



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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TITLE 2. ADMINISTRATION

The California Department of Human Resources (CalHR) proposes to adopt the regulation described below after considering all comments, objections, and recommendations.

I. PUBLIC HEARING

CalHR has not scheduled a public hearing on this proposed action. However, CalHR will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalHR. Comments may also be submitted by facsimile (FAX) at 916-322-3769 or by e-mail to scott.morrison@calhr.ca.gov. The written comment period closes at 5:00 p.m. on January 22nd, 2018. CalHR will consider only comments received at CalHR's office by that time. Submit comments to the following address:

Scott Morrison Jr., Health Policy Analyst
California Department of Human Resources
1515 'S' Street, North Building, Suite 500
Sacramento, CA 95811

III. AUTHORITY AND REFERENCE

Government Code sections 18502, 19815.4, and 22843.1 authorize CalHR to adopt the proposed regulation. The proposed regulation implements, interprets, and makes specific Government Code section 22843.1.

**IV. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Government Code section 19815.4, subdivision (d) authorizes the California Department of Human Resources (CalHR) to promulgate regulations pertaining to state employee salaries, hours, and other personnel-related matters. In particular, Government Code section 22843.1 gives CalHR the authority to establish standards for verifying that the family members of state employees and annuitants are eligible for state-sponsored health benefits.

The proposed regulation would implement the requirement in Government Code section 22843.1 requiring state agencies to re-verify, at least once every three years, that the family members (dependents) of state employees and annuitants enrolled for state-sponsored health benefits remain eligible. The regulation clarifies the specific documentation to re-verify eligibility for health benefits. It also specifies certain document retention requirements and procedures for terminating health coverage for ineligible family members.

Ineligible dependents pose a significant burden on state resources each year in the form of added health care expenses and employer-paid contributions. The purpose of the proposed regulation is to reduce the costs associated with ineligible dependents and implement the policies set forth in Government Code section 22843.1 by providing state departments with the necessary standards to re-verify dependent eligibility.

**V. EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS**

CalHR evaluated whether or not the proposed regulations are inconsistent or incompatible with existing state regulations. These are the only regulations concerning Dependent Re-Verification. Therefore, the proposed regulations are not inconsistent nor incompatible with existing state regulations.

**VI. DISCLOSURES REGARDING THE
PROPOSED ACTION**

CalHR has made the following initial determinations:

1. Mandate on local agencies and school districts:
None.

2. Cost or savings to any state agency: The regulation will require minimal additional staffing and training on how to perform the re-verification. The costs associated with additional staff will be offset by the significant budgetary savings realized by dis-enrolling ineligible dependents. Similarly, one-time efforts in the past have generated savings of over \$60 million in employer health premium contributions, claim costs, and the Affordable Care Act (ACA) Reinsurance Fee. Savings realized by the currently proposed regulation would be continuous and on-going.
3. Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
7. Cost impacts on representative private person or business: CalHR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
8. Results of the Economic Impact Assessment Analysis: Adoption of these regulations will not:
 - a. Create or eliminate jobs within California;
 - b. Create new businesses or eliminate existing businesses within California; or
 - c. Affect the expansion of businesses currently doing business within California.

Adoption of these regulations will:

 - d. Positively affect the health and welfare of California residents by ensuring public funds are spent on benefits only for eligible dependents of state employees.
9. Significant effect on housing costs: None.
10. Small Business Impact: The proposed regulation has no significant adverse economic impact on small businesses. This only regulates the internal process by which the state HR departments shall ensure only those who are truly qualified dependents of active employees are receiving benefits, and does not extend in any way to private businesses or the general public.

VII. CONSIDERATION OF ALTERNATIVES

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

CalHR invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the hearing, if one is requested, or during the written comment period.

VIII. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Scott Morrison Jr., Health Policy Analyst
 California Department of Human Resources
 1515 'S' Street, North Building, Suite 500
 Sacramento, CA 95811
 Telephone: 916-322-3657
 E-mail: scott.morrison@calhr.ca.gov

The backup contact person for these inquiries is:

Jodi Lefebvre, Legislative Coordinator
 California Department of Human Resources
 1515 'S' Street, North Building, Suite 500
 Sacramento, CA 95811
 Telephone: 916-324-1037
 E-mail: jodi.lefebvre@calhr.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Scott Morrison Jr. at the above address.

IX. AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

CalHR will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during normal business hours. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons.

X. AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalHR may adopt the proposed regulation substantially as described in this notice. If CalHR 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, and will submit a copy to anyone who has submitted a written comment, for at least 15 days before CalHR adopts the regulation as revised. Please send requests for copies of any modified regulation to the attention of Scott Morrison Jr. at the address indicated above. CalHR will accept written comments on the modified regulation for 15 days after the date on which they are made available.

XI. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Scott Morrison Jr. at the above address.

XII. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikethrough can be accessed through our website at www.calhr.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture intends to amend subsection 3591.15 of the regulations in Title 3 of the California Code of Regulations pertaining to the Melon Fruit Fly Eradication Area.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on January 22, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
 Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 1220 N Street
 Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
 916.406.6650
 916.651.2900 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deemed necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

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

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

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

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

Existing law, CCR Section 3591.15, defines the state’s eradication areas for melon fruit fly.

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

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

The implementation of this regulation will prevent:

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

There is no existing, comparable federal regulation or statute regulating the intrastate movement of melon fruit fly hosts.

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

AMENDED TEXT

Alameda County was added to the Melon Fruit Fly Eradication Area. The effect of the amendment of this

regulation is to provide authority for the State to perform eradication activities against melon fruit fly in the county of Alameda.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department has determined the amendment of this regulation would benefit:

- the general public
- homeowners and community gardens
- agricultural industry
- the State’s general fund

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

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

able upon request. Requests should be directed to the contact named herein.

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

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

TITLE 9. DEPARTMENT OF STATE HOSPITALS

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED REGULATIONS FOR THE SEXUALLY VIOLENT PREDATOR STANDARDIZED ASSESSMENT PROTOCOL

Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 15. Assessment of Sexually
Violent Predators

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 the sexually violent predator standardized assessment protocol after considering all comments, objections, and recommendations regarding the above matter.

DATE: January 22, 2018

TIME: 2:00 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 his or her 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 his or her 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 Department staff have sufficient time to consider each comment. The Department encourages members of the public to bring any suggestions for modifications to 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 hearing and may provide comments by personal delivery, postal mail service, fax, or email submittal before the hearing as described in detail below. The public comment period for this regulatory action will begin on December 8, 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 22, 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 all comments, particularly those emailed with attachments, contain the regulation package identifier **“SVP Assessment Protocol”** 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 6600, 6601, 6602, 6603, 6604.9, and 6605; *Albertson v. Superior Court* (2001) 25 Cal. 4th 796; *People v. Superior Court (Ghilotti)*, (2002) 27 Cal.4th 888; *People v. Hurtado* (2002) 28 Cal.4th 1179; *People v. Torres* (2001) 25 Cal.4th 680; and *People v. Turner* (2000) 78 Cal.App.4th 1131.

INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW PURSUANT TO
GOVERNMENT CODE SECTION 11346.S(a)

Sections Affected: The Department proposes adoption of California Code of Regulations, title 9, sections 4011, 4012, 4013, 4014, and 4015.

Policy Statement Overview

The Bureau of State Audits recognized that the Department needed to provide evaluators more guidance in completing their evaluations. These proposed regulations will implement and clarify the statutory requirements for sexually violent predator (SVP) evaluations under the Sexually Violent Predator Act (SVPA). Furthermore, the regulatory action will provide consistency and ensure sufficient guidance to evaluators conducting forensic evaluations, such as what assessment instruments evaluators may use and what documents to consider for evaluations. The proposed regulations will also help ensure that evaluations are consistent in quality.

Existing Law

Current laws provide for the Department to conduct the forensic evaluations as laid out in these proposed regulations. Pursuant to Welfare and Institutions Code sections 6601 and 6603, the Department has implied authority to adopt regulations on the evaluation process of an individual referred to the Department for determination of whether the individual is a sexually violent predator (SVP). Section 6601 charges the Department to develop and update a standardized assessment protocol for evaluators to use. This protocol shall evaluate for diagnosable mental disorders and factors contributing to an individual’s risk of re-offense, such as criminal and psychosexual history; type, degree, and duration of sexual deviance; and severity of mental disorder. Section 6603 provides for updated evaluations on an individual, if necessary, and these evaluations would involve assessing the same criteria as with the initial SVP evaluation of that individual. These proposed regulations will implement, interpret, and make specific the assessment protocol involved in the Department’s SVP evaluations — whether initial evaluations, update evaluations, annual evaluations, or any further evaluations — pursuant to Welfare and Institutions Code sections 6601, 6603, 6604.1, 6604.9, 6605, or 6608.

Further, these proposed regulations will implement, interpret, and make specific the holdings in the following cases.

- *Albertson v. Superior Court* (2001) 25 Cal.4th 796 — The court held that the district attorney is entitled, pursuant to Welfare and Institutions Code section 6603, to an updated SVP evaluation of an individual. These proposed regulations provide for the assessment protocol for those update evaluations.
- *People v. Superior Court (Ghilotti)* 27 Cal.4th 888 — The court laid out minimum factors an evaluator must consider in determining whether a SVP presents a substantial danger if unconditionally released to the community. These

proposed regulations provide for the SVP assessment protocol, which includes an evaluation of the court’s minimum factors.

- *People v. Torres* (2001) 25 Cal.4th 680 — The court held that to be determined to be a SVP, an individual’s *prior* convictions need not be predatory. *People v. Hurtado* (2002) 28 Cal.4th 1179 — The court held that to be determined to be a SVP, if an individual is determined likely to engage in sexually violent criminal behavior, the potential *future* behavior must be predatory. These proposed regulations provide for the SVP assessment protocol, which includes an evaluation of whether future behavior, not prior criminal history, may be predatory.
- *People v. Turner* (2000) 78 Cal.App.4th 1131 — The court held that, pursuant Welfare and Institutions Code sections 6603 and 6604, a trier of fact must find unanimously whether an individual meets the SVP criteria or the district had not met his or her burden beyond a reasonable doubt that the individual meets the SVP criteria. If the trier of fact unanimously finds that the district attorney did not meet his or her burden — that is, that the individual does not meet SVP criteria — these proposed regulations provide that an evaluator may still conduct an evaluation of that individual if (1) he or she accepts the trier of fact’s finding as true and (2) the facts have sufficiently changed such that the individual may now be dangerous and likely to reoffend.

These proposed regulations will not change current laws and only clarify the assessment protocol to conduct forensic evaluations of SVPs and potential SVPs. These proposed regulations also indicate the standard practice of the best practices in the field of psychology.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

The Department evaluated whether there were any other regulations in this area and has found that these are the only regulations concerning the assessment protocol in evaluating an individual to determine whether he or she is a SVP. While “evaluation” is defined in California Code of Regulations, title 9, section 4020, this section does not have provisions on the particular criteria to be evaluated in the SVP assessment. Similarly, while update evaluations are provided for in California Code of Regulations, title 9, section 4020.1, these provisions clarify the timing of the updates and do not address the evaluation criteria and process of the SVP assessment. Therefore, these proposed regulations are neither inconsistent nor incompatible with existing State regulations.

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 Requires State Reimbursement Pursuant to Part 7 (commencing with section 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 section 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 there will be no costs or savings to State agencies.
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.
8. Cost Impacts on Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
9. Effect on Small Businesses, pursuant to California Code of Regulations, title 1, section 4, subdivisions (a) & (b): There will be no cost impact on small businesses because SVP evaluations are conducted only by State staff or State contractors. As a result, these proposed regulations affect only State positions already existing and will not impact private businesses.
10. 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. These proposed regulations do not impact housing since they affect only inmates in California Department of Corrections and Rehabilitation custody or individuals committed to the Department and in Department custody.

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 Department has made an initial determination that the proposed regulations would not create or eliminate jobs within the State of California.

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

The Department has made an initial determination that 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 has made an initial determination that the proposed regulations would not create the expansion of businesses currently doing business within the State of California. The Department already hires and/or contracts evaluators for evaluation services and other services in providing the proper evaluations under the SVPA.

Anticipated Benefits Under the Regulations

One benefit of these proposed regulations is the transparency of the evaluations process. Providing a uniform, streamlined SVP evaluations process ensures that there is equity and fairness in the treatment of SVPs and potential SVPs. These proposed regulations will standardize the expectations of the courts, counsel, potential patients, and the evaluators themselves regarding the SVP evaluations.

Further, these proposed regulations may benefit the health and welfare of California residents by ensuring that potential SVPs are evaluated equally, fairly, and uniformly, resulting in the potential civil commitment of only those patients who meet the SVP criteria, treating and rehabilitating SVPs who are suitable and appropriate for treatment, and keeping the public safe from potentially dangerous SVPs — in congruence with the spirit of the SVPA which is to keep the public safe and to provide treatment to SVPs who will benefit from it. These proposed regulations may also benefit worker safety by ensuring that only those patients who meet the SVP criteria, as evaluated using these proposed regulations, are treated by hospital staff, resulting in appropriate treatment and workload. Lastly, these proposed regulations may benefit the State's environment by stream-

lining the evaluation process, reducing carbon footprint, waste, use of resources, and energy 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 representatives: Domingo Aguilar, Forensic Services Division, Program Chief, by telephone at (916) 651-0984 or Dr. James Rokop, Forensic Services Division, Chief Psychologist, by telephone at (916) 651-5285.

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 "express 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 web site listed below or may be obtained from the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed: Amy Whiting, Manager, Regulations Unit, by telephone at (916) 654-2748.

HEARING PROCEDURES

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 pro-

posed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of 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.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, Final Statement of Reasons (FSOR) shall be available and copies may be requested from the agency contact persons in this notice or may be accessed on the Department's Internet web site 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 web site for this rulemaking at <http://www.dsh.ca.gov/Publications/Regulations.aspx>.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR) proposes to amend Sections 3016 and 3315 of the California Code of Regulations, Title 15, concerning mandatory random drug testing, pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054.

PUBLIC HEARING

Date and Time: January 23, 2018 — 10:00 a.m. to 11:00 a.m.

Place: California Department of Corrections and Rehabilitation
Kern/Colorado Room
1515 S Street, North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close January 23, 2018, at 5:00 p.m. Any person may submit public comments in writing (by mail or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; or e-mail at rpmb@cdcr.ca.gov, before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Joshua Jugum
Regulation and Policy Management Branch
Telephone (916) 445-2228

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

Melanie Bruns
Division of Adult Institutions
Telephone (916) 324-2758

AUTHORITY AND REFERENCE

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

This action will:

- Amend the frequency with which inmates who have had a positive test result for illegal substances are required to be retested via urinalysis test, and the sanctions enforced in the event of a positive test.
- Help to ensure that substance use disorder treatment programs are available to those inmates most in need.
- Help to prevent false positives for substances that can be detected in urine for an extended period of time.

FORMS INCORPORATED BY REFERENCE

None.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The safety of California residents may be enhanced by better identifying and providing treatment to those inmates who actually have a substance abuse problem and need treatment, as opposed to those who possess or distribute illegal narcotics. Substance abuse is a frequent driver of criminal behavior, and providing treatment to those most in need may help those offenders to reintegrate into society upon their release.

**EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS AND REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review, the Department has concluded that these are the only regulations that concern the specific amendments to random drug testing of Department inmates.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS 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.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations make changes to rules regarding random drug testing of Department inmates only, and place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business. The proposed regulations make changes to rules regarding random drug testing of Department inmates only.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

The Department has determined that the proposed regulations may promote worker safety and benefit the welfare of California residents because ensuring that those inmates most in need of substance use disorder treatment are able to receive such treatment may improve the reintegration of offenders to their communities upon being released from state prison, which will improve public safety.

CONSIDERATION OF ALTERNATIVES

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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department’s contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficient-

ly 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, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Monitoring Bald Eagle Nest Sites**

The Department of Fish and Wildlife (Department) received a study proposal from Lauren McClure, on behalf of Stillwater Sciences, requesting authorization to take Bald Eagle (*Haliaeetus leucocephalus*), a Fully Protected bird, for scientific research purposes, consistent with conservation and recovery of the species. The Bald Eagle is listed as Endangered under the California Endangered Species Act.

Ms. McClure is planning to conduct studies throughout the range of the Bald Eagle in California, in accordance with standardized methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The research activities include passive surveys to locate nests, nest monitoring to determine nest success and productivity, and an assessment of the distribution and status of nesting pairs. If any Bald Eagles are found dead, they may be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individuals or populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Ms. McClure as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have any necessary federal permit(s) to conduct the research and salvage activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department de-

termines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after January 8, 2017, for an initial and renewable term of up to, but not to exceed five years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-445-3615.

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

**STATE WATER RESOURCES
CONTROL BOARD**

On July 27, 2017, the Office of Administrative Law (OAL) received a petition challenging an amendment to the Domestic Water Supply Permit (Permit Amendment No. 2017PA-SCHOOLS), issued by the State Water Resources Control Board on January 17, 2017, as an alleged underground regulation.

The petition challenged the imposition of a new requirement on all existing domestic water supply permit holders concerning the collection and analyzation of up to five water samples at each K-12 school served by the water system for the presence of lead.

On November 15, 2017, the State Water Resources Control Board certified to OAL that the amendment to the Domestic Water Supply Permit (Permit Amendment No. 2017PA- SCHOOLS) had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

November 15, 2017

Elizabeth Heidig Assistant Chief Counsel
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Dear Sir or Madam:

Re: SECTION 280 CERTIFICATION

The Executive Director of the State Water Resources Control Board (State Water Board) has prepared the attached Section 280 Certification, certifying that the Water Board “will not issue, use, enforce, or attempt to enforce the alleged underground regulation” that was included in Exhibit A of the petition submitted by the California Municipal Utility Association (CUMA) (attached hereto). Pursuant to the requirements of section

280, a copy of this certification has also been sent via email to Deborah Wordham, counsel for the petitioners.

Sincerely,

/s/

Michael Lauffer
Chief Counsel
State Water Resources Control Board

Enclosures: Section 280 Certification
Copy of Petition Submitted by
CUMA

cc: [via email only]
Deborah A. Wordham, Esq.
Best Best & Krieger
300 South Grand Avenue, 25th Floor
Los Angeles, CA 90071
Deborah.Wordham@bbklaw.com

SECTION 280 CERTIFICATION

Pursuant to section 280 of title 1 of the California Code of Regulations, the State Water Resources Control Board’s (State Water Board) Division of Drinking Water (the Division) is making this certification that it “will not issue, use, enforce, or attempt to enforce the alleged underground regulation,” which was included in Exhibit A of the petition and is entitled “Amendment to Domestic Water Supply Permit, Permit Amendment No. 2017PA-SCHOOLS.” Exhibit A is a template. It was not adopted by the State Water Board and was not issued generally to all or any class or category of public water systems. The template will not be adopted by the State Water Board and will not be enforced or otherwise given any regulatory effect.

The State Water Board made the template available on the State Water Board’s website in order to provide schools with a simplified explanation about what was being required in separate orders issued to public water systems. The State Water Board has removed the template from its website, and other information on the website has been updated to clarify that the State Water Board’s actions to require testing for lead in school drinking water involved issuance of separate permit amendments for each of the affected public water systems, not a general permit or other action of general applicability. Although the Administrative Procedure Act does not prohibit the use of templates for either public information or for internal operations — so long as the template is not treated as binding or otherwise given regulatory effect — the State Water Board will not make any further use of this particular template. The State Water Board, therefore, certifies that it will not issue, use, enforce or attempt to enforce the template identified as the underground regulation in the petition submitted by CMUA.

/s/
Eileen Sobeck
Executive Director

**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# 2017-1012-02
BOARD OF EDUCATION
Appointment of Instructional Materials Reviewers and Content Review Experts; Application Process for Curriculum Framework and Evaluation Criteria Committee Members, Instructional Materials Reviewers and Content Review Experts; and Standards for Evaluating Instructional Materials for Social Content

This rulemaking action by the State Board of Education amends title 5 of the California Code of Regulations to address issues related to California's curriculum frameworks development and subsequent instructional materials review process.

Title 5
AMEND: 9510, 9512, 9513, 9518, 9529, 9810
Filed 11/28/2017
Effective 01/01/2018
Agency Contact: Hillary Wirick (916) 319-0860

File# 2017-1013-05
CALIFORNIA SCHOOL FINANCE AUTHORITY
State Charter Schools Facilities Incentive Program

This action by the California School Financing Authority amends the terms and conditions of the State Charter School Facilities Incentive Grant Program.

Title 4
AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190
Filed 11/29/2017
Effective 01/01/2018
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2017-1013-06
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Searches of Parolees

This action by the Department of Corrections and Rehabilitation amends procedures relating to parolee searches to update the incorporated form, "Evidence/Property Report and Inventory Receipt," and to incorporate by reference the form, "Government Claim Form."

Title 15
AMEND: 3600(b), 3600(e)
Filed 11/27/2017
Effective 01/01/2018
Agency Contact: Jon Struckmann (916) 445-2276

File# 2017-1017-01
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine and Eradication Areas

This Certificate of Compliance makes permanent the emergency regulations adopted in action no. 2017-0323-02E (readopted in 2017-0911-02EE) by the Department of Food and Agriculture, which supplants the existing host list for the Mediterranean fruit fly, *Ceratitis capitata*, with a more extensive host list recently revised and disseminated by the United States Department of Agriculture.

Title 3
AMEND: 3406(c), 3591.5(b)
Filed 11/28/2017
Effective 11/28/2017
Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1120-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will expand the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the San Jose area of Santa Clara County by approximately 52 square miles. The effect of this emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

Title 3
AMEND: 3435(b)
Filed 11/22/2017
Effective 11/22/2017
Agency Contact: Kyle Beucke (916) 403-6741

File# 2017-1012-04
DEPARTMENT OF INSURANCE
Reinsurance Oversight

This rulemaking action amends regulations in Title 10 of the California Code of Regulations to comply with the Nonadmitted and Reinsurance Reform Act. 15 U.S.C. Section 8221, et seq. The action also adopts regulations concerning reinsurance for life insurance policies.

Title 10
ADOPT: 2303.23, 2303.24, 2303.25, 2303.26, 2303.27, 2303.28 AMEND: 2303, 2303.1, 2303.2, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.17, 2303.19, 2303.21, existing 2303.22 renumbered as 2303.29, existing 2303.23 renumbered as 2303.30, and existing 2303.24 renumbered as 2303.22
Filed 11/27/2017
Effective 01/01/2018
Agency Contact: Monica Macaluso (415) 538-4118

File# 2017-1011-01
DEPARTMENT OF JUSTICE
Change of Telephone Numbers

This change without regulatory effect filing by the Department of Justice amends sections 301, 303, 308, 411, 415, and 420 in title 11 of the California Code of Regulations to update the revision dates for fifteen forms incorporated by reference. The Department is revising the fifteen forms to include a new telephone number and to update Department contact information.

Title 11
AMEND: 301, 303, 308, 411, 415, 420
Filed 11/27/2017
Agency Contact: Melan Noble (916) 210-7011

File# 2017-1016-01
DEPARTMENT OF JUSTICE
Update of Forms

This action by the Department of Justice, Bureau of Gambling Control, updates forms to reflect the current mailing address of the Bureau and other changes to align the forms with existing regulations.

Title 11
AMEND: 2030, 2038, 2060
Filed 11/29/2017
Agency Contact: Melan Noble (916) 210-7011

File# 2017-1013-03
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Secondary Material processing Facilities and Operations

This timely certificate of compliance by the Department of Resources, Recycling and Recovery (DRRR) makes permanent the emergency rulemaking (2016-0926-01E, 2017-0322-02EE). DRRR adopts two sections, repeals one and amends seven sections in title 14 of the California Code of Regulations in this action. This action defines two new types of transfer and processing facilities and operations called "Secondary Material Processing Facilities" and "Secondary Material Processing Operations. This certificate of compliance creates permitting pathways for these transfer and processing facilities that are receiving significant amounts of incidental solid waste mixed in with source-separated feedstock such as glass, plastic, paper and cardboard destined for recycling.

Title 14
ADOPT: 17403.3.2, 17403.3.3 AMEND: 17402, 17403.0, 17403.8, 17405.0, 17409.3, 18103.1, 18221.5
Filed 11/28/2017
Effective 11/28/2017
Agency Contact: Harlee Branch (916) 341-6056

File# 2017-1117-03
DEPARTMENT OF STATE HOSPITALS
Incompetent to Stand Trial Admissions Process

The Department of State Hospitals (DSH) submitted this action to adopt a new article and nine new sections in title 9, division 1, chapter 16 of the California Code of Regulations. The regulations address admissions to state hospitals of court-ordered commitments under Penal Code section 1370, which are made when a criminal defendant is determined by a court to be incompetent to stand trial (IST). The regulations are intended to clarify the process for admitting IST individuals by providing uniform admissions, procedures, and classification criteria applicable to all counties.

Title 9
ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717
Filed 11/22/2017
Effective 11/22/2017
Agency Contact: Amy Whiting (916) 651-3247

File# 2017-1114-01
DEPARTMENT OF TRANSPORTATION
Automatic Vehicle Identification Specifications

The California Department of Transportation (Caltrans) is amending and adopting multiple sections in title 21 of the California Code of Regulations (CCR). Streets and Highways Code section 27565 requires Caltrans, in cooperation with the state's toll facility operators to develop functional specifications and standards for automated vehicle identification (AVI) which

would be used for electronic toll collections (ETC). The current protocol for ETC in California is known as “Title 21” after the section of the CCR where the specifications for the standard are listed. This protocol was developed in 1992. The state’s toll facility operators have requested that Caltrans modify the existing regulations to change the AVI protocol to a new protocol known as 6C. These regulations make that change.

Title 21

ADOPT: 1700.1, 1700.2, 1700.3, 1705.1, 1706.1, 1707.1 AMEND: 1700 [renumbered to 1701.1], 1701 [renumbered to 1701.2], 1702.1, 1703 [renumbered to 1702.2], 1704.1 [renumbered to 1703.1], 1704.2 [renumbered to 1703.2], 1704.3 [renumbered to 1703.3], 1704.4 [renumbered to 1703.4], 1704.5 [renumbered to 1703.5], 1704.6 [renumbered to 1703.6], 1705.1 [renumbered to 1704.1], 1705.2 [renumbered to 1704.2], 1705.3 [renumbered to 1704.3], 1705.4 [renumbered to 1704.4], 1705.5 [renumbered to 1704.5], 1705.6 [renumbered to 1704.6], 1705.7 [renumbered to 1704.7], 1705.8 [renumbered to 1704.8]

Filed 11/28/2017

Effective 01/01/2018

Agency Contact: Steve Hancock (916) 654–6007

File# 2017–1012–01

DIVISION OF WORKERS’ COMPENSATION

Workers’ Compensation — Official Medical Fee Schedule — Inpatient Hospital

This action by the Division of Workers’ Compensation of the Department of Industrial Relations — submitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2) — amends the Official Medical Fee Schedule located within section 9789.25 in title 8 of the California Code of Regulations.

Title 8

AMEND: 9789.25

Filed 11/28/2017

Effective 12/01/2017

Agency Contact: Jarvia Shu (510) 286–0646

File# 2017–1011–02

EDUCATION AUDIT APPEALS PANEL

Audits of K–12 Local Education Agencies (LEAs) — FY 2017–18

The Education Audit Appeals Panel (EAAP) submitted this timely certificate of compliance action to make permanent the amendments in OAL file no. 2017–0615–01E. In that action, the EAAP amended the Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting for FY

2017–2018 pursuant to Education Code section 14502.1.

Title 5

AMEND: 19810

Filed 11/27/2017

Effective 11/27/2017

Agency Contact:

Timothy E. Morgan

(916) 445–7745

File# 2017–1116–03

FAIR POLITICAL PRACTICES COMMISSION

Recall Elections

In this action, the Fair Political Practices Commission amends section 18531.5 dealing with recall elections.

Title 2

AMEND: 18531.5

Filed 11/27/2017

Effective 12/27/2017

Agency Contact: Cesar R. Cuevas (916) 324–3854

File# 2017–1023–05

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Commercial Diving Operations (HORCHER)

This action by the Occupational Safety and Health Standards Board modifies existing commercial diving regulations in title 8 of the California Code of Regulations to align with federal standards as promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). This action is exempt from OAL review pursuant to section 142.3 of the Labor Code.

Title 8

ADOPT: 6056.1 AMEND: 6052, 6056, 6057, 6060

REPEAL: 6062

Filed 11/28/2017

Effective 11/28/2017

Agency Contact: Marley Hart

(916) 274–5721

File# 2017–1116–04

State Allocation Board

Leroy F. Greene School Facilities Act of 1998; Re-establish the CTEFP

In this emergency rulemaking, the State Allocation Board (the “Board”) is amending sections 1859.190, 1859.194, 1859.195, and 1859.198 in title 2 of the California Code of Regulations to re-establish the Career Technical Education Facilities Program.

Title 2

AMEND: 1859.190, 1859.194, 1859.195, 1859.198

Filed 11/27/2017

Effective 11/27/2017

Agency Contact: Lisa Jones

(916) 376–1753

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 28, 2017 TO
November 29, 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

- 11/27/17 AMEND: 18531.5
- 11/27/17 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
- 11/21/17 AMEND: 559.502
- 11/21/17 AMEND: 59640
- 11/15/17 AMEND: 18535
- 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
- 09/22/17 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

Title 3

- 11/28/17 AMEND: 3406(c), 3591.5(b)
- 11/22/17 AMEND: 3435(b)
- 11/21/17 AMEND: 3435(b)
- 11/21/17 REPEAL: 1408.22
- 11/20/17 AMEND: 3591.15
- 11/20/17 AMEND: 3435(b)
- 11/15/17 AMEND: 6728
- 11/09/17 AMEND: 3435(b)
- 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)
- 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

CALIFORNIA REGULATORY NOTICE REGISTER 2017, VOLUME NO. 49-Z

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

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11/29/17 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190
 11/16/17 AMEND: 1844
 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
 10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
 10/05/17 AMEND: 1632
 09/07/17 AMEND: 12101, 12200, 12200.6, 12200.9, 12200.13, 12202, 12220.6, 12222, 12309, 12342, 12354, 12359, 12464, 12465, Appendix A to Chapter 7 of Division 18, 12492
 09/05/17 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.14, 10091.15
 08/24/17 AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14
 08/07/17 ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2
 07/26/17 ADOPT: 7033.1 AMEND: 7030, 7033, 7034, 7035, 7037, 7040, 7042, 7045
 07/26/17 AMEND: 1581, 1843

07/26/17 ADOPT: 8078.15, 8078.16, 8078.17, 8078.18, 8078.19, 8078.20, 8078.21
 07/18/17 ADOPT: 610
 07/12/17 ADOPT: 299 AMEND: 297, 300
 07/12/17 AMEND: 10325.5

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 11/27/17 AMEND: 19810
 11/21/17 ADOPT: 71396
 11/16/17 ADOPT: 11526 AMEND: 11520, 11524, 11525
 11/16/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534
 11/13/17 REPEAL: 620, 621, 622, 623, 624, 625, 626, 627
 11/07/17 ADOPT: 9517.1
 10/18/17 AMEND: 851, 853.5, 853.7, 855, 856
 09/12/17 AMEND: 18117, 18246
 09/01/17 AMEND: 40756.1, 40805.1
 09/01/17 AMEND: 40500
 08/31/17 REPEAL: 40530, 40531, 40532
 08/31/17 ADOPT: 40050.4, 40517, 40518, 41023
 08/22/17 AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602
 08/17/17 AMEND: 19810
 08/10/17 AMEND: 76000, 76020, 76210, 76130, 76200, 76210, 76212, 76215
 07/18/17 AMEND: 851, 853.5, 853.7, 855, 856

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11/28/17 AMEND: 9789.25
 11/28/17 ADOPT: 6056.1 AMEND: 6052, 6056, 6057, 6060 REPEAL: 6062
 10/26/17 ADOPT: 1711 AMEND: 1712, 1713, 1717 REPEAL: 1711, 1721
 10/09/17 AMEND: 1646(a)
 10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND: 5155
 09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 09/27/17 AMEND: 5191(b)
 09/26/17 AMEND: 5189.1(t)(2)
 09/14/17 AMEND: 336
 07/31/17 AMEND: 3650
 07/31/17 AMEND: 344.30
 07/27/17 ADOPT: 5189.1
 07/18/17 ADOPT: 9789.17.3 AMEND: 9789.12.2, 9789.17.1, 9789.18.12, 9789.19
 06/29/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 06/29/17 AMEND: 344.18

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11/22/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717

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7220, 7220.3, 7221, 7225
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11/27/17 ADOPT: 2303.23, 2303.24, 2303.25,
2303.26, 2303.27, 2303.28 AMEND:
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2303.8, 2303.9, 2303.11, 2303.12,
2303.13, 2303.14, 2303.15, 2303.17,
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renumbered as 2303.30, and existing
2303.24 renumbered as 2303.22
10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454,
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09/21/17 AMEND: 2498.6
09/21/17 ADOPT: 6854, 6856, 6864
09/20/17 AMEND: 2498.5
09/20/17 AMEND: 6902, 6903, 6904
08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
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08/03/17 AMEND: 2498.5

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11/29/17 AMEND: 2030, 2038, 2060
11/27/17 AMEND: 301, 303, 308, 411, 415, 420
11/07/17 ADOPT: 999.224, 999.225, 999.226,
999.227, 999.228, 999.229
10/05/17 AMEND: 78.4
10/05/17 AMEND: 78.6
10/05/17 ADOPT: 78.7
08/08/17 AMEND: 1006
07/31/17 AMEND: 1005
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11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,
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11/16/17 AMEND: 1157.21
11/15/17 AMEND: 180.00
11/13/17 ADOPT: 2774 AMEND: 2750, 2751,
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11/13/17 AMEND: 225.00, 225.03, 225.09,
225.12, 225.15, 225.30, 225.35, 225.39,
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10/30/17 AMEND: 423.00
10/25/17 AMEND: 26.01, 26.02
10/23/17 AMEND: 1153
10/16/17 ADOPT: 2208, 2208.1, 2208.2 AMEND:
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09/11/17 AMEND: 1
09/07/17 AMEND: 430.00, 431.00
07/31/17 ADOPT: 1231.3 AMEND: 1212.5, 1218,
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07/31/17 ADOPT: 1267.1 AMEND: 1201, 1217,
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07/27/17 AMEND: 1151.8.1
06/29/17 AMEND: 1160.1, 1160.2, 1160.3, 1160.4

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11/28/17 ADOPT: 17403.3.2, 17403.3.3 AMEND:
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11/20/17 ADOPT: 1.95
11/16/17 AMEND: 2975
11/15/17 AMEND: 1038
11/14/17 AMEND: 1035.1, 1035.2, 1035.3
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924.2, 924.3, 924.4, 924.5, 925, 925.1,
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945.3, 945.5, 957.4, 961.1, 961.2, 961.3,
961.7, 961.8, 965, 965.1, 965.2, 965.3,
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965.10, 1020, 1022, 1022.1, 1022.2,
1022.3, 1022.4, 1022.5, 1023, 1023.1,
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3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3
 09/19/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493
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 08/31/17 AMEND: 8001
 08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
 07/18/17 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
 07/19/17 AMEND: 502
 07/19/17 AMEND: 708.5
 07/18/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 174405.0
 07/17/17 AMEND: 360, 361, 362, 363, 364, 364.1
 07/13/17 AMEND: 13055
 07/12/17 AMEND: 3000, 3753, 3754, 3763, 6766, 3769.6
 06/28/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4
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11/16/17 ADOPT: 3351.7.1, 3351.7.2, 3371.7.3
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 10/31/17 AMEND: 904, 905
 10/19/17 AMEND: 1364.10, 1364.11, 1364.13, 1364.15
 10/10/17 AMEND: 1358
 10/06/17 ADOPT: 1993.4 AMEND: 1993.2
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 10/02/17 AMEND: 1914
 09/21/17 ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09
 09/19/17 ADOPT: 1702.1, 1702.2, 1702.5
 AMEND: 1702
 08/30/17 AMEND: 1107
 08/29/17 AMEND: 425
 08/24/17 AMEND: 1021, 1022
 08/22/17 ADOPT: 1399.730, 1399.731, 1399.732
 08/14/17 REPEAL: 901, 902, 903, 914
 08/10/17 ADOPT: 4176
 08/10/17 AMEND: 1105.1(b)(c)(d)(e)
 08/08/17 ADOPT: 1805.2
 08/02/17 AMEND: 4161, 4162, 4163

07/06/17 AMEND: 1398.3, 1398.4, 1398.6, 1398.15, 1398.20, 1398.21, 1398.21.1, 1398.23, 1398.28, 1398.37, 1398.44, 1398.47, 1398.50, 1398.51, 1398.52, 1399, 1399.23, 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99
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11/20/17 AMEND: 95673
 11/13/17 AMEND: 60003
 10/19/17 ADOPT: 1235, 1236, 1237
 09/18/17 ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E
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 09/06/17 AMEND: 6540
 09/06/17 AMEND: 6508
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 08/21/17 AMEND: 100010, 100020, 100030, 100040, 100050, 100070
 07/24/17 REPEAL: 1050
 07/17/17 ADOPT: 95665, 95666, 95667, 95668, 95669, 95670, 95671, 95672, 95673, 95674, 95675, 95676, 95677

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 08/03/17 ADOPT: 2745.7.5, 2762.0.1, 2762.0.2, 2762.1, 2762.2, 2762.2.1, 2762.3, 2762.4, 2762.5, 2762.6, 2762.7, 2762.8, 2762.9, 2762.10, 2762.11, 2762.12, 2762.13, 2762.14, 2762.15, 2762.16,

2762.17, 2775.2.5 AMEND: 2735.1,
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2765.1, 2770.1, 2770.2, 2770.5, 2775.2,
2775.3, 2775.5, 2775.6, 2780.1, 2780.2,
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09/11/17 AMEND: 1604, 1606
08/22/17 AMEND: 1601, 1602, 1604, 1605.1,
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11/28/17 ADOPT: 1700.1, 1700.2, 1700.3, 1705.1,
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[renumbered to 1701.2], 1702.1, 1703
[renumbered to 1702.2], 1704.1
[renumbered to 1703.1], 1704.2
[renumbered to 1703.2], 1704.3
[renumbered to 1703.3], 1704.4
[renumbered to 1703.4], 1704.5
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[renumbered to 1704.1], 1705.2
[renumbered to 1704.2], 1705.3
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[renumbered to 1704.5], 1705.6
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[renumbered to 1704.8]

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11/16/17 ADOPT: 63750.80 AMEND: 63850
10/30/17 AMEND: 72517
09/11/17 AMEND: 64431, 64432, 64447.2,
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09/08/17 AMEND: 97210, 97240, 97241, 97246
08/28/17 REPEAL: 97759
08/16/17 AMEND: 100393(a)(1)
08/16/17 AMEND: 10100
07/14/17 AMEND: 51255, 51356
07/10/17 AMEND: 51490.1
07/03/17 AMEND: 97700.1, 97700.2, 97700.3,
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09/18/17 ADOPT: 85100, 85101, 85118, 85120,
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85187, 85190
09/15/17 ADOPT: 85300, 85301, 85302, 85322,
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89965, 89968.1, 89968.2, 89970, 89987,
89990 AMEND: 80001, 80020, 80022,
80028, 80065, 80068, 80070, 80072,
80087, 85000, 85068.2
09/07/17 AMEND: 81001, 81010, 81020, 81022,
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81068.4, 81068.5, 81069, 81071, 81075,
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81092.5, 81092.6, 81092.7, 81092.8,
81092.9, 81092.10, 81092.11, 81094
08/28/17 AMEND: 80044, 84001, 84002, 84061,
84063, 84065, 84072.1, 84165, 84300.1,
84322, 84322.2, 84365, 86001, 86022,
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08/24/17 AMEND: 83001, 83064, 83072, 83087,
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11/16/17 AMEND: 3682.2, 3682.3, 3702.1,
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11/06/17 AMEND: 2200, 2200.5, 2200.6, 2200.7
11/06/17 ADOPT: 1070.5 AMEND: 1062, 1064,
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10/19/17 ADOPT: 335, 335.2, 335.4, 335.6, 335.8,
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10/05/17 ADOPT: 2910 REPEAL: 2910
08/09/17 ADOPT: 3939.53
08/09/17 ADOPT: 3939.53
08/08/17 AMEND: 3930
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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	11/15/17 AMEND: 27001 11/15/17 AMEND: 27001 10/30/17 ADOPT: 25607.32, 25607.33 10/30/17 AMEND: 27000
10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5	08/23/17 ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
07/18/17	ADOPT: 5535, 5535.5, 5536, 5536.5	08/02/17 AMEND: 27001
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11/20/17	AMEND: 25600.1, 25600.2, 25601,	11/16/17 AMEND: 44-211 07/17/17 ADOPT: 31-137