



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 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

The Department of Food and Agriculture proposes to amend Section 3435 of the regulations in Title 3 of the California Code of Regulations pertaining to the Asian citrus psyllid quarantine.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.0312 or by email to keith.okasaki@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on December 18, 2017. The Department will consider only comments received at the Department offices by that time.

Submit comments to:

Keith Okasaki
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street, Suite 325
Sacramento, CA 95814
Keith.Okasaki@cdfa.ca.gov
916.654.0312
916.654.1018 (FAX)

AUTHORITY AND REFERENCE

Food and Agricultural Code Sections 407 and 52331 authorize the Department to adopt this regulation. The proposed revision is to a regulation that interprets and

makes specific Sections 5911–5940 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

The specific purpose of Section 3435 is to provide authority to the State to regulate the movement of hosts and possible carriers of Asian citrus psyllid (ACP), *Diaphorina citri*, from and/or within a regional quarantine zone. Under the proposed regulation change, Section 3435 would adopt a change to a regional quarantine with different regional frameworks governing host nursery stock and bulk citrus.

**ANTICIPATED BENEFITS FROM THIS
REGULATORY ACTION**

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

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

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

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

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

The proposed Section 3435 would create two separate regional quarantine frameworks and would allow the Department to regulate ACP host nursery stock and bulk citrus commodities administratively. While both host nursery stock and bulk citrus are hosts of ACP, the vector of Huanglongbing (HLB) disease, the hosts demand independent regional quarantines to be effectively regulated. Unique regional quarantine frameworks have been created and proposed for each group of hosts

that would benefit both the citrus nursery stock and bulk citrus industries by allowing the Department to effectively and efficiently respond to future detections of ACP and HLB to provide the best possible protection to each industry.

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs to or savings on local agencies: None.

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. The Department has determined there are approximately 1,680 citrus production nurseries and 3,958 retail nurseries currently operating under a compliance agreement in a quarantined area. In counties that would become fully quarantined by the proposed regulation, there are an additional 656 production nurseries and 1,652 retail nurseries that would be newly included in the quarantine. However, the business practices of these nurseries is unknown and many may not carry host nursery stock and therefore would not be impacted by the proposed regulation. Additional citrus production nurseries, not currently under quarantine and therefore newly included in the proposed Nursery Regional Quarantine Zone 2, would be impacted by having to comply with ACP production nursery stock restrictions.

The Department has determined there are approximately 4,787 citrus growers, 231 packers/processors, and 481 citrus transporters operating under a compliance agreement within the existing quarantine areas. Revision and subsequent amendments of Section 3435

would have little adverse economic impact on growers, as a group, if they send fruit to a packing house or processor within the same bulk citrus regional quarantine zone in which the grower is located. According to the Citrus Research Board, there are approximately 81 citrus growers currently outside of an ACP quarantine area that would be impacted by the regulation change and may have to implement a performance standard to ensure hosts are free from ACP. Current mitigation options include: 1) Conduct pre-harvest treatments with a pesticide effective against psyllids while the fruit is still on the trees; 2) Field-clean the fruit to remove leaves and stems during the harvest process; 3) Wet-wash the citrus fruit; 4) Send the fruit to a packing house within the same bulk citrus regional quarantine zone and have the packer remove the leaves and stems during the packing process; 5) Any other Department-approved, validated and efficacious methods of mitigating the risk of spreading ACP. As most packing houses already require such actions, the placement of these performance standards in regulation should affect only a small number of growers shipping relatively small amounts of bulk citrus as the majority of growers currently pack their fruit within the regional quarantine zone in which they would be placed with this proposed regulation. Quantifying the small number of growers who will be impacted by this regulation change is not possible because growers may send their fruit for packing anywhere they choose.

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations may have a minor impact on bulk citrus growers who will find that their preferred packer, as a result of the proposed regulation, is located in a different regional quarantine zone from their production area. As noted above, any fruit destined for packing in a different regional quarantine zone will be subject to a pre-harvest treatment, to be practically free of stems and leaves, or to be run through a wet wash process prior to leaving the bulk citrus regional quarantine zone. However, growers who may be impacted by the regulation will have the option to pack their fruit within their regional quarantine zone and therefore be exempt from the pre-harvest treatment or field cleaning mitigations. There are currently 4,787 growers who hold compliance agreements. The Department cannot quantify an estimate of the small number of bulk citrus growers to be impacted by the regulation change, as the data for the number of bulk citrus growers who would ship fruit for packing outside of their regional quarantine zone has not been made available.

Results of the Economic Impact Analysis

Revision of the regulation will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. Citrus growers contribute positively to California's economy and this amendment will allow the Department to continue to provide the necessary protection to the industry. The citrus industry is a needed source of revenue for the State's economic health.

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Keith Okasaki
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street, Suite 325
Sacramento, CA 95814
Keith.Okasaki@cdfa.ca.gov
916.654.0312
916.654.1018 (FAX)

In his absence, you may contact Laura Petro at the same phone number.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's web site or a copy may be obtained by contacting Keith Okasaki at the address listed above.

TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS

Pursuant to the authority granted by Penal Code 6030, the Board of State and Community Corrections

(BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend regulations contained in Title 15, Division 1, Chapter 1, Subchapter 4, California Code of Regulations (known as the Minimum Standards for Local Detention Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The BSCC has not yet scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from 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 BSCC. The written comment period closes at **5:00 p.m. on December 18, 2017**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Ginger Wolfe, Associate Governmental
Program Analyst
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
(916) 445-5073
ginger.wolfe@bscc.ca.gov

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

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

NOTE: To be notified of any modifications, you must submit written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.

AUTHORITY AND REFERENCE

Penal Code Section 6030 authorizes the BSCC to establish and revise the proposed regulations, which would implement, interpret, or make specific Section 6030 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Section 6030 of the California Penal Code authorizes the BSCC to establish standards for local adult and juvenile detention facilities. The standards shall include but not be limited to the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities and personnel training. Section 6030 requires the BSCC to review such standards biennially and make any appropriate revisions.

Summary of Existing Regulations

Existing standards which prescribe requirements for local detention facilities are promulgated by the BSCC. These regulations are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 4 of the California Code of Regulations (CCR).

Determination of Inconsistency/Incompatibility with Existing State Regulations

The BSCC has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, BSCC has concluded that these are the only regulations that address minimum standards for Local Detention Facilities.

Summary of Effect

The proposed action will update Title 15, Division 1, Chapter 1, Subchapter 4 CCR by adopting requirements that align with the federal Prison Rape Elimination Act (PREA). The proposed changes will add requirements to the regulations that pertain to sexual assault and harassment, zero tolerance, methods of reporting sexual abuse and harassment, data collection and inmate records, classification of those at risk of sexual victimization, and provision of health care for inmates reporting victimization by sexual assault or abuse.

Comparable Federal Statute or Regulations

The federal Prison Rape Elimination Act (PREA)(28 Code of Federal Regulations Part 115) is a comparable national standard on the prevention, detection, and response to sexual abuse and assault. The BSCC developed a workgroup of subject matter experts who reviewed PREA requirements for applicability with State regulation.

Policy Statement Overview

This rulemaking action is in direct response to the requirements of the federal PREA as they pertain to the local detention facilities. This rulemaking action clarifies and makes specific the state requirements for local detention facilities to have plans, policies, and procedures for the prevention, detection, and response to sexual assault and abuse.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

The BSCC has determined that there will be a positive impact on the health and welfare of California residents, incarcerated persons, and workers’ safety. The welfare of California residents, incarcerated persons and worker safety will be affected positively by requiring local detention facilities to develop policy and procedures on the prevention, detection, and response of sexual abuse and assault. Facility operations, and the overall safety of facility staff, incarcerated persons, and visitors may also be positively affected by these proposed regulations due to increased methods of reporting and detection.

The BSCC has determined that the state’s environment will not be affected by the adoption of these regulations because the regulation pertains to the minimum standards for local detention facilities, which do not address any factors that would cause a positive or negative effect on the environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Cost impacts on a representative private person or business: The BSCC 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 ANALYSIS

Adoption of these regulations will not:

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

Adoption of these regulations will:

- (1) Affect the welfare of California residents, incarcerated persons, and worker safety.

The welfare of California residents, incarcerated persons, and worker safety will be affected positively by the proposed regulations on the prevention, detection, and response to sexual assault and abuse.

Significant effect on housing costs: None.

Business Report Determination: None.

Small Business Determination: The BSCC has concluded that the implementation of this action will not affect small business as these regulations only apply to local detention facilities.

CONSIDERATION OF ALTERNATIVES

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

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC’s office at the above address and may also be accessed through the BSCC’s website at <http://www.bscc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) avail-

able to the public for at least 15 days before the BSCC adopts the regulations as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc.ca.gov>.

Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND FINAL STATEMENT OF REASONS

The Initial and Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the above address.

CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS

Inquiries concerning the proposed action may be directed to:

Ginger Wolfe, Associate Governmental
Program Analyst
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 445-5073
ginger.wolfe@bscc.ca.gov
Fax: (916) 327-3317

The backup contact person for these inquiries is:

Allison Ganter, Deputy Director
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833
Phone: (916) 445-5073
allison.ganter@bscc.ca.gov
Fax: (916) 327-3317

TITLE 18. FRANCHISE TAX BOARD

As required by section 11346.4 of the Government Code, the Franchise Tax Board (“Board”) hereby gives

notice of its intention to adopt proposed amendments to California Code of Regulations, title 18, sections 25137-1 and 17951-4 as described below, after considering all the comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on December 18, 2017 at the Franchise Tax Board, Goldberg Auditorium, 9646 Butterfield Way, Sacramento, CA 95827. The auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

To participate in this hearing by telephone, please dial: (877) 923-3149. Enter the participant pass code 2233420, followed by the # sign. Please RSVP by December 11, 2017, by contacting Christy Keith at (916) 845-6080 or Email: Christy.Keith@ftb.ca.gov.

In addition, Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action if any person makes such a request in writing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on December 18, 2017, and the Board will consider only comments received at the Board offices by that time. The Board encourages submission of comments in electronic form, rather than in paper form. Comments may be submitted by email to Craig.Swieso@ftb.ca.gov.

Submit comments in paper form to:

Mailing Address

Craig Swieso, Assistant Chief Counsel
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720

Fax:

(916) 843-6080

AUTHORITY AND REFERENCE

Revenue and Taxation Code (“RTC”) Section 19503 authorizes the Board to prescribe regulations necessary

for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001) of the RTC. RTC Section 25137 permits a variance from the allocation and apportionment provisions of the Uniform Division of Income for Tax Purposes Act (UDITPA) when the standard provisions of UDITPA do not fairly reflect a taxpayer's activities in this state. This proposed regulatory action would implement, interpret, and make specific California Code of Regulations, title 18, sections 25137-1 and 17951-4, by establishing appropriate rules for determining the apportionment and allocation rules for partnership income and also for nonresident individuals receiving income from a partnership.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations, title 18 (Regulation) section 25137-1 applies to those corporations that conduct business within and without California in a unitary enterprise and are included in a combined report, and own interests in partnerships that also conduct business within and without California. Regulation section 17951-4 applies to individuals who are nonresidents or part-year residents of California for tax purposes, who own interests in partnerships that conduct business within and without California. Since Regulation sections 25137-1 and 17951-4 were last amended, additional factual scenarios have arisen from partnerships that conduct business within and without California. These additional situations are not adequately addressed by the current version of the regulations. With a view to providing affected taxpayers with the proper guidance, Regulation sections 25137-1 and 17951-4 are proposed to be amended to address situations that have arisen.

Regulation section 25137-1(a) is proposed to be modified so that the term "income year" is changed to "taxable year" for consistency with the appropriate statutory terminology and to correct a punctuation error adding a space that was inadvertently omitted between "plus" and "20%" in Example 1 of the subsection.

In addition, Regulation section 25137-1(a) is being revised to indicate that the general rules of Regulation section 25137-1 also apply to lower-tier partnerships. In many instances, partnerships that conduct business within and without California in turn own interests in partnerships that also conduct business within and without California. The proposed amendments to the regulation indicate the rules embedded in it also apply to partnerships conducting business within and without

California that are owned, or partially owned, by other partnerships that also conduct business within and without California.

Regulation section 25137-1(a) is further revised to indicate that RTC section 23040 is inapplicable with respect to sourcing income from unitary partnerships. Pursuant to Regulation section 25137-1(g), if a partnership and its corporate partner are not engaged in a unitary business, the distributive share income allocated to the corporate partner is treated as income from a separate trade or business that takes place within and without California. The regulation is being amended to clarify that the determination of whether the distributive share of income from a non-unitary partnership is treated as apportionable business income or allocable non-business income is based on the activities of the non-unitary partnership and not through the operation of RTC section 23040.

Regulation section 25137-1(e) is being revised for a textual edit, revising "distributed" to "allocated" to reflect the appropriate statutory terminology used in describing the handling of items of expense under UDITPA.

Regulation section 25137-1(f) is being revised to replace the term "partnership year" with "partnership taxable year" and to replace the obsolete term "income year" with "taxable year," for consistency with the appropriate statutory terminology. In addition this subsection is being revised to explicitly state that this subdivision pertains to the apportionment factors relating to the taxpayer's interest in the partnership.

An additional revision to Regulation section 25137-1(f) pertains to sales between a unitary partnership and other members of the combined reporting group. The regulation is being revised to explicitly state that sales between a unitary partnership and other members of the taxpayer's combined reporting group should not be reflected in the combined reporting group's sales factor.

Regulation section 25137-1(f) is being further amended to specify that a taxpayer's partnership interest for purposes of computing a taxpayer's apportionment factors shall be "determined by the taxpayer's interest in the partnership," which is "determined by the portion of total interest in profits of the partnership assigned to the partner for the taxable year."

Regulation section 25137-1(h) is being revised to adjust the title of the subsection to differentiate it from Regulation section 25137-1(i), and to delete provisions relating to long-term contracts. Instead, the amended regulation provides a reference to Regulation section 25137-2 for the appropriate rules on long-term contracts.

Regulation section 25137–1(i) is being revised to adjust the title of the subsection to differentiate it from Regulation section 25137–1(h).

Regulation section 25137–1(j) is being added to provide that the revisions contained in subdivisions (a), (e), (f), (h), and (i) are applicable only as of the effective date of the amendments to these subsections of the regulation. In other words, the revisions are to be applied prospectively only.

Regulation section 17951–4(d) is being revised to indicate that RTC section 17952 does not apply with respect to an interest in a partnership that conducts business within and without California. The regulation is further being revised to provide that if the partner and the partnership that conducts business within and without California are engaged in a unitary enterprise, then the rules embedded in Regulation section 25137–1 apply for purposes of determining the income from the partnership from California sources attributable to the partner. These changes necessitate renumbering existing provisions of the subdivision. Regulation section 17951–4(f) is being revised to reflect the changes in the references to Regulation section 17951–4(d), which was revised to reflect the changes mentioned above. Regulation section 17951–4(i) is being revised to add a “t” to the word “he” to convert it to the word “the”. Finally, Regulation section 17951–4(j) is being revised to provide that the revisions are applicable only as of the effective date of the amendments to these subsections of the regulation. In other words, the revisions are to only be applied prospectively.

Anticipated Benefits of the Proposed Regulations:

In addition to the benefits mentioned above in providing affected taxpayers with the proper guidance, and addressing new situations that have arisen, the broad objective of the proposed amendments to these regulations is to ensure that taxpayers, their representatives, and the state of California have guidance on how to treat partnerships that are unitary with members of a combined reporting group. The specific benefits anticipated from the proposed amendments to the regulations are the providing of rules pertaining to the types of partnership interests that are applicable, sales between partnerships and other members of the combined reporting group, and how income pertaining to a unitary partnership is sourced.

Consistency and Compatibility with Existing State Regulations:

During the process of developing the regulations, FTB, pursuant to Government Code section 11346.5, subdivision (a)(3)(D), conducted a search of any similar state regulations and has concluded that the Regulations the subject of this notice are neither inconsistent nor incompatible with any existing state regulations.

The FTB discovered that California Code of Regulations section 25128.5 exists, which previously provided guidance for unitary partnerships in making a single-sales factor formula election under now repealed underlying statute RTC 25128.5. However, as a result of the repeal of RTC 25128.5, California Code of Regulations section 25128.5 is without effect. Therefore, the regulations the subject of this notice are the only effective regulations that relate to unitary partnerships.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Board has made the following initial determinations:

Mandates on local agencies and school districts: *None.*

Cost or savings to any state agency: *None.*

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: *None.*

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

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

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: *The pool of taxpayers most affected by these proposed regulation amendments are a small share of the aggregate apportioning taxpayers in California. In researching the few cases where taxpayers had filed tax returns with positions regarding the treatment of a portion of intercompany sales which would be covered by the proposed amended regulations, taxpayers ultimately took filing positions reflecting the treatment of sales and income in a manner consistent with the proposed regulation amendments. Therefore, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in others states, will not be significant.*

Potential cost impact to directly affected private persons/businesses: *The proposed amendments will have no impact on a private person. The Board has no reason to believe that the proposed amendments will increase or decrease the cost of doing business in the State of California because the regulations are already in place, and the proposed modifications will assist businesses by providing clarity that does not currently exist with respect to unitary partnerships. The proposed amendments to the regulations clarify existing Board practices. Providing clearer administrative guidance may reduce the cost of taxpayer compliance but is not expected to result in any additional costs. Based on the analysis above, 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.

Effect on small business: *The Board has determined that the proposed amendments to the regulation do not affect small businesses. Businesses that conduct multi-state business in a partnership form are usually large multistate businesses that do business both within the state of California and outside the state of California.*

Significant effect on housing costs: *None.*

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board concludes that (1) there is no expected impact on the creation or elimination of jobs within California as a result of the proposed amendments, (2) there is no expected impact on the creation, or elimination in the number of existing businesses within California as a result of the proposed amendments, (3) there is no expected impact on the expansion of businesses currently doing business within California as a result of the proposed amendments, and (4) as described above, the benefits to the health and welfare of California residents include providing affected taxpayers with the proper guidance, addressing new situations that have arisen, and ensuring that taxpayers, their representatives, and the state of California have guidance on how to treat partnerships that are unitary with members of a combined reporting group.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Craig Swieso, Assistant Chief Counsel
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720
Telephone: (916) 845-5244;
Facsimile (916) 843-6080

The backup contact person for these inquiries is:

Christy Keith
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720
Telephone: (916) 845-6080

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Ms. Keith at the above address or send the request by email to Christy.Keith@ftb.ca.gov.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies can be obtained on the Franchise Tax Board’s website at www.ftb.ca.gov or by contacting Ms. Keith at the address, phone number or email address listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Copies of the modifications will be published on the Franchise Tax Board’s website at www.ftb.ca.gov and mailed to anyone who submitted written or oral comments at the public hearing; to anyone who submitted written comments to the Board’s offices; and to anyone who has expressed an interest in receiving the modification information.

Please send requests for copies of any modified regulations to the attention of Ms. Keith at the address or email address indicated above. The Board 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 will be published on the Franchise Tax Board's website at www.ftb.ca.gov and may also be obtained by contacting Ms. Keith at the above address or email address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations can be accessed through our website at www.ftb.ca.gov.

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

NOTICE IS HEREBY GIVEN that the **California Department of Social Services (CDSS)**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest (COI) code. A comment period has been established commencing on Friday, November 3, 2017 and closing on Monday, December 18, 2017. All inquiries should be directed to the contact listed below.

CDSS 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:

- Updates to position names to reflect specific working titles instead of generic classifications;

- Adding a new disclosure category (Category 4) to report investments or positions with sources that are subject to CDSS regulatory, permit or licensing authority;
- Identifying and sorting Conflict of Interest filing positions by their respective divisions; and
- Removing positions from the code that should not be designated as COI filers.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than Monday, December 18, 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 Monday, December 18, 2017.

CDSS 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 the CDSS Conflict-of-Interest help desk at conflictofinterest@dss.ca.gov.

TITLE 27. ENVIRONMENTAL PROTECTION AGENCY

Unified Program Regulations 45-Day Public Notice and Comment Period

NOTICE IS HEREBY GIVEN that the California Environmental Protection Agency (CalEPA) proposes to amend California Code of Regulations (CCR), title 27, division 1, subdivision 4, chapter 1, sections 15100-15620 and division 3, subdivision 1, Chapters 1-3 and 5 of the Data Dictionary. These proposed regulations include significant changes that impose new reporting and procedural requirements and details, as well as non-significant amendments that are considered administrative in nature and improve the organizational structure of existing requirements and clarify existing data elements of the data dictionary, reports and forms.

PUBLIC HEARING AND WRITTEN
COMMENT PERIOD

A written comment period has been established beginning November 3, 2017, and closing on December 18, 2017. To be considered relevant to this rulemaking proposal, written comments must be received by CalEPA no later than 5:00 p.m. on December 18, 2017. Written comments can be submitted by:

Mail to:

CalEPA Unified Program
P.O. Box 2815
Sacramento, California 95812

E-mail to:

cupa@calepa.ca.gov

Representatives of the CalEPA Unified Program will hold a public hearing regarding the proposed Title 27 regulations on December 18, 2017 from 1:30 p.m.–2:30 p.m. at the CalEPA headquarters building, in rooms Training 1 East and Training 1 West, 1st Floor, 1001 “I” Street, Sacramento, California. Any person may present oral or written comments relevant to this rulemaking proposal at the hearing. To be considered by CalEPA before the proposed regulations will be adopted, amended, or repealed, supporting documents, statements, arguments or contentions regarding this rulemaking must be submitted in writing no later than 5:00 p.m. on December 18, 2017. Oral inquiries will only become part of the official rulemaking record if presented at the scheduled public hearing.

Anyone who wishes to speak at the public hearing should register at the location of the hearing. Registered persons will be heard in the order of registration. Persons who did not register will be given an opportunity to speak once all registered persons have been heard, so long as time allows.

Due to enhanced security precautions at the CalEPA headquarters building, all visitors are required to sign in and obtain a visitor badge in the Visitor and Environmental Services Center, which is located to just inside the building’s public entrance. Visitors may be asked to show a valid picture identification, which can be a current driver’s license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three (3) to fifteen (15) minutes. Please allow adequate time to sign in before being directed to the public hearing.

TTY/TDD users may dial 711 for the Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193. To request additional special accommodations or language needs, please contact Jennifer Rohde, Executive Assistant, Unified Program, CalEPA, at (916) 322-2155 or

by e-mail at Jennifer.Rohde@calepa.ca.gov by hearing date.

AUTHORITY AND REFERENCE

The Secretary of CalEPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and Government Code section 16.5(c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

INFORMATIVE DIGEST

Existing Law

Senate Bill 1082 of 1993 (California Health and Safety Code, Chapter 6.11, Section 25404) required California’s Secretary for Environmental Protection to establish a “unified hazardous waste and hazardous materials management” regulatory program (Unified Program) by January 1, 1996. Title 27 of the CCR provides for the implementation of the Unified Program, which consolidates, coordinates and makes consistent the administration, permits, inspections and enforcement activities of the following six program elements:

- Hazardous Materials Release Response Plan and Inventory (HMRRP or Business Plan)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank (UST) Program
- Aboveground Petroleum Storage Act (APSA) Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (Tiered Permitting)
- California Fire Code: Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS)

Policy Statement Overview

In order to more clearly interpret existing Unified Program regulations, specify and coordinate certain aspects of Unified Program element requirements, clarify current practices and procedures, and to align with new and revised statutes and regulations relative to the implementation and enforcement of the Unified Program, revision to the text of title 27 is necessary. By ensuring statewide and cross-program clarity and consistency in the interpretation of title 27 regulations for implementation and enforcement, the Unified Program will be working towards accomplishing the definitive goal of reducing the impact of hazardous materials on public health and the environment.

Proposed Regulations

The proposed revisions to the Title 27 regulation language are briefly summarized as follows:

- I. Non-substantial changes having no effect or impact on regulated businesses, Unified Program Agencies, or state agencies with Unified Program responsibilities, and for the purpose of establishing and maintaining consistency to the existing text are as follows:
 - 1. Edits to grammar, sentence structure and formatting
 - 2. Reorganization of existing requirements
 - 3. Updated references to statutes and regulations that have changed
 - 4. Removal of duplicative text that exists in referenced statutes and regulations
 - 5. Revision, replacement and utilization of acronyms throughout the text
 - 6. Clarification of the intent of existing text, including “Information/Description” text of data fields in the Data Dictionary
- II. Substantial changes that have an effect or impact on regulated businesses, Unified Program Agencies (UPAs), or state agencies with Unified Program responsibilities, and for the purpose of establishing consistency with current requirements, practices and procedures are as follows:
 - 1. **Section 15100(b)(2)(G)(iii)(1)**
Title 22, sections 66264.56(j) and 66265.56(j) require the owner/operator to submit written Contingency Plan activation reports to the Department of Toxic Substances Control. Deletion of section 15100(b)(2)(G)(iii)(1) will ensure consistency with existing Title 22 requirements. Title 27 will no longer require the Certified Unified Program Agency (CUPA) to include procedures for accepting written Contingency Plan activation reports from regulated businesses.
 - 2. **Section 15185(c)(5)**
Currently, section 15260 requires Unified Program Agencies (UPAs) to keep training records; however no length of time to keep such records is specified. Title 27 will now specify that training records of UPA staff must be retained for five years.
 - 3. **Section 15186.1(a), (b), (b)(1) and (b)(2)**
Title 27 now clarifies that the standard descriptions and values used by businesses to report lead acid batteries are contained in the

California Environmental Reporting System (CERS) Chemical Library template CCL-106669. Title 27 now specifies that lead acid battery waste shall be reported as part of a chemical inventory submission using the standard descriptions and values contained in the CERS Chemical Library template CCL-106669 and that for CERS data element 211 (Hazardous Material Type) “Waste” should be selected and CERS data elements 226-245 (Hazardous Component) should be modified based on the actual type and components of the waste.

- 4. **Section 15188(e) and Appendix C**
To ensure adequate and accurate protection of chemicals and/mixtures claimed as trade secrets in CERS by regulated business in California, and in unison with the United States Environmental Protection Agency Emergency Planning and Community Right-to-Know Act (EPCRA), a Trade Secret Disclosure (TSD) form shall be used as a new mechanism for substantiating the belief that a chemical or mixture disclosed in the annual Hazardous Material Business Plan CERS submittal is trade secret. Regulated businesses must submit a TSD form to affirm the belief of each chemical or mixture claimed and/or disclosed as a trade secret. CUPAs must ensure a TSD form is submitted for each chemical or mixture claimed and/or disclosed as a trade secret and that each TSD form is complete. CUPAs are not required to validate trade secret claims.
- 5. **Section 15240(c)(5)**
The Refinery Safety Unified Program surcharge component was established June 2, 2017 as noticed in the California Regulatory Notice Register, Volume No. 12-Z. The Refinery Safety surcharge is to be assessed on petroleum refineries as defined in CCR, title 19, section 2735.3(vv). This surcharge component is necessary to fund improvement of agency oversight of refineries, provide enhanced compliance and development of tools for effective enforcement, implementation of statewide interagency data and information sharing, and to advance the safety, health and environmental performance of California refineries through prevention and emergency preparedness for workers and members of the surrounding communities.

6. Section 15250(b)(2) and the Surcharge Transmittal Report

By including the Aboveground Petroleum Storage Act (APSA) Program surcharge and the Refinery Safety surcharge, each Unified Program surcharge component is now specified on the “Surcharge Transmittal Report” rather than in the text of Title 27. Each quarterly surcharge transmittal must now be accompanied by a Surcharge Transmittal Report. CUPAs are now required to send CalEPA an electronic copy of the Surcharge Transmittal Report that was submitted to the Air Resources Board accounting office with the surcharge remittance.

7. Section 15290(a)(2) through (a)(2)(A)(iv)(XI)

To support fee accountability efforts of the Unified Program and UPAs, the “Total Counts” categories required on the Annual Single Fee Summary Report have been revised, relative to program elements and regulated businesses assessed surcharge components.

8. Section 15290(b)

The quarterly time periods remain the same as previously specified, however, have been reorganized to align the first reporting quarter with the start of the state fiscal year. CUPAs must continue to submit inspection, violation and enforcement information to CERS on a quarterly basis.

9. Section 15290(a)(5)

CERS does not currently provide the capability for UPAs to submit Formal Enforcement Summary information to the Secretary of CalEPA. Title 27 is being revised to incorporate the need for UPAs to submit a Formal Enforcement Summary Report to the Secretary electronically, by email, until such a time when the information can be submitted to CERS.

10. Section 15330(b) through (b)(6)(C)

Title 27 now incorporates the current practices, procedures, roles and responsibilities of state agencies with Unified Program responsibilities and of CUPAs in the remote Unified Program CUPA performance evaluation process, including the new requirement for CUPAs to provide requested information electronically to Unified Program state agency evaluators.

Prior to the implementation of the remote CUPA performance evaluation process, requested information was provided electronically or obtained at the CUPA office(s) by Unified Program state agency evaluators when CUPA performance evaluations were conducted onsite. Incorporating the CUPA performance evaluation process into Title 27 establishes clarification.

Consistency/Compatibility Evaluation

CalEPA evaluated whether or not the proposed regulations are inconsistent or incompatible with existing state regulations. The proposed Unified Program regulations are consistent and compatible with existing state and federal regulations.

Benefits Anticipated by the Proposed Amendments

CalEPA anticipates that the proposed amendments to the regulations will benefit the protection of public health and safety, worker safety and the environment. Use of the Trade Secret Disclosure form will provide a more accurate means for businesses to electronically substantiate the belief of claimed chemicals or mixtures as trade secret in Hazardous Material Business Plan California Environmental Reporting System (CERS) submittals. Facility counts required for CUPA-to-state reporting and clarification of intended data to be collected in CERS will provide for improved accuracy of data captured statewide and used for various purposes, including the prevention and mitigation of environmental hazards by emergency response agencies. Outlining the remote CUPA performance evaluation process identifies the preparation and coordination each UPA and each state agency with Unified Program responsibilities can expect to experience. Including the Refinery Safety Unified Program surcharge component establishes the authority for CUPAs to assess and collect the surcharge on subjected petroleum refineries.

The proposed amendments improve the overall clarity, consistency and coordination of Unified Program regulations to ensure compliance with implementation and enforcement at the local regulatory level.

California Environmental Quality Act (CEQA) Compliance

CalEPA has found this rulemaking is not subject to CEQA as it is considered ministerial.

Peer Review

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

Business Report

CalEPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

Documents Incorporated by Reference

Lead Acid Battery Waste — *CERS Chemical Library Template: CCL-106669* — 10/5/2017

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: CalEPA has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: CalEPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq., or other non-discretionary costs to local agencies.

Cost or Savings to Any State Agency: CalEPA has made a preliminary determination that the remote CUPA performance evaluation process proposed in the regulations will have a cost impact on state agencies with Unified Program responsibilities. This cost is to be absorbed in the revenue received in collection of the Unified Program surcharge component relative to the program element regulated by to the state agency with Unified Program responsibilities.

Cost or Savings in Federal Funding to the State: CalEPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Effect on Housing Costs: CalEPA has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: CalEPA is aware of costs that a representative private person or business may incur in obtaining reasonable compliance with the proposed regulations, specifically, the cost associated with completion of the Trade Secret Disclosure form and the cost affiliated with the Refinery Safety surcharge component for subjected petroleum refineries.

Significant Statewide Adverse Economic Impact on Businesses: CalEPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Analysis Assessment:

- (A) **Creation or elimination of jobs within California** — CalEPA has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) **Creation of new businesses or the elimination of existing businesses within California** — CalEPA has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) **Expansion of businesses currently doing business in California** — CalEPA has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.
- (D) **Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment** — CalEPA anticipates that the proposed amendments to the regulations will benefit the protection of public health and safety, worker safety and the environment. Use of the Trade Secret Disclosure form will provide a more accurate means for businesses to electronically substantiate the belief of claimed chemicals or mixtures as trade secret in Hazardous Material Business Plan California Environmental Reporting System (CERS) submittals. Facility counts required for CUPA-to-state reporting and clarification of intended data to be collected in CERS will provide for improved accuracy of data captured statewide and used for various purposes, including the prevention and mitigation of environmental hazards by emergency response agencies. The proposed amendments improve the overall clarity, consistency and coordination of Unified Program regulations to ensure compliance with implementation and enforcement at the local regulatory level.

Effect on Small Businesses: The majority of small businesses regulated under the Unified Program do not handle significant amounts of hazard materials or generate large quantities of hazardous waste. Therefore, CalEPA has determined that provisions of this rulemaking will have no significant effect on small businesses.

CONSIDERATION OF ALTERNATIVES

CalEPA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to af-

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

AVAILABILITY OF TEXT OF REGULATIONS,
INITIAL STATEMENT OF REASONS, AND
RULEMAKING FILE

The Notice, Initial Statement of Reasons, text of the regulation and all the information upon which the proposal is based (the rulemaking record) is available for viewing at CalEPA's offices at 1001 I Street, Sacramento California 95814. In addition, copies of this Public Notice, the Initial Statement of Reasons, and the text of the proposed regulations are posted to CalEPA's website: <https://www.calepa.ca.gov/lawsregs>.

INQUIRIES/COMMENTS REGARDING THE
PROPOSED REGULATIONS

Written comments, procedural inquiries and requests for documents regarding the proposed regulations may be directed to the CalEPA Unified Program by:

Mail to:
CalEPA Unified Program
P.O. Box 2815
Sacramento, California 95812
E-mail to:
cupa@calepa.ca.gov

To be included on a mailing list regarding this regulation package, and to receive updates of this rulemaking, please send an email to: cupa@calepa.ca.gov and be sure to include:

- Name
- Mailing address
- Email address, if preferred

CONTACT PERSONS

Melinda Blum
Melinda.blum@calepa.ca.gov
(916) 327-9560
John Paine
john.paine@calepa.ca.gov
(916) 327-5092

POST-HEARING CHANGES

After the close of the 45-day comment period, CalEPA may adopt the proposed regulations. If sub-

stantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written or oral comments on the specific proposed regulations will be sent a copy of the modified text.

CalEPA will prepare a Final Statement of Reasons, which updates the Initial Statement of Reasons, and summarizes how CalEPA addressed comments received. The Final Statement of Reasons also includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons may be obtained from the CalEPA website: <https://www.calepa.ca.gov/lawsregs>, or a copy may be obtained by sending an email request to: cupa@calepa.ca.gov.

The date the rulemaking is filed with the Secretary of State and the effective date of the adopted regulations will be posted on the CalEPA website: <https://www.calepa.ca.gov/lawsregs>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT
INCONSISTENCY DETERMINATION
NO. 2080-2017-009-03**

Project: Continued Operation of the State Water Project Incorporating October 2017 Proposed Change to Component 3, Action 4 of to the 2008 Biological Opinion for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project

Location: Sacramento-San Joaquin Delta and Suisun Marsh and Suisun Bay

Applicant: California Department of Water Resources

Notifier: Grant Davis, Director

Background

The proposed project (Project) by the Department of Water Resources (DWR) is the continued operation of the State Water Project (SWP) and other water diversion, storage, and conveyance actions that are described in the Operations Criteria and Plan (OCAP) for the long-term operations of the SWP and federal Central Valley Project (CVP) and the federal Biological Opinion (BiOp) issued by the U.S. Fish and Wildlife Service

(USFWS) on December 15, 2008, based on the OCAP Biological Assessment (BA) consultation for the protection of Delta smelt (*Hypomesus transpacificus*).

Existing Project facilities in the Delta include Clifton Court Forebay, John E. Skinner Fish Facility, Harvey O. Banks Pumping Plant, and the North Bay Aqueduct at Barker Slough (NBA). Facilities which are operated in coordination with the federal CVP are the Suisun Marsh Salinity Control Gates, Roaring River Distribution System, Morrow Island Distribution System, Goodyear Slough Outfall, Delta Cross Channel (DCC) gates, and the South Delta Temporary Barriers Project. Other facilities of the SWP include Lake Oroville which is operated for flood control, water supply and power generation. Oroville facilities are part of the SWP but are not part of the Project.

The SWP is operated to provide flood control and water for agricultural, municipal, industrial, recreational, and environmental purposes. Water from Oroville facilities and the Sacramento–San Joaquin Rivers are captured in the Delta and conveyed to SWP contractors. Water is stored in Oroville Reservoir and released to serve three Feather River area contractors and two NBA contractors, and water is delivered to an additional 24 contractors in the SWP service areas south of the Delta from the Harvey O. Banks Pumping Plant.

Facilities of the SWP are permitted by the California State Water Resources Control Board (SWRCB) to divert water in the Delta and to re-divert water that is stored in upstream reservoirs. The U.S. Bureau of Reclamation (Reclamation) and DWR coordinate the operations of the SWP and CVP to meet water quality, quantity, and operational criteria in the Delta set by the SWRCB and to meet federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) requirements for Central Valley steelhead and green sturgeon, ESA and California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) requirements for Delta smelt, winter and spring–run Chinook salmon, and CESA requirements for the threatened longfin smelt. The Sacramento–San Joaquin Bay–Delta is home to the Delta smelt. Flow disruption, loss of habitat and entrainment caused by the SWP exports result in incidental take of Delta smelt.

Because the Project has the potential to take a species listed under ESA, Reclamation, on behalf of DWR, consulted with the USFWS under Section 7 of the ESA. On December 15, 2008, the USFWS issued a BiOp, which includes an incidental take statement (ITS) (USFWS Ref. No. 814230–2008–F–1481–5.) The BiOp describes the Project, including conservation measures developed to minimize impacts to Delta smelt, and sets forth measures to mitigate any remaining impacts to Delta smelt and its habitat. The measures in the BiOp include one Reasonable and Prudent Alter-

native (RPA) with five components which must be implemented and adhered to. The RPA actions are to be implemented using an adaptive approach with specific defined constraints. The BiOp includes a detailed description of the adaptive process, its framework, and the rationale for each of the RPA components.

On June 17, 2009 Chief Deputy Director McCamman of the Department of Fish and Game, now the Department of Fish and Wildlife (CDFW), received correspondence from DWR Director Snow, requesting a determination from CDFW that the BiOp and its incidental take statement are consistent with CESA pursuant to Fish and Game Code section 2080.1 for purposes of the Project and Delta smelt. (Cal. Reg. Notice Register 2009, No. 27–Z, p. 1057.) On July 16, 2009, CDFW issued a consistency determination to DWR which was signed by CDFW Deputy Director John McCamman. (Ref. No. 2080–2009–007–00.)

On September 26, 2011, Federal District Court Judge Oliver Wanger issued a second amended order enjoining full implementation of RPA Component 3, Action 4 (the “Fall X2 Action”) set forth in the December 15, 2008 USFWS BiOp. Specifically, the Wanger order enjoined the implementation of the 74 km X2 target and prohibited the imposition of an X2 target west of 79 km commencing October 16 through November 30, 2011. The Wanger order did not eliminate the Fall X2 Action but modified the 74 km criteria from the RPA for calendar year 2011 only. All other requirements of the RPA remained in effect.

On October 10, 2011, CDFW Director Bonham received a written request from DWR Director Cowin for a determination pursuant Fish and Game Code section 2080.1 that the USFWS BiOp for Delta smelt, as enjoined in part by the Wanger order, including its ITS, was consistent with CESA such that no further authorization from CDFW was necessary for Project-related incidental take of Delta smelt. (Cal. Reg. Notice Register 2011, No. 42–Z, p. 1704.) On October 14, 2011, CDFW issued a consistency determination to DWR which was signed by CDFW Deputy Director Sandra Morey. (Ref. No. 2080–2011–022–00.)

On September 7, 2017, Reclamation, in coordination with DWR, requested reinitiation of consultation with the USFWS to change the implementation of the Fall X2 Action based on new science, additional monitoring, and special circumstances related to failure of the Oroville Dam spillway and subsequent carryover storage restrictions. Under this proposal, Reclamation and DWR propose to operate to achieve a Fall X2 location in October 2017 no more easterly than 81 km. Fall X2 Action requirements for September and November would remain unchanged. On September 26, 2017, Reclamation modified the proposal to instead operate to achieve an October monthly average X2 location no

more easterly than 80 km. (Collectively, 2017 proposal.”)

On September 26, 2017, USFWS issued a memorandum authorizing the proposed change to maintain an average X2 no more eastward than 80 km for the month of October. (USFWS Ref. No. 81420–2008–F–1481–15, “USFWS 2017 Memorandum”.) The amendment was for a one–month change to the Fall X2 Action in October 2017 within the limited context of its adaptive management provisions. The 2017 proposal includes modified operations of the DCC gates, a Reclamation facility, to be implemented at the request of CDFW. The 2017 proposal also includes continuation of ongoing monitoring to test the support for the conceptual models linking Delta smelt growth and survival to food availability and other habitat opportunities that change with the location of the low–salinity zone. This monitoring will include the Enhanced Delta Smelt Monitoring (EDSM) program conducted by USFWS, and contemporaneous habitat quality sampling by Reclamation to characterize the habitat conditions experienced by Delta smelt, collected by the EDSM in real time. Additionally, fish collected by EDSM will be assessed for health and fitness in the laboratory. This monitoring is in addition to normal monitoring conducted by the Interagency Ecological Program to assess fish distribution and ecological conditions in the Delta. Unless otherwise noted, the amendment did not change the ITS or any other information or requirements of the BiOp.

Subsequently on September 29, 2017, CDFW Director Bonham received a written request from DWR Director Davis for a determination pursuant to Fish and Game Code section 2080.1 that the USFWS BiOp for Delta smelt, as amended in response to the request from Reclamation, is consistent with CESA for the purposes of the Project and Delta smelt.

The Project activities described above are expected to incidentally take¹ Delta smelt where those activities take place within the Sacramento–San Joaquin Bay–Delta, Suisun Marsh and Suisun Bay. In particular, Delta smelt could be incidentally taken as a result of Project operations due to entrainment into Project facilities, and loss of habitat and food supply as a result of changes in Delta inflows and outflow. Delta smelt is designated as a threatened species pursuant to the federal ESA and an endangered species pursuant to CESA. (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(2)(O).)

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

Delta smelt individuals are endemic to the waters of the Sacramento–San Joaquin Bay–Delta, Suisun Bay and Marsh and the upper reaches of San Pablo Bay and are regularly salvaged in the winter and spring at the Project’s John E. Skinner Fish Facility. Project operations also affect the quality and abundance of Delta smelt habitat within its entire range. The USFWS determined that Delta smelt is reasonably certain to occur within the Project area and that Project activities are expected to result in the incidental take of Delta smelt.

According to the USFWS 2017 Memorandum, implementation of the 2017 proposal will temporarily reduce Delta smelt habitat during October as a result of the requested change in X2 location. USFWS did not find a clear causal link between this temporary change in Delta smelt critical habitat and population–level effects on Delta smelt because the requested change is short–term in nature. USFWS concluded that the requested deviation in the monthly average X2 position in October 2017 is not likely to have detectable effects on the Delta smelt population given the comparatively longer time scales used to inform existing datasets and analyses.

Determination

After review and consideration of the 2017 proposal addressed by the USFWS 2017 Memorandum, CDFW has determined that there is substantial evidence to conclude the 2017 proposal is **not consistent** with CESA because the required measures do not meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA–listed species. This determination is based on the following considerations:

The 2017 proposal would result in greater impacts to Delta smelt habitat in 2017 than were considered in the 2008 BiOp, and therefore the proposal is not consistent with the requirements of Fish and Game Code section 2081, subdivision (b), that the impacts of the authorized taking must be minimized and fully mitigated. The USFWS 2017 Memorandum identified that under the original 81 km proposal, the average area of the low–salinity zone would be reduced by 37% in October, in comparison to maintenance of average X2 at 74 km. Under assumptions of either low or high turbidity, the effects analysis provided with the 2017 proposal also shows that an average X2 of 81 for October would reduce habitat suitability by 32 to 33%, while an X2 of 80 for October would result in an approximate 16 to 18% reduction in habitat suitability, in comparison to what would occur with an average X2 at 74 km. According to the effects analysis provided with the 2017 proposal, there was a continued reduction in effects to Delta smelt habitat suitability and area as the X2 location moved westward. For this reason, USFWS encouraged, but did

not require, Reclamation and DWR to hold the October X2 location westward of 80 km as much as possible to limit modeled habitat changes.

CDFW's 2011 consistency determination, Ref. No. 2080-2011-022-00, was based on the expectation that the Fall X2 Action would be fully implemented in future years, and identified that continued implementation as integral to CDFW's ability to find consistency at that time. Also in 2011, the only other year in which the Fall X2 Action has been applicable, modeling indicated that the monthly average X2 location under the Wanger order would effectively achieve the unmodified Fall X2 Action.

Therefore, the effects analysis prepared by Reclamation as a part of the 2017 proposal and the USFWS 2017 Memorandum identifies new impacts associated with the October 2017 proposal that are not minimized and fully mitigated. For the reasons described above, CDFW has determined there is substantial evidence that the 2017 proposal is not consistent with CESA as it would pertain to incidental take of Delta smelt by DWR during October 2017 because CDFW cannot find that the impacts have been minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).

The USFWS amended the 2008 BiOp only as to a one-month modification to the location of X2 in October 2017 only, after which the 2008 BiOp must be implemented in its substantively unamended form. The 2017 proposal is of a temporary nature and does not in and of itself modify implementation of the Fall X2 Action in subsequent years, nor does it affect the underlying information, Project operations or Reasonable and Prudent Alternative components that govern the Project after October 2017. Operations in September and November 2017 would not deviate from the 2008 BiOp. The Project presents an ongoing operation that is subject to unique circumstances and regulatory constraints in each water year. Independently, DWR will pursue an operations plan for the month of October 2017 that reduces exports to adhere to a monthly average X2 location of 79 km, implementing the USFWS recommendation from the BiOp Amendment and significantly minimizing short-term habitat effects to Delta smelt. Specifically, in comparison to the 37% reduction in the low-salinity zone area resulting from an X2 location at 81 km, an average location of 79 km results in a 12% reduction in the low-salinity zone area from what would occur with average X2 of 74 km. Further, the Fall X2 Action is structured as and subject to adaptive management, and its terms require USFWS to conduct a comprehensive review of the action in 2018, including an independent peer review of the full history of the action.

For these reasons, CDFW has determined that the 2011 consistency determination, Ref. No. 2080-2011-022-00, shall remain operative under CESA as to DWR's ongoing implementation of the Project, the 2008 BiOp and its ITS, as that implementation is described without the 2017 proposal.

If the Project as described in the BiOp, excluding the specific RPA amendments for October 2017, changes after the date of this determination, or if the USFWS amends or replaces the BiOp, including any of the RPAs, DWR will need to obtain from CDFW a new consistency determination (in accordance with Fish and Game Code section 2080.1) or an incidental take permit (in accordance with Fish and Game Code section 2081, subdivision (b)).

DEPARTMENT OF VETERANS AFFAIRS

On October 13, 2017, the Department of Veterans Affairs (CalVet) published a Notice of Proposed Rulemaking concerning CalVet County Subvention Funding. (California Regulatory Notice Register 2017, No. 41-Z, October 13, 2017, p. 1537.)

The original written comment period deadline for this action was November 27, 2017. The Department is now extending the written comment deadline to December 4, 2017.

Please submit all written comments to:

Phil McAllister, Regulatory Actions Coordinator
California Department of Veterans Affairs
1227 O Street, Suite 300
Sacramento, California 95814
Telephone: (916) 653-1961
Fax: (916) 653-2456
Email: phil.mcallister@calvet.ca.gov

If you have any questions, please contact Mr. McAllister.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC MEETING: On **December 21, 2017**,
at 10:00 a.m.
in the Council Chambers of
the City of Sacramento,
City Hall
915 I Street
Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING: On **December 21, 2017**,
at 10:00 a.m.
in the Council Chambers of
the City of Sacramento,
City Hall
915 I Street,
Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE:
Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**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# 2017-1009-04
BOARD OF EDUCATION
California Assessment of Student Performance and Progress

In this emergency re-adopt, the Board amends various sections in Title 5 of the California Code of Regulations. The amendments modify regulations governing the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5
AMEND: 851, 853.5, 853.7, 855, 856
Filed 10/18/2017
Effective 10/31/2017
Agency Contact: Hillary Wirick (916) 319-0860

File# 2017-0908-03
**CALIFORNIA GAMBLING CONTROL
COMMISSION**
Playing Books for TPPPS and Gambling Businesses

In this resubmitted rulemaking action, the California Gambling Control Commission (Commission) makes various changes in Title 4 of the California Code of Regulations. The proposed modifications allow playing books for all sessions of play by Third-Party Providers of Proposition Player Services (TPPPS) and Gambling Businesses to be maintained electronically. The regulations also separate playing book approvals from contract approvals and registration processes. The

regulations further create an approval process that would be uniformly applied to both TPPPS and Gambling Businesses and would require only initial and amended playing book form approvals.

Title 4

ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21

Filed 10/18/2017

Effective 01/01/2018

Agency Contact: Josh Rosenstein (916) 274-5823

File# 2017-1009-01

CALIFORNIA HIGHWAY PATROL

Explosive Routes and Stopping Places

In this regular rulemaking, the California Highway Patrol (the "CHP") is amending section 1153 in title 13 of the California Code of Regulations. Vehicle Code section 31616 requires that the CHP "prepare for distribution to persons engaged in the transportation of explosives a list of locations of required inspection stops, safe parking places, and safe stopping places and shall revise the list to keep it current." This rulemaking updates the list of safe stopping places, safe parking places, inspection stops, and required inspecting stops.

Title 13

AMEND: 1153

Filed 10/23/2017

Effective 10/23/2017

Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2017-0920-02

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance filing by the Department of Food and Agriculture makes permanent an extension of the quarantine area for the Asian Citrus Psyllid ("ACP") (*Diaphorina citri*) in the Union City area of Alameda County (OAL File No. 2017-0322-03E). The Union City quarantine area was expanded by approximately 30 square miles in response to the identification of one adult ACP on March 3, 2017. This expansion also resulted in combining the quarantine areas for Alameda and Santa Clara counties, as well as re-numbering within subdivision (b) of section 3435 of title 3 of the California Code of Regulations. This action provides authority for the State to continue to perform quarantine activities against ACP within this additional area.

Title 3

AMEND: 3435(b)

Filed 10/23/2017

Effective 10/23/2017

Agency Contact: Rachel Avila (916) 403-6813

File# 2017-0918-02

DEPARTMENT OF MOTOR VEHICLES

Commercial Driver's Licenses

This certificate of compliance action makes permanent the emergency amendments to state commercial driver license (CDL) regulations, aligning them with federal CDL regulations, which allow CDL applicants to furnish an Employment Authorization Document (EAD) or a federal Customs Arrival/Departure Form I-94 as alternative documentation supporting the application for and issuance of a CDL. (See 49 C.F.R. § 383.71(f).)

Title 13

AMEND: 26.01, 26.02

Filed 10/25/2017

Effective 10/25/2017

Agency Contact: Randi Calkins (916) 657-8898

File# 2017-0907-03

DEPARTMENT OF PUBLIC HEALTH

Tissue Donors: HIV Sperm Washing

This file and print only action by the Department of Public Health (the "Department") adopts sections 1235, 1236, and 1237 in title 17 of the California Code of Regulations. Health and Safety Code section 1644.5, subdivision (c)(3)(B)(ii), directs the Department to "adopt regulations regulating facilities that perform sperm processing, pursuant to [subdivision (c)(3)(B)(ii)], that prescribe standards for the handling and storage of sperm samples of carriers of HIV, HTLV, or any other virus as deemed appropriate by the [D]epartment." This action adopts (1) definitions for terms used in the adopted sections; (2) standards for handling and storage of sperm from donors reactive for human immunodeficiency virus or human T lymphotropic virus; and (3) responsibility for compliance. Pursuant to Health and Safety Code section 1644.5, subdivision (c)(3)(B)(ii), the adopted regulations are not subject to the rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Title 17

ADOPT: 1235, 1236, 1237

Filed 10/19/2017

Effective 09/06/2017

Agency Contact: Julia Robinson (916) 445-2529

File# 2017-0906-04
 DEPARTMENT OF REHABILITATION
 BEP Late Penalty Fees & Monthly Operating Report

The Department of Rehabilitation submitted this action to amend 13 sections in title 9 of the California Code of Regulations and an incorporated by reference monthly reporting form (DR 478) and form instructions (DR 478A) that govern the Business Enterprises Program for the Blind.

Title 9
 AMEND: 7211, 7212.2, 7212.4, 7213.2, 7213.3, 7213.6, 7214.1, 7215.1, 7218, 7220, 7220.3, 7221, 7225
 Filed 10/18/2017
 Agency Contact: Shelly Risbry (916) 558-5498

File# 2017-1009-03
 DEPARTMENT OF WATER RESOURCES
 Inundation Maps

This emergency rulemaking by the Department of Water Resources establishes criteria for dam owners to prepare and submit inundation maps for review pursuant to Water Code sections 6160, 6161, and 6162 (added by Stats. 2017, ch. 26, § 88 (SB 92)).

Title 23
 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
 Filed 10/19/2017
 Effective 10/19/2017
 Agency Contact:
 Michael Waggoner (916) 227-9800

File# 2017-0911-03
 FAIR EMPLOYMENT AND HOUSING COUNCIL
 Sexual Harassment Training and Education

This action without regulatory effect revises two cross-references in section 11024 of title 2 of the California Code of Regulations.

Title 2
 AMEND: 11024
 Filed 10/23/2017
 Agency Contact: Brian Sperber (213) 337-4495

File# 2017-1009-05
 GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT
 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: 59740
 Filed 10/23/2017
 Effective 11/22/2017
 Agency Contact: Van Nguyen (916) 322-2984

File# 2017-0907-02
 MEDICAL BOARD OF CALIFORNIA
 Citations and Fines

This rulemaking action by the Medical Board of California (Board) revises the Board's existing citation and fine regulations in title 16 of the California Code of Regulations to reflect the Board's authority to issue citations, orders of abatement, and fines to licensed midwives and polysomnographic technologists, technicians, and trainees.

Title 16
 AMEND: 1364.10, 1364.11, 1364.13, 1364.15
 Filed 10/19/2017
 Effective 01/01/2018
 Agency Contact: Michael Briscoe (916) 274-5797

File# 2017-1013-04
 SIERRA NEVADA CONSERVANCY
 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 14
 AMEND: 25231
 Filed 10/24/2017
 Effective 11/23/2017
 Agency Contact: Keri Spaulding (916) 327-6761

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 24, 2017 TO
 October 25, 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
 10/23/17 AMEND: 11024
 10/23/17 AMEND: 59740
 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
 - 09/22/17 AMEND: 1859.2, 1859.81
 - 09/21/17 AMEND: 59620
 - 09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
 - 08/31/17 AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065
 - 08/30/17 AMEND: 59590
 - 08/16/17 AMEND: 604
 - 08/14/17 AMEND: 11034
 - 08/14/17 ADOPT: 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, 2298.8, 2298.9, 2298.9.1 REPEAL: 2297.1, 2298
 - 08/10/17 AMEND: 1897
 - 07/25/17 AMEND: 57700
 - 07/12/17 ADOPT: 20060, 20061, 20062, 20063, 20064, 20065, 20066, 20067
 - 07/01/17 ADOPT: 171, 171.2, 174, 193.1, 193.2, 194, 195, 195.1, 195.2, 195.3, 242, 249.1, 249.2, 249.3, 249.4, 249.5, 249.6, 249.7, 250, 250.2, 265, 265.1, 548.53 AMEND: 156, 171.1, 174, 193, 258, 548.40, 548.41 REPEAL: 157, 171, 194, 195, 196, 198, 199, 199.1, 200, 205, 206, 210, 250, 265, 548.70
 - 06/22/17 AMEND: 327
 - 06/21/17 AMEND: 3700
 - 06/19/17 AMEND: 1859.2, 1859.82
 - 06/08/17 AMEND: 52.4, 548.49, 548.136
 - 05/31/17 ADOPT: 249.8
 - 05/26/17 AMEND: 11030, 11031, 11034
- Title 3**
- 10/23/17 AMEND: 3435(b)
 - 10/16/17 AMEND: 3591.15
 - 10/16/17 AMEND: 3439(b)
 - 09/28/17 AMEND: 3439(b)
 - 09/28/17 AMEND: 3435(b)
 - 09/27/17 AMEND: 3435(b)
 - 09/21/17 AMEND: 1430.142
- 09/19/17 AMEND: 3406(c), 3591.5(b)
 - 09/14/17 AMEND: 3439
 - 09/12/17 AMEND: 3435(b)
 - 09/07/17 AMEND: 3435(b)
 - 09/05/17 AMEND: 3435(b)
 - 09/05/17 AMEND: 3435(b)
 - 08/31/17 AMEND: 3439(b)
 - 08/30/17 AMEND: 2320.1
 - 08/22/17 AMEND: 3439
 - 08/17/17 AMEND: 3435(b)
 - 08/16/17 AMEND: 3435(b)
 - 08/16/17 AMEND: 3439(b)
 - 08/11/17 AMEND: 3439(b)
 - 08/10/17 AMEND: 3435(b)
 - 08/08/17 AMEND: 3854, 3855
 - 08/03/17 AMEND: 3435(b)
 - 07/31/17 AMEND: 3435(d)
 - 07/26/17 AMEND: 3439(b)
 - 07/25/17 AMEND: 3591.12, 3424(c)
 - 07/24/17 AMEND: 3435(b)
 - 07/20/17 AMEND: 3435(b)
 - 07/17/17 AMEND: 3435(b)
 - 07/12/17 ADOPT: 6190
 - 07/10/17 AMEND: 3435(b)
 - 07/06/17 AMEND: 3439(b)
 - 07/06/17 AMEND: 3439(b)
 - 07/06/17 AMEND: 3435(b)
 - 06/28/17 AMEND: 1358.7
 - 06/26/17 AMEND: 3435(b)
 - 06/22/17 ADOPT: 2320.5 AMEND: 2300, 2300.1, 2303, 2304, 2307, 2308, 2312, 2315, 2319, 2320.1, 2320.2, 2322, 2323, 2324
 - 06/19/17 AMEND: 3435(b)
 - 06/14/17 AMEND: 3435(b)
 - 06/08/17 AMEND: 3435(b)
 - 06/07/17 AMEND: 3435(b)
 - 06/05/17 ADOPT: 3591.28
 - 06/02/17 AMEND: 3435(d)
 - 06/01/17 AMEND: 3591.12
 - 05/30/17 AMEND: 3439(b)
- Title 4**
- 10/18/17 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21
 - 10/13/17 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

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

Title 5

10/18/17 AMEND: 851, 853.5, 853.7, 855, 856

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

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06/02/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

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10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND: 5155

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09/27/17 AMEND: 5191(b)

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07/31/17 AMEND: 3650

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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

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06/21/17 ADOPT: 260.211.4, 260.211.5, 260.211.6, 260.211.7

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 08/08/17 AMEND: 1006
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 10/23/17 AMEND: 1153
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 09/11/17 AMEND: 1
 09/07/17 AMEND: 430.00, 431.00
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 07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1
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07/19/17	AMEND: 502	06/12/17	AMEND: 1399.546
07/19/17	AMEND: 708.5	06/08/17	ADOPT: 1746.5
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07/13/17	AMEND: 13055	06/05/17	AMEND: 1387, 1387.1
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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	05/30/17	AMEND: 1703
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 07/14/17 AMEND: 51255, 51356
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