



California Regulatory Notice Register

REGISTER 2017, NO. 46-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 17, 2017

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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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 21, 2017** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 19, 2017**.

BACKGROUND/OVERVIEW

Existing Section 84501 defines the term “advertisement” for the disclosure rules set out in existing Sections 84503–84511.

Interpreting Section 84501, existing Regulation 18450.1 was enacted in 2002 and provides a definition for each category of advertisement under Section 84501. Regulation 18450.1(b) delineates exceptions from the definition of an “advertisement,” as well as providing the standards and burden of proof when a committee claims the inclusion of a disclosure in an electronic media advertisement is impracticable.

At its April 20, 2017 meeting, the Commission directed staff to review and propose amendments to Regulation 18450.1 to more specifically identify and clarify the dimensions for “yard signs” and larger sign advertisements to provide clarity to the public and the regulated community.

¹The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Based on industry standards, “yard signs” are typically 18” x 24” (three square feet) or 24” x 36” (six square feet). These measurements are the common size for campaign signs as well as real estate yard signs. The Federal Election Commission also cites 24” x 36” as a common size for signs in the safe harbor provisions of its advertising disclaimer rules. (11 CFR 110.11) These sizes are consistent with informal advice that Commission staff has provided in the past. Accordingly, staff is proposing to amend Regulation 18450.1 to define yard signs as signs no larger than six square feet.

Staff held an Interested Persons meeting on September 22, 2017. No comments were received from the public or the regulated community. Commission staff also presented its proposal to the Commission for pre-notice discussion at the Commission’s October meeting. No public comments were received at the hearing. However, the Commission noted that the October 7, 2017 enactment of the Assembly Bill 249 (Stats. 2017, Ch. 546), effective January 1, 2018 (“AB 249”), would require additional nonsubstantive modifications to this Regulation. Additionally, the Commission noted the need for “cleaning up” the definitional language of an “electronic media advertisement.”

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18450.1. Definitions. Advertisement Disclosure.

The Commission will consider amendments to Regulation 18450.1 defining the size of a yard sign including, but not limited to, staff’s proposal to limit the size of a yard sign to no larger than six square feet. The Commission may also consider appropriate advertisement rules for other larger signs including, but not limited to, billboards.

The Commission will also consider amendments to Regulation 18450.1 to incorporate changes enacted in AB 249 including, but not limited to:

- Removing duplicative language.
- Adding language regarding social media advertisements.
- Harmonizing existing language.

Lastly, the Commission may consider additional amendments to clarify and streamline the existing provisions of Regulation 18450.1.

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy. The Commission may make other changes or additions to this regulation related to updating advertising disclosures.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of amending existing Regulation 18450.1 is to implement, interpret and make specific the following:

Amend 2 Cal. Code Regs. Section 18450.1. Government Code Sections 84501, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84506.5, 84509, and 84511 as effective January 1, 2018.

CONTACT

Any inquiries should be made to L. Karen Harrison, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; email: kharrison@fppc.ca.gov; telephone (916) 322-5660 or 1-866-ASK-FPPC.

The proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act

(the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 21, 2017**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 19, 2017**.

BACKGROUND/OVERVIEW

Regulation 18225 — Expenditure.

Section 82025 defines the term “expenditure” to mean a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. “Expenditure” does not include a candidate’s use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code. Current Regulation 18225 implements the statute by offering further detail to the definition of expenditure.

Assembly Bill 249 (Stats. 2017, Ch. 546), effective January 1, 2018 (“AB 249”), incorporates the substance of the language in Regulation 18225 into amended Government Code Section 82025; therefore, Regulation 18225 is no longer needed. Staff proposes repeal of Regulation 18225 for this reason.

Regulation 18247.5 — Primarily Formed Committees.

Section 82047.5 of the Political Reform Act defines the term “primarily formed committee” to mean a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose any of the following: (a) a single candidate; (b) a single measure; (c) a group of specific candidates being voted upon in the same city, county, or multicounty election; (d) two or more measures being voted upon in the same city, county, multicounty, or state election.

Regulation 18247.5 further defines a “primarily formed committee” as one that supports or opposes a single candidate or measure, or a specific group of measures or local candidates on the same ballot. Staff has provided informal advice that “same ballot” means “same election” in cases where local jurisdictions vote

¹The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

by district so candidates or measures may be up at the same election, but on different ballots. Regulation 18247 contains redundant statutory language, as well as references to statutes repealed by AB 249. Staff proposes eliminating redundant language and deleting references to sections that have been repealed by AB 249.

Regulation 18402 — Committee Names.

Existing Section 84503 requires any advertisement for or against any ballot measure to include a disclosure statement identifying any person whose cumulative contributions are \$50,000 or more, as specified. Existing Regulation 18402(c) provides that “Whenever identification of a committee is required by law, the identification shall include the full name of the committee as required in the statement of organization.”

AB 249 repeals existing Section 84503 and replaces it with a new Section 84503. (Stats. 2017, Ch. 546, Secs. 9, 10, and 29.) New Section 84503 requires any advertisement paid for by a recipient committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, to include the words “committee major funding from” followed by the names of the top contributors to the committee paying for the advertisement, as specified. New Section 84503(c) provides that “If this article requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 and is a sponsored committee pursuant to Section 82048.7 with a single sponsor, only the name of the single sponsoring organization shall be disclosed.” New Section 84503(c) makes existing Regulation 18402(c) an inaccurate statement of the law. Therefore, staff recommends amending existing Regulation 18402(c) to conform with language in AB 249.

Existing Section 84504 requires, among other things, any ballot measure committee to name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of \$50,000 or more in any reference to the committee required by law, including its statement of organization.

AB 249 repeals existing Section 84504 and replaces it with a new Section 84504. (Stats. 2017, Ch. 546, Secs. 11, 12, and 29.) New Section 84504 applies to any radio or telephonic advertisement paid for by a committee, other than a political party committee or a candidate controlled committee for an elective office of the controlling candidate and requires those advertisements to include one of several specified disclosures subject to specified conditions. New Section 84504 does not relate to ballot measure committee name and identification requirements.

Regulation 18402 sets forth the Act’s rules governing committee names. Regulation 18402(c)(4)(E) requires the statement of organization of a committee primarily

formed to support or oppose a ballot measure to include the committee’s name as specified in Sections 84107 and 84504 and Regulation 18450.3. Because AB 249 repealed existing Section 84504 staff recommends amending existing Regulation 18402(c)(4) to strike any cross references to 84504 and to conduct any necessary non-substantive maintenance of the regulation. Regulation 18402 also contains a reference to Regulation 18450.3. AB 249’s repeal of existing Section 84504 allows for the repeal of Regulation 18450.3; therefore cross references to this regulation should also be removed.

Regulation 18420 — Reporting of Campaign Contributions and Expenditures of State or Local Government Agencies.

Sections 84200 et seq. of the Act require campaign committees to report campaign contributions received and expenditures made as specified. Regulation 18420 further defines when a payment made by a state or local government agency is an expenditure or contribution under the Act. Regulation 18420 includes a reference to Regulation 18225, which defines the term “expenditure” under the Act. Regulation 18225 is proposed to be repealed in light of AB 249 as explained above, therefore staff proposes the reference to Regulation 18225 be removed from Regulation 18420 and replaced with a reference to Section 82025, which now contains the substance of Regulation 18225.

Regulation 18423 — Payments for Personal Services as Contributions and Expenditures.

Section 82015 provides a definition of contribution under the Act. Regulation 18423 further defines when payments made by an employer to an employee for services performed by an employee for political purposes become a contribution under the Act. This regulation contains a reference to Regulation 18225, which is proposed to be repealed due to changes in the law made by AB 249 as explained above, therefore staff recommends replacing this reference with one to Section 82025.

Regulation 18435 — Definition of Mass Mailing and Sender.

Section 84305 of the Act establishes sender identification requirements, requiring candidates and committees to properly identify themselves when sending a mass mailing. Regulation 18435, defines the terms “sender” and “pay for” as used in Section 84305, and requires that the sender identification requirements apply to a candidate or committee that sends over 200 substantially similar messages distributed through electronic mail in a calendar month.

AB 249 amends Section 84305, which among other changes, include incorporating the definition of the term “pay for,” as well as the sender identification re-

quirement for electronic mail, into Section 84305(e). To help clarify Regulation 18435, staff proposes removing the language from the regulation that is now included in the amended version of Section 84305.

Regulation 18450.3 — Committee Name Identification. Advertisement Disclosure.

Existing Section 84504 requires a ballot measure committee to name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of \$50,000 or more in any reference to the committee required by law, including its statement of organization. If major donors of \$50,000 or more share a common employer, the identity of the employer is also required to be disclosed. Any ballot measure committee is required to print or broadcast its name as part of any advertisement or other paid public statement. If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they are required to be identified by the controlling candidate’s name.

AB 249 repeals existing Section 84504 and replaces it with a new Section 84504 effective January 1, 2018. (Stats. 2017, Ch. 546, Secs. 11, 12, and 29.) New section 84504 applies to radio or telephonic advertisements paid for by certain committees, and requires those advertisements to include certain disclosures subject to specified conditions. New Section 84504 does not relate to ballot measure committee name and identification requirements.

Existing Regulation 18450.3 interprets existing Section 84504 for purposes of the implementation of that section’s ballot measure committee name and identification requirements. However, AB 249’s repeal of existing Section 84504 removes the basis for existing Regulation 18450.3, and new Section 84504 does not relate to ballot measure committee name and identification requirements. Staff recommends repealing this regulation.

Regulation 18450.5 — Amended Advertising Disclosure.

Existing Section 84503 requires any advertisement in support or opposition of a ballot measure to contain a disclosure identifying the highest two persons contributing fifty thousand dollars or more, stated in order of contribution levels or, if equal, in chronological order.

Existing Section 84504 requires a ballot measure committee to identify itself using a name or phrase that identified the economic or special interest of its major donors of fifty thousand dollars or more, and name the employer if the major donors shared a common employer.

Existing Section 84506 requires any advertisement in support or opposition of a candidate or ballot measure to

contain a disclosure identifying the name of the committee making the independent expenditure; and the two highest persons contributing fifty thousand dollars or more, stated in order of contribution levels and, if equal, in chronological order.

Existing Section 84509 requires a committee to change its advertisement to reflect its changed disclosure information when it files an amended campaign statement under Section 81004.5.

Existing Regulation 18450.5 interprets the required advertisement disclosure amendments for existing Sections 84503 and 84506 (new persons qualifying as a disclosable contributor); and Sections 84504 and Regulations 18402 and 18450.3 (required committee name changes). Regulation 18450.5 also interprets the timing of the advertisement disclosure amendments for existing Section 84509 (disclaimer amendments following a Section 81004.5 amended campaign statement).

AB 249 repeals existing Sections 84503, 84504, 84506 and 84509. AB 249 replaces Sections 84503, 84504 and 84509 with new sections effective January 1, 2018. (Stats. 2017, Ch. 546, Secs. 9, 10, 11, 12, and 19.) New Section 84509 sets forth the timelines for updates to advertisement disclosures reflecting changes in the order of top contributors required under new Sections 84503, 84504, 84504.1, 84504.2, 84504.3, and 84504.5. AB 249 does not specifically address updates to committee name changes, therefore language relating to updates of name changes is the only portion of Regulation 18450.5 that is not replaced by provisions of AB 249. Staff proposes eliminating language in this regulation that is now available in statute as a result of AB 249.

Regulation 18521.5 — Ballot Measure Committees Controlled by Candidates for Elective State Office.

Section 84504 of the Political Reform Act provides specific requirements pertaining to committee names. It requires any committee that supports or opposes one or more ballot measures to name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of fifty thousand dollars or more in any reference to the committee required by law. It also requires disclosure of any common employer of any major donors of fifty thousand dollars or more, as well as disclosure of this information in any advertisement paid for by a committee that supports or opposes one or more ballot measures.

AB 249 repealed Section 84504, and replaced it with a statute that governs the identification requirements for radio and telephonic advertisements. To help clarify Regulation 18521.5, staff proposes removing the references to Section 84505 and Regulation 18450.3 that are no longer applicable as the result of AB 249, in addition to minor grammatical changes.

REGULATORY ACTION

Repeal 2 Cal. Code Regs. Section 18225 — Expenditure.

This regulation is being repealed.

Amend 2 Cal. Code Regs. Section 18247.5 — Primarily Formed Committees.

Amendments to subdivision (a) contain the language “in the same election” in lieu of the language “on the same ballot” to codify current advice.

Subdivisions (b) and (c) are removed in their entirety because those provisions are either no longer needed due to new provisions in AB 249 or redundant with current statutory language.

Lastly, minor grammatical changes were made to the regulation for clarity throughout and language that repeated language already in statute was removed and replaced with references directly to the relevant statute.

Amend 2 Cal. Code Regs. Section 18402 — Committee Names.

Regulation 18402 is being amended to strike cross references to any provisions rendered inoperative by the enactment of AB 249. Also, minor grammatical and technical changes are made for clarity throughout.

Amend 2 Cal. Code Regs. Section 18420 — Reporting of Campaign Contributions and Expenditures of State or Local Government Agencies.

Regulation 18420 is being amended to replace a reference to Regulation 18225 with a reference to Section 82025, which now contains the substance of Regulation 18225. Also, minor grammatical and technical changes are made for clarity throughout.

Amend 2 Cal. Code Regs. Section 18423 — Payments for Personal Services as Contributions and Expenditures.

Regulation 18423 is being amended to replace a reference to Regulation 18225 with a reference to Section 82025, which now contains the substance of Regulation 18225. Also, minor grammatical and technical changes are made for clarity throughout.

Amend 2 Cal. Code Regs. Section 18435 — Subdivisions (c) and (e) are removed as these definitions are now included in Section 84305 under AB 249. Also, minor grammatical and technical changes are made for clarity throughout.

Repeal 2 Cal. Code Regs. Section 18450.3 — Committee Name Identification. Advertisement Disclosure.

This regulation is being repealed.

Amend 2 Cal. Code Regs. Section 18450.5 — Amended Advertising Disclosure.

Existing Regulation 18450.5 is being amended to eliminate language no longer needed in light of the re-

peal of existing Sections 84503, 84504, 84506, and 84509 under AB 249. Also, minor grammatical and technical changes are made for clarity throughout.

Amend 2 Cal. Code Regs. Section 18521.5 — Ballot Measure Committees Controlled by Candidates for Elective State Office.

References to Section 84504 and Regulation 18450.3 are being deleted. Also, minor grammatical and technical changes are made for clarity throughout.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 82013, 82015, 82016, 82025, 82027.5, 82031, 82041.5, 82047.5, 84102, 84103, 84107, 84200 et seq., 84305, 84501, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84505, 84506, 84506.5, 84509, 84510, 84511, 85201, 85301, 85302, 85303, 85304, 85304.5, 85310 and 85316.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

**CONFLICT- OF-INTEREST CODES
AMENDMENT**

STATE AGENCY: Department of Transportation

MULTI-COUNTY: Castaic Lake Water Agency

A written comment period has been established commencing on November 17, 2017, and closing on January 1, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than January 1, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not

new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the au-

thority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 21, 2017**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on December 19, 2017.**

BACKGROUND/OVERVIEW

Section 85305 prohibits a candidate for elective state office or a committee controlled by that candidate from making any contribution to any other candidate for elective state office in excess of the contribution limits set forth in subdivision (a) of Section 85301. Section 85315 allows an elected state officer to accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits”

At its July 27, 2017 hearing, the Commission deliberated over issues raised with respect to the interplay between Sections 85305 and 85315, and whether the prohibition in Section 85305 limited contributions by state candidates to another state candidate’s recall committee to oppose that candidate’s recall. After consideration, the Commission issued an opinion finding that Section 85315 permits contributions to a candidate’s recall committee by another state candidate without limitation. The Commission adopted the new opinion, *In re Rios* Opinion, No. O-17-001, at its August 17, 2017 hearing.

Consistent with this opinion, the Commission also adopted amendments to Regulation 18535 at its October meeting to expressly state that the prohibition in Section 85305 does not apply to a state candidate’s contributions to another state candidate’s recall committee.

During the deliberation of the amendments to Regulation 18535 for purposes of state candidate contributions to another state candidate’s recall committee, a comment letter was received asking that the Commission also consider reversing the longstanding Commission advice that Section 85305’s restriction on state

candidate contributions to another state candidate applied to contributions to another state candidate’s legal defense fund or candidate controlled ballot measure committees. At the direction of the Commission, Commission staff is proposing language to permit unlimited contributions from a state candidate to another state candidate’s legal defense fund and candidate controlled ballot measure committees.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18535.

The Commission will consider amendments to Regulation 18535 expressly permitting unlimited contributions from a state candidate to another state candidate’s legal defense fund or candidate controlled ballot measure committee. In addition, the Commission may consider additional amendments to clarify the existing provisions of the Regulation 18535.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 85303, 85304, and 85305.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

CONTACT

Any inquiries should be made to Zachary W. Norton, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. SECRETARY OF STATE

NOTICE IS HEREBY GIVEN that the Secretary of State (SOS) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Secretary of State at its office not later than 5:00 p.m. on January 2, 2018.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Secretary of State, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Public Comment Period: November 17, 2017, through January 2, 2018.

AUTHORITY AND REFERENCE

Under authority established in California Government Code section 12172.5, the California Secretary of State may adopt regulations to assure the uniform application and administration of state election laws.

Further, under authority established in Elections Code sections 2170-2173, the Secretary of State shall adopt rules and regulations to implement conditional voter registration.

Authority cited: Sections 10 and 2170-2173, Elections Code; Section 12172.5, Government Code.

Reference cited: Sections 2170-2173, Elections Code.

INFORMATIVE DIGEST

A. Informative Digest

Elections Code sections 2170-2173 were enacted in 2012 (to be operative on January 1 following the certification of the statewide voter registration database) through the passing of AB 1436 (Chapter 497, Statutes of 2012) and established Conditional Voter Registration (CVR). The statewide voter registration database was certified in September 2016; accordingly, CVR became operative on January 1, 2017. Previous law required that a voter must register on or before the 15th day prior to an election. This bill allows a voter, after the 15th day prior to an election, to “conditionally” register and vote a CVR provisional ballot; if the “conditional” registration is deemed valid, the CVR provisional ballot can be counted.

Pursuant to section 2171 of the Elections Code, the SOS is proposing to add sections 20020 through 20027 of Title 2, Division 7, Chapter 1, Article 3.5 to the California Code of Regulations to establish the procedures for processing Conditional Voter Registrations and, if the registration is accepted, the subsequent processing of the CVR provisional ballots.

B. Policy Statement Overview/Anticipated Benefits of Proposal

While Conditional Voter Registration intends to increase the opportunities for voter registration for any individual who is qualified to be a voter, at any time before an election, the regulations required by Elections Code section 2171 pertain to the processing of those conditional voter registrations and the subsequent processing of the CVR provisional ballots. The benefits of these proposed regulations are that they will create guidance for county elections officials on the procedures for processing conditional voter registrations and CVR provisional ballots. This includes providing clarifying definitions, as well as uniform reasons why a CVR ballot might not be counted. In addition, these regulations will provide transparency for voters on how conditional voter registrations, and subsequent ballots, will be processed.

C. Consistency/Compatibility with Existing State Regulations

After conducting an evaluation for any regulations relating to this area, the Secretary of State has found that these are the only regulations dealing with Conditional Voter Registration. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. This regulatory proposal creates new regulations relating to Elections Code sections 2170-2173 and Conditional Voter Registration.

D. Documents Incorporated by Reference: None.

FISCAL IMPACT ESTIMATES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Mandate on local agencies and school districts: None.

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

Impact on Jobs/New Businesses: The Secretary of State has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The new proposed regulations are required pursuant to Elections Code section 2171.

The proposed changes provide regulations that reflect current business practices. As stated in the Policy Statement Overview/Anticipated Benefits of the Proposal found above, the benefits of the regulation to the health and welfare of California residents lies in the fact that these regulations will provide transparency for voters on how conditional voter registrations, and subsequent ballots, will be processed. This process will ultimately benefit California residents as it will expand the opportunities for them to participate in the democratic process by allowing them to register to vote and vote provisionally up until, and including, election day.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete: The Secretary of State has made an initial determination that this regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

Effect on Housing Costs: None.

Effect on Small Business: The Secretary of State has determined that the proposed regulations will not affect small businesses because voter registration opportunities can only be provided to individuals; small businesses, or any type of business for that matter, cannot register to vote.

Standardized Regulatory Economic Impact Assessment/Analysis Summary Comments: This proposed regulation is not a “major regulation”; therefore, there

are no summaries of comments from the Department of Finance or responses from the Secretary of State.

CONSIDERATION OF ALTERNATIVES

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

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

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

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

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

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

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

CONTACT PERSON

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

Jennifer Curtis
 Secretary of State
 1500 11th St., 5th Floor
 Sacramento, CA 95814
 (916) 657-2166

Or to: CVRRegulations@sos.ca.gov

The back up contact person is:

Rachelle Delucchi
Secretary of State
1500 11th St., 5th Floor
Sacramento, CA 95814
(916) 657-2166

Or: CVRRegulations@sos.ca.gov

Website Access: Materials regarding this proposal can be found at www.sos.ca.gov.

TITLE 9. DEPARTMENT OF STATE HOSPITALS

The Department of State Hospitals (Department) will conduct a public hearing at the time and place noted below to consider adoption of the proposed regulations for SVP evaluation processes after considering all comments, objections, and recommendations regarding the above matter.

DATE: January 2, 2018

TIME: 1:00 p.m.

LOCATION: California Health and Human Services Agency
Department of State Hospitals
Conference Room 100
1600 9th Street
Sacramento, California 95814

At the hearing, any interested person or their representative may, orally or in writing, submit comments relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that a person who makes an oral comment at the hearing also prepare and submit a written copy of their testimony. Furthermore, the Department requests, but does not require that all written and email statements on this item be filed at least 10 days prior to the hearing, so that the Department staff have sufficient time to consider each comment. The Department encourages members of the public to bring any suggestions for modifications of the proposed regulatory action to staff's attention in advance of the hearing.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Any interested person, or his or her representative may present comments orally or in writing at the hear-

ing and may provide comments by personal delivery, postal mail service, facsimile (fax), or email submittal before the hearing as described in detail below. The public comment period for this regulatory action will begin on November 17, 2017. For any written comment to be considered, comments not physically submitted at the hearing, must be received by the Department **no later than 5:00 p.m., January 2, 2018.** The Department reserves the right to consider or not consider a late submission. For consideration, any written comments may be submitted as follows:

1. By email to DSH.Regulations@dsh.ca.gov. It is requested that emailed comments, particularly those with attachments, contain the regulation package identifier "SVP Evaluation Processes" in the subject line to facilitate timely identification and review;
2. By fax transmission to (916) 651-3090;
3. By United States Postal Service to:

California Department of State Hospitals
Office of Regulations
1600 9th Street, Room 410
Sacramento, CA 95814; or
4. Hand-delivered to the address above.

AUTHORITY AND REFERENCE

These regulatory actions are proposed under the authority granted in California Welfare and Institutions Code sections 4005.1, 4027, and 4101. These actions are proposed to implement, interpret and make specific Welfare and Institutions Code sections 6601, 6603, 6604, and 6605; *Albertson v. Superior Court* (2001) 25 Cal.4th 796.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE 11346.5(a)

Sections Affected: The Department proposes adoption of California Code of Regulations, title 9, sections 4020 and 4020.1.

Policy Statement Overview

These proposed regulations will:

1. provide safety and security to the public by providing guidance as to the validity of the Department's evaluations per the Sexually Violent Predator Act (SVPA).
2. provide uniform rules in all cases; and
3. provide clarification to the update and evaluation process under the SVPA to the petitioners and defense counsel.

The Department has conducted an evaluation and determined that these regulations are not inconsistent or incompatible with existing state regulations.

Existing Law

Current law requires the Department to evaluate inmates under the jurisdiction of the California Department of Corrections and Rehabilitation who have been convicted of one or more offenses under California Penal Code Section 290 to determine whether the inmates have a high risk of recidivism should they be paroled or discharged to the community.

Effect of the Proposed Action

This proposed rulemaking adopts new definitions in order to clarify statutory requirements for evaluation of sexually violent predators, and clarifies the Department's role in update and replacement evaluations, updates and corrections to evaluations, designation of evaluators, and the roles for evaluators designated to perform these evaluations.

DISCLOSURES REGARDING THE PROPOSED REGULATIONS

The Department has made the following initial determinations:

1. Mandates on Local Agencies or School Districts: There will be no mandates imposed on local agencies or school districts.
2. Mandate Requiring State Reimbursement Pursuant to Part 7 (commencing with § 17500) of Division 4 of the Government Code: None.
3. Costs to Any Local Agency or School District that Requires Reimbursement Pursuant to Part 7 (commencing with § 17500) of Division 4 of the Government Code: None.
4. Non-discretionary Costs or Savings Imposed on Local Agencies: The Department anticipates there will be no fiscal impact in the current State Fiscal Year to Local Agencies.
5. Costs or Savings to State Agencies: The Department anticipates annual savings of approximately \$25,000 per year.
6. Costs or Savings in Federal Funding to the State: None.
7. Significant, Statewide Adverse Economic Impact Directly Affecting Business: There will not be a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. We do not foresee that this regulation will be utilized and only a small fraction of the state hospital population may be eligible.

8. Cost Impacts on Representative Private Person or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
9. Effect on Small Businesses (Cal. Code Regs., tit. 1, § 4, subds. (a) & (b)): There will be no cost impact on small businesses because the proposed regulation only affects individual patients who are terminally ill in state hospitals.

Results of the Economic Impact Analysis

These proposed regulations are intended to allow the Department to set forth the policy of the Department under the SVPA.

Creation or Elimination of Jobs within the State of California

The proposed regulations would not create or eliminate jobs within the State of California. SVP evaluators are required to perform these evaluations under the SVPA.

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

The proposed regulations would not create new businesses or eliminate existing businesses. The Department already hires and/or contracts evaluators for evaluation services and other services in providing the proper evaluations under the SVPA.

Expansion of Businesses Currently Doing Business within the State of California

The Department will need to maintain staffing contractors who provide the evaluations under the SVPA.

Anticipated Benefits Under the Regulation

The proposed regulations provide the policy of the Department. The proposed regulations also provide clear direction to the public, employees, and patients as to how an evaluation is performed.

Housing Costs

In accordance with Government Code section 11346.5, subdivision (a)(12), the Department has made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed

action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DSH invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative, Ms. Maria Latino, *SVP/MDO Program Manager*, Forensics Division, (916) 651-3206 or (designated back-up contact), Ushrena Wenell, *Staff Services Manager I*, Forensics Division, (916) 651-3220.

AVAILABILITY OF DOCUMENTS

The Department staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based, including an Initial Statement of Reasons (ISOR) for the proposed regulatory action and the proposed text (the “expressed terms”) of the regulation. Copies of the proposed regulation text and the ISOR, which includes a summary of the economic and fiscal impacts of the proposal, may be accessed on the Department’s Internet website listed below, or may be obtained from the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed: Beth Snyder, Regulations Unit, California Department of State Hospitals, 1600 9th Street, Sacramento, California, 95814, (916) 654-2748.

HEARING PROCEDURES/AVAILABILITY OF CHANGED OR MODIFIED TEXT

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with § 11340). After holding the public hearing, and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact person 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.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the Department’s Internet website listed below.

INTERNET ACCESS

This notice, the ISOR, the proposed regulation text, and all subsequent regulatory documents, including the FSOR, when completed, are available on the Department’s Internet website for this rulemaking at <http://www.dsh.ca.gov/Publications/Regulations.aspx>.

TITLE 12. CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CalVet) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

CalVet will hold a public hearing starting at 10:00 a.m. on January 12, 2018, at the Medal of Honor Hall (MOH), on the first floor of CalVet’s Headquarters Building located at 1227 O Street, Sacramento, California 95814. The MOH 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. CalVet requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. Additionally, CalVet will make the public hearing accessible via video teleconferencing and will have sites available at each Veterans Home of California for veterans or interested parties to participate who cannot attend at the CalVet Headquarters. If a member of the public or a member of the Veterans Home wishes to participate via teleconference, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest in the same manner as if they were present at the hearing. CalVet requests, but does not require, that persons who make oral comments via video teleconferencing also submit a written copy of their testimony. They may do so by emailing their testimony to phil.mcallister@calvet.ca.gov.

WRITTEN COMMENT PERIOD

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

proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to phil.mcallister@calvet.ca.gov. The written comment period closes at **5:00 p.m. on January 2, 2018**. CalVet will consider only comments received at CalVet offices by that time. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator
 California Department of Veterans Affairs
 1227 O Street, Suite 300
 Sacramento, California 95814

AUTHORITY AND REFERENCE

Authority: Sections 79.3 and 1044, Military and Veterans Code (MVC). Reference: Sections 1012 and 1043, Military and Veterans Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. Informative Digest

The Military and Veterans Code (MVC) was revised by Senate Bill 96, also known as the Budget Trailer Bill, an act of the 2017 California State Legislature. The MVC now authorizes the investigation of the personal background of the Veterans Home applicant or member.

The regulation proposal clarifies that criminal background checks may be conducted. The purpose of the check is to help ensure that a safe and secure environment is provided at each Veterans Home. For the safety and security of Veterans Home members, the regulation provides language to exclude applicants whose background indicates incompatibility with a safe and secure community environment such as applicants with a history of elder abuse, assault, and/or theft.

CalVet determines eligibility for admission and applies admission criteria in a fair and equitable manner in accordance with section 1012 of the MVC. The rationale for this regulation is to provide clarity to applicants and the general public on the admission criteria and how eligibility is determined for admission to the Veterans Homes.

Residency and health care at the Veterans Homes are taxpayer-supported public benefits, not unlike those of the U.S. Department of Veterans Affairs (USDVA), which provides medical services for disabled veterans with limited income. Eligibility for such benefits must be determined by specific criteria.

The Veterans Homes' mission is providing long-term care for veterans that are aged and/or disabled. This regulation addresses the obligation of CalVet to ensure that eligibility determination and admissions criteria are fair, equitable, and written in accordance with statutory authorization.

Proposed 12 CCR 501.2 would provide as follows:

CCR 501.2 Eligibility Determination	
Regulation Text	Reasons
<p>(a) Definitions</p> <p><u>(1) "Aged" veteran means a veteran who is 55 or older.</u></p> <p><u>(2) "Disabled" veteran means a veteran that is certified by the United States Department of Veterans Affairs (USDVA) as having a service-connected disability or is certified disabled by the California Department of Social Services.</u></p>	<p>MVC Section 1012 is the main source for Veterans Homes eligibility and admission criteria, as it provides that the Veterans Homes are for veterans that are "aged or disabled" and meet other conditions for eligibility.</p> <p>Because the term "aged" and the term "disabled" remain undefined in the code, however, the meaning of each term is left open to interpretation.</p> <p>CalVet's adoption of "55 and above" as the definition of "aged" is in harmony with the definition of "senior citizen" provided in</p>

	<p>California Civil Code Section 51.3, a related statute establishing accessible housing for the elderly. This threshold age of 55 appears both on CalVet’s website as well as in its admissions policy.</p> <p>CalVet defines disabled in accordance with the rules and regulations of the USDVA and the State of California Department of Public Health.</p>
<p><u>(3) “Joint application” is an application by a veteran applicant and a spouse or domestic partner.</u></p> <p><u>(4) “Joint Admission” occurs when a veteran and spouse or domestic partner obtain are admitted to the same Veterans Home.</u></p> <p><u>(5) “Joint Residency” is when a veteran and a spouse or domestic partner live at the same Veterans Home.</u></p>	<p>MVC 1012 authorizes Veterans Homes to provide joint residency to spouses and domestic partners of eligible veterans under specific conditions. To provide transparent and equitable rules for applicants and members, CalVet finds it necessary to define in regulation the terms joint admission, joint application, and joint residency</p> <p>MVC 1012 delineates eligibility requirements for veteran applicants and further states that the Veterans Home is also “...for the spouses or domestic partners of these persons if all of the following conditions, as are applicable, are satisfied:</p> <p>(1) Space is available.</p> <p>(2) Joint residency will be in the best interests of the Veterans Home member, as determined by the administrator.</p> <p>(3) The spouse or domestic partner is a bona fide resident of this state at the time of application for admission to the Veterans Home and either is married to, and has resided with, the veteran applicant for at least one year, or is the widow or widower of a recipient of the Medal of Honor or a former prisoner of war....”</p>
<p>(a) (b) The Veterans Home shall determine an applicant’s eligibility after a thorough review of all available military data (pursuant to Section 1012 of the MVC), <u>financial, medical, personal,</u></p>	<p>For Subsections (b) and (c) the current language is retained with new lettering along with the addition of the terms “financial” and “personal” to Subsection (a).</p>

<p>and social information.</p> <p>(b) (c) The Veterans Home shall not admit applicants with a current history of behavioral patterns or traits which would be incompatible with a safe and secure community environment at the Veterans Home.</p>	<p>The terms “financial” and “personal” have been added because revisions to Section 1012 of the MVC make clear that CalVet has authorization to examine financial and personal information of applicants and members.</p>
<p><u>(d) To consider an applicant for admission, the Veterans Home must have:</u></p> <p><u>(1) The resources to provide for the applicant’s required level of care and specific needs within its existing services and resources as determined by a CalVet-led preadmission evaluation.</u></p> <p><u>(2) A bed available that is not needed by a current member of the Veterans Home at the required level of care.</u></p>	<p>The Veterans Home must provide for the health and safety of members as required by the state licensing agencies that regulate facilities by levels of care, the USDVA and the Center for Medicare and Medicaid Services.</p>
<p><u>(e) To be eligible for admission, applicants shall:</u></p> <p><u>(1) Demonstrate proof of current bona fide California residency by presenting for verification one or more of the following: a current valid California Driver License; a current valid California Identification Card; a public utility statement with the name of the applicant and a California address dated within 90 days prior to the date of application; the applicant’s prior year California State Tax Return showing a California physical address; and/or other documentation that demonstrates California residency, as determined by the administrator.</u></p>	<p>In accordance with MVC 1012, applicants must be bona fide state residents to be eligible for admission to a California Veterans Home. This Subsection explains how CalVet determines residency. This revision lists the documents that an applicant may submit to a Veterans Home to establish state residency for purposes of establishing eligibility.</p>
<p>(2) Qualify as aged and/or disabled.</p>	<p>This revision is made in accordance with the revisions to MVC Section 1012 in the 2017 Trailer Bill.</p> <p>Previously, the MVC used the term “aged and</p>

	<p>disabled” while the revised Code states “aged or disabled.”</p> <p>The intent of the change and the use of and/or is to make clear that the applicant and member may be both aged and disabled, only disabled, or only aged. There was never a legislative intent to require that 1) the applicant be only aged or only disabled or 2) that the applicant be both aged and disabled. The purpose of changing the MVC to “aged or disabled” was to be more inclusive, not less inclusive.</p>
<p>(3) Have served active duty service in the Armed Forces of the United States of America as determined by the USDVA.</p> <p>(4) Have been discharged from military service <u>under conditions other than dishonorable.</u></p>	<p>This revision is made in accordance with the revisions to MVC Section 1012 in the 2017 Trailer Bill.</p> <p>Previously, the MVC used the term “honorable conditions” while the revised Code states “other than dishonorable.”</p>
<p>(5) Be eligible for health care benefits, hospitalization, or domiciliary care in a Veterans facility in accordance with the rules and regulations of the USDVA, and enrolled in the USDVA health care program.</p>	<p>The Veterans Home must provide for the health and safety of members as required the USDVA in its capacity under the State Veterans Home Program. Accordingly, veteran applicants must be eligible for residency under the rules of the USDVA.</p>
<p>(6) <u>Obtain basic medical insurance policies and maintain them throughout their residency in accordance with the MVC 1033.1 and CCR 501(e).</u></p>	<p>This revision is made in accordance with the revisions to MVC Section 1033.1 in the 2017 Trailer Bill.</p> <p>Previously, the MVC did not specify that a Veterans Home member was required to maintain insurance.</p>
<p>(f) <u>A veteran and his or her nonveteran spouse or domestic partner may submit a joint application for admission to a Veterans Home.</u></p> <p>(1) <u>Nonveterans are not eligible for admission without a joint application with a veteran spouse</u></p>	<p>MVC Section 1012 states that certain nonveterans may be eligible for admission to a Veterans Home, including spouses or domestic partners of veteran applicants, widows or widowers of Medal of Honor recipients, and widows or widowers of former prisoners of war.</p>

<p><u>or domestic partner with the exceptions of widows or widowers of Medal of Honor recipients and former prisoners of war. Eligible widows or widowers may not apply for joint admission with a nonveteran spouse or domestic partner.</u></p> <p><u>(2) The nonveteran spouse or domestic partner must meet all eligibility determination and admission criteria requirements that apply to veteran applicants with the exceptions of requirements related to military service or eligibility for Veterans benefits.</u></p>	<p>The proposed regulations for spouse and domestic partner residency provide rules for equitable practices in the administration and operation of the Veterans Home.</p> <p>The Veterans Home must provide for the health and safety of members as required by the state licensing agencies that regulate facilities by levels of care, the USDVA, and the Center for Medicare and Medicaid Services. The Veterans Homes must have rules for all members that provide equity for the all members while also complying with state and federal laws and licensing requirements.</p>
<p>(3) The <u>veteran applicant</u> and the nonveteran spouse or domestic partner applicant must have resided together and must have been married or have had a registered domestic partnership for at least one year prior to submitting an application to a Veterans Home.</p>	<p>In accordance with the revised MVC, CalVet establishes a one-year rule for the veteran applicant and nonveteran spouse or domestic partner to have resided together and either to have been married or had a registered domestic partnership prior to applying for admission to a Veterans Home.</p> <p>The MVC amendment adds domestic partner, strikes Veterans Home member, and adds veteran applicant as follows: “(3) The spouse or <u>domestic partner</u> is a bona fide resident of this state at the time of application for admission to the Veterans Home and either is married to, and has resided with, the Veterans Home member <u>veteran applicant</u> for at least one year, or is the widow or widower of a recipient of the Medal of Honor or a former prisoner of war (POW).”</p> <p>Prior to the 2017 Trailer Bill amendment, this portion of the MVC Section 1012 contained the term “Veterans Home member” whereas the revised Code uses the term “veteran applicant” when referring to the one year rule for couples to have resided together and been married or in a domestic partnership before making a joint application to a Veterans Home.</p>

	<p>With the 2017 Trailer Bill amendment, this portion of the MVC is silent on joint application by a current Veterans Home member and a spouse or domestic partner when the marriage or domestic partnership began after the veteran became a member of a Veterans Home.</p>
<p><u>(4) The veteran and spouse or domestic partner shall maintain residency at the same Veterans Home when space is available and unless medically contraindicated. If one member of a couple is transferred to a different Veterans Home, the other member of the couple shall move to the same destination Veterans Home when space is available unless medically contraindicated.</u></p>	<p>This Subsection clarifies how the Veterans Home implement MVC 1012 (a)(1) and (2).</p> <p>MVC 1012(a) states the Veterans Homes eligibility requirements for veterans and adds that the Veterans Home is also "...for the spouses or domestic partners of these persons if all of the following conditions, as are applicable, are satisfied:</p> <p>(1) Space is available.</p> <p>(2) Joint residency will be in the best interests of the Veterans Home member, as determined by the administrator.</p>
<p><u>(g) The Veterans Home may conduct a criminal background check of an applicant or member. The Veterans Homes shall not admit an applicant or allow for the continued residency of any member who has been convicted of a felony or a misdemeanor crime that indicates incompatibility with a safe and secure community environment such as elder abuse, assault, or theft and/or is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law; or an applicant that is currently serving on parole or probation for a criminal conviction.</u></p> <p><u>The Secretary or a designee may exempt applicants from this Subsection on a case-by-case basis if the applicant can prove, to the satisfaction of the Secretary or designee, that admission of the applicant will not endanger</u></p>	<p>In accordance with the MVC Section 1012 as revised by the 2017 Trailer Bill, CalVet may investigate an applicant's or member's personal background for suitability of becoming or continuing residency as a member.</p> <p>In legislative hearings and in this regulation proposal, CalVet interprets the statute to mean that criminal background checks may be conducted on applicants and members as needed to help determine the suitability of an applicant who is seeking initial admission or a member's continued residency at a Veterans Home.</p> <p>The purpose of the regulation is to provide a safe and secure environment for Veterans Home members. Safety and security are critical to the mission of the Veterans Homes as a matter of human rights and to comply with state and federal licensing requirements.</p>

<p><u>residents, staff, visitors, or property, or otherwise harm the community environment or the licensure or certification of the Veterans Home. If, at any point during the application process, an applicant is found to be ineligible for admission in accordance with this Subsection, the application shall be suspended and the applicant shall not be considered for admission unless and until an exemption is granted.</u></p>	
<p><u>(h) An applicant who does not meet eligibility requirements will not be considered for admission.</u></p>	<p>The purpose of this statement is to avoid waste of resources that could occur if CalVet was required to go through the lengthy and substantive admission process with applicants who are clearly not eligible for admission.</p>

B. Policy Statement Overview

CalVet proposes this rulemaking action to make permanent CCR, title 12, Section 501.2. This rulemaking action will make specific how CalVet determines eligibility for admission to California Veterans Homes and to clarify the criteria for admission in accordance with the MVC.

Under the direction of its Secretary, CalVet currently operates eight Veterans Homes that are located in Yountville, Barstow, Chula Vista, Lancaster, Ventura, West Los Angeles, Fresno and Redding. Beginning in 1884 with the opening of the Yountville Veterans Home, one of the nation’s first long-term care Veterans Homes for Civil War and Mexican-American War veterans, California has maintained a commitment to caring for veterans and their families.

The Veterans Homes, which provide long-term health care services for more than two thousand aged and/or disabled veterans and their spouses, are certified by the United States Department of Veterans Affairs and licensed by the California Department of Public Health and the California Department of Social Services, allowing them to carry out CalVet’s goal of providing care for aged and/or disabled veterans and their spouses and widows of Medal of Honor recipients and widows of former prisoners of war.

The specific problem being addressed in this regulatory action is codifying into regulation how CalVet determines eligibility for admission to California Veterans Homes and clarifying the criteria for admission in accordance with the MVC.

This regulation is necessary because MVC Section 1012 envisions that not enough space will be available for all eligible veterans but does not define with sufficient specificity how the Veterans Homes will apply eligibility determination and admission criteria. CalVet has the responsibility to proactively define eligibility and admissions criteria with more detail than the statute provides. The current regulation was written when one Veterans Home existed and was adopted prior to the development of all eight sites in the California Veterans Home system.

California Veterans Homes are limited by statute, licensing, and budget as to how many individuals may be admitted as members and what levels of care are provided. The eight Veterans Homes offer admission to between one and four levels of care: domiciliary, residential care facility for the elderly, intermediate facility care, and skilled nursing facility care (to include skilled nursing memory care).

Anticipated Benefits of the Proposed Regulation:

The proposed changes to CCR Section 501.2 Eligibility Determination will clarify the basic eligibility determination and admission criteria for applicants to the California Veterans Homes.

This regulation helps ensure a fair and equitable admissions process by defining in greater detail the eligibility requirements and admission criteria of the eight California Veterans Homes.

This action removes ambiguity and clarifies eligibility determination and admission criteria that are missing from MVC 1012. The proposal offers an explanation of

CalVet’s eligibility determination and admission criteria to achieve an application process that is unambiguous and uniformly interpreted.

To carry out the admissions process, CalVet classifies applicants on the basis of their initial level of self-sufficiency, a process that is rationally related to the goal of providing life-long care to as large a group as possible, given limited resources and a huge population of potentially eligible California veterans.

Each Veterans Home must provide for the health and safety of members as required by the state licensing agencies that regulate facilities by levels of care, the United States Department of Veterans Affairs and the United States Centers for Medicare and Medicaid Services. Licensing agencies may include, but are not limited to, California Department of Health Care Services and California Department of Social Services.

Services and programs may be available at one Veterans Home, but not at another. These may include speech therapy, respiratory therapy, occupational therapy, physical therapy, in-house audiology services, medication assistance, memory care, skilled nursing care, fully independent living, or other programs. Additionally, each Veterans Home has unique buildings, room accommodations and storage space, electrical systems, therapeutic services, recreational amenities, and grounds. There may be space at one Veterans Home for a member’s vehicle, mobility device, or furniture which may not be available at another site due to differences in the layout, electrical outlets, walkway and hallway widths, and fire marshal allowances. Some sites have private bedrooms or baths; other sites may have semi-private bedrooms and bathrooms or shared bathrooms.

The regulation seeks to ensure that Veterans Home members continue to reside in a safe and secure environment by providing for the exclusion of prospective members whose history indicates they may not be adaptable to the Veterans Home environment or might jeopardize the safety and security of members.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

After conducting an evaluation for any regulations related to this area, CalVet has found that this proposed regulation is not inconsistent or incompatible with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalVet 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 cost or savings imposed on local agencies: None.

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

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

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

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

CalVet does not anticipate that there will be significant impacts on the public, private persons, or business due to the proposed regulation. CalVet does not anticipate that there will be an expansion of existing business in California. No jobs will be created; none will be eliminated. No new businesses will be created; no existing businesses will be eliminated. CalVet anticipates that the regulation will benefit the health and welfare of members of the Veterans Homes of California. The regulation seeks to ensure that Veterans Home members continue to reside in a safe and secure environment by providing for the exclusion of prospective members whose history indicates they may not be adaptable to the Veterans Home environment or might jeopardize the safety and security of members.

CalVet has not identified any benefits in the areas of worker safety or the state’s environment. The reason no benefits were identified is that the regulation does not address worker safety or the state’s environment.

Benefits of the Proposed Action:

The proposed changes to CCR Section 5012 Eligibility Determination will clarify the basic eligibility determination and admission criteria for applicants to the California Veterans Homes.

Small Business Determination:

CalVet has determined that the proposed regulation will not affect small business. This proposed regulation does not apply to small business in any manner; it simply clarifies the basic eligibility determination and admission criteria for applicants to the California Veterans Homes.

Business Report:

The proposed regulation does not require a business report.

CONSIDERATION OF ALTERNATIVES

CalVet 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.

Set forth below are the alternatives that were considered and the reasons each alternative was rejected:

When considering reasonable alternatives, CalVet staff held a videoconference with Veterans Home administrators and other staff to obtain their input on admissions regulation proposals related to state residency requirements, nonveteran spouse admission, and types of military discharges allowed for eligibility for admission.

With regard to the state residency requirement, an alternative considered was having a specific length of time required as a prerequisite for eligibility determination. CalVet found that some states required an applicant to have one or more years of state residency prior to applying for admission. Due to the broad range of circumstances that arise among California veterans, however, CalVet finds it best to require one or a number of documents to verify state residency in lieu of verifying a defined length of residency. This is particularly important for providing services to homeless veterans, who are far more likely to lack significant documentation.

CalVet staff identified the eligibility requirements for nonveteran spouses at state Veterans Homes in the other 49 states and the Commonwealth of Puerto Rico. Slightly more than half of the other states allow nonveteran spouses to apply for admission and be admitted on a space available basis. Pursuant to MVC Section 1012, CalVet is obliged to consider nonveteran spouses for admission on a space available basis. Therefore, discontinuing the consideration of nonveteran spouses for admission was ruled out as a reasonable alternative.

One of the differences between California's Veterans Home system and other states is the range of levels of care. Some states have Veterans Homes that offer only skilled nursing facilities and do not offer assisted living or domiciliary care. Due to the agency's statutory obligations to serve aged and/or disabled veterans, CalVet does not consider it a reasonable alternative to change the available levels of care.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed 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

The backup contact person for these inquiries is:

Vasilios Spyradakis, Staff Counsel
California Department of Veterans Affairs
1227 O Street
Sacramento, CA 95814
Telephone: 916-653-1406
Fax: (916) 653-2456
Email: vasilios.spyradakis@calvet.ca.gov

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 regulations, if any, or other information upon which the rulemaking is based to Phil McAllister at the above address.

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

CalVet will make 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 regulations, the initial statement of reasons, and relevant state and federal law. Copies may be obtained by contacting Phil McAllister at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

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

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**TITLE 14. STATE COASTAL
CONSERVANCY**

NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
STATE COASTAL CONSERVANCY

NOTICE IS HEREBY GIVEN that the State Coastal Conservancy, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Coastal Conservancy 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.

This amendment also conforms existing positions within the agency to reflect current personnel classification titles and makes other technical changes to reflect the current organizational structure of the Conservancy. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than January 1, 2018, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than November

30, 2018 by contacting the Contact Person set forth below.

The State Coastal Conservancy has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State Coastal Conservancy 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.

In making these proposed amendments, the State Coastal Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

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

Jonathon Gurish
1515 Clay Street, Suite 1000
Oakland, CA 94903
(510) 286-1002
Email: Jon.Gurish@scc.ca.gov

**TITLE 16. RESPIRATORY CARE
BOARD**

FEEES

NOTICE IS HEREBY GIVEN that the Respiratory Care Board of California (Board) is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board of California at 3750 Rosin Court, Suite 100,

Sacramento, California 95834, at 10:00 a.m. on January 2, 2018. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on January 2, 2018, or must be received by the Board at the hearing.

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

Authority and Reference

Pursuant to the authority vested by Section 3722 of the Business and Professions Code (B & PC), and to implement, interpret or make specific sections 3775 and 3775.5 of said Code, the Board is considering amendments to Section 1399.395 of Division 13.6 of Title 16 of the California Code of Regulations (CCR) as follows:

A. Informative Digest

In accordance with the provisions of the Administrative Procedure Act, B & PC section 3722 authorizes the

Board to adopt rules and regulations declaring policy of the Board, and for the administration of Chapter 8.3 of said code, known as the Respiratory Care Practice Act.

B & PC section 3775 establishes the statutory maximum fee schedule for biennial renewal of a respiratory care practitioner license. B & PC section 3775 also establishes the criteria to determine the delinquency fee for licenses that are not renewed prior to their expiration, as well as licenses renewed more than two years following license expiration. B & PC section 3775.5 establishes the fee for an inactive license.

This rulemaking action seeks to amend Division 13.6 of Title 16 of CCR section 1399.395 to increase the license renewal and delinquent fees for a respiratory care practitioner license. Under existing law, CCR section 1399.395 states the Board's fee schedule shall be adopted pursuant to sections 3775 and 3775.5 of the B & PC. CCR section 1399.395 sets forth the fee schedule for the biennial renewal of a respiratory care practitioner license. Prior to the increase from \$230 to \$250 effective July 1, 2017, the renewal fee was last increased on January 1, 2002.

Due to statutory constraints, the Board is unable to implement a single fee increase to stabilize its fund. Instead, the Board proposes a step increase to its renewal, delinquent and inactive fees, as follows: The implementation of the fee increases will make the following changes to the existing regulation, beginning July 1, 2018:

FEE	EXISTING	PROPOSED 7/1/18	PROPOSED 7/1/19	PROPOSED 7/1/20
Biennial Renewal Fee	\$250	\$275	\$300	\$330
Delinquent Fee	\$250	\$275	\$300	\$330
Delinquent Fee > 2 years	\$500	\$550	\$600	\$660
Inactive License Fee	\$250	\$275	\$300	\$330

Amend section 1399.395 of Division 13.6 of Title 16 of the California Code of Regulations:

The proposed amendments raise the renewal fee for respiratory care practitioners from \$250 to \$275 effective July 1, 2018; from \$275 to \$300 effective July 1, 2019; and from \$300 to \$330 effective July 1, 2020.

Pursuant to B & PC section 3775, and in response to the proposed renewal fee increase, the delinquency fee imposed on those that fail to renew their license prior to expiration will also increase. As mandated by section 3775, if renewed not more than two years from the date of expiration, a delinquency fee shall be 100 percent of the renewal fee in effect at the time of renewal. However,

if the license is renewed after two years, but not more than three years from the date of the expiration of the license, the delinquency fee shall be 200 percent of the renewal in effect at the time of renewal.

The need for this proposed regulatory action is to ensure future fiscal solvency for the Board. The Board's current fund condition indicates there will be insufficient funds to support Board operations after FY 17/18. Analysis of the Board's Fund Balance measured by Months in Reserve projects that at the end of the current fiscal year 2017/18, a 0.8 month reserve will exist. However, the reserve is projected to steadily decline in the following fiscal years to the point where there will

be a -2.2 month deficit at the end of FY 2018/19 and a -5.3 month deficit at the end of FY 2019/20. Correcting the Board's structural imbalance will be unattainable without a renewal fee increase.

The fund balance provides specific information on the Board's current fund as well as projections for future years. There are several factors that have contributed to the fund's imbalance such as the BreZE system, employee benefits, and enforcement expenses, to name a few. In addition, renewal and delinquency fees have remained unchanged since 2002, with the exception of the increase on July 1, 2017, while inflation has increased steadily over the years. According to the Consumer Price Index, the rate of inflation is calculated at 30.75 percent since 2002, and 58.00 percent since 1994. A review of the Board's fund condition demonstrates that while the overall revenue of the Board has increased by 43 percent between FY 2002/03 and FY 2015/16, Board expenditures for the same period have increased by 80 percent.

B. Policy Statement Overview/Anticipated Benefits of the Proposed Regulations

The Board regulates approximately 24,000 licensed respiratory care practitioners. Through this rulemaking, the Board proposes to amend section 1399.395 of the CCR to increase renewal and delinquent fees. This proposal is necessary to ensure sufficient resources are available to maintain current Board operations to meet its consumer protection mandate.

B & PC section 3710.1 specifies, "Protection of the public shall be the highest priority for the [Board] in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be performed, the protection of the public shall be paramount."

Adoption and implementation of this proposed action would neutralize and correct the aforementioned Fund Balance decline and provide for a modest reserve for economic uncertainties through FY 2020/21. Without sufficient funding levels the Board will not be able to carry out its mandate to protect the health, safety, and welfare of California consumers.

C. Consistency and Compatibility With Existing Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that this is the only regulation that concerns renewal and delinquent fees for respiratory care practitioners. This proposed regulatory action is consistent and compatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

It is estimated that the proposed fee increases will result in an increase in Board revenues by approximately \$247,000 beginning FY 18/19; \$247,125 beginning FY 19/20; and \$296,550 beginning FY 20/21.

The Board does not anticipate any impact on federal funding.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide *adverse* economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with the increased renewal fee for a respiratory care practitioner from to \$250 to \$275 during FY 18/19, from \$275 to \$300 during FY 19/20, and from \$300 to \$330 during FY 20/21. Those costs are estimated to be between \$25 and \$80 every renewal cycle (two years) for each active or inactive licensed respiratory care practitioner.

Effect on Housing Costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Small Business:

The Board has determined that this regulatory proposal will not impact small businesses in the State of California, as the proposed amendments affect only in-

dividual respiratory care practitioners renewing their Board-issued license.

Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Board has determined that this regulatory proposal will primarily benefit California consumers by ensuring sufficient revenue levels are maintained for the Board to administer and enforce the provisions of the Respiratory Care Practice Act. Specifically, this proposal is designed to enable the Board to continue its licensing, disciplinary, and oversight operations in the interest of the health, safety, and welfare of California consumers by ensuring only actively licensed practitioners are providing respiratory care services.

This proposed rulemaking is not anticipated to have an impact on worker safety or the State's environment.

Consideration of Alternatives:

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

Any interested person may present written statements relevant to the above determinations to the Board at the address indicated under contact person.

Initial Statement of Reasons and Information:

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

Text of Proposal:

Copies of the exact language of the proposed regulation, and of the initial statement of reasons, including any document incorporated by reference, and all of the information upon which the proposal is based, may be obtained upon request to the Board at 3750 Rosin Court, Suite 100, Sacramento, CA 95834 or on the Board's website at www.rcb.ca.gov.

Availability and Location of the Final Statement of Reasons and Rulemaking File:

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

Contact Person:

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

Name: Christine Molina
 Address: 3750 Rosin Court, Suite 100
 Sacramento, CA 95834
 Telephone No.: (916) 999.2190
 Fax No.: (916) 263.7311
 E-Mail Address: rcbinfo@dca.ca.gov

The backup contact person is:

Name: Stephanie Nunez
 Address: 3750 Rosin Court, Suite 100
 Sacramento, CA 95834
 Telephone No.: (916) 999.2190
 Fax No.: (916) 263.7311
 E-Mail Address: rcbinfo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rcb.ca.gov.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

SAFER CONSUMER PRODUCTS REGULATIONS — Listing Paint or Varnish Strippers Containing Methylene Chloride as a Priority Product

Department Reference Number: R-2016-05

Office of Administrative Law Notice File Number: Z-2017-1107-10

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend the California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 55, article 11 to amend section 69511 and add section 69511.3. This proposed amendment pertains to identification of a Priority Product under the Safer Consumer Products (SCP) regulations, approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 28, 2013 (effective date: 10/01/2013; OAL reference number: Z-2012-0717-04).

PUBLIC HEARING

DTSC will hold a public hearing on the proposed regulation on January 8, 2018, at the CalEPA Building, located at 1001 "I" Street, Sacramento, California. The hearing will convene in the Sierra Hearing Room at which time any person(s) may present statements or arguments, orally or in writing, relevant to this proposal

described in the Informative Digest. The public hearing will begin at 1:00 p.m. and will remain open until 5:00 p.m. or until no attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Pre-hearing registration is conducted at the location of the hearing from 12:30 p.m. until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in prior to attending any meeting at the Visitor and Environmental Services Center, located just inside the main entrance of the building, to the left of the security guard post. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

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

Dr. Julia Gress
Safer Products and Workplaces Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Email: Julia.Gress@dtsc.ca.gov
Phone number: (916) 322-4062
TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

WRITTEN COMMENT PERIOD

Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to DTSC in either electronic or hard-copy formats.

Written comments may be submitted electronically through the Safer Consumer Products information management system (CalSAFER) at: <https://calsafer.dtsc.ca.gov/>.

Please direct hard-copy written comments to:

Proposed Regulations
Office of Legal Affairs
Department of Toxic Substances Control
1001 "I" Street
Sacramento, California 95812-0806
Fax Number: (916) 323-5542
Phone Number: (916) 323-7811

The written comment period for mailed and electronically submitted comments will close at 11:59 p.m. PST on January 18, 2018. Only comments submitted through CalSAFER and letters that are postmarked on or before that date and time will be considered. Written comments that are hand-delivered to the above address must be delivered by 5:00 p.m. PST on January 18, 2018.

AUTHORITY AND REFERENCE

Authority

This regulation is being adopted under the following authorities:

Health and Safety Code (HSC) section 25252 authorizes and requires DTSC to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered a Chemical of Concern. This section also directs DTSC to reference and use available information from various sources, but does not limit DTSC to use only this information.

HSC section 25253 authorizes and requires DTSC to adopt regulations that establish a process for evaluating Chemicals of Concern in consumer products, and their potential alternatives, to determine how best to limit exposure to or to reduce the level of hazard posed by a Chemical of Concern.

HSC section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991) grants DTSC authority to adopt regulations to execute its duties.

Reference

This regulation implements, interprets, or makes specific the following statutes: HSC sections 25252 and 25253.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

DTSC proposes to amend the SCP regulations (Chapter 55 of Division 4.5 of Title 22 of the California Code of Regulations (commencing with sections 69501)) to amend section 69511 and add one Priority Product to the Priority Products list (section 69511.3).

Summary of Existing Requirements

The SCP regulations were adopted in October 2013 to meet the statutory requirements outlined in HSC sec-

tions 25252 and 25253. The regulations outline a science-based process for evaluating Chemicals of Concern in consumer products and safer alternatives by:

- Establishing a list of Candidate Chemicals and specifying criteria by which these may be designated Chemicals of Concern;
- Establishing a process to identify and prioritize product and Candidate Chemical combinations that may be listed as Priority Products;
- Requiring manufacturers to notify DTSC when their product is listed as a Priority Product;
- Requiring manufacturers of a Priority Product to perform an Alternatives Analysis (AA) to determine how best to reduce exposures to, or the level of adverse public health or environmental impacts posed by, the Chemical(s) of Concern in the product;
- Requiring DTSC to identify and require implementation of Regulatory Responses following completion of an AA; and
- Creating a process for persons to petition DTSC to add chemicals to the Candidate Chemicals list, to add or remove Candidate Chemicals lists in their entirety, or to add or remove a product-chemical combination from the Priority Products List.

Proposed Regulation

DTSC proposes to amend section 69511 and add section 69511.3 to Article 11 of the SCP regulations. The proposed action will add paint or varnish strippers containing methylene chloride as a Priority Product on the Priority Products List.

This listing applies to any product that is placed into commerce in California that contains methylene chloride (dichloromethane), and that may be marketed, sold, or offered for sale as a chemical substance designed to break down paint, varnish, or any other surface coating to facilitate its removal from any surface. Such products may be designed for indoor or outdoor use.

Following extensive review of the scientific literature and analysis of the known hazard traits of methylene chloride, DTSC determined there is potential for workers and consumers to be exposed to methylene chloride during the use of paint or varnish strippers and there is potential for one or more exposures to contribute to or cause significant adverse health impacts. Potential health effects include acute toxicity and death, carcinogenicity, skin irritation, and central nervous system depression. DTSC based this determination on an evaluation of available, reliable scientific information pertinent to the regulatory criteria.

Benefits

A primary goal of the SCP program is to significantly reduce adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of these impacts to the state's society. By listing paint or varnish strippers containing methylene chloride as a Priority Product, DTSC asks manufacturers to evaluate whether methylene chloride is necessary in paint or varnish strippers or whether there are safer alternatives that would reduce human exposure to methylene chloride during normal use of paint or varnish strippers. A reduction in airborne methylene chloride means healthier air quality and safer workplaces and homes. Reducing exposure to methylene chloride could reduce the incidence of work-related adverse health effects and the number of workdays lost to occupational illness or injury. The development of safer alternatives benefits California workers, consumers, and the businesses that employ workers who use paint or varnish strippers.

Determination of Inconsistency/Incompatibility with Existing State and Federal Regulations

The SCP regulations established a unique approach to regulating Chemicals of Concern in consumer products that grants DTSC authority to take actions to protect people and the environment when such actions are outside the scope of other regulatory programs. There are no equivalent federal regulations that require product manufacturers to determine if the chemical in their product is necessary and whether there is a safer alternative, with the goal of protecting consumers and the environment from adverse effects associated with a product throughout its lifetime.

Methylene chloride is regulated by the United States Environmental Protection Agency (U.S. EPA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA). The proposed regulation does not duplicate or conflict with any of these agencies' regulations, which are discussed below.

Regulation by U.S. EPA

Methylene chloride is designated as a hazardous air pollutant (HAP) under the Clean Air Act and U.S. EPA has issued a National Emission Standards for Hazardous Air Pollutants (NESHAP) for area sources engaged in paint stripping, surface coating of motor vehicles and mobile equipment, and miscellaneous surface coating operations. Methylene chloride is listed as a hazardous waste under the Resource Conservation and Recovery Act (RCRA) and is listed on the Toxics Release Inventory (TRI) pursuant to the Emergency Planning and Community Right-to-Know Act. U.S. EPA has set the maximum contaminant level (MCL) for

methylene chloride at 5 parts per billion under the Safe Drinking Water Act.

U.S. EPA proposed a rule under TSCA section 6(a) on January 19, 2017, that would prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer and some types of commercial paint and coating removal uses. DTSC supports U.S. EPA's efforts to regulate methylene chloride under TSCA. Historically, U.S. EPA has not used its regulatory authority under TSCA to restrict the use of chemicals. Recent changes to TSCA through the Frank R. Lautenberg Chemical Safety for the 21st Century Act have given U.S. EPA expanded authority and guidance to evaluate and regulate chemicals based on a risk-based safety standard. Despite these changes, and in light of recent deaths, DTSC is moving forward with this rulemaking effort. DTSC will remain engaged in U.S. EPA's efforts to regulate methylene chloride and will evaluate any duplication or conflict with that regulation if and when it becomes finalized.

Other Federal Regulations

CPSC requires labels of products containing methylene chloride to state that inhalation of methylene chloride vapor has caused cancer in certain laboratory animals, and the labels must specify precautions to be taken during use by consumers.

FDA has banned methylene chloride as an ingredient in all cosmetic products because of its animal carcinogenicity and likely hazard to human health.

OSHA regulations attempt to limit exposure to methylene chloride in occupational settings. OSHA has set the permissible exposure limit for methylene chloride at an eight-hour time-weighted average of 25 ppm and a 15-minute short-term exposure limit of 125 ppm. OSHA regulations also include provisions for initial exposure monitoring, engineering controls, work practice controls, medical monitoring, employee training, personal protective equipment, and recordkeeping. Eliminating the chemical hazard entirely, or substituting a less hazardous chemical, is the most effective means of minimizing potential occupational chemical exposures and is also a primary goal of the SCP regulations. This proposed regulation is an important supplement to current state and federal exposure standards and the ongoing efforts to protect California workers by preventing worker and consumer injuries.

DISCLOSURES REGARDING THE PROPOSED ACTION

DTSC made the following initial determinations:

Mandates on Local Agencies or School Districts

DTSC determined that adoption of this regulation will not impose a local mandate or result in costs subject to reimbursement pursuant to Part 7 of Division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

Costs or Savings to Any State Agency

DTSC will absorb additional costs associated with reviewing Notifications, Abridged AA Reports, or two-stage AA Reports submitted by manufacturers of paint or varnish strippers containing methylene chloride by reallocating staff to this new task. DTSC estimates that the total fiscal costs to state government for reviewing all Notifications, Abridged AA Reports, and two-stage AA reports submitted by manufacturers will range from \$735,798 to \$2,608,242.

Costs or Savings to Local Agencies or School Districts Subject to Reimbursement

DTSC determined that adoption of this regulation would not result in costs or savings for any local agency or school district required to be reimbursed pursuant to Part 7 of Division 4, commencing with section 17500 of the Government Code, or other nondiscretionary costs or savings imposed on local agencies.

Cost or Savings in Federal Funding to the State

DTSC determined that adoption of this regulation will not result in any decrease or increase in federal funds to California.

Effect on Housing Costs

The proposed regulation does not change or impact current building codes or standards included in the Health and Safety Code; therefore, DTSC determined that housing costs would not be impacted.

Determination of Adverse Statewide Economic Impact

DTSC made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. DTSC has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites the public to submit proposals. Submissions may include the following considerations:

- Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses;
- Consolidation or simplification of compliance and reporting requirements for businesses;
- Use of performance standards rather than the prescriptive standards; and

- Exemption or partial exemption from the regulatory requirements for businesses.

Types of Businesses Affected

Manufacturers of paint or varnish strippers with methylene chloride have the principal duty to comply with the notification and reporting requirements.

Reporting Requirements

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), DTSC found that the reporting requirements of the proposed regulatory action, which apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California. The specific reporting requirements and forms are:

- Priority Product Notification [section 69503.7]
- Removal/Replacement Notifications:
 - Chemical of Concern Removal Intent Notification [section 69505.2]
 - Chemical of Concern Removal Confirmation Notification [section 69505.2]
 - Product Removal Intent Notification [section 69505.2]
 - Product Removal Confirmation Notification [section 69505.2]
 - Product–Chemical Replacement Intent Notification [section 69505.2]
 - Product–Chemical Replacement Confirmation Notification [section 69505.2]
 - Product Cease Ordering Notification [section 69501.2(b)(2)(B)]
- AA Notifications and Reports:
 - AA Threshold Notification [section 69505.3]
 - AA Extension [section 69505.1(c)]
 - Preliminary AA Report [section 69505.4(a)(2), section 69505.5, section 69505.1(b)(2)(A), section 69505.7]
 - Final AA Report [section 69505.4(a)(3), section 69505.6, section 69505.1(b)(2) (B), section 69505.7]
 - Abridged AA Report [section 69505.4(b)]
 - Alternate AA Work Plan [section 69505.4(c)]
 - Previously completed AA [section 69505.4(d)]

The reports and forms that will be submitted by a manufacturer depend on several factors including the Priority Products produced, the availability of viable al-

ternatives, and business decisions made by the manufacturer.

The reporting requirements applicable to manufacturers may be fulfilled by a consortium, trade association, public–private partnership, or any other entity acting on behalf of, or in lieu of, one or more manufacturer. This does not apply to the Priority Product Notification or AA Threshold Exemption Notification requirements [section 69501.2(a)(2)].

Determination of Effect on Small Business

DTSC made an initial determination that the adoption of this regulation may affect small businesses.

Cost Impacts on Representative Private Persons or Businesses

DTSC estimates the cumulative cost for all affected manufacturers of paint or varnish strippers with methylene chloride to submit Priority Product Notifications and AA Reports and to respond to DTSC’s reviews of these submittals to be from \$2,371,200 to \$6,403,200. DTSC relied on a variety of sources to estimate the number of manufacturers potentially impacted by this proposed regulation. DTSC searched manufacturers’ websites and Safety Data Sheets (SDS) for paint or varnish strippers containing methylene chloride. DTSC conducted a similar search on the websites of home improvement retail stores. DTSC also analyzed a list of manufacturers that was provided by Dun & Bradstreet (a private data vendor). Finally, DTSC asked two prominent manufacturers of paint or varnish strippers, as well as an industry alliance representative, to provide an estimate of the number of manufacturers of paint or varnish strippers containing methylene chloride based in the United States. From these data sources, DTSC estimates there are 24 or fewer manufacturers of paint or varnish strippers containing methylene chloride that would be impacted by this proposed regulation. Three of the 24 potentially affected manufacturers are headquartered in California.

Results of the Regulatory Economic Impact Analysis

DTSC determined that it is:

- Unlikely that this proposal will eliminate or create businesses or jobs in manufacturing of paint or varnish strippers;
- Possible that this proposal could create an unknown number of businesses to assist manufacturers of paint or varnish strippers containing methylene chloride in meeting regulatory obligations including consulting services, chemical and material science research services, and product development support;

- Possible that this proposal could result in the expansion of businesses currently doing business within the state, particularly those engaged in regulatory consulting services, chemical and material science research and support, product research and design, marketing, and the development of consumer product safety information and training materials;
- Possible that this proposal could create an unknown number of public or private sector jobs in consulting services, product research and design, chemical and material science research and support, marketing and the development of consumer product safety information and training materials; and
- Likely that this proposal would affect small businesses. DTSC estimates that 7 of the 24 potentially impacted manufacturers are small businesses. Two of these seven small businesses are headquartered in California. Costs to submit Priority Product Notifications and AA Reports are expected to be the same for all impacted businesses.

Benefits of the Proposed Action

A primary goal of SCP regulations is to protect public health by reducing exposures to potentially harmful chemicals. By listing paint or varnish strippers containing methylene chloride as a Priority Product, DTSC sets in motion a strategy to reduce human exposure to methylene chloride during use of this product. A reduction in airborne methylene chloride means healthier air quality and safer workplaces and homes. A reduction in exposure to methylene chloride could reduce workplace-related illnesses, injuries, and deaths, and the number of work days lost to health effects associated with methylene chloride exposure. The development of safer alternatives benefits California workers, consumers, and employers.

DTSC cannot pre-determine the alternatives that each manufacturer will propose; therefore, it is impossible to accurately predict or quantify the full range of potential benefits associated with their development. DTSC will maximize the use of alternatives of least concern and give preference to those that provide the greatest level of inherent protection. In general, economic benefits to California workers and business owners may include expanded employment opportunities in the fields of consulting, worker and consumer education, and marketing. Additional benefits may accrue because of increased research and product development collaboration between manufacturers and California-based research laboratories. Institutional and corporate financial support of chemical and material science programs focused on developing safer paint or varnish

strippers could advance the field. These research initiatives could provide manufacturers with employees that are highly skilled in the research and design of products for newly emerging global markets.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), DTSC must determine that no reasonable alternative considered by DTSC or that has otherwise been identified and brought to the attention of the DTSC 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.

DISCLOSURE REGARDING REASONABLE ALTERNATIVES

DTSC considered the following alternatives to the proposed regulatory action:

Regulation: List paint or varnish removers containing methylene chloride as a Priority Product.

Methylene chloride is highly volatile and vapors can concentrate in the breathing zone of applicators during the normal use of paint or varnish strippers. Methylene chloride is an acute toxin and inhalation exposure during the use of paint or varnish strippers can result in severe injury or death. The wide use of this product creates potential for significant adverse health effects from exposure to methylene chloride by California workers and consumers.

Alternative 1: Wait for U.S. EPA to regulate the use of paint strippers containing methylene chloride.

U.S. EPA identified methylene chloride as a work plan chemical for assessment under the Toxic Substances Control Act (TSCA) in 2012, and proposed a rule to regulate certain uses of methylene chloride in paint strippers in January 2017. DTSC decided to move forward with this proposed rulemaking because U.S. EPA's rule has only recently been proposed, and the scope of the rule may change before it is final. DTSC's proposed rule will regulate methylene chloride under a regulatory framework that is fundamentally different from TSCA. For these reasons, and in light of recent deaths attributed to use of methylene chloride-based strippers, DTSC has chosen to move forward with its proposed rulemaking so workers and consumers can benefit from this innovative process.

Alternative 2: List paint or varnish strippers containing methylene chloride or N-methyl pyrrolidone (NMP) as a Priority Product.

NMP is a widely used chemical alternative to methylene chloride in paint strippers (CAS number 872–50–4). NMP is a known reproductive and developmental toxicant and a skin and eye irritant. Moreover, NMP is on DTSC’s list of Candidate Chemicals due to reproductive and developmental toxicity. However, since NMP does not meet the condition specified in California Code of Regulations, title 22, section 69503.6(a), DTSC may not name paint or varnish strippers containing NMP as part of the initial Priority Products List. Paint or varnish strippers containing NMP may be designated a Priority Product in the future.

Cost Analysis for Alternatives to the Regulation

DTSC was unable to estimate the costs of Alternative 1 since the scope of U.S. EPA’s proposed rule may significantly change before it is made final. DTSC did not attempt to quantify costs or benefits associated with Alternative 2 because paint or varnish strippers containing NMP could not be included on the initial Priority Products List pursuant to the SCP regulations.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

External Scientific Peer Review

DTSC requested an external scientific peer review of the scientific basis of the proposed regulation pursuant to HSC section 57004. The result of the external scientific peer review is posted to DTSC’s website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

California Environmental Quality Act (CEQA) Compliance

DTSC determined that this rulemaking project is exempt under CEQA (Public Resources Code Section 21000, et seq.). This rulemaking meets the General Rule Exemption available under 14 CCR section 15061(b)(3). A draft Notice of Exemption (NOE) is available for review during the public comment period upon request and will be filed with the State Clearinghouse when the regulation is adopted.

California Environmental Policy Council Review

Under the provisions of HSC section 25252.5, the California Environmental Policy Council (CEPC) reviewed the framework SCP regulations prior to their adoption in October 2013 (the CEPC Resolution may be viewed at: <http://www.calepa.ca.gov/cepc/>.) Under HSC Section 25252.5(f), the CEPC determined that the proposed regulations would not have any significant adverse impact on public health or the environment and could be adopted by DTSC without undergoing a multimedia life cycle evaluation.

DTSC determined that further review by the CEPC is not warranted for this rulemaking because the requirements of HSC section 25252.5 apply only to the creation of the SCP program and not to regulations that may be required to implement this program.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation or CEQA document may be directed to Dr. Julia Gress of DTSC at 916–322–4062 or via email at Julia.Gress@dtsc.ca.gov. However, oral inquiries are not part of the rulemaking record. If Dr. Julia Gress is unavailable, you may contact Daniel Knight in the Office of Legal Affairs at 916–323–7811.

A 45–day public comment period for this rulemaking file, as described above, will commence on November 17, 2017, and close on January 8, 2018. During this time, DTSC will accept statements, arguments or contentions, and/or supporting documents regarding this rulemaking that can be submitted in writing either through CalSAFER or by mail, or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends or repeals this regulation.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, the text of the proposed regulation, and all the information upon which the proposal is based are posted to DTSC’s website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

Copies of these documents may also be obtained from Mr. Daniel Knight in the Office of Legal Affairs, as specified above.

After the close of the 45–day comment period, DTSC may adopt the proposed regulation. If changes are made to the regulation text, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who specifically request copies of the modified text, attend the public hearing, provide written or oral comments at the hearing, or submit written comments will be sent a copy of the modified text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of

State and the effective date of the regulation, will be posted to DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

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

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards Chapter 16. Underground Storage Tank Regulations

Underground Storage Tank Federal Reconciliation Regulations

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) proposes to amend, adopt, or repeal the underground storage tank (UST) regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (commencing with section 2610) (California UST Regulations) to make the California UST Regulations at least as stringent as part 280 of 40 Code of Federal Regulations (Federal UST Regulations), as amended effective October 13, 2015. These proposed amendments are administrative and technical in nature and impose new design and construction, upgrading, monitoring, notification, testing, inspecting, recordkeeping, training, and reporting requirements. These proposed amendments to the California UST Regulations will make California's UST Regulations at least as stringent as the Federal UST Regulations and include many more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code. The State Water Board also proposes to clarify certain requirements under existing California UST Regulations to be consistent with the Federal UST Regulations.

PUBLIC HEARING

A public hearing has not been scheduled for this proposed action. However, as provided in Government

Code section 11346.8, any interested person, or his or her duly authorized representative, may request a public hearing if the request is submitted in writing in the manner described below to the State Water Board no later than 15 days prior to the close of the written comment period. If a request for a public hearing is made, the State Water Board shall, to the extent practicable, provide notice of the time, date, and place of the hearing in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes on January 2, 2018 at 12:00 p.m. The State Water Board only will consider comments received by that time.

Please send comment letters to Jeanine Townsend, Clerk to the Board, by email at commentletters@waterboards.ca.gov, by fax at (916) 341-5620, or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000
(by mail)
1001 I Street, 24th Floor, Sacramento, CA 95814
(by hand delivery)

Please also indicate in the subject line, "**Comment Letter — Proposed UST Regulations.**" Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600. Due to the limitations of the email system, emails larger than 15 megabytes are rejected and cannot be delivered or received by the State Water Board. Therefore, the State Water Board requests that comments larger than 15 megabytes be submitted under separate emails.

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, you may subscribe to the listserv for "**Program Requirements and Guidance**" by going to: http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml. You also may call Ms. Laura Fisher at (916) 341-5870 or email her at laura.fisher@waterboards.ca.gov. **Persons who receive this notice by mail or electronic mail are already on the mailing list.**

AUTHORITY AND REFERENCE

Health and Safety Code section 25299.3 authorizes the State Water Board to adopt regulations to implement chapter 6.7 of division 20 of the Health and Safety Code. Subdivision (c) of section 25299.3 further directs the State Water Board to assure consistency with the requirements of the Federal UST Regulations and to include any more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code. The proposed regulations are amended to assure consistency with the requirements of the Federal UST Regulations, as amended effective October 13, 2015, and includes any more stringent requirements necessary to implement chapter 6.7 of division 20 of the Health and Safety Code. References to specific code sections are identified in the proposed amendments to the California UST Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Effective October 13, 2015, the United States Environmental Protection Agency (U.S. EPA) amended the Federal UST Regulations for UST systems. Some of the new requirements in the Federal UST Regulations became effective immediately on October 13, 2015. Other requirements have staggered implementation dates out to October 13, 2018.

UST owners and operators in States without an approved UST Program, including California, are required to comply with Federal UST Regulations immediately. Some of the new requirements in the Federal UST Regulations are more stringent than, or are inconsistent with, the California UST Regulations. Consequently, California UST owners and operators now have two sets of requirements to meet: 1) the existing California UST program implemented and enforced by the State Water Board and the Unified Program Agencies (UPAs) (who implement the existing California UST program on the State Water Board's behalf); and 2) the U.S. EPA inspection and enforcement of those Federal UST Regulations that are more stringent than, or are inconsistent with, the California UST Regulations. The State Water Board proposes to amend the California UST Regulations to make the California UST Regulations at least as stringent as the Federal UST Regulations.

Because California does not have an approved State UST Program, UST owners and operators are required to comply with Federal UST Regulations, in addition to Health and Safety Code, division 20, chapter 6.7, section 25280 et seq. (Health and Safety Code) and the California UST Regulations. Neither the State Water Board nor the UPAs have inspection and enforcement authori-

ty for these Federal UST Regulations. This inspection and enforcement split in the program is highly undesirable. Without the regulatory changes, California UST owners and operators will continue to have two sets of UST requirements to meet. In addition, a California UST program that is not at least as stringent as the Federal UST program by October 13, 2018, when the Federal UST Regulations are fully implemented, may ultimately affect the State Water Board's continued funding from U.S. EPA.

Consistent with the effective dates of the provisions in the Federal UST Regulations, the proposed amendments to the California UST Regulations regarding, but not limited to, construction, upgrade, monitoring, inspecting, testing, training, and recordkeeping for UST systems are intended to be met as soon as the proposed regulation becomes effective, with other implementation dates staggered out to October 13, 2018. As is common practice in California and other states, the State Water Board has modified the requirements of the Federal UST Regulations where appropriate to be consistent with California's existing requirements and with groundwater protection policies. The State Water Board also proposes to clarify certain requirements under existing California UST Regulations to be consistent with the Federal UST Regulations.

The new Federal UST Regulations include, but are not limited to: 1) facility walkthrough inspections; 2) overfill prevention equipment inspections; 3) testing and inspecting equipment after a repair; 4) requirements for demonstrating compatibility; and 5) training of employees prior to the first work day. The new Federal UST Regulations also include requirements for previously deferred UST systems. California currently regulates these UST systems; however, some of the existing options for monitoring will no longer be permissible because these options are not allowed under the Federal UST Regulations. As amended, the California UST Regulations will be at least as stringent as the Federal UST Regulations and will better protect public health, safety, and the environment by reducing the risk of releases of hazardous substances to the environment. Additionally, California UST owners and operators will no longer have two sets of UST requirements to meet and future funding from the U.S. EPA will not be in jeopardy as a result of regulatory deficiencies.

The State Water Board also proposes certain amendments to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (i.e., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, spelling, grammar, punctuation, or renumbering or relocating regulatory

provisions. In addition, the State Water Board is proposing the following minor edits for consistency, clarification, and updating purposes: 1) the term “overfill prevention system” is replaced with “overfill prevention equipment” throughout the chapter for clarification purposes; 2) timeframes specified in years have been replaced with timeframes specified in months throughout the chapter for greater specificity; 3) the term “calendar days” is replaced with “days”; 4) citation format is standardized, including replacing the term “subsection” with “subdivision”; 5) numbers less than 10 and units of measurement have been spelled out; numbers 10 and greater spelled out have been replaced with the numeric equivalent; 6) the terms “above” and “below” have been added in reference to the location of other requirements within the same section; and 7) the term “underground storage tank” is spelled out rather than using the acronym “UST.” To the extent that many of these amendments without regulatory effect are non-substantive and their purpose is self-evident or merely editorial, they are not discussed further herein.

The State Water Board has determined that no reasonable alternative to these proposed regulations would be: 1) more effective in carrying out the purpose for which the proposed regulations are proposed; 2) more effective and less burdensome to affected private persons, industry, local governments, and state agencies; 3) more cost-effective to affected private persons, industry, local governments, and state agencies; 4) equally effective in implementing the statutory policy or other provision of law; 5) more effective at avoiding direct regulation by the federal government of businesses already subject to California UST Regulations; or 6) more consistent with California’s existing requirements and groundwater protection policies. The proposed amendments to the regulations are necessary for consistency with Federal UST Regulations and for clarification purposes. The proposed amendments do not duplicate or conflict with any federal law or federal regulation. The specific purpose and the basis for the State Water Board’s determination of the necessity of each amendment are explained in the Initial Statement of Reasons.

The State Water Board relied on an Economic and Fiscal Impact Statement and an Economic Impact Analysis/Assessment prepared pursuant to Government Code section 11346.3, subdivision (b) to amend these regulations. State Water Board staff hosted a focus workgroup in Sacramento on January 24, 2017 consisting of State Water Board staff, UST regulators, and select representatives from the UST regulated community. In addition, the State Water Board staff held two informal public workshops, one on March 13, 2017 in Sacramento and the other on March 28, 2017 in Los Angeles, consisting of UST owners and operators, UST regulators, contractors, UST component manufactur-

ers, and other representatives from the UST regulated community to review and comment on a draft of the proposed regulations. State Water Board staff submitted a draft of the proposed regulations to U.S. EPA Region 9 and requested a review from the U.S. EPA and U.S. EPA Region 9 to evaluate if the proposed language is at least as stringent as, or provides equivalency to, the Federal UST Regulations. Finally, State Water Board staff conducted a trial with UST inspection and testing companies of the proposed forms documenting required UST inspections and testing. State Water Board staff considered and, as appropriate, incorporated into the proposed regulations the comments received from the workgroup, workshops, UST inspection and testing companies, U.S. EPA, and U.S. EPA Region 9. State Water Board staff did not rely upon any other technical, theoretical, or empirical studies, reports, or documents to amend these regulations.

In accordance with Health and Safety Code, section 25280.5, subdivision (b), it is in the interest of the people of the state, in order to avoid direct regulation by the federal government of persons already subject to regulation under state law pursuant to Health and Safety Code, chapter 6.7, to implement the provisions of the Federal UST Regulations. To comply with the law, the State Water Board is proposing regulations. As amended, the proposed regulations avoid direct regulation by the federal government by making the California UST Regulations at least as stringent as the Federal UST Regulations.

The State Water Board evaluated whether there were any other regulations that would relate to or affect this area and found that these are the only regulations concerning installation, testing, inspecting, and reporting requirements of USTs. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of the Government Code, division 4.

COST OR SAVINGS TO STATE AGENCIES

The State Water Board has determined that there are no fiscal impacts on any State agency or program because the regulations apply to owners and operators of USTs that are regulated by UPAs who implement the existing California UST program on the State Water Board’s behalf.

COST OR SAVINGS IMPOSED ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The State Water Board has determined that there is no cost or savings imposed on school districts as a result of the proposed regulations, or other nondiscretionary costs or savings imposed on local agencies or school districts.

The State Water Board estimates that there will be a cost of \$304,325 to local agencies operating a Unified Program that is not reimbursable by the State. UPAs will incur these costs when collecting and reviewing additional testing and inspection reports. These costs will be fully financed by fees for operating USTs. The State Water Board is proposing certain amendments to existing reporting requirements and imposing new reporting requirements to make specific the method of reporting specified information and documents. The proposed regulations require that the specified information be provided on the new forms contained in the proposed regulation and are consistent with common practice and existing reporting requirements. Standardized forms reduce the amount of time both the UST regulated community and UPA invest in the review of submitted reports by streamlining the information collected and presenting the results in a simple fashion to determine if further action is required at UST facilities. Other economic impacts to most local governments are anticipated to be indirect and relatively minor.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

States which have U.S. EPA's state program approval must demonstrate that its requirements under each state program element for existing and new UST systems are no less stringent than the corresponding federal requirements. The state must also demonstrate that it has a program that provides adequate enforcement of compliance with these requirements. (Federal UST Regulations, §281.11 (b).)

While California does not have U.S. EPA's state program approval, failure to adopt these amendments to the California UST Regulations by October 13, 2018, when the Federal UST Regulations are fully implemented, could jeopardize \$1 million annually in future grant funding from the U.S. EPA.

BUSINESS IMPACT/SMALL BUSINESS

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The State Water Board has determined that the total statewide dollar costs that businesses and individuals

may incur to comply with this regulation over its 20-year lifetime to be \$60,924,150. Approximately 80 percent of the affected businesses are small businesses. The typical business will incur approximately \$4,000 to \$7,600 over the lifetime of the proposed regulations. This cost includes annual ongoing costs of \$200 to meet new periodic inspection and reporting requirements and up to \$3,600 in capital costs that may be incurred by almost 40 percent of businesses in order to meet the overfill prevention equipment upgrade requirement. In addition to these costs, approximately 700 small businesses, or almost eight percent of small businesses, with single-walled piping may be subject to an additional \$270,000 in capital costs for meeting piping upgrade requirements and \$2,500 in associated annual ongoing costs for periodic testing in the event that their piping requires repair before permanent closure of the UST. A small business that is subject to the overfill prevention equipment upgrade requirement, piping upgrade requirements, and associated annual ongoing costs for periodic testing and inspections will incur approximately \$327,600 over the lifetime of the proposed regulations.

The State Water Board is proposing certain amendments to existing reporting requirements and imposing new reporting requirements to make specific the method of reporting specified information and documents. The proposed regulations requires that the specified information be provided on the new forms contained in the proposed regulation and are consistent with common practice and existing reporting requirements. Because the proposed regulations only implement requirements of common practice and existing methods of reporting, they 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. Nor will the proposed regulatory action adversely affect small businesses in California. Some of the proposed amendments require electronic submittal of data and documents instead of the current method of filling out and mailing paper forms. Electronic submittal is via the internet using readily available technology. UPAs are assisting those regulated businesses that do not have a computer with Internet access by making computers with internet access readily available for the businesses to use. The State Water Board estimates that on average UST owners and operators will incur \$50 annually per facility to comply with the reporting requirements.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The State Water Board has determined that the cost for a typical UST facility in California to comply with the proposed amendments to the California UST Regu-

lations will be approximately \$4,000 to \$7,600 over the lifetime of the proposed regulations.

Assessment Regarding Effect on Jobs and Businesses

The State Water Board has determined that the proposed regulatory action will not have an effect on the creation of new businesses within the State of California, because the added testing, inspection, and upgrade requirements for existing equipment do not create a significant enough workload to support the creation of new businesses. The State Water Board estimates that statewide approximately 50 jobs will be created within businesses offering UST inspection and contracting services as a result of the extra workload created by the proposed regulations.

The State Water Board has determined that the proposed regulatory action may result in up to 19 small businesses permanently closing not just their USTs, but their whole business due to their reliance on their USTs to generate revenue, if they are unable or unwilling to replace the closed USTs with new USTs that meet all of the regulatory requirements. Assuming each of these businesses employ four people, the loss of 19 businesses will result in the loss of 76 jobs. It should be noted, however, that some of these businesses may be eligible for a grant and/or a low-interest loan from the State Water Board's Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) grant and loan program to assist with the required costs.

Benefit of the Regulation for Public Health, Safety, and Welfare

The purpose of the UST Program is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The proposed regulations will improve the health and welfare of California residents, worker safety, and the state's environment because these proposed regulations regarding the construction, monitoring, and testing of UST systems are intended to reduce the risk of groundwater contamination resulting from UST releases.

EFFECT ON HOUSING COSTS

The State Water Board has determined that the proposed regulatory action will have no effect on housing costs.

BUSINESS REPORTING REQUIREMENT

The State Water Board finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation apply reporting requirements to businesses.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND THE RULEMAKING FILE

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for the regulation proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulation is proposed. All the information upon which the proposed regulation is based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulations, and the rulemaking file are available from the contact person listed below or at the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding any hearing that is requested and considering all timely and relevant comments received, the State Water Board may adopt the proposed regulation substantially as described in this notice. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the State Water Board adopts the regulation as modified. A copy of any modified regulation may be obtained by contacting Ms. Laura Fisher, the primary contact person identified below. The State Water Board will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting either of the persons listed below. A copy may also be accessed on the State Water Board website previously identified.

CONTACT PERSONS

Requests of copies of the text of the proposed regulation, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries should be addressed to the following:

Name: Laura S. Fisher, Chief
 Address: State Water Resources
 Control Board
 Division of Water Quality
 1001 "T" Street
 Sacramento, CA 95814
 Telephone No.: (916) 341-5870
 E-mail
 address: laura.fisher@waterboards.ca.gov

The backup contact person is:

Name: Cory Hootman
 Address: State Water Resources
 Control Board
 Division of Water Quality
 1001 "T" Street
 Sacramento, CA 95814
 Telephone No.: (916) 341-5668
 E-mail
 address: cory.hootman@waterboards.ca.gov

The documents relating to this proposed action may also be found on the State Water Board's website at the following address:

http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/fed_rec_regs/.

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**Former Wickes Forest Industries Site
 Proposed Consent Decree
 147 A Street, Elmira, Solano County,
 California 91792**

**NOTICE OF PUBLIC COMMENT PERIOD:
 November 17 through December 18, 2017**

Si usted desea informacion en espanol sobre este aviso, favor de llamar a Jesus Cruz sin costo al (866) 495-5651.

The Department of Toxic Substances Control ("DTSC") invites you to review and comment on a proposed consent decree (the "Consent Decree") with David Van Over (Van Over) regarding the former Wick-

es Forest Industries site located at 147 A Street, Elmira, Solano County, California 91792 (the "Site"). This Consent Decree resolves DTSC's claims for penalties and costs for the former Wickes Forest Industries Site located at 147 A Street, Elmira, Solano County. In 2014, DTSC filed suit under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. section 9601, et seq., against several parties, including Van Over, to recover DTSC's costs of investigating and cleaning up hazardous substances releases at the Site. DTSC also filed state law claims against Mr. Van Over for violation(s) of the I/SE Order in its First Amended Complaint. Mr. Van Over purchased the property on February 11, 2011 and is the current owner of the Site. Van Over is the last remaining defendant in DTSC's 2014 lawsuit. DTSC has determined that Van Over is presently unable to fully reimburse DTSC's cleanup and oversight costs. Under the Consent Decree, Van Over will pay \$5,000 in costs initially, and pay up to \$245,000 in additional costs if and when he is financially able to do so, subject to certain conditions and reservations. If Van Over sells any portion of the property, 100% of the Net Sale Proceeds up to \$245,000 will go to DTSC as partial reimbursement of past costs. If the Net Sale Proceeds exceed \$245,000, 80% of the Excess Sale Proceeds, up to \$2.89 million will be paid to DTSC for its unreimbursed costs. Federal Court approval of this Consent Decree will conclude the litigation.

DTSC will consider comments received during the public comment period on the Consent Decree and file with the Court any written comments received and DTSC's responses thereto. The Court may then enter or approve the Consent Decree. DTSC also reserves the right to withdraw or withhold its consent to entry (approval) of the Consent Decree if such comments disclose facts or considerations that indicate the Consent Decree is inappropriate, improper or inadequate.

WHERE DO I SUBMIT MY COMMENTS?

DTSC will consider comments that are postmarked on or before December 18, 2017, or received electronically by 11:59 p.m. on that date. Please submit comments with "**Wickes Van Over CD Comments**" in the **subject line to:**

William Beckman, Unit Chief
 Department of Toxic Substances Control
 Cleanup Program
 8800 Cal Center Drive
 Sacramento, CA 95826-3200
 (916) 255-3657

or by e-mail to: William.Beckman@dtsc.ca.gov

You may view documents at the following locations:

The Consent Decree and background documents are available for review on the Activities and Summary tabs, respectively, on the DTSC EnviroStor website at: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=48240001.

You may also review documents in the File Room at DTSC's Cal Center office (by appointment only) located at:

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200
Call (916) 255-3758 for an appointment

For questions on the Wickes Forest Industries Site or the proposed Consent Decree:

Jesus Cruz
Department of Toxic Substances Control
Public Participation Specialist
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3315; 1-866-495-5651
Jesus.Cruz@dtsc.ca.gov

William Beckman, Unit Chief
Department of Toxic Substances
Control Cleanup Program
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3690
William.Beckman@dtsc.ca.gov

DECISION NOT TO PROCEED

**EMERGENCY MEDICAL SERVICES
AUTHORITY**

Pursuant to Government Code Section 11347, the Emergency Medical Services Authority hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), December 9, 2016. The proposed rulemaking concerned Stroke Critical Care System Regulations.

Any interested person with questions concerning this rulemaking should contact Corrine Fishman at either (916) 431-3727 or by e-mail at: Corrine.fishman@emsa.ca.gov.

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

The Emergency Medical Services Authority will take up this rulemaking again.

**EMERGENCY MEDICAL SERVICES
AUTHORITY**

Pursuant to Government Code Section 11347, the Emergency Medical Services Authority hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), December 16, 2016. The proposed rulemaking concerned ST-Evaluation Myocardial Infarction (STEMI) Critical Care System Regulations.

Any interested person with questions concerning this rulemaking should contact Corrine Fishman at either (916) 431-3727 or by e-mail at: Corrine.fishman@emsa.ca.gov.

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

The Emergency Medical Services Authority will take up this rulemaking action again.

DISAPPROVAL DECISION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at www.oal.ca.gov under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

BOARD OF PAROLE HEARINGS

In re:
Board of Parole Hearings

Regulatory Action:

Title 15, California Code of Regulations

Adopt section: 2240
Repeal section: 2240

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2017-0920-05

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

This rulemaking action proposes to repeal existing, and adopt new, section 2240 of Title 15 of the California Code of Regulations concerning Comprehensive Risk Assessments which are used in life-term inmate parole hearings as evidence of an inmate’s potential for future violence.

DECISION

The Office of Administrative Law (OAL) disapproved the proposed rulemaking action for failure to comply with the clarity and necessity standards of the Administrative Procedure Act (APA) and for failure to comply with certain procedural requirements of the APA, pursuant to Government Code sections 11349, 11349.1, 11346.2, 11346.8, 11346.9, 11347.1, and 11347.3.

CONCLUSION

For the foregoing reasons, OAL disapproved the proposed rulemaking action. Pursuant to Government Code section 11349.4(a), the Board may resubmit this action within 120 days of its receipt of this Decision of Disapproval. Prior to that, the Board shall mail a notice, pursuant to Government Code sections 11346.8(c), Title 1 CCR section 44, and Government Code section 11347.1, together with all substantial regulatory text changes which are sufficiently related to the originally proposed text, and shall make available for public comment for at least 15 days a supplement to the Initial Statement of Reasons and the nine documents described in section C.(1) above. The Board must document in the rulemaking file its approval of the final text after consideration of all public comments and relevant information, as well as resolve all other issues raised in this Decision of Disapproval, before resubmitting the action to OAL for review. OAL reserves the right to review the Board’s resubmitted regulations and the rule-making record for compliance with all substantive and procedural requirements of the APA. A copy of this Decision will be emailed to the Board on the date indicated below.

Date: November 8, 2017 _____
 Dale P. Mentink
 Senior Attorney
 For: Debra M. Cornez,
 Director
 Original: Jennifer Shaffer, Executive Officer
 Copy: Heather McCray, Assistant Chief Counsel

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# 2017-0926-03
 BOARD OF EDUCATION
 Follow-Up Adoptions

Education Code section 60200 directs the State Board of Education (SBE) to adopt instructional materials “at least once but not more than twice every eight years” per subject. Education Code section 60227 specifies certain requirements for conducting secondary adoptions, also referred to as “follow-up adoptions,” within the eight-year cycle. In this rulemaking action, the Board of Education (Board) adopts a section in the California Code of Regulations to establish the procedures and requirements for follow-up adoptions, pursuant to Education Code section 60227. This regulation defines the terms “follow-up adoption” and “small publisher.” It also establishes the survey procedures and notice requirement that the California Department of Education’s (CDE) must follow, documents that publishers are required to submit to CDE for review, and the criteria that the CDE will use to determine whether follow-up adoptions will be approved.

Title 5
 ADOPT: 9517.1
 Filed 11/07/2017
 Effective 01/01/2018
 Agency Contact: Hillary Wirick (916) 319-0644

File# 2017-0922-02
 BOARD OF STATE AND COMMUNITY CORRECTIONS
 Construction Financing Program

This certificate of compliance submitted by the Board of State and Community Corrections makes permanent the prior emergency actions (OAL File Nos. 2016-1223-03ER and 2017-0622-02EE) that amended twenty-seven sections and adopted four sections in title 15 of the California Code of Regulations. The regulations add eligibility requirements, matching fund requirements, a proposal process, and evaluation criteria

for the construction financing program for adult local criminal justice facilities pursuant to Senate Bill 844.

Title 15

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

Filed 11/03/2017

Effective 11/03/2017

Agency Contact: Lindsay Tu (916) 324-1959

File# 2017-1023-02

CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Facility Grant Program

This emergency rulemaking by the California School Financing Authority amended regulations pertaining to the Charter School Facility Grant Program.

Title 4

AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10

Filed 11/02/2017

Effective 11/02/2017

Agency Contact: Katrina Johantgen (213) 620-2305

File# 2017-0927-01

DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL file no. 2017-0630-04E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) by 125 square miles in the Roseville area of Placer County and into Sacramento County. The effect of this current action will be to provide permanent authority for the State to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the state that are already under quarantine for ACP.

Title 3

AMEND: 3435(b)

Filed 11/06/2017

Effective 11/06/2017

Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1030-01

DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid ("ACP") (*Diaphorina citri*) by approximately 2 square miles in the Roseville area of

Placer County in response to the identification of one adult ACP on October 5, 2017.

Title 3

AMEND: 3435(b)

Filed 11/02/2017

Effective 11/02/2017

Agency Contact: Kyle Beucke (916) 403-6741

File# 2017-1030-02

DEPARTMENT OF FOOD AND AGRICULTURE
Rice Identity Preservation

The Department of Food and Agriculture submitted this emergency readopt action to maintain the regulations adopted and amended in OAL File No. 2017-0303-02E. The emergency rulemaking action adopted and amended sections in CCR title 3, to address the prevention and eradication of weedy rice, which has been identified in California rice growing regions. The emergency action established protocols for rice producers and handlers to prevent the spread of weedy rice, by mandating the inspection of planting and harvesting equipment, prohibiting the sale of farm saved seed, and requiring producers to provide verification of planting certified seed, as specified.

Title 3

ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856

Filed 11/07/2017

Effective 11/07/2017

Agency Contact: Amy Uber (916) 204-4022

File# 2017-0927-03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Uniform Multifamily Regulations

The Department of Housing and Community Development made comprehensive amendments to the Uniform Multifamily Regulations (UMRs) in title 25, division 1, chapter 7, subchapter 19 (commencing with section 8300) of the California Code of Regulations by adopting five sections and amending 14 sections.

Title 25

ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316

Filed 11/08/2017

Effective 11/15/2017

Agency Contact: John Buettner (916) 263-2297

File# 2017-0926-02

DEPARTMENT OF JUSTICE

Racial and Identity Profiling Act Regulations

Governor Brown signed the Racial and Identity Profiling Act of 2015 (AB 953) which requires state and lo-

cal law enforcement agencies, as specified, to collect detailed data regarding stops of individuals, including perceived demographic information on the person stopped, and to report this data to the California Attorney General. The California Department of Justice is adopting six sections in title 11 of the California Code of Regulations to outline the reporting requirements of AB 953. These regulations set forth the information required to be reported by officers, definitions of terms used in the regulations, and specific guidance regarding the reporting required under Government Code section 12525.5, subdivision (b).

Title 11
 ADOPT: 999.224, 999.225, 999.226, 999.227, 999.228, 999.229
 Filed 11/07/2017
 Effective 11/07/2017
 Agency Contact: Melan Noble (916) 210-7011

File# 2017-0927-02
 DEPARTMENT OF PESTICIDE REGULATION
 Pesticide Use Near Schoolsites

This action adopts (1) minimum statewide application standards for all agricultural pesticide use near schoolsites; (2) a pesticide application buffer around schoolsites as a margin of safety in case of pesticide drift or other application problems near schoolsites; (3) provisions to increase communication between growers and schoolsite administrators; and (4) provisions to help inform schoolsites to prepare for and respond to pesticide emergencies.

Title 3
 ADOPT: 6690, 6691, 6692
 Filed 11/07/2017
 Effective 01/01/2018
 Agency Contact:
 Linda Irokawa-Otani (916) 445-3991

File# 2017-1027-03
 STATE WATER RESOURCES CONTROL BOARD
 FY 2017-18 Waste Discharge Requirement Fees

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this is a statutorily deemed emergency that shall not be subject to review by the Office of Administrative Law, and shall remain in effect until revised by the State Water Resources Control Board.

Title 23
 AMEND: 2200, 2200.5, 2200.6, 2200.7
 Filed 11/06/2017
 Effective 11/06/2017
 Agency Contact: Glen Osterhage (916) 341-5032

File# 2017-1027-04
 STATE WATER RESOURCES CONTROL BOARD
 Emergency Regulation Amending FY 2017-18 Water Rights Fee Schedule

In this emergency rulemaking, the State Water Resources Control Board is both adopting section 1070.5 and amending sections 1062, 1064, 1066, 1068, and 1070 in title 23 of the California Code of Regulations. These changes (1) increase annual water right fees to conform to amounts appropriated by the Legislature from the Water Rights Fund; (2) adjust the caps on application and petition filing fees based on the consumer price index; (3) incorporate new fees related to the addition of cannabis-related water rights activities; and (4) create a new, lower fee for petitions to split existing permits or licenses under certain circumstances.

Title 23
 ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070
 Filed 11/06/2017
 Effective 11/06/2017
 Agency Contact: Ryan Wilson (916) 341-5135

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN June 7, 2017 TO
 November 8, 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
 10/26/17 ADOPT: 571.1
 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	09/05/17 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
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	06/19/17 AMEND: 3435(b) 06/14/17 AMEND: 3435(b) 06/08/17 AMEND: 3435(b) 06/07/17 AMEND: 3435(b)
Title 3	Title 4
11/07/17 ADOPT: 6690, 6691, 6692 11/07/17 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856 11/06/17 AMEND: 3435(b) 11/02/17 AMEND: 3435(b) 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)	11/02/17 AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10 10/31/17 AMEND: 711 10/31/17 AMEND: 10031, 10032, 10033, 10035, 10036 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

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 08/16/17 AMEND: 10100
 07/14/17 AMEND: 51255, 51356
 07/10/17 AMEND: 51490.1
 07/03/17 AMEND: 97700.1, 97700.2, 97700.3,
 97700.4, 97700.5, 97700.6, 97700.7,
 97700.8, 97700.13, 97700.15, 97700.17,
 97700.18, 97700.19, 97700.20,
 97700.21, 97700.23, 97700.25,
 97700.26, 97700.27, 97700.29,
 97700.31, 97700.32, 97700.33,
 97700.35, 97700.41, 97700.43,
 97700.45, 97700.47, 97700.49,
 97700.51, 97700.53, 97700.55,
 97700.57, 97700.59, 97700.61,
 97700.63, 97700.65, 97720, 97722,
 97724, 97726, 97730, 97731, 97732,
 97734, 97735, 97737, 97740, 97743,
 97745, 97747, 97750, 97752, 97755,
 97757, 97759, 97760

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09/28/17 AMEND: 35000
 09/18/17 ADOPT: 85100, 85101, 85118, 85120,
 85122, 85140, 85142, 85164, 85165,
 85168.1, 85168.2, 85168.4, 85170,
 85187, 85190
 09/15/17 ADOPT: 85300, 85301, 85302, 85322,
 85361, 85365, 85368, 85368.2, 85368.3,
 85369, 85375, 89900, 89901, 89918,
 89920, 89922, 89940, 89942, 89964,
 89965, 89968.1, 89968.2, 89970, 89987,
 89990 AMEND: 80001, 80020, 80022,
 80028, 80065, 80068, 80070, 80072,
 80087, 85000, 85068.2

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09/07/17	AMEND: 81001, 81010, 81020, 81022, 81026, 81064.1, 81068.1, 81068.2, 81068.4, 81068.5, 81069, 81071, 81075, 81077.2, 81077.4, 81077.5, 81087, 81088, 81090, 81092, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81094	08/08/17	AMEND: 3930
08/28/17	AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065	06/29/17	ADOPT: 1030, 1032, 1040, 1041, 1042, 1043, 1044, 1045, 1046
08/24/17	AMEND: 83001, 83064, 83072, 83087, 84001, 84065, 84072, 84079, 84087, 84272, 86001, 86065, 86072, 86072.1, 86087, 88001, 88022, 89201, 89372, 89379, 89387, 89405	06/28/17	ADOPT: 3010
06/21/17	AMEND: 81001	06/22/17	ADOPT: 3939.52
Title 23		06/09/17	AMEND: 865 REPEAL: 864.5, 866
11/06/17	AMEND: 2200, 2200.5, 2200.6, 2200.7	Title 25	
11/06/17	ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070	11/08/17	ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316
10/19/17	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20	10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5
10/05/17	ADOPT: 2910 REPEAL: 2910	07/18/17	ADOPT: 5535, 5535.5, 5536, 5536.5
08/09/17	ADOPT: 3939.53	07/12/17	ADOPT: 6932 REPEAL: 6932
08/09/17	ADOPT: 3939.53	Title 27	
		10/30/17	ADOPT: 25607.32, 25607.33
		10/30/17	AMEND: 27000
		08/23/17	ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
		08/02/17	AMEND: 27001
		Title 28	
		06/27/17	AMEND: 1300.67.005
		Title MPP	
		07/17/17	ADOPT: 31-137
		06/19/17	AMEND: 40-188, 44-207, 44-316, 44-318, 80-310, 82-518, 82-812 REPEAL: 44-314