



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. DEPARTMENT OF JUSTICE

#### NOTICE OF INTENTION TO REVIEW THE CONFLICT-OF-INTEREST CODE OF THE FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Office of the Attorney General (the "Office"), pursuant to Government Code sections 82011, 87303, and 87304 of the Political Reform Act (Gov. Code, § 81000 et seq.) will review proposed amendments to the conflict-of-interest code of the Fair Political Practices Commission (the "Commission"). The purpose of the amendments is to implement Government Code sections 87300 through 87302, and 87306.

Government Code sections 87300 and 87302 require each government agency to adopt a conflict-of-interest code designating the agency personnel who must file annual Form 700 Statement of Economic Interests, disclosing certain economic interests. Designated personnel are those who make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest. (Gov. Code, § 87302, subd. (a).)

The Commission proposes to amend its conflict-of-interest code to include employee positions that make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest. (See Gov. Code, § 87302, subd. (a).) The Commission proposes other changes to its code to reflect changes in its organizational structure. The Office is the code reviewing body for the Commission. (Gov. Code, §§ 82011, 87303, and 87304.)

The Office has established a written comment period commencing on October 20, 2017, and closing on December 4, 2017, during which interested persons may submit written statements, arguments, or comments related to the proposed amendments. The Office has not scheduled a public hearing on the proposed amendments. However, it will hold a hearing if it receives a written request for a hearing from any interested person, or his or her representative, 15 days before the close of the written comment period. If a public hearing is re-

quested, it will be held on December 5, 2017, at 10 a.m., at 1300 I Street, Sacramento, California.

The Office has prepared a written explanation (Statement of Reasons) for the proposed amendments and has available information on which the proposed amendments are based. Copies of the proposed amendments and the information on which the amendments are based may be obtained by contacting the persons set forth below.

The Office has determined that the proposed amendments will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Office has determined that no alternative considered by the Office would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

All inquiries concerning this proposal should be directed to: Julia Zuffelato at 1300 I Street, Sacramento, California 95814, or (916) 210-6040, or [Julia.Zuffelato@doj.ca.gov](mailto:Julia.Zuffelato@doj.ca.gov). Requests for copies of the proposed conflict-of-interest code amendments may also be obtained from Brian Lau, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, or (916) 322-5660, or <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

### TITLE 2. SECRETARY OF STATE

NOTICE IS HEREBY GIVEN that the Secretary of State is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Secretary of State at its office not later than 5:00 p.m. on December 8, 2017.

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 contact person listed below 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, the Secretary of State, upon

its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Public Comment Period: October 20 through December 8, 2017.

**AUTHORITY AND REFERENCE**

Section 2550(c) of the California Elections Code authorizes the Secretary of State to establish the specifications for and regulations governing electronic poll book certification. The proposed regulations would implement, interpret and make specific Section 2550(c) of the California Elections Code. There are currently no regulations implementing the statute.

**INFORMATIVE DIGEST**

**A. Informative Digest**

The Secretary of State is proposing to add sections 20150 through 20165 of Title 2, Division 7, Chapter 3 of the California Code of Regulations. The purpose for adding these sections is as follows:

1. To create regulations for the purpose of governing the certification and use of electronic poll books pursuant to section 2550(c) of California Elections Code.
2. To create clear and concise requirements for electronic poll book systems.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

The proposed regulations were drafted for purposes of certifying electronic poll book systems pursuant to California Elections Code section 2550(c). There are currently no regulations implementing the statute.

The proposed adoptions provide electronic poll book vendors a clear, concise path when seeking certification and the requirements that they will have to meet. In addition, they provide clear and concise requirements for jurisdictions using electronic poll book systems. All of the above-referenced purposes benefit local county election officials and electronic poll book vendors. However, there are no direct benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

**C. Consistency/Compatibility with Existing State Regulations**

After conducting an evaluation for regulations in this area, the Secretary of State has determined that these are the only regulations dealing with electronic poll books. This regulatory action proposes new regulations for electronic poll books. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**D. Documents Incorporated by Reference: No**

**E. Documents Relied Upon in Preparing the Regulations: Economic Impact Assessment**

**FISCAL IMPACT ESTIMATES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: No.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Secretary of State has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations and amendments to existing regulations will create testing and certification standards which will have no net fiscal impact on electronic poll book vendors.

Impact on Jobs/New Businesses: The Secretary of State has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The proposed regulations were drafted for purposes of certifying electronic poll book systems pursuant to California Elections Code section 2550(c) and establishing requirements for use by local election jurisdictions.

The proposed adoptions provide electronic poll book vendors a clear, concise path when seeking certification and the requirements that they will have to meet. In addition, they provide clear and concise requirements for jurisdictions using electronic poll book systems. All of the above-referenced purposes benefit local county election officials and electronic poll book vendors. However, there are no direct benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

Cost Impact on Representative Private Person or Business: The Secretary of State is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Business: The Secretary of State has determined that the proposed regulations would not affect small businesses. The proposed regulations provide electronic poll book vendors a clear, concise path when seeking certification and the requirements that they will have to meet. In addition, they provide clear and concise requirements for jurisdictions using electronic poll book systems. The proposed regulations affect counties and electronic poll book vendors, neither of whom are small businesses.

Economic Impact Assessment/Analysis Summary Comments: These proposed regulations are not a “major regulation” therefore there is no economic impact assessment comments from the Department of Finance nor response.

#### CONSIDERATION OF ALTERNATIVES

The Secretary of State must determine that no reasonable alternative it considered to the regulations 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 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.

Any interested person may present statements or arguments relevant to the above determinations.

#### INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL AND THE RULEMAKING FILE

The Secretary of State has prepared an Initial Statement of the reasons for the proposed action and has available all the information upon which the proposal is based. The Initial Statement of Reasons is available on the Secretary of State website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the Secretary of State contact or on the website listed below.

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

A Final Statement of Reasons will be created after the closing of the public comment period. A copy of the final statement of reasons can be obtained once it has been prepared from the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Rodney Rodriguez  
Secretary of State  
1500 11th St., 6th Floor  
Sacramento, CA 95814  
(916) 695-1680

Or to: [Rodney.Rodriguez@sos.ca.gov](mailto:Rodney.Rodriguez@sos.ca.gov)

The backup contact person is:

NaKasha Robinson  
Secretary of State  
1500 11th St., 6th Floor  
Sacramento, CA 95814  
(916) 695-1680

Or to: [nakesha.robinson@sos.ca.gov](mailto:nakesha.robinson@sos.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.sos.ca.gov](http://www.sos.ca.gov).

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### NOTICE OF PROPOSAL TO ADD RULE 2073.1 ENTITIES TO GEO-LOCATE CALIFORNIA RESIDENTS AT THE TIME OF WAGER AND TO AMEND RULE 2071. LICENSE TO CONDUCT ADVANCE DEPOSIT WAGERING BY A CALIFORNIA APPLICANT, RULE 2072. APPROVAL TO CONDUCT ADVANCE DEPOSIT WAGERING BY AN OUT-OF-STATE APPLICANT

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

## PROPOSED REGULATORY ACTION

The Board proposes to add Rule 2073.1, Entities to Geo-Locate California Residents at the Time of Wager. The proposed new rule would require that all Advance Deposit Wagering (ADW) providers use geo-locating when California residents use their ADW accounts to place a wager using any electronic device, including but not limited to mobile phones, tablets, and personal computers while physically present within a licensed California racing facility, simulcast wagering facility, or mini-satellite wagering facility. Such data shall be delivered as part of the daily download of pari-mutuel data to California Horse Racing Information Management System (CHRIMS), the Board designated database as required pursuant to Business and Professions Code section 19604(c).

Furthermore, the Board proposed to amend Rule 2071, License to Conduct Advance Deposit Wagering by a California Applicant, and Rule 2072, License to Conduct Advance Deposit Wagering by an Out-of-State Applicant. These proposed amendments would revise the ADW application process for in-state and out-of-state applicants to require that they submit to the Board information, including an overview of the processes and technology they will use, to show how they will comply with the location tracking requirements established under proposed Rule 2073.1 through the term of their license.

## PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., December 14, 2017**, or as soon thereafter as business before the Board will permit, at the **Los Alamitos Race Course, 4961 Katella Avenue, Los Alamitos, California 90120**. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on December 4, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

John R. McDonough  
General Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6011  
Fax: (916) 263-6022  
E-mail: [jmcdonough@chrb.ca.gov](mailto:jmcdonough@chrb.ca.gov)

## AUTHORITY AND REFERENCE

Authority: Sections 19440, 19590 and 19604, California Business and Professions Code. Reference: Sections 19460 and 19604

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter (Chapter 4 Horse Racing Law). Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering, administration and enforcement of all law, rules and regulations affecting horse racing and pari-mutuel wagering. Business and Professions Code section 19590 sets forth that the Board shall adopt rules governing, permitting, and regulating wagering on horse racing and that pari-mutuel wagering shall only be conducted by entities licensed by the Board including those entities authorized by the Board to conduct advance deposit wagering. Business and Professions Code section 19460 requires that all licenses granted by the Board must be in writing, and are subject to rules, regulations and conditions prescribed by the Board, and shall contain such conditions as are necessary or desirable by the Board for the best interests of horse racing. Business and Professions Code section 19604 provides that the Board may authorize a racing association, racing fair, betting system, or multijurisdictional wagering hub to conduct advance deposit wagering in accordance with section 19604.

Business and Professions Code section 19604 was enacted on January 1, 2002. The statute authorized the Board to regulate and license the conduct of Advanced Deposit Wagering (ADW) in California. Customers legally establishing accounts with licensed ADW companies were able to place wagers over the phone or internet. It was anticipated that ADW wagers would be made from a customer's home or office. At the time of enactment cellular and wifi technologies were, by today's standards, rudimentary. However, today, cus-

tomers can wager from nearly anywhere via electronic devices, including but not limited to, mobile phones, tablets and personal computers, including placing wagers electronically at the racetrack. While this ability to place a wager via mobile phone or laptop while sitting in one's seat at the racetrack is an important customer convenience, it has had a detrimental effect on revenue streams, because wagers made on-track through tellers at the betting window or self-service machines located at the racetrack result in greater net revenue for purses and racetrack commissions than do wagers made via ADW.

The proposed addition of Rule 2073.1, Entities to Geo-locate California Residents at the Time of Wager, will require all ADW providers to collect the physical location of its account holders who are California residents each time such account holder uses their ADW accounts to place a wager using any electronic device, including but not limited to mobile phones, tablets, and personal computers while physically present within a licensed California racing facility, simulcast wagering facility, or mini-satellite wagering facility. Such data shall be delivered as part of the daily download of pari-mutuel data to the Board's designated database, California Horse Racing Information Management System (CHRIMS); this will allow the Board to distinguish those ADW wagers that are placed on track from those that are placed from locations other than the race track. This information is useful in those instances when contractual compensation agreements that provide for varied distributions based on the location of the wager are entered in between licensed ADW providers and the racing associations or fairs pursuant to Business and Professions Code section 19604.

The proposed amendments to Rule 2071, License to Conduct Advance Deposit Wagering by a California Applicant, and Rule 2072, License to Conduct Advance Deposit Wagering by an Out-of-State Applicant, will revise the ADW application process for in-state and out-of-state applicants to require that they submit to the Board information, including an overview of the processes and technology they will use, to show how they will comply with the location tracking requirements established under proposed Rule 2073.1 through the term of their license.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Industry stakeholders proposed the addition of a rule that would require ADW providers to utilize Global Po-

sitioning Systems (GPS) tracking technology (i.e. geo-location technology) to identify those wagers placed by California resident account holders when they are physically present within a licensed California racing facility, simulcast wagering facility or mini-satellite wagering facility. Stakeholders expressed concern regarding the "growing issue of players wagering on track via their ADW accounts." They (stakeholders) were not attempting to prevent patrons from wagering in this manner. Their concern was that revenue from these wagers should be distributed at a rate more favorable to horsemen and racetracks. The Horse Racing Law allows for contractual compensation rate agreements between licensed ADW providers and racing associations or fairs under Business and Professions Code section 19604; however, recently these parties have been negotiating alternative compensation rates based on the location of certain ADW wagers (e.g. wagers on-track versus wagers off-track). In order for the Board to adequately monitor and review these distributions, it is necessary for ADW providers to submit relevant location data for wagers made by California residents in this State.

Rule 2073.1, Entities to Geo-locate California Residents at the Time of Wager, requires ADW providers to collect the physical location of its California account holders each time such California resident places a wager through their account using any electronic device, including, but not limited to mobile phones, tablets and personal computers, while physically present at a licensed California racing facility, simulcast wagering facility, or mini-satellite wagering facility, and as part of the daily download of pari-mutuel data, delivers such data to CHRIMS, the Board's designated database.

Requiring geo-location of ADW wagers of California residents placing wagers via ADW while physically located within a licensed California racing facility, simulcast wagering facility or mini-satellite wagering facility allows the industry to distinguish those ADW wagers that are placed on track from those that are placed from locations other than the race tracks. This information is useful in those instances when contractual agreements regarding contractual compensation rates are entered in between a licensed ADW provider and the racing association as provided under Business and Professions Code section 19604.

Subsequent to the request for the proposed addition of Rule 2073.1, ADW providers' implemented geo-location of ADW wagers placed by California residents while physically located within a licensed California racing facility, simulcast wagering facility or mini-satellite wagering facility. Rule 2073.1 will codify and ensure current practice.

Benefits of the Proposed Action: The proposed regulation will directly benefit the financial well-being of California residents and businesses, as it will allow for a more accurate accounting for those California residents wagering within a racing venue which in turn will result in a more accurate and lucrative payment to horsemen and racetracks which should result in greater purses, and in turn, attract greater attendance to these venues by the public.

#### CONSISTENCY EVALUATION

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

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

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed addition of Rule 2073.1, and the amendments to Rules 2071 and 2072 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.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: No new costs for private businesses, because the proposed regulations will codify and ensure current existing practice.

Significant effect on housing costs: none.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed Rule 2073.1, and the amendments to Rules 2071 and 2072, will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within Califor-

nia; or (3) affect the expansion of businesses currently doing business within California.

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

The proposed addition of Rule 2703.1, and the amendments to Rules 2071 and 2072, do not benefit the health and welfare of California residents; the rule simply requires geo-location of ADW wagers.

Effect on small businesses: none. The proposal to add Rule 2073.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

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

John R. McDonough  
General Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6011  
Fax: (916) 263-6022  
E-mail: [jmcdonough@chrb.ca.gov](mailto:jmcdonough@chrb.ca.gov)

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

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

ment of reasons. The Board's website address is:  
[www.chrb.ca.gov](http://www.chrb.ca.gov).

AVAILABILITY OF INITIAL STATEMENT OF  
REASONS AND TEXT OF  
PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial state-

**TITLE 10. CALIFORNIA HEALTH  
BENEFIT EXCHANGE**

**CALIFORNIA CODE OF REGULATIONS,  
TITLE 10, CHAPTER 12, ARTICLE 8  
AMEND SECTIONS 6656, 6657, 6660, and 6664**

The Board of Directors for the California Health Benefit Exchange (hereinafter referred to as the "Exchange") proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange will hold a hearing if it receives a written request for a public hearing for any interested person, or his or her authorized representative, no later than 15 days before 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 regulatory action to the Exchange. The written comment period closes on December 9, 2017. The Exchange will consider only comments received at the Exchange's office by that time. Submit written comments to:

Sarah Vu, Regulations Analyst  
California Health Benefit Exchange  
(Covered California)  
1601 Exposition Blvd.  
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916-403-4468 or by e-mail to [regulations@covered.ca.gov](mailto:regulations@covered.ca.gov).

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the Board of Directors for the Exchange to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific Government Code Sections 100502 and 100503; and Title 45 of the Code of Federal Regulations, Sections 155.205, 155.210, 156.215, and 156.260.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**Documents to be incorporated by reference:**

None.

**Summary of Existing Laws**

In March 2010, President Obama signed federal health reform legislation called the Patient Protection and Affordable Care Act (ACA). It created the opportunity for each state to establish a state-based health insurance exchange to implement the ACA. California chose to operate an exchange that is commonly known as “Covered California.” For purposes of this Notice, Covered California will be referred to as the “Exchange.” The Exchange’s mission is to increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose their health plan.

State law also specifies the powers and duties of the executive board of the Exchange. Government Code Section 100504(a)(6) authorizes the Exchange’s Board of Directors to adopt rules and regulations, as necessary. The Exchange proposes this permanent rulemaking in furtherance of its rulemaking authority to implement, interpret and make specific state and federal laws.

**Summary of the Effect of the Proposed Regulation**

The proposed rulemaking modifies multiple sections governing the Certified Enrollment Entity (CEE) and Certified Enrollment Counselor (CEC) application and certification process. The goal of these amendments is twofold: (1) reduce the amount of information that applicants must provide and (2) ensure compliance with applicable laws.

The Exchange is implementing a new online portal that will facilitate the application process for new enrollment entities and counselors, including CEEs and CECs. As a result, it became necessary to streamline the application to reduce the amount of information that applicants are required to submit when applying to the program. Prior versions of the application collected more information than necessary to determine eligibility. The proposed changes to Sections 6656 and 6657 are intended to streamline the application process for individuals and entities who wish to participate in the program. The only information that is necessary to determine eligibility for the program will be captured in the new enrollment portal. This is a benefit to both the Exchange and its CEE/CEC applicants.

The proposed amendment to Section 6660(b) also removes the requirement for CECs to receive training on the Exchange’s Small Business Health Options Program, or “Covered California for Small Business” as it

is more commonly known. After reviewing the program, it became readily apparent that CECs do not enroll employers or employees into small group health plans. Rather, CECs solely enroll individuals into Qualified Health Plans (QHPs). Consequently, the Small Business training requirement is unnecessary and should be removed to streamline the certification process.

And, finally, the document retention requirement in Section 6664(a)(6)(k) will be changed from six to ten years. This is to ensure that counselors comply with Federal laws, which require a minimum ten-year retention requirement for any documents related to the performance of an agreement between Covered California and its contractors.

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations**

After an evaluation of current regulations, the Exchange determined that these proposed regulations are not inconsistent or incompatible with any existing regulations. In Articles 8, 9, 11, and 12 there are a number of regulations pertaining to the roles and responsibilities of Certified Enrollers, such as Certified Enrollment Counselors, Certified Application Counselors, and Plan-Based Enrollers. The proposed regulations do not conflict with any other regulations governing other Certified Enrollers.

**Anticipated Benefits of the Proposed Regulation**

The anticipated benefits of this proposed regulation include:

- Streamlining the CEE/CEC application to ease the administrative burden on applicants;
- Removing an unnecessary requirement to receive training on enrolling employers and employees into small group health plans offered by Covered California for Small Business; and
- Ensuring compliance with federal auditing requirements.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Exchange has made the following initial determinations:

**Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations**

None.

**Mandate on Local Agencies and School Districts**

None. The Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

**Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance With Government Code Sections 17500 Through 17630**

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**Costs or Savings to State Agencies**

The proposal results in additional costs to the Exchange but will have no impact on other agencies or the State General Fund. The Exchange is currently completely funded by assessments on premiums charged by Qualified Health Plans.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Other Nondiscretionary or Savings Imposed on Local Agencies**

None. This proposal does not impose other nondiscretionary costs or savings on local agencies.

**Significant Effect on Housing Costs**

None.

**Effect on Small Business**

This proposed regulation is not expected to create or expand small business within the State of California. The current CEE/CEC program already exists. Considering the limited nature of these proposed regulations, there are no anticipated effects on small businesses.

**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 Exchange 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 the Economic Impact Assessment/Analysis**

The Exchange concludes regarding the proposed regulations that it is:

- (1) **unlikely** that the proposal will create or eliminate any jobs in the State;
- (2) **unlikely** that the proposal will create or eliminate businesses within the State;
- (3) **unlikely** that the proposal will impact the expansion of businesses currently doing business in California; and

- (4) **likely** that the health and welfare of consumers will benefit from the proposed regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Exchange must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Exchange would be more effective in carrying out the purpose for which this 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.

While the Exchange has initially determined that this proposed action is the most effective in effectuating the purpose of the statute, it invites the public to submit comments or alternatives on the proposed regulation.

The amendments to Sections 6656, 6657, and 6660 actually lessen the burden on CEE/CEC applicants. They remove several requirements to streamline the application process. Applicants will not be required to supply more information than needed to determine eligibility in the program nor will they be required to take Covered California for Small Business training. These amendments should remove some barriers to participation in the program.

The amendment to Section 6664 is necessary to ensure compliance with Federal auditing requirements. There is no reasonable alternative to making sure that CEEs and CECs comply with these requirements.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Sarah Vu  
 Regulations Analyst  
 California Health Benefit Exchange  
 (Covered California)  
 1601 Exposition Blvd.  
 Sacramento, CA 95815  
 Telephone: (916) 228-8727

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Brian Kearns  
 Attorney  
 California Health Benefit Exchange  
 (Covered California)  
 1601 Exposition Blvd.  
 Sacramento, CA 95815  
 Telephone: (916) 228-8843

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Sarah Vu at the above contact information.

**AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF PROPOSED REGULATIONS AND  
RULEMAKING FILE**

The Exchange 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 of this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Sarah Vu at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding a hearing, if requested, and considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Sarah Vu at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sarah Vu at the above address.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline can be accessed through our website at <http://hbex.coveredca.com/regulations/index%20-%20Enrollment%20Assistance.shtml>.

**TITLE 14. DEPARTMENT OF  
FORESTRY AND FIRE PROTECTION**

**NOTICE OF INTENTION TO AMEND THE  
CONFLICT-Of-INTEREST CODE OF THE  
DEPARTMENT OF FORESTRY AND FIRE  
PROTECTION (CAL FIRE)**

NOTICE IS HEREBY GIVEN that the Department of Forestry and Fire Protection (CAL FIRE), 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 20, 2017 and closing on December 4, 2017. All inquiries should be directed to the contact listed below.

CAL FIRE 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: updating the code to include new positions added since adoption of the current code and to reflect changes in duties of existing positions that would bring those positions within the code. The revised code also makes other technical changes.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 4, 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 19, 2017.

CAL FIRE 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: Toby A. McCartt, Staff Counsel; Tel: 916-657-0561; Email: [Toby.McCartt@fire.ca.gov](mailto:Toby.McCartt@fire.ca.gov).**

**TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES**

ORD#0217-08

**NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM #2 Multiethnic Placement Act and Interethnic Placement Act (MEPA-IEPA)

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 on December 5, 2017, at the following address:

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 December 5, 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., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

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](mailto:ord@dss.ca.gov)

**CHAPTERS**

California Code of Regulations, Title 22, Division 2, Chapter 3, Sections 35000 (Definitions) and 35011 (Recruitment of Adoptive Applicants) and California Department of Social Services Manual of Policies and Procedures, Division 31, Chapter 31-000, Section 31-005 (Child Welfare Services Program Support Activities); and Chapter 31-400, Sections 31-405 (Social Worker Responsibilities for Placement), 31-420 (Foster Care Placement), and 31-425 (Permanent Placement).

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Existing adoption and foster care regulations specify the procedures individuals must follow in order to qualify to adopt a child or enroll in the foster care program. The regulations do not specify how to recruit prospective foster and adoptive individuals who reflect the racial, color, or ethnic and cultural identity of children who need permanent homes.

These regulations are necessary to promote the best interest of children in out-of-home care by ensuring that children have permanent, safe and loving homes. These regulations comply with the provisions from the noted legislation.

The Multiethnic Placement Act (MEPA) of 1994, Public Law 103-382 and the Interethnic Adoption Provisions (IEAP) of 1996, Public Law 104-188 are federal laws that govern how foster and adoption placement decisions involving race, color or national origin (RCNO) and culture are considered. The focus of MEPA/IEAP is to reduce the length of time that children wait to be adopted. The MEPA/IEAP law also applies to foster care or adoption placement agencies receiving Title IV-B or Title IV-E funds.

These proposed regulations are necessary to implement the mandates of MEPA. The agency is required to make diligent efforts to recruit a pool of prospective foster and adoptive individuals who reflect the racial, color, or ethnic and cultural identity of children who need permanent homes.

The intent of the proposed regulations is to increase the number of adoptive and foster parents who represent the racial and ethnic backgrounds of children in need of permanent, safe and loving homes and expanding a stable pool of prospective adoptive and foster parents.

The IEPA mandates that the RCNO may not be used as the basis for delay or denial for neither placement, nor are such factors used to delay any foster or adoptive placement because of a delayed search for a same RCNO placement.

The anticipated benefit of these regulations is to increase the number of adoptive and foster parents who represent the racial and ethnic backgrounds of children needing permanent, safe and loving homes. Expanding a stable pool of prospective adoptive and foster individuals will assist an agency in finding an approved parent who is prepared to meet a child's needs without delay due to the practice of racial and ethnic matching. These regulations prohibit delay or denial of adoption or foster care placement based on race, color, or national origin or culture of the parents or the child.

The Department considered other possible related regulations in this area, and found that these are the only

regulations dealing in this subject area and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the MEPA/IEAP, as well as with existing state regulations.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: No fiscal impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 – 17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact.
4. Federal Funding to State Agencies: No fiscal impact.

**LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

**STATEMENT OF SIGNIFICANT ADVERSE  
ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that these activities are a part of the adoption/foster care process and it would be a cost savings when a child is adopted, as the state no longer pays for foster care.

**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 determines that there is little to no impact on small businesses as a result of filing these regula-



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 December 5, 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., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

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](mailto:ord@dss.ca.gov)

## CHAPTERS

The CDSS Manual of Policies and Procedures (MPP), Social Service Standards Manual, Division 30,

Chapter 30-700 (Service Program No. 7: In-Home Supportive Services), Section 30-778 (General Exception Requirements).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations prohibit an individual from providing In-Home Supportive Services (IHSS) to an IHSS recipient if he or she has been convicted of specified crimes in the previous 10 years unless such individual is otherwise eligible to be an IHSS provider and an IHSS recipient chooses to hire the individual as his/her provider in spite of the criminal conviction(s) and the county provides the individual with a waiver of the exclusion.

These regulatory amendments implement Assembly Bill (AB) 1612 (Chapter 725, Statutes of 2010), Section 24, which includes a provision allowing an individual who has been found ineligible to be an IHSS provider on the basis of a conviction(s) for one of the crimes added by legislation to request a general exception which would allow the individual to provide services to any IHSS recipient who chooses to hire the individual as his/her provider and to be included on provider registry lists in any county of his/her choosing. The California Department of Social Services, Caregiver Background Check Bureau, is designated as the agency assigned the task of adjudicating of all requests by individuals seeking to validate their claims of rehabilitation and unlikelihood to reoffend, which would allow those individuals to be candidates to serve as providers for IHSS recipients within the State of California. As allowed in AB 1612, the general exception rule has been implemented through an All County Letter until regulations are adopted.

The Department anticipates that these proposed regulations will benefit program stakeholders by consolidating the rules relating to IHSS general exception requirements, which have to date been released only via ACL into a single place, the Manual of Policies and Procedures. The general exception requirements themselves promote safety and security of IHSS recipients while still allowing them to hire the provider of their choice by ensuring that those providers who have received general exceptions due to having serious or violent felony criminal convictions have been thoroughly evaluated and vetted by the CDSS to ensure that they have been properly rehabilitated and are unlikely to reoffend.

The Department reviewed existing program regulations and determined that no other regulations address the requirements necessary to receive a general exception for becoming an IHSS provider. Thus, these proposed regulations are not only consistent and compati-

ble with existing state regulations but also with the intent of the Legislature in enacting AB 1612.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: The 2017–18 Governor’s Budget includes \$2,948,000 for FY 2016–17 and \$3,140,000 for FY 2017–18. Please note that this results in a shift from Federal Fund to State General Fund due to this regulation change.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 – 17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT.**

These regulations do not impose a mandate on local agencies or school districts. There are no state–mandated local costs in this order that require reimbursement under the laws of California.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the regulations only apply to specified individuals seeking to become IHSS providers.

**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 there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**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. These amendments promote safety and security of IHSS recipients by ensuring that the providers who have received general exceptions due to having serious or violent felony criminal convictions have been thoroughly evaluated and vetted by the CDSS to ensure that they have been properly rehabilitated and are unlikely to reoffend.

**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 to the proposed regulatory action because the authorizing legislation specified that CDSS implement the provisions for which the regulations are proposed through All County Letters (ACLs) or similar instruction until regulations are adopted.

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

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Section 12305.87, Welfare and Institutions Code.

**CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person:  
 Everardo Vaca  
 (916) 657–2586

Backup:  
Sylvester Okeke  
(916) 657-2586

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND  
WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION NO  
1653-2017-007-001-R3**

**Project:** Furlong Culvert Repair Project  
**Location:** Sonoma County  
**Applicant:** Heather L. Hillman Mutz  
**Notifier:** Carrie Lukacic, Pruneske  
Chatham, Inc.

**Background**

Project Location: The Furlong Culvert Repair Project, (Project) is located at 1200 Furlong Road, Sebastopol, California, 95472, at a property owned by Heather L. Hillman Mutz, Assessor Parcel Number (APN), 080-110-009, and affects an unnamed tributary to Redwood Creek. The unnamed tributary to Redwood Creek supports populations of California freshwater shrimp (*Syncaris pacifica*) and steelhead trout (*Oncorhynchus mykiss*).

Project Description: Heather L. Hillman Mutz (Applicant) proposes to enhance and restore habitat within an unnamed tributary to Redwood Creek to provide a net conservation benefit for California freshwater shrimp (*Syncaris pacifica*) and steelhead trout (*Oncorhynchus mykiss*). The Project includes the replacement of a failing culvert with a 4-foot diameter and 24-foot long corrugated steel culvert that accommodates a 12-foot wide crossing. This will require the temporary diversion of approximately 130 linear feet of the creek to enable work in a dry channel. The project extends 20 feet upstream and 50 feet downstream of the culvert, and includes habitat enhancement via the installation of a rock weir and subsurface grade control to prevent scour and provide residual pools to improve freshwater shrimp access to overhanging banks during the dry season. The conservation benefits of the Project will include improving salmonid access upstream for spawning and rearing habitat by the removal of an existing salmonid fish passage barrier at the current culvert out-

fall, and the creation, improvement, and protection of freshwater shrimp habitat downstream of the culvert.

Detailed Project plans, discussion of proposed work, species protection measures, site photos and maps are on file with CDFW's Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 0.10 acres along 130 linear-feet of channel. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: two-ton rocks, rock riprap, gravel, concrete slurry, tree root wad.

Project Timeframes:  
Start date: October 2017  
Completion date: October 2018  
Work window: 9/15 – 10/15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to 0.01 miles of spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B170511WNSO, Electronic Content Management Identification (ECM PIN) No. CW-835219) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to California freshwater shrimp (*Syncaris pacifica*), foothill yellow-legged frogs (*Rana boylei*), and steelhead trout (*Oncorhynchus mykiss*).

Receiving Water: Unnamed tributary to Redwood Creek.

Filled or Excavated Area:  
Permanent area impacted: 280 square feet  
Temporary area impacted: 168 square feet  
Length temporarily impacted: 118 linear feet  
Length permanently impacted: 153 linear feet

Dredge Volume: None.  
Discharge Volume: 29 cubic yards (cy) of two-ton rock, 17 cy of rock riprap, 25 cy of concrete slurry backfill, 7 cy pipe bedding, and 0.6 cy of gravel. Two-ton

rock with gravel fill in planting pockets will be interplanted with native vegetation (i.e. dogwood stakes, snowberry, Hazelnut, native forbs and fern, and native seed). One large redwood root wad (1.1 cy) and anchoring bolts to hold the large root wad as needed.

Project Location: Latitude 38.3987 N. and Longitude -122.899 W., (NAD 83); APN: 080-10-009.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On September 11, 2017, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 14, 2017, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice Register, No. Z-2017-0914-02) on September 29, 2017. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

### Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

### Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, and contains the following categories: 1) Isolate Work Area and Procedures for Removing Fish and Other Vertebrate Aquatic Species; 2) Fish and Wildlife Protection Measures; 3) Water Quality Protection Measures; 4) Riparian Vegetation; and 5) Cultural and Tribal Resources. The specific avoidance and mini-

mization requirements are found in an attachment to the NOI, *Attachment F: Furlong Driveway Stream Crossing Measures to Protect Fish, Wildlife, and Water Resources*.

### Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. Specific requirements of the plan are found in an attachment to the NOI, *Draft Furlong Road Culvert Replacement Monitoring and Reporting Program*.

Monitoring Plan: Photopoints will be established to monitor the evolution of the site over time. Photo-monitoring stations will be set up prior to revegetation. Photo-point locations will be chosen to capture a majority of the area, and a GPS point will be taken at each photo-point location. A compass bearing will also be recorded in the direction of each photograph. Each picture will be labeled to identify the project, site, date, benchmark number, and compass bearing. The 1st year photos will be used as a field guide in ensuing years to ensure consistency of photo angle and width. Photo monitoring will take place on a seasonal basis for five years following project construction and planting.

Physical conditions monitoring will be conducted to determine if the project results in a stable condition of the culvert, weir, and the creek bank within the project area. A visual assessment of the weir and culvert will be conducted to confirm that the project area is stable and that erosion and headcutting is not occurring. The project site will be visually inspected after the rainy season annually for five years following construction to observe for any signs of erosion or instability at the culvert and the weir. Undercut banks will be assessed by walking the channel for 50 feet above and for 50 feet below the culvert. Undercut banks and any slumping or cracking will be marked on the plan sheets and photographed. The initial assessment will be performed prior to construction to establish baseline conditions, with follow-up assessments annually for three years. Undercut banks will be considered stable if the depth of the proportion of bank that is undercut does not drop by more than 20% and there is no evidence of failure.

Biological Monitoring will be conducted to determine if the project results in continued or increased use of the area by aquatic species, specifically California freshwater shrimp (*Syncaris pacifica*) and steelhead trout (*Oncorhynchus mykiss*). Shrimp presence will be monitored annually for three years following construction, if authorized. To verify presence, a dip-net presence/absence survey for California freshwater shrimp will be performed upstream and downstream of the culvert annually. Fish presence will be evaluated annually, with a focus on the presence of salmonids upstream of

the current fish passage barrier at the outfall of the failed culvert. Revegetation will be assessed each year for five years after planting. Plantings will be considered successful if woody species survival is 85% at the end of five years.

**Reporting Plan:** An annual report will be submitted on December 31, to the appropriate agencies (i.e., U.S. Fish and Wildlife Service, Army Corps of Engineers, Regional Water Board, and CDFW). The 1st year monitoring report will include photopoint locations, and an as-built diagram including plantings to serve as a benchmark for future monitoring. This annual report will include the findings that result from pre- and post-project monitoring. These findings will indicate the achievement of performance standards that are relative to the project goals.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: [James.Hansen@Wildlife.ca.gov](mailto:James.Hansen@Wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Regional Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

By: /s/  
 Sandra Morey, Deputy Director  
 Ecosystem Conservation Division  
 California Department of Fish and Wildlife  
 Date: October 3, 2107

**DEPARTMENT OF FISH AND WILDLIFE**

**HABITAT RESTORATION AND ENHANCEMENT ACT  
 CONSISTENCY DETERMINATION NO.  
 1653-2017-006-001-R1**

**Project:** Parks Creek Fish Passage Project  
**Location:** Siskiyou County  
**Applicant:** Shasta Valley Resource Conservation District  
**Notifier:** Allison Lutes

**Background**

**Project Location:** The Parks Creek Fish Passage Project (Project) is located on Parks Creek, along Interstate 5 at post mile 28, where Interstate 5 crosses over Parks Creek, near the Weed Airport, in the County of Siskiyou. The Project is located at a property owned by Mills Ranch Trust, a California Corporation, Assessor Parcel Number (APN) 020-080-370-000. Parks Creek is a tributary to the Shasta River and supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

**Project Description:** The Shasta Valley Resource Conservation District (Applicant) proposes to enhance or restore habitat within Parks Creek to provide a net conservation benefit for Chinook salmon, coho salmon, and steelhead. The conservation benefits from the proposed project will improve salmonid access to 7.5 miles of upstream spawning and rearing habitat within Parks Creek. Passage improvement will be accomplished by creating an engineered roughened channel with sediment retention sills to address a passage barrier at a cement low water crossing installed in 1963. The proposed Project uses streambed materials and boulders to simulate a self-formed stream channel.

**Project Size:** The total area of ground disturbance associated with the Project is approximately 0.31 acres and 265 linear-feet. The Applicant has included project size calculations that were used to determine the total

size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

**Project Associated Discharge:** Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) engineered streambed material and (2) boulders.

**Project Timeframes:**

Start date: July 2018

Completion date: October 2018

Work window: July 1 – September 30

**Water Quality Certification Background:** Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to 7.5 miles of spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1A13124WNSI, Electronic Content Management Identification (ECM PIN) No. CW-798610) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Chinook salmon, coho salmon, and steelhead.

The receiving water is Parks Creek, a tributary to the Shasta River. There are no permanent impacts associated with this Project. Temporary impacts include 265 feet of streambank and channel. No dredge volume is proposed. Discharge includes approximately 560 cubic yards of engineered streambed material and 330 cubic yards of boulders. The Project is located at Latitude 41.4978° N and Longitude 122.465° W, APN: 020-080-370-000.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.). Regional staff also determined that construction in 2018 is consistent with the NOA written for the NOI, which proposed a construction window in 2017.

On September 6, 2017, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection mea-

asures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 11, 2017 for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice Register, No. 38Z-2017) on September 22, 2017. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a nonhabitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4) include, but are not limited to, the following: 1) Petroleum, Chemical, and Other Pollutants; 2) Weather Monitoring and Erosion Control Staging; 3) Work Site Notification and Compliance; 4) Water Quality Management; 5) Habitat Protection; 6) Site Access and Staging; 7) Pre-Construction Bird and Nest Surveys; 8) Erosion and Sediment Control; 9) Work Plan Coordination; and 10) Administrative Requirements. The specific avoidance and minimization requirements are found in the supplemental list of Species Protection Measures submitted with the HREA request for consistency determination.

**Monitoring and Reporting**

The primary goal of the project is to re-establish fish passage for all life stages of salmonids. Measurable performance standards identified in the NOA include:

1. **Final Engineered Stamped Construction Designs:** In accordance with CDFW and NOAA-NMFS fish passage standards and protocols.
2. **As-Built Construction Survey Results:** To be conducted immediately following construction to record variations from original engineered design sets and what was actually built, this survey will include a topographic survey of the roughened

channel and identification of the major roughness elements.

3. Pre- and Post-Project Photo Points: Photo monitoring will provide qualitative documentation of project progress pre-project, during construction, and post-project. Photo monitoring will be implemented throughout the performance period.
4. Pre- and Post-Project Transects: Velocity measurements, to assess changes in velocity barriers, and pre-and post-project channel form information will be collected through cross-sectional transects.
5. Water Temperature Monitoring: Onset HOBO temperature probes will be deployed in representative locations at the upstream and downstream ends of the project. The probes will record quarter-hourly water temperature readings during irrigation season (April 1 to September 30). Water temperature data will be reported as weekly maximum temperatures in the annual and final monitoring reports.

Following completion of the Project and after the first post-project winter, a Final report (report) will be submitted to all appropriate agencies (i.e., U.S. Fish and Wildlife Service, Army Corps of Engineers, Regional Water Board, and CDFW). This report will include the findings that result from pre- and post-project monitoring. These findings will indicate the achievement of performance standards that are relative to the Project goals. Each report will include the following information:

1. Summary of findings;
2. Identification and discussion of problems with achieving performance standards;
3. Proposed corrective measures as needed (requires Regional Water Board approval); and
4. Monitoring data.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) to be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant's NOI. Applicant shall in-

clude the Project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: [Michael.R.Harris@wildlife.ca.gov](mailto:Michael.R.Harris@wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Regional Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

By: /s/  
Sandra Morey, Deputy Director  
Ecosystem Conservation Division  
California Department of Fish and Wildlife

Date: October 4, 2107

**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# 2017-0824-03  
CALIFORNIA ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT BOARD  
California ABLE Program Trust

In this timely Certificate of Compliance, the California Achieving a Better Life Experience Board (ABLE) is making permanent the emergency

(2017–0810–01EE, 2107–0210–05E) rulemaking that adopted eight sections in title 10 of the California Code of Regulations. The Legislature enacted Senate Bill 324 (Chapter 796, Statutes of 2015) and Assembly Bill 449 (Chapter 774, Statutes of 2015), which authorized the ABLÉ Board to develop and implement the California ABLÉ Program Trust, which is a financial savings tool for qualified people with disabilities as defined in section 529A of the Internal Revenue Code. These regulations provide the framework to allow eligible individuals to save and maintain their funds in the Trust. The regulations include definitions, account enrollment, limitations on contributions, change of designated beneficiary, qualified and rollover distribution, account information and reports and other provisions related to the administration of the program.

Title 10  
 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007  
 Filed 10/05/2017  
 Effective 10/05/2017  
 Agency Contact:  
 Carrie Fisher Stone (916) 653–0665

File# 2017–0929–01  
**CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE**  
 Regulations Revision for Qualified Public Educational Facility Bonds

This emergency rulemaking action amends and adopts the above–listed regulations as well as related forms so as to enable the provision of tax–exempt, private–activity bond allocation to state and local agencies for the purpose of providing public elementary and secondary schools with financing for the construction or improvement of school facilities.

Title 4  
 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100  
 Filed 10/09/2017  
 Effective 10/09/2017  
 Agency Contact: Ruben Barcelo (916) 653–8018

File# 2017–0825–01  
**CALIFORNIA ENERGY COMMISSION**  
 Appliance Efficiency Standards

In this rulemaking action, the Commission makes permanent emergency regulations that allow the certification of permanent magnet synchronous motors used in residential pool pump and motor combinations or used as replacement residential pool pump motors that are sold or offered in California. This action also makes

permanent emergency regulations that change the date by which residential air filters sold or offered for sale in California must comply with the testing, marking, and certification requirements from July 1, 2016, to April 1, 2019.

Title 20  
 AMEND: 1602, 1606, 1607  
 Filed 10/05/2017  
 Effective 10/05/2017  
 Agency Contact: Linda Barrera (916) 651–2924

File# 2017–0823–06  
**CALIFORNIA HORSE RACING BOARD**  
 Jockey’s Riding Fee

This change without regulatory effect filing by the California Horse Racing Board adjusts the jockey’s riding fees for losing mounts, as required by Business and Professions Code section 19501(b)(1), to reflect the California minimum wage increase effective January 1, 2018.

Title 4  
 AMEND: 1632  
 Filed 10/05/2017  
 Agency Contact:  
 Nicole Lopes–Gravely (916) 263–6397

File# 2017–0918–05  
**DEPARTMENT OF CORRECTIONS AND REHABILITATION**  
 Security Threat Group Management

This regulatory action by the California Department of Corrections and Rehabilitation (CDCR) amends, adopts, and repeals sections in CCR title 15, regarding security threat group management. This is an ongoing effort by CDCR to develop strategies to effectively manage the Security Threat Group (STG). The underlying policy was developed in 2012, regulations were adopted in 2014, and this rulemaking action further amends and refines regulatory provisions related to the identification, interdiction, prevention, and management of STGs within CDCR.

Title 15  
 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334  
 Filed 10/09/2017  
 Effective 10/09/2017  
 Agency Contact: Anthony Carter (916) 445–2220

File# 2017-0915-01  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Authorized Property for Transgender Inmates

This emergency rulemaking action by the Department of Corrections and Rehabilitation is a readopt of OAL File No. 2017-0328-01EON. This action amends four sections in title 15 of the California Code of Regulations to allow transgender inmates and inmates having symptoms of gender dysphoria that are housed at designated institutions to have access to state-issued and authorized personal property items in accordance with their gender identities. The Department is also adopting two new property lists for transgender inmates and inmates having symptoms of gender dysphoria for use in designated institutions, which are incorporated by reference. This action was certified as an operational necessity by the Undersecretary on March 2, 2017.

Title 15  
AMEND: 3000, 3030, 3190, 3269  
Filed 10/04/2017  
Effective 10/06/2017  
Agency Contact: Rachel Orr (916) 445-2314

File# 2017-1003-01  
DEPARTMENT OF FAIR EMPLOYMENT AND  
HOUSING  
Conflict-of-Interest Code

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

Title 2  
AMEND: 10500  
Filed 10/10/2017  
Effective 11/09/2017  
Agency Contact: David L. Cullen (916) 478-7251

File# 2017-1002-02  
DEPARTMENT OF JUSTICE  
Department of General Services Bond Form

This action submitted by the Department of Justice is a request to file and print the amended surety bond form of the Department of General Services, "Payment Bond to Accompany Construction Contract," including adding the word "Construction" to the title of the form, pursuant to Government Code section 11343.8.

Title 11  
AMEND: 78.4  
Filed 10/05/2017  
Effective 10/05/2017  
Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-1002-03  
DEPARTMENT OF JUSTICE  
Department of General Services Bond Form

This action submitted by the Department of Justice is a request to file and print, pursuant to Government Code section 11343.8, the amended surety bond form of the Department of General Services, titled "Bidder's Bond," of section 78.6 ("Bidder's Bond Form") of title 11.

Title 11  
AMEND: 78.6  
Filed 10/05/2017  
Effective 10/05/2017  
Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-1002-04  
DEPARTMENT OF JUSTICE  
Department of General Services Bond Form

This action submitted by the Department of Justice is a request to file and print, pursuant to Government Code section 11343.8, the adopted surety bond form of the Department of General Services, titled "Performance Bond to Accompany Construction Contract," section 78.7 of title 11.

Title 11  
ADOPT: 78.7  
Filed 10/05/2017  
Effective 10/05/2017  
Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0922-01  
DEPARTMENT OF RESOURCES RECYCLING  
AND RECOVERY  
Conflict-of-Interest Code

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

Title 14  
AMEND: 18419  
Filed 10/04/2017  
Effective 11/03/2017  
Agency Contact: Thomas Vallance (916) 327-0089

File# 2017-0929-03  
GOVERNMENT OPERATIONS AGENCY  
Conflict-of-Interest Code

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

Title 2  
 AMEND: 59780  
 Filed 10/09/2017  
 Effective 11/08/2017  
 Agency Contact: Joy Lavin-Jones (916) 651-9039

File# 2017-0907-01  
**MEDICAL BOARD OF CALIFORNIA**  
 Physicians on Probation

This rulemaking action removes obsolete language from section 1358 of Title 16 of the California Code of Regulations and specifies that probationers must cooperate with Medical Board staff by complying with each term and condition of the order placing them on probation and that any fees incurred as a result of any term or condition of probation shall be paid by the probationers.

Title 16  
 AMEND: 1358  
 Filed 10/10/2017  
 Effective 01/01/2018  
 Agency Contact: Michael Briscoe (916) 274-5797

File# 2017-0829-02  
**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**  
 Tower Scaffolds and Rolling Scaffolds, Wood or Metal

This action by the Occupational Safety and Health Standards Board revises a cross-reference in section 1646 of title 8 of the California Code of Regulations as a change without regulatory effect.

Title 8  
 AMEND: 1646(a)  
 Filed 10/09/2017  
 Agency Contact: Marley Hart (916) 274-5721

File# 2017-0824-04  
**STATE PERSONNEL BOARD**  
 Limited Term Appointments and LEAP

This request by the State Personnel Board to file regulations with the Secretary of State and to print them in the California Code of Regulations concerns requirements for limited term appointments and the Limited Examination and Appointment Program (LEAP).

Title 2  
 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57  
 Filed 10/04/2017

Effective 11/01/2017  
 Agency Contact: Jeanne Wolfe (916) 651-0924

File# 2017-0828-01  
**STATE WATER RESOURCES CONTROL BOARD**  
 Water Quality Enforcement Policy

On April 4, 2017, the State Water Resources Control Board adopted Resolution No. 2017-0020, which revised the Water Quality Enforcement Policy to (1) clarify principles that guide enforcement, (2) amend policies relating to case prioritization, violation ranking, and penalty calculation methodology, and (3) make other technical changes for clarity.

Title 23  
 ADOPT: 2910 REPEAL: 2910  
 Filed 10/05/2017  
 Effective 10/05/2017  
 Agency Contact: Naomi Kaplowitz (916) 341-5677

File# 2017-0824-02  
**STRUCTURAL PEST CONTROL BOARD**  
 Termite Stations

This regulatory action by the Structural Pest Control Board amends existing termite station regulations in title 16 of the California Code of Regulations to differentiate between baiting and monitoring systems and implement guidelines regarding the use of each.

Title 16  
 ADOPT: 1993.4 AMEND: 1993.2 REPEAL: 1993.3  
 Filed 10/06/2017  
 Effective 01/01/2018  
 Agency Contact: David Skelton (916) 561-8722

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN May 10, 2017 TO  
 October 11, 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**  
 10/10/17 AMEND: 10500  
 10/09/17 AMEND: 59780  
 10/04/17 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1,

547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57	08/30/17 AMEND: 2320.1
09/22/17 AMEND: 1859.2, 1859.81	08/22/17 AMEND: 3439
09/21/17 AMEND: 59620	08/17/17 AMEND: 3435(b)
09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4	08/16/17 AMEND: 3435(b)
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	08/16/17 AMEND: 3439(b)
08/30/17 AMEND: 59590	08/11/17 AMEND: 3439(b)
08/16/17 AMEND: 604	08/10/17 AMEND: 3435(b)
08/14/17 AMEND: 11034	08/08/17 AMEND: 3854, 3855
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	08/03/17 AMEND: 3435(b)
08/10/17 AMEND: 1897	07/31/17 AMEND: 3435(d)
07/25/17 AMEND: 57700	07/26/17 AMEND: 3439(b)
07/12/17 ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067	07/25/17 AMEND: 3591.12, 3424(c)
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	07/24/17 AMEND: 3435(b)
06/22/17 AMEND: 327	07/20/17 AMEND: 3435(b)
06/21/17 AMEND: 3700	07/17/17 AMEND: 3435(b)
06/19/17 AMEND: 1859.2, 1859.82	07/12/17 ADOPT: 6190
06/08/17 AMEND: 52.4, 548.49, 548.136	07/10/17 AMEND: 3435(b)
05/31/17 ADOPT: 249.8	07/06/17 AMEND: 3439(b)
05/26/17 AMEND: 11030, 11031, 11034	07/06/17 AMEND: 3439(b)
<b>Title 3</b>	07/06/17 AMEND: 3435(b)
09/28/17 AMEND: 3439(b)	06/28/17 AMEND: 1358.7
09/28/17 AMEND: 3435(b)	06/26/17 AMEND: 3435(b)
09/27/17 AMEND: 3435(b)	06/22/17 ADOPT: 2320.5AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324
09/21/17 AMEND: 1430.142	06/19/17 AMEND: 3435(b)
09/19/17 AMEND: 3406(c), 3591.5(b)	06/14/17 AMEND: 3435(b)
09/14/17 AMEND: 3439	06/08/17 AMEND: 3435(b)
09/12/17 AMEND: 3435(b)	06/07/17 AMEND: 3435(b)
09/07/17 AMEND: 3435(b)	06/05/17 ADOPT: 3591.28
09/05/17 AMEND: 3435(b)	06/02/17 AMEND: 3435(d)
09/05/17 AMEND: 3435(b)	06/01/17 AMEND: 3591.12
08/31/17 AMEND: 3439(b)	05/30/17 AMEND: 3439(b)
	05/15/17 AMEND: 3435(b)
	05/15/17 AMEND: 3435(b)
	<b>Title 4</b>
	10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
	10/05/17 AMEND: 1632
	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
	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
	08/24/17 AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14
	08/07/17 ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32,

8078.33, 8078.34, 8078.35 AMEND:  
8070, 8071, 8072, 8073, 8074, 8076,  
8078.3 REPEAL: 8078.1, 8078.2  
07/26/17 ADOPT: 7033.1 AMEND: 7030, 7033,  
7034, 7035, 7037, 7040, 7042, 7045  
07/26/17 AMEND: 1581, 1843  
07/26/17 ADOPT: 8078.15, 8078.16, 8078.17,  
8078.18, 8078.19, 8078.20, 8078.21  
07/18/17 ADOPT: 610  
07/12/17 ADOPT: 299 AMEND: 297, 300  
07/12/17 AMEND: 10325.5  
06/20/17 AMEND: 1696  
06/01/17 AMEND: 1433, 1845  
05/31/17 AMEND: 1632  
05/30/17 ADOPT: 5145, 5146, 5233 AMEND:  
5000, 5020, 5031, 5033, 5050, 5051,  
5054, 5061, 5062, 5063, 5106, 5144,  
5170, 5191, 5192, 5194, 5200, 5220,  
5230, 5240, 5250, 5255, 5258, 5260,  
5300, 5342, 5350, 5370, 5400, 5450,  
5560, 5600 REPEAL: 5221

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09/12/17 AMEND: 18117, 18246  
09/01/17 AMEND: 40756.1, 40805.1  
09/01/17 AMEND: 40500  
08/31/17 REPEAL: 40530, 40531, 40532  
08/31/17 ADOPT: 40050.4, 40517, 40518, 41023  
08/22/17 AMEND: 27300, 27301, 27400, 27401,  
27600, 27601, 27602  
08/17/17 AMEND: 19810  
08/10/17 AMEND: 76000, 76020, 76210, 76130,  
76200, 76210, 76212, 76215  
07/18/17 AMEND: 851, 853.5, 853.7, 855, 856  
06/27/17 REPEAL: 13075, 13075.1, 13075.2,  
13075.3, 13075.4, 13075.5, 13075.6,  
13075.7, 13075.8, 13075.9  
06/26/17 AMEND: 19810  
06/14/17 AMEND: 41908  
06/05/17 ADOPT: 11517.6, 11518, 11518.5,  
11518.10, 11518.15, 11518.20,  
11518.25, 11518.30, 11518.35,  
11518.40, 11518.45, 11518.50,  
11518.55, 11518.60, 11518.65,  
11518.70, 11518.75, 11518.80, 11519,  
11519.5  
06/02/17 ADOPT: 11534.1 AMEND: 11530,  
11533, 11534  
05/30/17 ADOPT: 71396

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10/09/17 AMEND: 1646(a)  
10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND:  
5155  
09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  
09/27/17 AMEND: 5191(b)

09/26/17 AMEND: 5189.1(t)(2)  
09/14/17 AMEND: 336  
07/31/17 AMEND: 3650  
07/31/17 AMEND: 344.30  
07/27/17 ADOPT: 5189.1  
07/18/17 ADOPT: 9789.17.3 AMEND: 9789.12.2,  
9789.17.1, 9789.18.12, 9789.19  
06/29/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  
06/29/17 AMEND: 344.18  
06/20/17 AMEND: 9789.39  
06/05/17 AMEND: 1637  
06/05/17 AMEND: 3220  
05/23/17 ADOPT: 20169 AMEND: 20170, 20234,  
20240, 20241, 20242, 20282, 20286,  
20363, 20393, 20400, 20401, 20402,  
20407, 20408  
05/16/17 AMEND: 20335(c)

**Title 9**

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

**Title 10**

10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004,  
9005, 9006, 9007  
09/21/17 AMEND: 2498.6  
09/21/17 ADOPT: 6854, 6856, 6864  
09/20/17 AMEND: 2498.5  
09/20/17 AMEND: 6902, 6903, 6904  
08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004,  
9005, 9006, 9007  
08/03/17 AMEND: 2498.5  
06/21/17 ADOPT: 260.211.4, 260.211.5,  
260.211.6, 260.211.7

**Title 11**

10/05/17 AMEND: 78.4  
10/05/17 AMEND: 78.6  
10/05/17 ADOPT: 78.7  
08/08/17 AMEND: 1006  
07/31/17 AMEND: 1005  
07/31/17 ADOPT: 5470, 5471, 5472, 5473, 5474,  
5474.1, 5474.2, 5475, 5476, 5477, 5478  
AMEND: 5469 REPEAL: 5473  
07/25/17 AMEND: 1009  
07/18/17 AMEND: 1008  
06/28/17 AMEND: 1005, 1007, 1008  
06/21/17 AMEND: 1015  
06/01/17 AMEND: 50.10  
06/01/17 AMEND: 50.13  
05/31/17 REPEAL: 50.18  
05/30/17 ADOPT: 2080, 2081, 2082, 2083, 2084,  
2085, 2086, 2087, 2088, 2089, 2090,  
2091, 2092, 2093, 2094, 2095, 2096,  
2097, 2098, 2099, 2100, 2101, 2102,

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2103, 2104, 2105, 2106, 2107, 2108, 2109, 2120, 2130, 2131, 2132, 2133	08/22/17	ADOPT: 870.17 AMEND: 870.15 REPEAL: 870.17, 870.19, 870.21
05/23/17 AMEND: 1001, 1005, 1008	08/10/17	AMEND: 7.50
05/23/17 AMEND: 50.19	08/07/17	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
05/23/17 AMEND: 50.20	08/07/17	ADOPT: 817.04 AMEND: 790
05/18/17 AMEND: 50.23	08/07/17	ADOPT: 820.02
05/18/17 AMEND: 50.12	08/07/17	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
05/18/17 AMEND: 50.14	08/01/17	AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24
05/16/17 AMEND: 50.8	07/26/17	AMEND: 895.1, 896, 897, 898, 898.1, 898.2, 900, 901, 902, 902.1, 902.2, 902.3, 903.1, 903.2, 906, 907, 911
05/16/17 AMEND: 50.15	07/19/17	AMEND: 502
05/16/17 AMEND: 50.21	07/19/17	AMEND: 708.5
05/16/17 REPEAL: 50.22	07/18/17	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0
05/16/17 ADOPT: 50.22	07/17/17	AMEND: 360, 361, 362, 363, 364, 364.1
05/15/17 AMEND: 50.5	07/13/17	AMEND: 13055
05/15/17 REPEAL: 50.7	07/12/17	AMEND: 670.2
05/15/17 AMEND: 50.6	06/02/17	ADOPT: 1090.28, 1094, 1094.1, 1094.2, 1094.3, 1094.4, 1094.5, 1094.6, 1094.7, 1094.8, 1094.9, 1094.10, 1094.11, 1094.12, 1094.13, 1094.14, 1094.15, 1094.16(a)-(d)(5), 1094.17, 1094.18, 1094.19, 1094.20, 1094.21, 1094.22, 1094.23, 1094.24, 1094.25, 1094.26, 1094.27, 1094.28, 1094.29, 1094.30, 1094.31, 1094.32, 1094.33, 1094.34, 1094.35 AMEND: 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9] 929 [949, 969], 945.1, 1038, 1090.26, 1104.1, 1115.3
05/15/17 AMEND: 50.16	05/26/17	AMEND: 7.50
05/15/17 AMEND: 50.17		
<b>Title 13</b>		
09/11/17 AMEND: 1		
09/07/17 AMEND: 430.00, 431.00		
07/31/17 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264		
07/31/17 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269		
07/27/17 AMEND: 1151.8.1		
06/29/17 AMEND: 1160.1, 1160.2, 1160.3, 1160.4		
06/20/17 AMEND: 2775, 2775.1, 2775.2		
06/19/17 AMEND: 205.00, 205.02, 205.04, 205.06, 205.08, 205.12, 205.14		
06/12/17 AMEND: 156.00		
05/15/17 AMEND: 16.06		
<b>Title 14</b>		
10/04/17 AMEND: 18419		
09/29/17 AMEND: 29.80, 122		
09/26/17 AMEND: 300		
09/19/17 AMEND: 1094.16		
09/11/17 ADOPT: 4325		
09/07/17 AMEND: 913, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, 913.7, 913.8, 913.10, 913.11, 914, 914.1, 914.2, 914.3, 914.5, 914.6, 914.7, 914.8, 914.9, 915, 915.1, 915.2, 915.3, 915.4, 916, 916.1, 916.2, 916.3, 916.4, 916.5, 916.6, 916.7, 916.8, 916.9, 916.10, 916.11, 916.11.1, 916.12, 953.7, 953.8, 953.9, 953.12, 954.4, 1038		
09/05/17 AMEND: 29.15		
08/31/17 AMEND: 1122		
08/29/17 AMEND: 119, Form FG 2025 (11/2005), Appendix A		
08/29/17 AMEND: 670		
08/28/17 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7		
	<b>Title 15</b>	
	10/09/17	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
	10/04/17	AMEND: 3000, 3030, 3190, 3269
	10/04/17	AMEND: 18419
	09/25/17	ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3

- 09/19/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493  
AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
- 08/31/17 AMEND: 8001
- 08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
- 07/18/17 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
- 07/19/17 AMEND: 502
- 07/19/17 AMEND: 708.5
- 07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 174405.0
- 07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1
- 07/13/17 AMEND: 13055
- 07/12/17 AMEND: 3000, 3753, 3754, 3763, 6766, 3769.6
- 06/28/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4  
AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
- 06/27/17 AMEND: 3620, 3621, 3622
- 06/08/17 ADOPT: 8106.2 AMEND: 8106.1
- 05/23/17 ADOPT: 3570, 3572, 3573, 3580  
AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3
- 05/11/17 ADOPT: 3999.23
- Title 16**
- 10/10/17 AMEND: 1358
- 10/06/17 ADOPT: 1993.4 AMEND: 1993.2  
REPEAL: 1993.3
- 10/02/17 AMEND: 1914
- 09/21/17 ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09
- 09/19/17 ADOPT: 1702.1, 1702.2, 1702.5  
AMEND: 1702
- 08/30/17 AMEND: 1107
- 08/29/17 AMEND: 425
- 08/24/17 AMEND: 1021, 1022
- 08/22/17 ADOPT: 1399.730, 1399.731, 1399.732
- 08/14/17 REPEAL: 901, 902, 903, 914
- 08/10/17 ADOPT: 4176
- 08/10/17 AMEND: 1105.1(b)(c)(d)(e)
- 08/08/17 ADOPT: 1805.2
- 08/02/17 AMEND: 4161, 4162, 4163
- 07/06/17 AMEND: 1398.3, 1398.4, 1398.6, 1398.15, 1398.20, 1398.21, 1398.21.1, 1398.23, 1398.28, 1398.37, 1398.44, 1398.47, 1398.50, 1398.51, 1398.52, 1399, 1399.23, 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99  
REPEAL: 1398.24, 1398.27, 1398.42
- 06/23/17 AMEND: 2649
- 06/22/17 AMEND: 80.1, 80.2, 87, 87.1
- 06/12/17 AMEND: 1399.546
- 06/08/17 ADOPT: 1746.5
- 06/07/17 ADOPT: 1399.407, 1399.407.1, 1399.407.2, 1399.407.3
- 06/06/17 ADOPT: 1776, 1776.1, 1776.2, 1776.3, 1776.4, 1776.5, 1776.6
- 06/05/17 AMEND: 1387, 1387.1
- 05/31/17 REPEAL: 3036.1, 3036.2, 3037.1, 3037.2
- 05/30/17 AMEND: 1703
- 05/24/17 ADOPT: 1001.1, 1001.2
- 05/24/17 AMEND: 1399.395
- 05/24/17 AMEND: 1399.434, 1399.437 REPEAL: 1399.436
- 05/10/17 AMEND: 426.10, 426.14, 426.50
- Title 17**
- 09/18/17 ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E  
AMEND: 95802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95851, 95852, 95852.1, 95852.2, 95853, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95893, 95894, 95895, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95941, 95943, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95983, 95985, 95987, 95990, 96014, Appendix C
- 09/06/17 AMEND: 6540
- 09/06/17 AMEND: 6508
- 09/01/17 ADOPT: 95160, 95161, 95162, 95163  
AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95117, 95118, 95121, 95122, 95129, 95130, 95131, 95132, 95133, 95150, 95153, 95156, 95157, Appendix A, Appendix B
- 08/21/17 AMEND: 100010, 100020, 100030, 100040, 100050, 100070
- 07/24/17 REPEAL: 1050

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07/17/17 ADOPT: 95665, 95666, 95667, 95668,  
95669, 95670, 95671, 95672, 95673,  
95674, 95675, 95676, 95677  
05/10/17 ADOPT: 51000, 51001, 51002

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09/28/17 ADOPT: 25137-15  
06/19/17 AMEND: 1703  
06/14/17 AMEND: 5332  
05/24/17 ADOPT: 19195-1, 19195-2  
05/15/17 AMEND: 263  
05/15/17 AMEND: 1051

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08/31/17 REPEAL: 2575, 2575.1, 2576, 2576.1,  
2577, 2577.1, 2577.2, 2577.3, 2577.4,  
2577.5, 2577.6, 2577.7, 2577.8, 2578,  
2578.1, 2578.2, 2578.3  
08/03/17 ADOPT: 2745.7.5, 2762.0.1, 2762.0.2,  
2762.1, 2762.2, 2762.2.1, 2762.3,  
2762.4, 2762.5, 2762.6, 2762.7, 2762.8,  
2762.9, 2762.10, 2762.11, 2762.12,  
2762.13, 2762.14, 2762.15, 2762.16,  
2762.17, 2775.2.5 AMEND: 2735.1,  
2735.3, 2735.4, 2735.5, 2735.6, 2735.7,  
2740.1, 2745.1, 2745.2, 2745.3, 2745.4,  
2745.6, 2745.7, 2745.7.5, 2745.8,  
2745.10, 2745.10.5, 2745.11, 2750.1,  
2750.3, 2750.4, 2755.2, 2755.6, 2760.8,  
2765.1, 2770.1, 2770.2, 2770.5, 2775.2,  
2775.3, 2775.5, 2775.6, 2780.1, 2780.2,  
2780.3, 2780.5, 2780.6, 2785.1  
07/06/17 AMEND: 2021

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10/05/17 AMEND: 1602, 1606, 1607  
09/11/17 AMEND: 1604, 1606  
08/22/17 AMEND: 1601, 1602, 1604, 1605.1,  
1605.2, 1605.3, 1606

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

**Title 22**

09/11/17 AMEND: 64431, 64432, 64447.2,  
64465, 64481  
09/08/17 AMEND: 97210, 97240, 97241, 97246  
08/28/17 REPEAL: 97759  
08/16/17 AMEND: 100393(a)(1)  
08/16/17 AMEND: 10100  
07/14/17 AMEND: 51255, 51356  
07/10/17 AMEND: 51490.1  
07/03/17 AMEND: 97700.1, 97700.2, 97700.3,  
97700.4, 97700.5, 97700.6, 97700.7,  
97700.8, 97700.13, 97700.15, 97700.17,  
97700.18, 97700.19, 97700.20,  
97700.21, 97700.23, 97700.25,  
97700.26, 97700.27, 97700.29,  
97700.31, 97700.32, 97700.33,

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

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

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09/28/17 AMEND: 35000  
09/18/17 ADOPT: 85100, 85101, 85118, 85120,  
85122, 85140, 85142, 85164, 85165,  
85168.1, 85168.2, 85168.4, 85170,  
85187, 85190  
09/15/17 ADOPT: 85300, 85301, 85302, 85322,  
85361, 85365, 85368, 85368.2, 85368.3,  
85369, 85375, 89900, 89901, 89918,  
89920, 89922, 89940, 89942, 89964,  
89965, 89968.1, 89968.2, 89970, 89987,  
89990 AMEND: 80001, 80020, 80022,  
80028, 80065, 80068, 80070, 80072,  
80087, 85000, 85068.2  
09/07/17 AMEND: 81001, 81010, 81020, 81022,  
81026, 81064.1, 81068.1, 81068.2,  
81068.4, 81068.5, 81069, 81071, 81075,  
81077.2, 81077.4, 81077.5, 81087,  
81088, 81090, 81092, 81092.3, 81092.4,  
81092.5, 81092.6, 81092.7, 81092.8,  
81092.9, 81092.10, 81092.11, 81094  
08/28/17 AMEND: 80044, 84001, 84002, 84061,  
84063, 84065, 84072.1, 84165, 84300.1,  
84322, 84322.2, 84365, 86001, 86022,  
86061, 86065  
08/24/17 AMEND: 83001, 83064, 83072, 83087,  
84001, 84065, 84072, 84079, 84087,  
84272, 86001, 86065, 86072, 86072.1,  
86087, 88001, 88022, 89201, 89372,  
89379, 89387, 89405  
06/21/17 AMEND: 81001

**Title 23**

10/05/17 ADOPT: 2910 REPEAL: 2910  
08/09/17 ADOPT: 3939.53  
08/09/17 ADOPT: 3939.53  
08/08/17 AMEND: 3930  
06/29/17 ADOPT: 1030, 1032, 1040, 1041, 1042,  
1043, 1044, 1045, 1046  
06/28/17 ADOPT: 3010

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06/22/17 ADOPT: 3939.52  
06/09/17 AMEND: 865 REPEAL: 864.5, 866  
05/18/17 AMEND: 3939.23  
05/16/17 ADOPT: 3939.51

**Title 25**

07/18/17 ADOPT: 5535, 5535.5, 5536, 5536.5  
07/12/17 ADOPT: 6932 REPEAL: 6932

**Title 27**

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

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

08/02/17 AMEND: 27001  
05/11/17 REPEAL: 25607.30, 25607.31

**Title 28**

06/27/17 AMEND: 1300.67.005

**Title MPP**

07/17/17 ADOPT: 31-137  
06/19/17 AMEND: 40-188, 44-207, 44-316,  
44-318, 80-310, 82-518, 82-812  
REPEAL: 44-314

