the Department’s Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations’ process, contact the persons noted above.

TITLE 22 & MPP. DEPARTMENT OF SOCIAL SERVICES

ITEM #1 Community Crisis Homes

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 22, 2017, as follows:

Office Building # 8
744 P St., Room 103
Sacramento, California

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 22, 2017.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed->

Regulations/Public-Hearing-Information. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rule-making file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT

ADDRESS

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8–4–192
Sacramento, California 95814

TELEPHONE

(916) 657–2586

FACSIMILE

(916) 654–3286

E-MAIL

ord@dss.ca.gov

CHAPTERS

Title 22, Division 6, Chapter 6.1 (Community Crisis Homes), Sections 85100 (General Provisions), 85101 (Definitions), 85118 (Application for Licensure), 85120 (Fire Clearance), 85122 (Plan of Operation), 85140 (Denial of Initial License), 85142 (Revocation or Suspension of a License), 85164 (Administrator Certification and Qualifications), 85165 (Personnel Requirements), 85168.1 (Intake Admission Procedures), 85168.2 (Needs and Services Plan), 85168.4 (Acceptance and Retention Limitations), 85170 (Client Records), 85187 (Building and Grounds) and 85190 (Provisions for Emergency Intervention).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDSS has determined that the proposed Community Crisis Homes (CCH) regulations will affect Adult Residential Facilities (ARF). These regulations will be adopted to implement Senate Bill (SB) 856, Chapter 30, Statutes of 2014 that established CCH as a subcategory of ARF, which requires certification by the California Department of Developmental Services (DDS) and licensure by CDSS. The CCHs are established to provide 24-hour nonmedical care to individuals with developmental disabilities receiving regional center services, in need of crisis intervention services and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center,

Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease or an out-of-state placement.

The CDSS and DDS have crucial roles in the oversight, licensure and enforcement of regulations for CCH facilities. These regulations include requirements for license applications, fire clearance, the plan of operation, revocation or suspension of a license, staffing structure, qualifications and training, intake admission, the needs and services plan, acceptance and retention limitations, client records, the building and grounds and the use of emergency interventions.

Due to the limited residential options and services currently available for this population of clients, the CCH regulations package shall be processed as emergency regulations with the Office of Administrative Law as authorized by the Legislature in SB 856. This is necessary in order to maintain immediate preservation of public peace and health and safety, as well as the general welfare of the population that will be served by the CCH facilities. It is the intent of CDSS to promulgate these emergency regulations to ensure the needs and services of the client population served by CCHs are met. After conducting a review for any regulations that would relate to this area, CDSS has decided that any regulations concerning CCHs are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

The CDSS has determined that these regulations do not impose a mandate upon local agencies. These regulations only impact licensees that make the business decision to pursue licensure as a CCH.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory

action, which was designed to impact only the licensees that make the business decision to pursue licensure as a CCH. The authorizing statutes permit but do not require the establishment of CCH. There is no requirement for licensees to work with clients who present behavioral issues and are in need of crisis intervention services.

Any new costs specific to this subcategory of ARFs are being covered by DDS as established in their Title 17, Section 59022 regulations on rates. Rates established by DDS will offset any increase in expenses a licensee incurs as a result of operating a CCH. The provisions in these Title 22 regulations do not create any new cost outside of what has been created by the Title 17 regulations and, therefore, have no adverse economic impact on the businesses.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS 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 IMPACT STATEMENT

The CDSS has determined that the proposed regulations do not have an adverse economic impact on small businesses. These regulations will only impact licensees who choose to pursue licensure as a CCH.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the regulatory action include enabling supportive housing for clients who are in crisis and leaving the Developmental Centers where their health and safety will be protected.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives because the Legislature, through the above-mentioned bill, mandates the De-

partment's oversight of these facilities and no alternatives were proposed. The CDSS, through working with the DDS, determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affect private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Section 1530 of the Health and Safety (H&S) Code grants CDSS the authority to develop the regulations and Sections 1501 and 1531 of the H&S Code are being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu
(916) 657-2586

Backup:
Sylvester Okeke
(916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.

TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA HOUSING FINANCE AGENCY

NOTICE IS HEREBY GIVEN that the California Housing Finance Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 6, 2017 and closing on November 20, 2017. All inquiries should be directed to the contact listed below.

The California Housing Finance Agency proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the 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: (1) revise General Provisions to update place of filing; (2) revise divisions to comport with revised organizational charts; (3) add positions in new and renamed divisions; (4) add new positions; and, (5) delete titles of positions that are not being utilized by the agency.

The California Housing Finance Agency has prepared a written explanation of the reasons for the proposed amendments and has available all of the information upon which its proposal is based. Copies of the proposed amendment, the written explanation of the reasons, and the information on which the amendments are based are posted on the Agency's website at www.calhfa.ca.gov (About Us, Meetings and Events, Rulemaking) or may be obtained by contacting Bridget Campbell at the address, email, and phone number shown below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 20, 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 November 5, 2017.

The California Housing Finance Agency has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Bridget Campbell, Staff Services Analyst, 500 Capitol Mall, Suite 1400, MS1440, Sacramento, CA 95814; bcampbell@calhfa.ca.gov; (916) 326-8490 (direct dial).

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR

LandSmart On-the-Ground for Sonoma Creek —
Vineyard Project 2

(Tracking Number: 1653-2017-009-001-R3)
Sonoma County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 25, 2017, that the Sonoma Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the regrading of an existing ditch into a wider grassed waterway, seeding to establish grass cover, and installing a rocked grade control structure at an eroding head-cut to reduce erosion and encourage more infiltration. The project benefits include improved water quality, groundwater recharge, and enhancing natural habitat within an agricultural landscape. The proposed project will be carried out on an unnamed tributary of Sonoma Creek, located on the Jack London Ranch, 2610 London Ranch Road, Glen Ellen, Sonoma County, California.

On July 11, 2017, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the LandSmart On-the-Ground for Sonoma Creek — Vineyard Project 2. The Regional Water Board determined that the Project, as described in the NOI, met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. SB12006GN) for coverage under the General 401 Order on September 14, 2017.

The District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review,

based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

DECISION NOT TO PROCEED

BUREAU OF CANNABIS CONTROL

Bureau of Cannabis Control
Notice File Number Z-2017-0418-20
Medical Cannabis Regulation

Pursuant to Government Code section 11347, the Bureau of Cannabis Control (formerly Bureau of Marijuana Control) has decided not to proceed with its rulemaking action described in the notice published in the California Regulatory Notice Register on April 28, 2017, Office of Administrative Law Notice File Number Z-2017-0418-20. The proposed rulemaking concerned medical cannabis regulation.

Any interested person with questions concerning this rulemaking should contact CJ Croyts-Schooley by email at CJ.Croyts-Schooley@dca.ca.gov, or by telephone at (916) 574-8102.

The bureau will also publish the Notice of Decision Not to Proceed on its website.

BUREAU OF CANNABIS CONTROL

Bureau of Cannabis Control
Notice File Number Z-2017-0425-05
Medical Cannabis Testing Laboratories

Pursuant to Government Code section 11347, the Bureau of Cannabis Control (formerly Bureau of Marijuana Control) has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on May 5, 2017, Office of Administrative Law File Number Z-2017-0425-05. The proposed rulemaking concerned medical cannabis testing laboratories.

Any interested person with questions concerning this rulemaking should contact CJ Croyts-Schooley by email at CJ.Croyts-Schooley@dca.ca.gov, or by telephone at (916) 574-8102.

The bureau will also publish the Notice of Decision Not to Proceed on its website.

DEPARTMENT OF FOOD AND AGRICULTURE

CALCANNABIS CULTIVATION LICENSING

Pursuant to Government Code Section 11347, the California Department of Food and Agriculture (Department) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), April 28, 2017, OAL notice Z-2017-0418-19. The proposed rulemaking concerned AB 243 (Chapter 688, Statutes of 2015), AB 266 (Chapter 689, Statutes of 2015), and SB 643 (Chapter 719, Statutes of 2015), known as the Medical Cannabis Regulation and Safety Act (MCRSA).

The MCRSA mandated the Department to establish the Medical Cannabis Cultivation Program (MCCP) to regulate, implement, and enforce the MCRSA as it pertains to the cultivation of commercial medical cannabis. The legislation mandated regulation to encourage environmental mitigations by cultivators to prevent further pollution of water, degradation of the natural environment, wildlife endangerment, and to protect public peace, health, and safety.

The MCRSA has since been repealed by SB 94, approved by the Governor on June 27, 2017.

Any interested person with questions concerning this rulemaking should contact Lindsay Rains at 916-263-0801 or by e-mail at: cdfa.calcannabis@cdfa.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website at <https://www.cdca.ca.gov/Regulations.html#CalCannabis>.

[An agency is not precluded from taking up this rulemaking action again in the future.]

DEPARTMENT OF PUBLIC HEALTH

Medical Cannabis Manufacturing — DPH 17-004
California Code of Regulations
Title 17, Division 1

Notice is hereby given, as specified in Government Code section 11437, that the California Department of Public Health (Department) will not proceed with the proposed rulemaking, DPH 17-004, to Title 17, Division 1, Chapter 13, Subchapters 1 through 6, regarding Medical Cannabis Manufacturing, published in the California Regulatory Notice Register 2017 (No. 17-Z, April 28, 2017, pages 629-634) and withdraws this proposed action from further consideration. The Depart-

ment may initiate a new proposal to adopt regulations pertaining to the same or similar subject matter at a later date, with notice as required by law.

The Department will also publish this Notice of Decision Not to Proceed on the Department's website at www.cdph.ca.gov.

PROFESSIONAL FIDUCIARIES BUREAU

Pursuant to Government Code Section 11347, the Professional Fiduciaries Bureau (Bureau) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on August 28, 2015 (Z-2015-0814-01), page 1474. The proposed rulemaking concerned Client Notifications.

Any interested person with questions concerning this rulemaking should contact Rebecca May at either (916) 574-7754 or by e-mail at: Rebecca.May@dca.ca.gov.

The Bureau will also publish this Notice of Decision Not to Proceed on its website.

RULEMAKING PETITION DECISIONS

BOARD OF PAROLE HEARINGS

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

BPH PETITION RESPONSE 2017-04

The Board of Parole Hearings (hereinafter "board") received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Kirk Williams on July 14, 2017. In accordance with subdivision (a) of section 11340.7, this document serves as the board's response to the petition.

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

1. **NAME OF AGENCY:** Board of Parole Hearings.

2. **PARTY SUBMITTING THE PETITION:** Kirk Williams (F44523).

3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** Petitioner requested the board amend California Code of Regulations, title 15, "Chapter 1. Rules and regulations [sic] of Adult Operations and Programs" by adding section 3492.

4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited to the United States Constitution and the California Code of Regulations, title 15, section 3491.

5. **REASONS SUPPORTING THE AGENCY'S DECISION:** Petitioner states that the California Code of Regulations, title 15, section 3491 is overbroad and vague. Petitioner further asserts that section 3491 should be subject to the California Department of Corrections and Rehabilitation (CDCR) inmate appeal process, and that failure to do so is a violation of his First Amendment right to "petition the government for redress of grievance," and a violation of the Fourteenth Amendment equal protection and due process provisions.

Petitioner's request is DENIED: Petitioner is challenging regulations promulgated by CDCR and which exist in California Code of Regulations, title 15, division 3, which governs CDCR and not the board. Therefore, the board has no legal authority to amend the regulations referenced by petitioner.

6. **BOARD CONTACT PERSON:**

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

7. **NOTICE TO INTERESTED PERSONS:** Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2017-04** in the request.

DATE OF DECISION: August 9, 2017

BOARD OF PAROLE HEARINGS

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

BPH PETITION RESPONSE 2017-05

The Board of Parole Hearings (hereinafter “board”) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Kirk Williams on July 26, 2017. In accordance with subdivision (a) of section 11340.7, this document serves as the board’s response to the petition.

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

1. **NAME OF AGENCY:** Board of Parole Hearings.

2. **PARTY SUBMITTING THE PETITION:** Kirk Williams (F44523).

3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** Petitioner requested the board amend California Code of Regulations, title 15, “Chapter 1. Rules and Regulations of Adult Operations and Programs”; ‘Parole Consideration for Determinately[–]Sentenced Nonviolent Offenders’ New Subsections []2449.2(a[]) through 2449.2(c) [and n]ew subsections 2449.3(a) through 2449.3(d).”

4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited to the Fourteenth Amendment of the United States Constitution and the California Code of Regulations, title 15, section 2028.

5. **REASONS SUPPORTING THE AGENCY’S DECISION:** Petitioner states that the California Code of Regulations, title 15, sections 2449.2 and 2449.3, as enacted in the Proposition 57 Emergency Regulation filing by the California Department of Corrections and Rehabilitation (the Department) on April 13, 2017, is in contravention with the board’s current regulation in the California Code of Regulations, title 15, section 2028. Specifically, Petitioner contends that the emergency regulation’s provisions allowing comments by prosecutors or members of the public without the inmate’s ability to review those comments violates the inmate’s rights under section 2028 and the United States Constitution.

Agency Determination: PUBLIC HEARING SCHEDULED: In accordance with Government Code section 11340.7, subdivision (a), upon receipt of a petition to adopt, amend, or repeal regulations, an agency may “schedule the matter for public hearing in accor-

dance with the notice and hearing requirements of that article.”

A public hearing on the Department’s regulations implementing Proposition 57 has been scheduled for September 1, 2017 from 9 a.m. to 12 p.m. at the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California 95814. The Notice of Proposed Regulations, CDCR’s Notice of Change to Regulations and the accompanying Initial Statement of Reasons and regulation text implementing Proposition 57 were published for public comment on July 14, 2017. The title of the rulemaking is: “Credit Earning and Parole Consideration.” Copies of these documents were sent to those on the contact list maintained by the Department for regulation changes, which included the petitioner, Mr. Williams.

The petitioner may submit comments during the public comment period using the contact information contained in the notice. The Department will respond to comments in the Final Statement of Reasons.

6. BOARD CONTACT PERSON:

Heather L. McCray

Assistant Chief Counsel

Board of Parole Hearings

P.O. Box 4036

Sacramento, CA 95812-4036

Office: (916) 322-6729

BPH.Regulations@cdcr.ca.gov

7. **NOTICE TO INTERESTED PERSONS:** Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2017-05** in the request.

DATE OF DECISION: August 25, 2017

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2017-0829-01

CALIFORNIA AFRICAN AMERICAN MUSEUM
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.

Title 2

AMEND: 59620

Filed 09/21/2017

Effective 10/21/2017

Agency Contact: Sheryl Meline (213) 744-7632

File# 2017-0913-01

CALIFORNIA HEALTH BENEFIT EXCHANGE
Certified Application Counselor Program

The California Health Benefit Exchange submitted this emergency readoption action to readopt and amend sections 6854, 6856, and 6864 of title 10 of the California Code of Regulations, which pertain to the application process and roles and responsibilities for certified application counselors.

Title 10

ADOPT: 6854, 6856, 6864

Filed 09/21/2017

Effective 09/21/2017

Agency Contact: Brian Kearns (916) 228-8843

File# 2017-0913-02

CALIFORNIA HEALTH BENEFIT EXCHANGE
Medi-Cal Managed Care Plan Enrollment Assistance

This emergency rulemaking action readopts and amends emergency regulations regarding Medi-Cal Managed Care Plans and Certified Medi-Cal Managed Care Plan Enrollers. The amendments make the application processes to become a Certified Medi-Cal Managed Care Plan and to become a Certified Medi-Cal Managed Care Plan Enroller more efficient by eliminating application information which the California Health Benefit Exchange has determined to be unnecessary. In addition, the action adds a new subdivision which precludes applicants who fail the criminal and background check process from reapplying for two years.

Title 10

AMEND: 6902, 6903, 6904

Filed 09/20/2017

Effective 09/20/2017

Agency Contact: Brian Kearns (916) 228-8843

File# 2017-0815-02

DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Supervision of Parolees

The Department of Corrections and Rehabilitation submitted this timely certificate of compliance action to adopt four sections and amend thirteen sections in title 15 of the California Code of Regulations to update parole supervision requirements, residence restrictions imposed on sex offenders as a condition of parole, and sex offender risk assessments.

Title 15

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

Filed 09/25/2017

Effective 09/25/2017

Agency Contact: Sarah Pollock (916) 445-2308

File# 2017-0818-02

DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action that established a quarantine for the Asian Citrus Psyllid in the West Sacramento area of Sacramento and Yolo counties. (See OAL File No. 2017-0222-03E.)

Title 3

AMEND: 3435(b)

Filed 09/27/2017

Effective 09/27/2017

Agency Contact: Rachel Avila (916) 403-6813

File# 2017-0908-01

DEPARTMENT OF FOOD AND AGRICULTURE
Standardization Program

This file and print action amends the citrus assessment rates to fund a navel and Valencia orange, lemon, and mandarin citrus inspection program, a crop estimating service, and a statewide acreage survey. This action is exempt from the Administrative Procedure Act pursuant to Food and Agricultural Code section 48002.

Title 3

AMEND: 1430.142

Filed 09/21/2017

Effective 10/01/2017

Agency Contact: Laurel Rudolph (916) 900-5322

File# 2017-0822-01

DEPARTMENT OF INSURANCE
CAARP Simplified Manual of Rules and Rates

This file and print action by the Department of Insurance amends the California Automobile Insurance Pro-

cedure (CAIP) based upon changes proposed by the California Automobile Assigned Risk Plan (CAARP), including increasing the \$60,000 truckers minimum cost to hire amount to \$75,000. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
AMEND: 2498.5
Filed 09/20/2017
Effective 09/20/2017
Agency Contact: Michael Riordan (415) 538-4226

File# 2017-0822-02
DEPARTMENT OF INSURANCE
California Low Cost Automobile Plan Plan of Operations

This request for the filing and printing of amended section 2498.6 concerns the expansion of California Low Cost Automobile Program eligibility to applicants 16 to 18 years of age who are economically independent and to families with an adult driver covered under the Program which have a driver 16 to 18 years of age in the household.

Title 10
AMEND: 2498.6
Filed 09/21/2017
Effective 09/21/2017
Agency Contact: Michael Riordan (415) 538-4226

File# 2017-0818-04
FISH AND GAME COMMISSION
Upland Game Bird

This action adjusts the number of General Season sage grouse hunting permits by zone for the 2017-2018 season.

Title 14
AMEND: 300
Filed 09/26/2017
Effective 09/26/2017
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2017-0810-02
MEDICAL BOARD OF CALIFORNIA
Midwife Assistants

In this rulemaking action, the Medical Board of California adopts a new Article 6 in Chapter 3 of Division 13 of Title 16 of the California Code of Regulations to implement, interpret, and make specific Senate Bill 408, Chapter 280, Statutes of 2015. More specifically, the new Article further defines the minimum training

requirements for midwife assistants, the minimum requirements for the administration of midwife assistant training, and the requirements for approved, midwife assistant certifying organizations.

Title 16
ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09
Filed 09/21/2017
Effective 09/21/2017
Agency Contact: Kerrie Webb (916) 263-2389

File# 2017-0821-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Process Safety Management for Petroleum Refineries

This action by the Occupational Safety and Health Standards Board makes a change without regulatory effect to section 5189.1 of title 8 of the California Code of Regulations.

Title 8
AMEND: 5189.1(t)(2)
Filed 09/26/2017
Agency Contact: Marley Hart (916) 274-5721

File# 2017-0905-01
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Occupational Exposure to Hazardous Chemicals in Laboratories

This change without regulatory effect by the Occupational Safety and Health Standards Board corrects a typo in section 5191(b) of title 8 of the California Code of Regulations.

Title 8
AMEND: 5191(b)
Filed 09/27/2017
Agency Contact: Marley Hart (916) 274-5721

File# 2017-0912-01
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; Grant Agreement Templates

This emergency action adopts and amends regulations, including a grant agreement incorporated by reference, relating to the School Facilities Program. The program provides per pupil funding to qualifying school districts for new construction and modernization of school facilities. The amendments require an applicant to enter into the grant agreement for projects as a condition of funds release.

Title 2
ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90,
1859.90.2, 1859.90.4
Filed 09/20/2017
Effective 09/20/2017
Agency Contact: Lisa Jones (916) 376-1753

File# 2017-0913-03

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998;
Financial Hardship Process Change

The State Allocation Board (SAB) is amending two sections and one document incorporated by reference in title 2 of the California Code of Regulations. These amendments are designed to allow school districts to submit funding requests for Financial Hardship assistance without pre-approval as is currently required.

Title 2
AMEND: 1859.2, 1859.81
Filed 09/22/2017
Effective 09/22/2017
Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN April 26, 2017 TO
September 27, 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

09/22/17 AMEND: 1859.2, 1859.81
09/21/17 AMEND: 59620
09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2,
1859.90, 1859.90.2, 1859.90.4
08/31/17 AMEND: 10000, 10001, 10002, 10005,
10007, 10008, 10009, 10010, 10011,
10015, 10017, 10021, 10022, 10025,
10026, 10030, 10031, 10033, 10035,
10038, 10039, 10041, 10042, 10044,
10046, 10049, 10050, 10051, 10053,
10054, 10057, 10063, 10065
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

Title 3

09/27/17 AMEND: 3435(b)
09/21/17 AMEND: 1430.142
09/19/17 AMEND: 3406(c), 3591.5(b)
09/14/17 AMEND: 3439
09/12/17 AMEND: 3435(b)
09/07/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
09/05/17 AMEND: 3435(b)
08/31/17 AMEND: 3439(b)
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: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324	5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221
06/19/17	AMEND: 3435(b)	05/08/17 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14
06/14/17	AMEND: 3435(b)	05/04/17 AMEND: 10031, 10032, 10033, 10035, 10036
06/08/17	AMEND: 3435(b)	05/02/17 ADOPT: 10325.5 AMEND: 10337
06/07/17	AMEND: 3435(b)	
06/05/17	ADOPT: 3591.28	Title 5
06/02/17	AMEND: 3435(d)	09/12/17 AMEND: 18117, 18246
06/01/17	AMEND: 3591.12	09/01/17 AMEND: 40756.1, 40805.1
05/30/17	AMEND: 3439(b)	09/01/17 AMEND: 40500
05/15/17	AMEND: 3435(b)	08/31/17 REPEAL: 40530, 40531, 40532
05/15/17	AMEND: 3435(b)	08/31/17 ADOPT: 40050.4, 40517, 40518, 41023
05/09/17	AMEND: 3435(b)	08/22/17 AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602
05/08/17	AMEND: 1402.7, 1402.8	08/17/17 AMEND: 19810
05/08/17	AMEND: 3439(b)	08/10/17 AMEND: 76000, 76020, 76210, 76130, 76200, 76210, 76212, 76215
05/04/17	AMEND: 3435(b)	07/18/17 AMEND: 851, 853.5, 853.7, 855, 856
05/04/17	AMEND: 3435(b)	06/27/17 REPEAL: 13075, 13075.1, 13075.2, 13075.3, 13075.4, 13075.5, 13075.6, 13075.7, 13075.8, 13075.9
05/04/17	AMEND: 3591.15	06/26/17 AMEND: 19810
Title 4		06/14/17 AMEND: 41908
09/07/17	AMEND: 12101, 12200, 12200.6, 12200.9, 12200.13, 12202, 12220.6, 12222, 12309, 12342, 12354, 12359, 12464, 12465, Appendix A to Chapter 7 of Division 18, 12492	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
09/05/17	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.14, 10091.15	06/02/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534
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07/26/17	ADOPT: 8078.15, 8078.16, 8078.17, 8078.18, 8078.19, 8078.20, 8078.21	09/14/17 AMEND: 336
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05/31/17	AMEND: 1632	06/29/17 AMEND: 344.18
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,	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
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08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007
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05/16/17 ADOPT: 50.22
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07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1
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			07/17/17	AMEND: 360, 361, 362, 363, 364, 364.1
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			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
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			09/21/17	ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09
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08/28/17	AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065	08/08/17 AMEND: 3930
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