



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. 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 **February 15, 2018**, 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 **February 13, 2018**.

BACKGROUND/OVERVIEW

The Act imposes two restrictions on the post-governmental activity of officials who have left state service, the “one-year ban” and the “permanent ban.” For one year after leaving state service, an official subject to the one-year ban is prohibited from representing any other person for compensation by appearing before or communicating with the official’s former agency in an attempt to influence agency decisions that involve the making of general rules (such as legislation or regulations) or to influence certain proceedings involving a permit, license, contract, or transaction involving the sale or purchase of property or goods. (Section 87406; Regulations 18746.1 and 18746.2.)

Prior to the enactment of AB 1620, the one-year ban, set forth in Section 87406, prohibited a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making ap-

¹ The 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.

pearances before or communications with the Legislature or its committees, present Members, or officers or employees, if the appearance or communication was made for the purpose of influencing legislative action.

AB 1620 amended Section 87406, extending the time period of the one-year ban with respect to a Member of the Legislature who resigns from office. Section 87406(b), as amended, now provides that, for a Member of the Legislature who resigns from office, the period of the ban commences with the effective date of the resignation and concludes one year after the adjournment *sine die* of the session in which the resignation occurred.

Existing Regulation 18746.1(b) prohibits a public official subject to the prohibitions of Section 87406 from making any appearance or communication if certain factors are applicable, including, among others, the factor of whether “[t]he appearance or communication is made within 12 months after leaving that office or employment” set forth in paragraph (2) of that subdivision.

The proposed amendment of Regulation 18746.1(b) would amend that provision so that the period of the ban commences upon the effective date of the resignation of the Member of the Legislature who resigns from office and concludes one year after the adjournment *sine die* of the session in which the resignation occurred, thereby bringing the regulation back into conformity with Section 87406 as amended by AB 1620.

Existing Regulation 18746.4(b) defines “the date on which an official permanently leaves office or employment” for purposes of Regulations 18746.1 and 18746.3 as the date on which the official is no longer authorized to perform the duties of the office or employment and stops performing those duties.

The proposed amendment of Regulation 18746.4 would amend subdivision (b) of that regulation so that the date on which a Member of the Legislature who resigns from office permanently leaves office is the effective date of the resignation, thereby bringing the regulation back into conformity with Section 87406 as amended by AB 1620.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18746.1. Revolving Door; State One-Year Ban. Amendments to Regulation 18746.1 will be considered to bring it into conformity with Section 87406, as recently amended by AB 1620 (Stats. 2017, ch. 800).

Amend 2 Cal. Code Regs. Section 18746.4. Revolving Door; Permanently Left and Leave of Absence. Amendments to Regulation 18746.4 will be considered to bring it into conformity with Section 87406, as recently amended by AB 1620 (Stats. 2017, ch. 800).

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

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 Act.

REFERENCE

The purpose of Regulation 18476.1 is explication and implementation of Section 87406.

CONTACT

Any inquiries should be made to Matthew F. Christy, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. The language of the proposed amendment of Regulation 18746.1 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, 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: Office of the State Public Defender
California Gambling Control Commission

A written comment period has been established commencing on January 12, 2018, and closing on February 26, 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 February 26, 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 (“Commission”), under the authority vested by the Political Reform Act (“Act”)¹ by

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.

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 **February 15, 2018** 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 should be received at the Commission offices no later than **5:00 p.m. on February 13, 2018.**

BACKGROUND

Section 82041.5 defines the term “mass mailing” to mean over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter, or other inquiry. Section 89001 further states that “no newsletter or mass mailing shall be sent at public expense.”

Existing Regulation 18901 implements the mass mailing prohibition in Section 89001 as applied to mailings that feature or reference an elected official affiliated with the agency sending the mailer. The regulation provides multiple exceptions to the mass mailing prohibitions including exceptions for letterhead, certain public meetings and events, and business cards.

Recently enacted Senate Bill 45 (Stats. 2017, ch. 827) prohibits an official who will appear on a ballot from sending a mailing, otherwise meeting the exceptions provided for letterhead, certain public meetings, and business cards, in the 60 days prior to the election (New Section 89003.) In establishing the 60-day ban on otherwise permitted mass mailings, Senate Bill 45 incorporated the full text of existing Regulation 18901 into Section 89002. Accordingly, Regulation 18901 is no longer necessary.

REGULATORY ACTION

Repeal 2 Cal. Code Regs. Section 18901: The Commission will consider the repeal of Regulation 18901.

SCOPE

The Commission may rescind Regulation 18901 or amend the regulation as necessary to implement the provisions of Senate Bill 45.

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 was to implement, interpret, and make specific Government Code Sections 82041.5, 89001, 89002, and 89003.

CONTACT

Any inquiries should be made to Ryan O'Connor, 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/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 **February 15, 2018**, 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 February 13, 2018**.

¹ The 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.

BACKGROUND/OVERVIEW

The Act restricts the post-governmental activity of officials who leave local governmental service. Specifically, Section 87406.3 imposes a "local one-year ban," on specified high-level local officials who leave local governmental service. The local one-year ban prohibits such an official, for one year after leaving local government office or employment, from representing any other person, for compensation, by appearing before or communicating with the official's former agency in an attempt to influence the agency's decisions in an administrative or legislative action, or any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property. (*Ibid.*)

Section 87406.3(b) contains an exception to the local one-year ban for a covered individual who is, at the time of the appearance or communication at issue, a board member, officer, or employee of another local government agency, or an employee or representative of a public agency, appearing or communicating on behalf of that agency.

AB 551 (Stats. 2017, ch. 196) amended Section 87406.3(b) to specify that the local one-year ban applies to an individual who is, at the time of the appearance or communication at issue, an independent contractor of a local government agency or public agency, appearing or communicating on behalf of that agency.

The proposed amendment of Regulation 18746.3 would update that regulation and incorporate the changes to Section 87406.3 made by AB 551, thereby bringing it back into conformity with Section 87406.3 as amended by that bill. The proposed amendment of Regulation 18746.3 would also make non-substantive changes updating the regulation.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18746.3 — Revolving Door: Local Officials. Amendments to Regulation 18746.3 will be considered to bring it into conformity with Section 87406.3, as recently amended by AB 551 (Stats. 2017, ch. 196).

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

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 Act.

REFERENCE

The purpose of Regulation 18476.3 is explication and implementation of Section 87406.3.

CONTACT

Any inquiries should be made to Matthew F. Christy, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. The language of the proposed amendment of Regulation 18746.3 can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. OFFICE OF THE STATE PUBLIC DEFENDER

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF THE STATE PUBLIC DEFENDER

NOTICE IS HEREBY GIVEN that the Office of the State Public Defender, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on January 12, 2018 and closing on February 26, 2018. All inquiries should be directed to the contact listed below.

The Office of the State Public Defender proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: Each of the following positions is involved as a State employee, at other than a clerical level, in the functions of negotiating or signing contracts awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiation, signing or making decisions on contracts executed pursuant to Sections 10122 of the Public Contract Code.

ADMINISTRATION

1. The Staff Services Manager I (Oakland) is assigned to the disclosure Category 1. The Staff Services Manager I (Oakland) reports to the State Public Defender.
2. Associate Governmental Program Analyst is assigned to Category 2. This position reports to the Chief of Business Services.
3. The Office Technician is assigned to Category 2. This position reports to the Chief of Business Services.
4. The Administrative Assistant is assigned to Category 2. This position reports to the Staff Services Manager I (Oakland).

INFORMATION TECHNOLOGY

1. The Chief Information Officer is assigned to Category 3. The Chief Information Officer reports to the State Public Defender and is responsible for advising the staff about policy and standards, setting policy standards for contracting, and overseeing regulatory compliance.
2. The Senior Information Systems Analyst is assigned to Category 3. This position reports to the Chief Information Officer.
3. The Associate Information Systems Analyst is assigned to Category 3. This position reports to the Chief Information Officer.

Our list of designated filers has been updated to represent changes to the staff approving purchases and contracts. All of these staff solicit bids and have a role in the final decisions of which vendors to use for purchases and/or contracts.

- Administration
 - Staff Service Manager I — Oakland
 - Associate Governmental Program Analyst — Business Services
 - Office Technician — Business Services
- Information Technology disclosure category 3
 - Chief Information Officer
 - Senior Information Systems Analyst
 - Associate Information Systems Analyst

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 26, 2018, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than February 5, 2018.

The Office of the State Public Defender has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Twanna Moore, Human Resource Analyst, by telephone (916) 322-7043, or by e-mail at Twanna.Moore@ospd.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

REG-2017-00020

January 12, 2018

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING COMMERCIAL AUTOMOBILE INSURANCE PROCEDURE RATES FOR THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the five commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

AUTHORITY AND REFERENCE TO ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code § 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

Date: February 28, 2018
Time: 10:00 a.m.
**Place: Department of Insurance
Hearing Room
300 South Spring Street
Los Angeles, CA 90013**

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:
Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on February 28, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street, 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile cov-

erage through CAIP. Section 11624 provides: "Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan." Title 10, California Code of Regulations, §2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP's recent rate application. CAARP has proposed rate changes for five CAIP sub-lines, amounting to an overall average **18.1 percent rate increase**. The five sub-lines are:

Trucks, Tractor and Trailers;
Taxis, Limousines and Van Pools;
All Buses Combined;
Zone Rated Risks and
Employers Non-Ownership Liability.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE**

CAARP is proposing overall rate increases for Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; Zone Rated Risks and Employers Non-Ownership Liability. Although the number of commercial auto applications placed by CAARP is small the proposed rate changes could have a statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also impact competition or competitiveness. The proposal could also affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

**COST IMPACTS ON PRIVATE PERSONS
OR ENTITIES**

The Insurance Commissioner has determined that there could be potential cost impacts on businesses directly affected by the proposed rate increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase impacts business, it could also impact private persons employed by those businesses. The rate increase could also impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, 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 than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person

listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

TITLE 10. DEPARTMENT OF INSURANCE

REG-2017-00019

January 12, 2018

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REVISIONS TO CALIFORNIA LOW COST AUTOMOBILE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("CLCA") Plan of Operations.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date: February 28, 2018
Time: 10:00 a.m.
Place: Department of Insurance
Hearing Room
300 South Spring Street
Los Angeles, CA 90013

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:
Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on February 28, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street, 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

LC 17-09

Under current Program rules, an applicant with earned premium due on a prior Low Cost Auto Policy is

not eligible to reapply unless they submit the earned premium in addition to their deposit at the time of application.

The California Automobile Assigned Risk Plan (CAARP) proposes a procedure that allows an insurer to apply the application deposit to the outstanding earned premium owed on a prior policy. This will allow the insurer to issue a new policy and a cancellation notice when the deposit is not sufficient to cover the earned premium.

LC 17-10

Currently an applicant eligible for a CA Low Cost Auto Policy is unable to obtain coverage because their spouse is the registered owner of the vehicle on the application. If the application is completed with the spouse as applicant, the spouse may not be able to get to the producer's office to sign the application.

CAARP proposes revisions to the Plan of Operation, Amendment of Policy Provisions, Low Cost Application, and Policy Change Request — Certification Form that will allow an applicant to be eligible when the vehicle on the application is registered to their spouse.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS
OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, 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 as and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT
OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the

amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) proposes to adopt section 4095.1 and amend sections 4049 through 4053, 4057, 4060 through 4063, 4065 through 4068, 4070, 4071, 4082 through 4086, 4090, 4093 through 4100, 4105 through 4108, and repeal sections 4101 and 4102 of title 11, division 5, Chapters 5 and 6, of the California Code of Regulations (CCR) concerning Laboratory Certification of Handgun Testing and Certified Firearm Safety Device Laboratories, Firearm Safety Device Standards and Testing, and Standards for Gun Safes, after considering all public comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing to receive public comments on the proposed regulatory action.

The hearing will be held on February 26, 2018, 10:00 a.m. to 12:00 p.m., at the following location:

Resources Building Auditorium
1416 9th Street
Sacramento, California 95814

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on February 26, 2018. Only comments received by the DOJ by that time will be considered. Written comments must be submitted to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: handgunFSDtesting@doj.ca.gov

AUTHORITY AND REFERENCE

California Penal Code section 23650 states the Attorney General shall develop regulations to implement a minimum safety standard for Firearm Safety Devices (FSDs) and gun safes to significantly reduce the risk of firearm-related injuries to children 17 years of age and younger. Penal Code section 32030(c) states the Department of Justice (Department) may, in its discretion and at any time, require a manufacturer to provide to the Department any model of firearm for which listing is sought under this section, to determine whether the model complies with the requirements of this section. Furthermore, Penal Code section 32010 states the Department shall certify laboratories to verify compliance with the standards defined in Section 31910. Therefore, in order to comply with the above-mentioned sections, it is necessary for the Department to revise the existing Chapters 5 and 6, in the California Code of Regulations (CCR), title 11, division 5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The “Aroner–Scott–Hayden Firearms Safety Act of 1999,” was approved by the Governor in August of 1999. The act requires that, except as provided, effective January 1, 2002, all firearms sold or transferred in California, or manufactured in California, be accompanied by an FSD approved by the Department. This act also requires the Department to certify laboratories to test FSDs. Additionally, the Attorney General is authorized to recall any gun safe or FSD sold in California that does not conform to the specified provisions of the act. (Penal Code sections 23620, 23625, 23630, 23635, 23640, 23645, 23650, 23655, 23675, 23680, 23685, and 23690.)

Also in 1999, the Legislature enacted Senate Bill 15 (Chapter 248, Statutes of 1999), which makes it a misdemeanor or felony to manufacture or import into the state an unsafe handgun. This legislation requires any pistol, revolver, or other firearm capable of being concealed upon the person that is in California, to be tested by an independent laboratory certified by the Department to determine if that firearm meets or exceeds specified standards defining unsafe handguns. The Department was required to certify laboratories for this purpose on or before January 1, 2001. (Penal Code sections 31900, 31905, 31910, 32000, 32005, 32010, 32015, 32030, 32100, and 32110.)

The California Code of Regulations, title 11, division 5, Chapters 5 and 6, detail the specifics of these laws as follows:

Section 4049 defines key terms related to the laboratory certification of handgun testing. These terms are used throughout these regulations.

Section 4050 specifies that any laboratory wanting to participate in the California Handgun Testing Program must apply for and obtain DOJ–Certification.

Section 4051 incorporates the Application for Laboratory Certification (Handgun Testing).

Section 4052 lists the requirements a laboratory needs prior to obtaining DOJ–Certification. Laboratories are required to have a Certificate of Eligibility (COE) pursuant to Penal Code section 26710. Additionally, laboratories are required to have a Federal Firearms License (FFL) and equipment for testing that is specified in this section.

Section 4053 specifies the grounds on which a laboratory will be denied for DOJ–Certification.

Section 4057 outlines the safety and security procedures that a DOJ–Certified Laboratory must have in place. A form for laboratories to report to the DOJ any lost or stolen handgun is also incorporated by reference.

Section 4060 specifies the testing procedures that laboratories are to adhere to.

Section 4061 revises and establishes the requirements for laboratories to report the test results to the Department.

Section 4062 details the required records, retention periods and reporting changes. This section is included due to the revision of a form that is incorporated by reference.

Section 4063 specifies requirements for a DOJ–Certified Laboratory should they need to use an off–site location for handgun testing. This section is included due to the revision of a form that is incorporated by reference.

Section 4065 established application fees and the forms that shall accompany the fees.

Section 4066 specifies the grounds for revocation of a DOJ–Certification for a laboratory.

Section 4067 outlines the procedures for renewal of DOJ–Certification. This section is included due to the revision of a form that is incorporated by reference.

Section 4068 specifies the procedures for renewal of a DOJ–Certification after the certification has expired. This section is included due to the revision of a form that is incorporated by reference.

Section 4070 establishes timeframes for receiving the Compliance Test Report (Handguns) in order to have the handgun listed on the Roster of Handguns Certified for Sale. Additionally, pursuant to Penal Code section 32015(b)(1), this section states the listing will be valid during the calendar year in which payment was received, ending December 31 of that year, regardless of when it was first placed on the Roster.

Section 4071 outlines the procedures for renewal of a handgun that was previously listed on the Roster of Handguns Certified for Sale, and how the Department

will inform manufacturers that the handgun listing was renewed.

Section 4082 defines key terms related to the laboratory testing of FSDs. These terms are used throughout these regulations.

Section 4083 specifies that any laboratory wanting to participate in the FSD testing program must apply for and obtain DOJ–Certification.

Section 4084 incorporates the Application for Laboratory Certification (Firearm Safety Device Testing).

Section 4085 lists the requirements a laboratory needs prior to obtaining DOJ–Certification. Laboratories are required to have a COE pursuant to Penal Code section 26710.

Section 4086 specifies the grounds on which a laboratory will be denied DOJ–Certification for testing FSDs.

Section 4090 specifies that the laboratory must not have any conflicts of interest in the testing of FSDs and must not have any financial conflicts of interest.

Section 4093 specifies the FSD testing procedures that laboratories are to adhere to and the requirements for a manufacturer to submit FSDs to the laboratory. Some of the specifications include that the FSD shall be clearly marked with the manufacturer’s model name and model number, and that if the FSD requires batteries to operate they must be included when provided to the laboratory.

Section 4094 establishes FSD standards. The FSDs shall be designed so that they will not allow their removal or deactivation unless by the method intended by the manufacturer.

Section 4095 establishes FSD testing procedures. The tests are designed to replicate the force that would be exerted on an FSD with common items found in the average home. Specific criteria are listed for testing the FSD’s ability to withstand tolerances of force, heights, torque and weight, exerted upon the device.

Section 4095.1 has been added to establish the testing sequence, and the number of FSDs that shall be supplied to the laboratory depending on the type of device. Some revisions have been made to the test, but mostly the order in which they are explained and the number of devices to be submitted has been clarified.

Section 4096 revises and establishes the requirements for laboratories to report the FSD test results to the Department.

Section 4097 details the required records, retention periods and reporting changes. This section is included due to the revision of forms that are incorporated by reference.

Section 4098 specifies requirements for a DOJ–Certified Laboratory performing FSD testing should they need to use an off–site location. This section is in-

cluded due to the revision of a form that is incorporated by reference.

Section 4099 establishes inspections of the DOJ–Certified Laboratory that is testing FSDs. It states that within six months of the date of the certification, the Department will conduct an inspection to observe actual FSD testing.

Section 4100 outlines the procedures for establishing that a gun safe or lock box that is already in possession meets the appropriate standards. Also, this section tells how to prove that someone owns a gun safe or lock box that meets the standards.

Section 4101 has been repealed as it was combined into section 4100.

Section 4102 has been repealed as it was combined into section 4100.

Section 4105 outlines the procedures for renewal of a DOJ–Certification for a laboratory. This section is included due to the revision of forms that are incorporated by reference.

Section 4107 specifies how the Department shall receive notices, orders and communications from the laboratory. This section is included due to the revision of a form that is incorporated by reference.

Section 4108 establishes the Roster of Firearms Safety Devices Certified for Sale. The section states that within 30 days of receipt of the Compliance Test Report (Firearm Safety Devices), the Department will determine whether the FSD may be placed on the Roster.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The proposed regulations provide references for revised forms, and further clarification on the testing procedures for handguns and FSDs. With revised regulations in place, the products placed on the Department’s Roster of Handguns Certified for Sale, and Roster of Firearm Safety Devices Certified for Sale will have been tested more accurately and lead to fewer unsafe incidents.

INCORPORATED BY REFERENCE FORMS

Application for Laboratory Certification (Handgun Testing), BOF 019 (Rev. 07/2018)

Application for Laboratory Certification (Firearm Safety Device Testing), BOF 019A (Rev. 07/2018)

Request to Utilize an Additional Off–Site Location (Handgun Testing), BOF 020 (Rev. 07/2018)

Request to Utilize an Additional Off–Site Location (Firearm Safety Device Testing), BOF 020A (Rev. 07/2018)

Compliance Test Report (Handguns), BOF 021 (Rev. 07/2018)

Compliance Test Report (Firearm Safety Devices), BOF 021A (Rev. 07/2018)

DOJ–Certified Laboratory Theft Report (Handguns), BOF 022 (Orig. 07/2018)

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the DOJ must evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (CCR) title 11, division 5 and determined these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that the proposed regulations revise and reorganize existing regulations.

COMPARABLE FEDERAL REGULATIONS

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DOJ has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small business determination: The DOJ has determined that the proposed regulation will not affect small business because all of the current DOJ–Certified Lab-

atories are located outside of California. Furthermore, the proposed regulation is not expected to engender any significant, negative fiscal impact. Some of the proposed changes will result in a cost savings.

Results of the Economic Impact Assessment/Analysis:

Adoption of the proposed 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.
- (4) As stated above under the “Anticipated Benefits of the Proposed Regulation,” the regulations update and clarify a number of forms and testing procedures. As a result, the products placed on the Department’s Roster of Handguns Certified for Sale and Roster of Firearm Safety Devices Certified for Sale will have been tested more accurately and lead to fewer unsafe incidents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ 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.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-5419
Email: handgunFSDtesting@doj.ca.gov

The back-up contact person for these inquiries is:

Audrey Durfor
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-7615
Email: handgunFSDtesting@doj.ca.gov

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

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the “express terms”), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the DOJ website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulation substantially as described in this notice. If the DOJ 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 and accept written comments before the DOJ adopts the regulation. Copies of any modified text will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jacqueline Dosch.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the DOJ website at <http://oag.ca.gov/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jacqueline Dosch.

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 format, as well as the Final Statement of Reasons once completed, are available on the DOJ website at <http://oag.ca.gov/firearms/regs>.

TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the Department of Justice (Department) proposes to adopt sections 999.300 to 999.337 of Title 11, Division 1, Chapter 19, of the California Code of Regulations (CCR), described below, after considering all comments, objections, and recommendations regarding the proposed action. These proposed regulations concern the establishment and operation of a grant-making program to fund local enforcement of tobacco-related laws, as mandated by Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016.

PUBLIC HEARING

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed regulations, as follows:

Date: February 28, 2018
Time: 2:30–5:00 p.m.
Location: 1616 Capitol Ave.
Sacramento, California

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below. The written comment period closes on February 26, 2018 at 5:00 p.m. Only written comments received by that time shall be reviewed and considered by the Department before it adopts a regulation.

Monica Gable, Senior Legal Analyst, CA Department of Justice, P.O. Box 944255, Sacramento, CA 94244–2550, email: monica.gable@doj.ca.gov, facsimile (916) 323–0813.

Note that under the California Public Records Act (Gov. Code, § 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY and REFERENCE

The Department proposes the adoption of California Code of Regulations Title 11, Division 1, Chapter 19, Sections 999.300 to 999.337, pursuant to the authority

vested in it by the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, Revenue & Taxation Code, section 30130.57. The proposed regulations will implement, interpret, and make specific the provisions of Revenue & Taxation Code, section 30130.57, subdivision (e)(1). (Gov. Code, § 11346.5(a)(2); 1 CCR 14.)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

In November 2016, California voters approved Proposition 56, the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (the Act). (Codified at Rev. & Tax. Code, §§ 30130.50 – 30130.57.) This measure increased the excise tax rate on tobacco products for the purpose of reducing smoking and thus reducing mortality, disease, healthcare costs, loss of productivity, and other adverse impacts of smoking. The Act also established the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 Fund (the Fund) and designated the distribution of revenues from the Fund. (Rev. & Tax. Code, §§ 30130.53, 30130.55, and 30130.57.)

Among other designations of tax revenues, the Act provides that an annual amount of \$48,000,000 shall be used for the purpose of funding certain law enforcement efforts. (Rev. & Tax. Code, § 30130.57, subd. (e).) The Act sets forth these law enforcement efforts as follows:

- (i) to reduce illegal sales of tobacco products, particularly illegal sales to minors;
- (ii) to reduce cigarette smuggling, tobacco tax evasion, the sale of tobacco products without a license and the sale of counterfeit tobacco products;
- (iii) to enforce tobacco-related laws, court judgments, and legal settlements; and
- (iv) to conduct law enforcement training and technical assistance activities for tobacco-related statutes. (Rev. & Tax. Code, § 30130.57, subd. (e).)

The Act apportions annual distribution of these funds in four different ways: \$6,000,000 to the Department of Tax and Fee Administration (formerly the Board of Equalization), \$6,000,000 to the Department of Public Health, \$6,000,000 to the Attorney General, and \$30,000,000 to the Department of Justice/Office of the Attorney General (the Department) to be distributed to local law enforcement agencies. (Rev. & Tax. Code, § 30130.57, subd. (e)(1)–(4).) It is the last of these — the grant-making program of the Department — that is the subject of these proposed regulations.

The Act provides that the Department distribute \$30,000,000 annually to local law enforcement agen-

cies to support and hire front–line law enforcement peace officers for certain programs. (Rev. & Tax. Code, § 30130.57, subd. (e)(1).) These programs include, but are not limited to, enforcement of state and local laws related to the illegal sales and marketing of tobacco to minors and increasing investigative activities and compliance checks to reduce illegal sales of cigarettes and tobacco products to minors and youth. (*Ibid.*)

Effect of the Proposed Rulemaking:

The proposed regulations implement, interpret, and make specific Revenue & Taxation Code, section 30130.57, subdivision (e)(1). This measure provides \$30 million funding each year to the Department to be distributed to local law enforcement agencies. The proposed regulations establish a grant program, administered by the Department, and set forth criteria for eligibility for applicants and projects, and procedures for applications, review, appeal, record–keeping, audits, and other matters, in accord with best practices for grant–making programs.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to the proposed regulations.

Policy Statement Overview and Anticipated Benefits of the Proposed Regulations:

Proposition 56 provides a structure for funds to be distributed by the Department to certain entities and for certain purposes. The proposed regulations provide details as to which entities are eligible to apply, the criteria for funding, the procedures for application, review or appeal, the requirements for recordkeeping, or other matters fundamental to a successful grant program. (See Rev. & Tax. Code, § 30130.57, subd. (e)(1).)

The Department has made an initial determination that the proposed regulations will benefit California residents in numerous ways. The proposed regulations will establish and advance the operation of a grant program to expand and enhance local enforcement of tobacco–related measures. This is likely to reduce illicit use of and exposure to tobacco products, in particular by youth. The Act includes the following findings regarding tobacco use: over 40,000 Californians die every year from tobacco–related diseases; California taxpayers pay \$3.5 billion each year for tobacco–related healthcare expenses; and the cost of lost productivity in California each year as a result of tobacco use is estimated at over \$10 billion. (See Healthcare Research and Prevention Tobacco Tax Act, 2016 Cal. Legis. Serv. Prop. 56, § 1, subds. (a) & (b) (Proposition 56) (West).) Accordingly, the proposed regulations will benefit California in the following ways:

1. *Public health:* Expanded and more effective local enforcement of tobacco–related measures, including additional efforts to prevent predatory marketing to youth and sales to minors, is likely to reduce youth initiation and illicit use of and exposure to tobacco products. This will have a public health benefit.
2. *Economic wellbeing:* Use of and exposure to tobacco products is associated with a large loss in productivity. To the extent that the grant program results in a reduction in youth initiation, and illegal sales of and exposure to tobacco products, it will promote economic vitality.
3. *Compliance:* The grant program will finance additional local enforcement and retailer education, and this will increase compliance with tobacco laws.
4. *Safety:* Combustible tobacco products are a major cause of fires in California. Electronic cigarettes or their batteries can explode. The proposed regulations, to the extent they result in reduced use of illicit tobacco products, will reduce the likelihood of fire and explosion.
5. *Environmental sustainability:* Vast quantities of cigarette butts, foil wrappers, batteries, plastic and electronic components of electronic cigarettes, lighters, and cigarette packs, are improperly discarded. This tobacco product waste contaminates waterways, poisons aquatic life, blocks drains, chokes birds, creates unsightly litter, and requires public entities to spend large sums on ongoing clean–up operations. The proposed regulations, to the extent they result in reduced use of tobacco products, will reduce environmental degradation.
6. *Efficient, transparent and effective government:* The proposed regulations establish a grant program that will efficiently and fairly distribute funds to local government agencies, promote effective enforcement, and the process will be transparent to applicants, recipients and the public.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the implementation of the Department’s grant–making program under Proposition

56, to distribute funds to local law enforcement agencies to enforce tobacco-related laws.

Forms Incorporated by Reference:

No documents or forms are incorporated by reference.

Mandated by Federal Law or Regulations

The proposed regulations are not mandated by federal statute or regulation. (See Gov. Code, §§ 11346.2, subd. (c); 11346.9.)

Other Statutory Requirements

None. (See Gov. Code, § 11346.5, subd. (a)(4).)

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts:

The proposed regulations will not impose a mandate on any local agency or school district that requires reimbursement pursuant to Government Code section 17500 et seq. (Gov. Code, § 11346.5, subd. (a)(5).)

Cost to any Local Agency or School District: The proposed regulations will not result in any cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630. (Gov. Code, § 11346.5, subd. (a)(6); SAM §§ 6601–6616.) Rather, the proposed regulations establish a grant program that may provide funding to local agencies.

Cost or Savings to any State Agency: The proposed regulations will not result in any cost or savings to any state agency, per Government Code section 11346.5, subdivision (a)(6) and SAM sections 6601–6616, other than the administrative costs for the grant program which are included within the funding.

Other Non-Discretionary Cost or Savings Imposed on Local Agencies: The proposed regulations will not result in any other non-discretionary cost or savings to any state agency, per Government Code section 11346.5, subdivision (a)(6) and SAM sections 6601–6616, other than the administrative costs for the grant program which are included within the funding.

Cost or Savings in Federal Funding to the State: The proposed regulations will not result in any cost or savings in federal funding to the state. (Gov. Code, § 11346.5, subd. (a)(6); SAM §§ 6601–6616.)

Significant Effect on Housing Costs: The proposed regulations will not result in any significant effect on housing costs. (Gov. Code, § 11346.5, subd. (a)(12).)

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of Cal-

ifornia Businesses to Compete with Businesses in Other States: None.

Results of the Economic Impact Assessment (ETA):

The proposed regulations will not have a direct adverse economic impact on businesses or jobs in California because they do not regulate California businesses or jobs. Rather, they govern the distribution of state funds to local law enforcement agencies. The proposed regulations therefore will not create new or eliminate existing jobs within the state, create new or eliminate existing businesses within the state, or expand businesses currently doing business within the state. (See Gov. Code, § 11346.3, subd. (b)(1)(A)–(C).) As discussed elsewhere, the proposed regulations will be likely to have a positive economic impact insofar as they benefit the health and welfare of California residents, worker safety, and the state’s environment. (See Gov. Code, § 11346.3, subd. (b)(1)(D).)

Cost Impacts on Representative Person or Business:

The proposed regulations will not result in any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report: None.

Small Business Determination: The proposed regulations will not affect small businesses per 1 C.C.R. section 4, subdivision (a). This is because the proposed regulations do not regulate California businesses or jobs. Rather, they merely govern the distribution of state funds to local law enforcement agencies. As discussed elsewhere, the proposed regulations will be likely to have a positive economic impact insofar as they benefit the health and welfare of California residents, worker safety, and the state’s environment.

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 agency 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, 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. To the extent the Department identified or considered specific alternatives not discussed here, they are addressed in the Initial Statement of Reasons.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Monica Gable, Senior Legal Analyst, Department of Justice, P.O. Box 944255, Sacramento, CA

94244–2550, email: monica.gable@doj.ca.gov, facsimile: (916) 323–0813.

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. 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, should also be addressed to the above contact person.

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Nicholas Wellington, Deputy Attorney General, Department of Justice, 1515 Clay Street, 20th floor, Oakland, CA 94612, email: nicholas.wellington@doj.ca.gov, facsimile: (510) 622–2121.

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1300 I Street, Sacramento. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Monica Gable at the address listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulations should be addressed to Monica Gable at the address listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Monica Gable at the address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations, can be accessed through the Department’s website at [https://oag.ca.gov/meetings/ public-participation](https://oag.ca.gov/meetings/public-participation).

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections: 200, 205, 265, 270, 315, 316.5, and 399 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 270, and 316.5 of said Code, proposes to amend subsections (b)(5), (b)(68), and (b)(156.5) of Section 7.50, Title 14, California Code of Regulations, relating to Central Valley Chinook Salmon Sport Fishing Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW — INLAND FISHERIES

The current, 2017, sport fishing regulations prescribe seasons and daily bag and possession limits for Chinook Salmon fishing in the American, Feather and Sacramento rivers. The Department of Fish and Wildlife (Department) is recommending new Chinook Salmon bag and possession limits in the American, Feather, and Sacramento rivers for the 2018 season.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at its March 2018 meeting and develop the final PFMC regulatory recommendations for adoption by NMFS at its April 2018 meeting.

Based on the action taken by NMFS and the recommendation of the Department, the Commission will adopt bag and possession limits for the American, Feather, and Sacramento rivers which may increase or decrease the current Chinook Salmon bag and possession limits based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

Benefits of the Regulations

The proposed regulation will provide benefits to the environment. Adoption of scientifically based Central

Valley Chinook Salmon bag and possession limits provides for the maintenance of sufficient populations of Chinook Salmon to ensure their continued existence. Other benefits of the proposed regulations are concurrence with federal law, sustainable management of the Central Valley Chinook Salmon resources, general health and welfare of California residents and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

Consistency and Compatibility with State Regulations

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code, sections 200 and 205). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational fishing seasons, bag and possession limits.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 8, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 12, 2018, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 29, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 6, 2018. All comments must be received no later than April 12, 2018, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through our website at <http://www.fgc.ca.gov>. The regulations,

as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Rick Pimentel at the preceding address or phone number. **Roger Bloom, Environmental Program Manager, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. Bloom can be reached at (916) 445–3777 or Roger.Bloom@wildlife.ca.gov.**

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission 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. Circumstances beyond the control of the Commission (e.g., timing of federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendations and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and, therefore, the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California. The minor variations in the bag and possession limits as may be established in the regulations are, by themselves, unlikely to impact business.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a Chinook Salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California’s Chinook Salmon resources.

The Commission does not anticipate any non-monetary benefits to worker safety.

Other benefits of the proposed regulations are concurrence with federal law and promotion of businesses that rely on Central Valley Chinook Salmon sport fishing.

- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 270, 315, 316.5 and 399 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 270 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Basin sport fishing regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented

as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The Commission adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin sport fisheries which are consistent with federal fishery management goals.

Two tribal entities within the Klamath River Basin, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal-fishery management goals. Tribal fishing regulations are promulgated by—the Hoopa and Yurok tribes.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (age's 3–5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

Klamath River Fall–Run Chinook Salmon

Adult Klamath River fall–run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring–Run Chinook Salmon

The Klamath River Basin also supports Klamath River spring–run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the lower Klamath River in 2018 and ensuing years by creel survey.

KRFC Allocation Management

In 2017, the PFMC approved a historically low 129 adult KRFC quota for in–river sport harvest allocation for 2017. Preseason stock projections of 2018 adult KRFC abundance will not be available from the PFMC until March 2018. The 2018 basin allocation will be recommended by the PFMC in April 2018 and presented to the Commission for adoption prior to its April 2018 meeting.

The Commission may modify the KRFC in–river sport harvest allocation which is normally 15 percent of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC

Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean and in–river fisheries.

The annual KRFC in–river harvest allocation is split into four geographic areas with subquotas assigned to each. They are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec — 1.7 percent of the sport fishery allocation;
2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth — 50 percent of the sport fishery allocation;
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat — 16.5 percent of the sport fishery allocation; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River — 16.5 percent of the sport fishery allocation.

From 2014–2016, the spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closed to all fishing after 15 percent of the total Klamath River Basin quota had been taken downstream of the Highway 101 bridge. This regulatory language was removed in 2017 to eliminate catch and release mortality.

These geographic areas are based upon the historical distribution of angler effort and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The subquota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2018 season. The Department has reviewed salmon harvest and run–timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between KRFC harvested in the lower and upper Klamath River and the Trinity River. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established subquota targets.

Current Sport Fishery Management

The KRFC in-river sport harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following dates:

Klamath River

1. January 1 through August 14. — General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.
2. August 15 to December 31 — KRFC quota management.

Trinity River

1. January 1 through August 31 — General Season KRSC.
For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 — KRFC quota management.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Due to the extremely small quota, take and possession of adult and grilse KRFC was prohibited in 2017.

Proposed Changes

Because PFMC recommendations are not known at this time, a range (shown in brackets in the text below) of bag and possession limits, which encompass historical quotas, is being proposed for the 2018 KRFC fishery in the Klamath and Trinity rivers. The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan, otherwise harvest opportunities may be reduced in the California ocean fisheries.

If the full closure of the fall salmon fishing season is deemed necessary again for 2018, the no change alternative provides this option.

The proposed open seasons and range of bag and possession limits for KRFC stocks are as follows:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

For public notice requirements, the Department recommends the Commission consider an allocation range of 0–67,600 adult KRFC in the Klamath River Basin for

the river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows the PFMC and Commission to make adjustments during the 2018 regulatory cycle.

As in previous years, no retention of adult KRFC is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — [0–4] Chinook Salmon — of which no more than [0–4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
4. Possession limit — [0–12] Chinook Salmon of which [0–4] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

The proposed regulatory action will also re-establish the pre-2017 fishery measures and structure for KRFC to maximize fishing opportunities and maintain previous protective measures during the open fishing season.

The word “adult” will be reinserted in subsection (A)2. so that the text will be as it existed prior to 2017: During closures to the take of adult salmon, it shall be unlawful to remove any adult Chinook Salmon from the water by any means.

In subsection (D)1., the proposed regulatory language re-inserts pre-2017 language concerning how the Department will notify the Commission and the public concerning any restrictions triggered by the quotas and language describing the information provided on the Department’s hotline and repeals text that states all fishing is prohibited for KRFC.

Subsection (D)2.b.(i) will be reinserted as it existed prior to 2017: The Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) will close when 15% of the total Klamath River Basin quota is taken downstream of the Highway 101 bridge.

Subsection (E)2.a. will be reinserted as it existed prior to 2017: Fall Run Quota Exception: Chinook Salmon over 22 inches total length may be retained from 3,500 feet downstream of Iron Gate Dam to the Interstate 5 bridge when the Department determines that the adult fall-run Chinook Salmon spawning escapement at Iron Gate Hatchery exceeds 8,000 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.

Subsection (E)2.b. will be reinserted as it existed prior to 2017: Fall Run Quota Exception: Spit Area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth). This area will be closed to all fishing after 15% of the Total Klamath River Basin Quota has been taken.

All legally caught Chinook Salmon must be retained. Once the adult (greater than 22 inches) component of the total daily bag limit has been retained anglers must cease fishing in the spit area.

Subsection (E)6.b. will be reinserted as it existed prior to 2017: Fall Run Quota Exception: Chinook Salmon over 22 inches total length may be retained downstream of the Old Lewiston Bridge to the mouth of Indian Creek when the Department determines that the adult fall-run Chinook Salmon spawning escapement at Trinity River Hatchery exceeds 4,800 fish. Daily bag and possession limits specified for fall-run Chinook Salmon apply during this exception.

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

Other changes are proposed for clarity and consistency.

Benefits of the Proposed Regulations

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the policy of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are conformance with federal law, sustainable management of Klamath River Basin fish resources, health and welfare of California residents and promotion of businesses that rely on sport salmon fishing in the Klamath River Basin.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 205, 315, and 316.5, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. Commission staff has searched the California Code of Regulations and has found no other State regulations related to sport fishing in the Klamath River Basin.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 8, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 12, 2018, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 29, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 6, 2018. All comments must be received no later than April 12, 2018, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission’s website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sherrie Fonbuena at the preceding address or phone number. **Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, has been designated to respond to**

questions on the substance of the proposed regulations. Mr. Sinnen can be reached at (707) 822-5119 or by email at Wade.Sinnen@wildlife.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission 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. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to result in increases to visitor spending, and correspondingly positive impacts on the net revenues to local businesses servicing sport fishermen. This is not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued

preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations to reopen the KRFC fishery for 2018 range from no fishing of adult KRFC to a 2016 KRFC season structure. The Commission anticipates positive impact on the creation or elimination of jobs in California. The potential positive employment impacts range from 0 to 45 jobs. The Commission anticipates positive impacts on the creation, elimination or expansion of businesses in California from increased revenues to the approximately 30 businesses that serve sport fishing activities. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to success or failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmonid resources.

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

Other benefits include concurrence with federal regulation and promotion of businesses that rely on salmon sport fishing in the Klamath River Basin.

- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: If bag and possession limits are increased, the Department may have an increase in salmon card sales revenue estimated up to \$88,550. The

Commission does not anticipate any costs or savings in federal funding to the State.

- (e) Nondiscretionary Costs/Savings to Local Agencies: If the KRFC fishery is reopened for 2018, it may result in increased visits and angler spending in the Klamath River Basin area; local government sales, motor fuel and transient occupancy taxes may increase by as much as \$138,000, and state and local income taxes may increase by as much as \$431,724.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 21. DEPARTMENT OF TRANSPORTATION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Department of Transportation, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on January 12, 2018 and closing on February 26, 2018. All inquiries should be directed to the contact listed below.

The Department of Transportation proposes to amend its conflict-of-interest code to include employ- ee positions that involve the making or participation in

the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less bur- densome to affected persons.

Changes to the conflict-of-interest code include:

- Category 2 real property has been updated
- Changes have been made to classification titles to make them consistent throughout the State
- Classifications have been made consistent throughout the Districts
- “Pest control and fumigation services” was added to Category 6 & 7
- Category 3 has been added to all Construction Divisions in District
- Added Transportation Engineer — for permit writer or inspector and Resident Engineer

Information on the code amendment is available on the agency’s intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 26, 2018, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than February 11, 2018.

The Department of Transportation 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.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1017

ITEM #1 CalWORKs Program: Subsidized Employment, Approved Career Pathways and Post-Aid Services (AB 1603)

The CDSS hereby gives notice of the proposed regu- latory action(s) described below. Any person interested

may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on February 28, 2018, at the following address:

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

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

Statements or arguments related to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 28, 2018.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

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

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards Manual, Chapter 41-400 (Deprivation of Parental Support or Care), Section 41-440 (Unemployed Parent Program); Chapter 42-700 (Welfare-to-Work), Sections 42-711 (Welfare-to-Work Participation Requirements), 42-716 (Welfare-to-Work Activities) and 42-717 (Job Retention Services); and Chapter 44-200 (AU Composition and Need) Section 44-207 (Income Eligibility).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Eligibility and Assistance Standards Manual includes the regulations to be followed whenever anyone applies for the different assistance programs administered by CDSS Family Engagement and Empowerment Division.

The proposed regulations provide guidance for the following:

1. Repeal of the AB 98 Subsidized Employment Program.
2. Revised eligibility for the Expanded Subsidized Employment program.
3. Implementation of deeming participation in Approved Career Pathways under the Workforce Innovation and Opportunity Act (WIOA) to meet the minimum hourly requirements for CalWORKs.
4. Revised Job Retention/Post-Aid services to include Expanded Subsidized Employment.

The benefits of these proposed regulations are as follows:

1. Clarify guidance for the Expanded Subsidized Employment Program, WIOA Approved Career Pathways, and Job Retention/Post-Aid services.
2. Revise eligibility for the Expanded Subsidized Employment program to include former recipients who reach the 48-month time limit and are receiving Safety Net benefits for their eligible children as described in Section 42-302.1.
3. Deeming participants in Approved Career Pathways to meet the hourly requirements for CalWORKs minimum standards as described in Section 42-711.4 regardless of the number of hours participated.

The objectives of the proposed regulations are as follows:

1. Remove guidance for the repealed AB 98 Subsidized Employment program (Sections 41–440.221, 42–716.7 and 44–207.111).
2. Provide guidance on eligibility for the Expanded Subsidized Employment program to former recipients who have reached the 48–month time limit and who are receiving Safety Net benefits for their eligible children as described in Section 42–302.1 (Section 42–716.8).
3. Provide guidance for deeming hours for participation in Approved Career Pathways (Section 42–711.44).
4. Amend job retention and post–aid guidance due to the repeal of AB 98 Subsidized Employment and the revision to Expanded Subsidized Employment (Sections 42–717.6 and 42–717.7).

There are no identical or comparable federal regulations or statute.

The specific benefits of the proposed regulations are the following:

1. Fulfill the legal requirement of AB 1603 Section 36(b) to write regulations.
2. Increased opportunities for participation in Expanded Subsidized Employment, which may lead to self–sufficiency for CalWORKs participants and their families.
3. Deeming participation in Approved Career Pathways to meet the hourly requirements for CalWORKs minimum standards. By removing a minimum hourly requirement for Approved Career Pathways, participants may have more opportunities to participate in activities that increase the likelihood of employability which can lead to self–sufficiency for the participants and their families.
4. Clarification of post–aid and job retention regulations.

The proposed regulations for Approved Career Pathways and Expanded Subsidized Employment (Sections 42–711.44 and 42–716.8) are consistent and compatible with current regulations. The repeal of the AB 98 Subsidized Employment program requires deletion of information about the AB 98 Subsidized Employment program in Sections 41–440.221 and 44–207.111 for CalWORKs eligibility, as well as deletion of Section 42–716.7, which is guidance for the AB 98 Subsidized Employment program itself. The deletion of Section 42–716.7 and amendments for Sections 41–440.221, 44–207.111, 42–716.6 and 42–717.7 eliminate inconsistencies and incompatible information in current regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings. This regulation makes only technical, non–substantive or clarifying changes to current law regulations.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 – 17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings. This regulation makes only technical, non–substantive or clarifying changes to regulations.
4. Federal Funding to State Agencies: No additional costs or savings. This regulation makes only technical, non–substantive or clarifying changes to regulations.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in no additional costs to local agencies.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will have no statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the content of the Welfare and Institutions Code sections 11320.15, 11322.63, 11322.64, 11322.83, and 11323.25, which assist CalWORKs Welfare–to–Work participants and former recipients to participate in activities designed to lead to self–sufficiency. Impact on businesses is positive because employers may be able to hire employees at reduced costs due to Expanded Subsidized Employment subsidies and applicants may be better trained because of participation in Approved Career Pathways.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person would necessarily incur in

reasonable compliance with the proposed action. Potential cost impacts on businesses would be positive because businesses may receive subsidies for their employment costs when hiring CalWORKs participants, and Approved Career Pathways may increase the availability of trained applicants for employment.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that the only impacts on small businesses as a result of filing these regulations are positive because small businesses may receive subsidies for their employment costs when hiring CalWORKs participants and Approved Career Pathways may increase the availability of trained applicants for employment.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will not eliminate jobs in the State of California nor result in the elimination of existing businesses or create businesses in the State of California. The adoption of the proposed amendments may expand businesses slightly in California by allowing businesses access to Expanded Subsidized Employment subsidies to hire former CalWORKs recipients who have reached the 48-month time limit and are receiving Safety Net benefits for their eligible children as described in section 42–302.1. Also, by deeming participation in Approved Career Pathways to meet the minimum hourly requirements for CalWORKs, current CalWORKs recipients may be able to more easily participate in services under the WIOA, which may increase the availability of trained workers ready to enter the workforce in California.

The CDSS has made a determination that the proposed action will have no statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the content of the Welfare and Institutions Code sections, which assist CalWORKs Welfare-to-Work participants and former recipients to participate in activities designed to lead to self-sufficiency. Impact on businesses is positive because employers may be able to hire employees due to Expanded Subsidized Employment subsidies and potentially greater availability of trained applicants due to CalWORKs recipients participating in Approved Career Pathways.

The adoption of the proposed amendments may create jobs in California. By providing subsidies to employers to hire former CalWORKs recipients who have reached the 48-month time limit and are receiving

Safety Net benefits for their eligible children as described in section 42–302.1, employers may create new positions that may be temporary as long as the subsidy is available or become permanent after the subsidy ends. The most recent data for the Expanded Subsidized Employment program (as of March 2017) indicates an average of 821 new placements per month, which may consist of both new jobs and filling existing vacancies.

The adoption of the proposed amendments will not eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider alternatives because regulations for Welfare and Institutions Code sections 11320.15, 11322.63, 11322.64, 11322.83 and 11323.25 are required by AB 1603 (Chapter 25, Statutes of 2016), Section 36(b). The CDSS is legally bound to develop regulations for these Welfare and Institutions Code sections.

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

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 10604 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11320.15, 11322.63, 11322.64, 11322.83 and 11323.25, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person
Everardo Vaca
(916) 657–2586

Backup:
Sylvester Okeke
(916) 657-2586

The Department will also publish this Notice of a Decision Not to Proceed on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

EMERGENCY STATEMENT

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

DECISION NOT TO PROCEED

BOARD OF OCCUPATIONAL THERAPY

Pursuant to Government Code Section 11347, the California Board of Occupational Therapy (Board) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR) on August 26, 2016, Register 2016, No. 35-Z.

The proposed rulemaking concerned establishing criteria that must be met or time periods that must elapse before the Board will consider a petition for reinstatement or a petition for modification of penalty.

Any interested person with questions concerning this rulemaking should contact Ranjila Sandhu, Regulations Coordinator at either 916/263-2294 or by e-mail at: Ranjila.sandhu@dca.ca.gov. The Department will also publish this Notice of Decision Not to Proceed on its website.

DEPARTMENT OF FOOD AND AGRICULTURE

On November 3, 2017 the Department of Food and Agriculture published a Notice of Proposed Rulemaking concerning the amendment of Section 3435 in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine.

Pursuant to Government Code Section 11347, the Department hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on November 3, 2017 (Register 2017, No. 44-Z, page 1667, Notice File No. Z 2017-1024-06).

Any interested person with questions concerning this rulemaking should contact Rachel Avila at either (916) 403-6813 or by email at: rachel.avila@cdfa.ca.gov.

**RULEMAKING PETITION
DECISION**

BOARD OF PAROLE HEARINGS

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

BPH PETITION RESPONSE 2017-06

The Board of Parole Hearings (board) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Kirk Williams on November 2, 2017. In accordance with subdivision (a) of section 11340.7, this document serves as the board's response to the petition.

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

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** Kirk Williams (F44523)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED:** Petitioner requested the board to adopt "BPH 1048(A)Rev. 12/2016," which is the board's notice form sent to inmates explaining the Nonviolent Parole Review Process (NVPP) contained in California Code of Regulations, title 15, sections 3490 through 3493 and sections 2449.1 through 2449.5.
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited generally to his federally protected rights under the Fourteenth Amendment of the United States Constitution.
5. **REASONS SUPPORTING THE AGENCY'S DECISION:** Petitioner requests that (1) the board adopt the "Notice of Nonviolent Parole Review Process" Form BPH 1048(A), (2) the petitioner be afforded a parole review earlier under the Public Safety and Rehabilitation Act of 2016, (3) a copy of his request be maintained in the rulemaking file, and (4) the petitioner be allowed to inspect and review the rulemaking file.

Petitioner's requests are DENIED: The board does not have the authority to adopt regulations regarding NVPP, as this is under the jurisdiction of the California

Department of Corrections and Rehabilitation (CDCR). Furthermore, the proper mechanism for the petitioner’s claims is to avail himself of the regulatory process, including the public comment period, as well as the remedies available in the emergency regulations for NVPP. Therefore, the board denies the petitioner’s requests.

In his first request, Petitioner challenges an issue that falls squarely within the subject matter of California Code of Regulations, title 15, sections 3490 through 3493 and sections 2449.1 through 2449.5. The authority to promulgate these regulations was delegated to CDCR by the Public Safety and Rehabilitation Act of 2016 (also known as “Proposition 57”). Therefore, any authority to adopt, amend, or repeal a regulation regarding the petitioner’s claims falls under the jurisdiction of CDCR and not the board.

On November 29, 2017, following a 45-day public comment period, CDCR submitted a re-notice of the Proposition 57 regulations to the Office of Administrative Law. These revised regulations include changes and updates to sections 3490 through 3493 and sections 2449.1 through 2449.5. With the re-notice, the public will have 15 calendar days to submit comments on the amendments to the regulations.

The proper mechanism for the petitioner to request an adoption of the “Notice of Nonviolent Parole Review Process” Form BPH 1048(A) is to avail himself of this 15-day public comment period regarding the re-noticed regulations. The November 2, 2017 petition received by the board is not considered a valid comment submitted during the 15-day comment period, as it fell outside of the original 45-day public comment period and precedes the date of the re-noticed regulations. Therefore, this request is denied. For further information on the re-notice and comment deadline, the petitioner should contact CDCR’s Regulation and Policy Management Branch at P.O. Box 942883, Sacramento, CA 94283-0001.

Petitioner’s second request does not include a request for any regulations to be adopted, amended, or repealed. Rather, petitioner is requesting the board to take action on his individual case. The Government Code 11340.6 Petition Process is not the proper mechanism through which to request this action. Rather, since petitioner appears to be challenging CDCR’s determination that he is not yet eligible for NVPP review, the proper mechanism through which to do this under the current emergency regulations for Proposition 57 is CDCR’s Inmate Appeal Process. Therefore, this request is also denied.

Petitioner’s third and fourth requests pertain to the rulemaking file for the Proposition 57 regulations. Again, these regulations are under the jurisdiction of CDCR and not the board. Petitioner needs to submit these requests to CDCR’s Regulation and Policy Man-

agement Branch at the address provided above. Therefore, these requests are also denied.

6. BOARD CONTACT PERSON:

Mina Y. Choi
 Staff Attorney
 Board of Parole Hearings
 P. O. Box 4036
 Sacramento, CA 95812-4036
 Office: (916) 322-6729
 Fax: (916) 322-3475
 BPH.Regulations@cdcr.ca.gov

7. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2017-06** in the request.

DATE OF DECISION
 December 1, 2017

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2017-1219-02
 CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION
 Collection and Remittance of the Cannabis Excise Tax

This emergency rulemaking by the California Department of Tax and Fee Administration establishes procedures relating to the collection and remittance of the cannabis excise tax. This is a deemed emergency action pursuant to Revenue and Taxation Code section 34013, subdivision (d).

Title 18
 ADOPT: 3701
 Filed 12/28/2017
 Effective 12/28/2017
 Agency Contact: Kim Rios (916) 324-0293

File# 2017-1201-04
CALIFORNIA GAMBLING CONTROL
COMMISSION
Playing Books Form Correction

This change without regulatory effect updates a telephone number in the Application for Playing Book Approval.

Title 4
AMEND: 12261, 12264
Filed 01/02/2018
Agency Contact: Josh Rosenstein (916) 274-5823

File# 2017-1115-02
CALIFORNIA HIGHWAY PATROL
Child Safety Alert Systems

This regulatory action by the Department of the California Highway Patrol (CHP) adopts section 1294 in title 13 of the CCR regarding Child Safety Alert Systems (CSAS). Specifically, the action implements California Vehicle Code section 28160, Statutes 2016, chapter 721 (SB 1072), which requires that specified vehicles, school buses, school pupil activity buses, youth buses, or child care vehicles, be equipped with a CSAS on or before the beginning of the 2018-2019 school year.

Title 13
ADOPT: 1294
Filed 12/28/2017
Effective 01/01/2018
Agency Contact: Joseph Mosinski (916) 843-3400

File# 2017-1212-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Works/Privilege Groups and Computation of
Term and Credit

In this emergency action, submitted as operationally necessary pursuant to Penal Code section 5058.3, the Department of Corrections and Rehabilitation (1) clarifies procedures for assigning inmates to work groups, privilege groups and special assignments; (2) clarifies how hospitalizations and unassigned statuses impact assignments; (3) specifies credit earning eligibility of inmates placed in segregated housing; (4) implements processes for awarding Good Conduct Credit; and (5) adopts definitions and guidelines related to the computation of term and credits.

Title 15
ADOPT: 3371.1
AMEND: 3043.7, 3044
REPEAL: 3371.1
Filed 12/29/2017
Effective 01/01/2018
Agency Contact: Laura Lomonaco (916) 445-2217

File# 2017-1222-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Authorized Property for Transgender Inmates

This emergency rulemaking action by the Department of Corrections and Rehabilitation is a readopt of OAL File Nos. 2017-0328-01EON and 2017-0915-01EON. This action amends four sections in title 15 of the California Code of Regulations to allow transgender inmates and inmates having symptoms of gender dysphoria that are housed at designated institutions to have access to state-issued and authorized personal property items in accordance with their gender identities. The Department is also adopting two new property lists for transgender inmates and inmates having symptoms of gender dysphoria for use in designated institutions, which are incorporated by reference.

Title 15
AMEND: 3000, 3030, 3190, 3269
Filed 01/02/2018
Effective 01/05/2018
Agency Contact: Rachel Orr (916) 445-2314

File# 2017-1120-02
DEPARTMENT OF FISH AND WILDLIFE
Fees for Lake and Streambed Alteration Agreements

This filing of changes without regulatory effect by the California Department of Fish and Wildlife (Department) amend section 699.5, in Title 14 of the California Code of Regulations, regarding fees for lake and streambed alteration agreements. These changes adjust the fees charged for processing applications for, and preparing lake and streambed alteration agreements, as required by Fish and Game Code section 1609. Section 1609 was amended, Stats.2016, c. 340 (SB 839), which mandates the Department to adjust the fees annually. Fish and Game Code section 713, requires the Department to adjust for inflation, fees it charges, using the method specified in that section.

Title 14
AMEND: 699.5
Filed 12/27/2017
Agency Contact: Stephen Puccini (916) 653-6590

File# 2017-1222-03
DEPARTMENT OF FISH AND WILDLIFE
General Lake or Streambed Alteration Agreement

This emergency rulemaking action by the Department of Fish and Wildlife adds section 722 to title 14 of the California Code of Regulations. This new section defines and establishes the terms and conditions of the Department's general lake or streambed alteration agreement covering specific activities related to cannabis cultivation ("General Agreement"), including

stream crossings in the form of a bridge, culvert or rock ford, and water diversions on non-fish rivers, streams, and lakes.

Title 14
 ADOPT: 722
 Filed 01/02/2018
 Effective 01/02/2018
 Agency Contact: Stephen Puccini (916) 653-6590

File# 2017-1115-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Motor Oil Assessment Fee

The motor oil fee collected by the Department of Food and Agriculture (the "Department") pursuant to Business and Professions Code section 13431 is four cents per gallon, and this amount is currently scheduled to decrease to three cents per gallon effective January 1, 2018. In this regular rulemaking, the Department is increasing this fee to five cents per gallon effective January 1, 2018. Additionally, the Department is amending regulations to allow for more motor oil dealers to file an annual remittance form in lieu of having to file quarterly.

Title 4
 AMEND: 4300, 4302, 4304, 4306, 4307, 4308
 Filed 12/28/2017
 Effective 01/01/2018
 Agency Contact: Samuel Ferris (916) 229-3070

File# 2017-1130-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This timely certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL Matter No. 2017-0711-02) that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") (*Diaphorina citri*) by approximately 13 square miles in the Spreckles area of Monterey County in response to the identification of one adult ACP on June 15, 2017. This emergency action provides permanent authority for the state to perform quarantine activities against ACP within these areas.

Title 3
 AMEND: 3435(b)
 Filed 01/03/2018
 Effective 01/03/2018
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1130-04
 DEPARTMENT OF JUSTICE
 Ammunition Vendor Licensing

The California Department of Justice is adopting five sections in title 11 of the California Code of Regulations. These sections establish the process of obtaining an ammunition vendor license and set the fee for the license. These regulations also establish the fee ammunition vendors are allowed to charge for processing an ammunition sale between two private parties.

Title 11
 ADOPT: 4260, 4261, 4262, 4263, 4264
 Filed 01/02/2018
 Effective 01/02/2018
 Agency Contact: Jacqueline Dosch (916) 227-5419

File# 2017-1129-04
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Product Stewardship for Carpet

This change without regulatory effect filing by the Department of Resources Recycling and Recovery revises three sections in title 14 of the California Code of Regulations regarding product stewardship for carpets in order to align with changes to the Public Resources Code contained in Assembly Bill 1158 (Stats. 2017, ch. 794), which take effect on January 1, 2018.

Title 14
 AMEND: 18943, 18944, 18945.1
 Filed 01/03/2018
 Agency Contact: Ty Moore (916) 341-6756

File# 2017-1220-01
 DEPARTMENT OF SOCIAL SERVICES
 Subsidized Employment, Approved Career Pathways and Post-Aid Services

The Department of Social Services in this emergency rulemaking amends several sections in the Manual of Policies and Procedures. These amendments remove guidance for the repealed AB 98 Subsidized Employment program. These regulations also provide guidance on eligibility for the Expanded Subsidized Employment program to former recipients who have reached the 48-month time limit and are receiving Safety Net benefits for their eligible children. Guidance is also provided regarding the deeming of hours for participation in Approved Career Pathways. Finally job retention and post-aid guidance is amended due to the repeal of AB 98.

Title MPP
 AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
 Filed 12/28/2017
 Effective 01/01/2018
 Agency Contact: Everardo Vaca (916) 657-2363

File# 2017-1116-02
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation

These amendments make non-regulatory changes to the Document Cover Sheet and Document Separator Sheet forms which are incorporated by reference in the California Code of Regulations and used in the Division of Workers' Compensation's Electronic Adjudication Management System when workers' compensation adjudication-related documents are filed with the Division of Workers' Compensation.

Title 8
AMEND: 10205.13, 10205.14
Filed 01/02/2018
Agency Contact: River J. Sung (510) 286-0637

File# 2017-1208-02
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Official Medical Fee Schedule — Physician

Title 8
AMEND: 9789.17.3, 9789.19
Filed 12/28/2017
Effective 01/01/2018
Agency Contact: Jarvia Shu (510) 286-0646

File# 2017-1129-01
ENVIRONMENTAL PROTECTION AGENCY
Adding Federal Hazard Classifications for Tier 2 Reporting in CERS

This change without regulatory effect by the California Environmental Protection Agency amends the California Environmental Reporting System (CERS) Data Dictionary, found in title 27 of the California Code of Regulations, to replace five existing hazardous material reporting categories with twenty-four new categories in order to maintain consistency with federal reporting requirements as mandated by section 25404, subdivision (d), of the Health and Safety Code.

Title 27
AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2
Filed 12/28/2017
Agency Contact: John Paine (916) 327-9559

File# 2017-1121-04
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 Clear and Reasonable Warnings — Repeal of BPA Warnings

This action by the Office of Environmental Health Hazard Assessment removes subdivisions (f) and (g) from section 25603.3, in title 27 of the California Regu-

lations. These subdivisions become inoperative December 30, 2017.

Title 27
ADOPT: 25603.3
Filed 01/02/2018
Agency Contact: Monet Vela (916) 323-2517

File# 2017-1121-03
STRUCTURAL PEST CONTROL BOARD
Disciplinary Guidelines Revisions

This regulatory action by the Structural Pest Control Board (Board) amends section 1937.11 in title 16 of the CCR regarding disciplinary guidelines for use by the Board when reaching a decision on a disciplinary action. Section 1937.11 incorporates the "Manual of Disciplinary Guidelines and Model Disciplinary Orders" (Guidelines), which is also being updated in this rule-making. The Guidelines have not been updated since 2013.

Title 16
AMEND: 1937.11
Filed 01/03/2018
Effective 04/01/2018
Agency Contact: David Skelton (916) 561-8722

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 2, 2017 TO
January 3, 2018**

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
12/20/17 AMEND: 1859.76
11/30/17 AMEND: 10, 51.2, 52.1, 52.10, 52.11, 53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1, 64.1, 64.2, 64.3, 64.5, 67.2, 67.3, 67.6
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

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 2-Z

10/10/17	AMEND: 10500	11/28/17	AMEND: 3406(c), 3591.5(b)
10/09/17	AMEND: 59780	11/22/17	AMEND: 3435(b)
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	11/21/17	AMEND: 3435(b)
09/22/17	AMEND: 1859.2, 1859.81	11/21/17	REPEAL: 1408.22
09/21/17	AMEND: 59620	11/20/17	AMEND: 3591.15
09/20/17	ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4	11/20/17	AMEND: 3435(b)
08/31/17	AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065	11/15/17	AMEND: 6728
08/30/17	AMEND: 59590	11/09/17	AMEND: 3435(b)
08/16/17	AMEND: 604	11/07/17	ADOPT: 6690, 6691, 6692
08/14/17	AMEND: 11034	11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
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	11/06/17	AMEND: 3435(b)
08/10/17	AMEND: 1897	11/02/17	AMEND: 3435(b)
Title 3		10/23/17	AMEND: 3435(b)
01/03/18	AMEND: 3435(b)	10/16/17	AMEND: 3591.15
12/26/17	AMEND: 3435	10/16/17	AMEND: 3439(b)
12/21/17	AMEND: 3439(b)	09/28/17	AMEND: 3439(b)
12/20/17	AMEND: 6000, 6619, 6724, 6764, 6768, 6769, 6776	09/28/17	AMEND: 3435(b)
12/15/17	AMEND: 3439(b)	09/27/17	AMEND: 3435(b)
12/13/17	AMEND: 3435(b)	09/21/17	AMEND: 1430.142
12/13/17	AMEND: 3435(d)	09/19/17	AMEND: 3406(c), 3591.5(b)
12/12/17	ADOPT: 1391.7 AMEND: 1391, 1391.1, 1391.3	09/14/17	AMEND: 3439
12/11/17	AMEND: 3439(b)	09/12/17	AMEND: 3435(b)
12/07/17	ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608	09/07/17	AMEND: 3435(b)
12/07/17	AMEND: 3439(b)	09/05/17	AMEND: 3435(b)
12/05/17	AMEND: 3591.5	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)
		Title 4	
		01/02/18	AMEND: 12261, 12264
		12/28/17	AMEND: 4300, 4302, 4304, 4306, 4307, 4308
		12/21/17	AMEND: 8078.8, 8078.10
		12/19/17	AMEND: 232
		12/13/17	AMEND: 10032, 10036
		12/07/17	AMEND: 12200.3, 12200.5, 12200.14, 12202, 12205.1, 12220.3, 12220.5, 12220.14, 12222, 12225.1, 12301.1, 12342, 12350, 12352, 12357, 12358
		12/01/17	ADOPT: 5259 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540
		11/30/17	AMEND: 12218.11, 12236
		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

Title 5

11/28/17 AMEND: 9510, 9512, 9513, 9518, 9529, 9810
 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

Title 8

01/02/18 AMEND: 10205.13, 10205.14
 12/28/17 AMEND: 9789.17.3, 9789.19
 12/21/17 AMEND: 344.18
 12/07/17 ADOPT: 9792.27.1, 9792.27.2, 9792.27.3, 9792.27.4, 9792.27.5, 9792.27.6, 9792.27.7, 9792.27.8, 9792.27.9, 9792.27.10, 9792.27.11, 9792.27.12, 9792.27.13, 9792.27.14, 9792.27.15, 9792.27.16, 9792.27.17, 9792.27.18, 9792.27.19, 9792.27.20, 9792.27.21, 9792.27.22, 9792.27.23
 12/05/17 AMEND: 5155
 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

Title 9

12/05/17 AMEND: 400
 11/22/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717
 10/18/17 AMEND: 7211, 7212.2, 7212.4, 7213.2, 7213.3, 7213.6, 7214.1, 7215.1, 7218, 7220, 7220.3, 7221, 7225
 08/17/17 ADOPT: 4020, 4020.1

Title 10

11/27/17 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

10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454,
6470, 6472, 6474, 6476, 6478, 6480,
6482, 6484, 6486, 6490, 6492, 6494,
6496, 6498, 6500, 6502, 6504, 6506,
6508, 6510, 6600, 6602, 6604, 6606,
6608, 6610, 6612, 6614, 6616, 6618,
6620, 6622

10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
9005, 9006, 9007

09/21/17 AMEND: 2498.6

09/21/17 ADOPT: 6854, 6856, 6864

09/20/17 AMEND: 2498.5

09/20/17 AMEND: 6902, 6903, 6904

08/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004,
9005, 9006, 9007

08/03/17 AMEND: 2498.5

Title 11

01/02/18 ADOPT: 4260, 4261, 4262, 4263, 4264

11/29/17 AMEND: 2030, 2038, 2060

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

Title 13

12/28/17 ADOPT: 1294

12/22/17 ADOPT: 17.00, 17.02, 17.04, 17.06
AMEND: 15.00, 15.01

12/07/17 AMEND: 1152.6.1

11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,
161.02, 161.04, 161.06 AMEND: 160.00

11/16/17 AMEND: 1157.21

11/15/17 AMEND: 180.00

11/13/17 ADOPT: 2774 AMEND: 2750, 2751,
2752, 2753, 2754.1, 2755, 2756, 2757,
2758, 2759, 2760, 2761, 2762, 2763,
2764, 2765, 2766, 2767, 2767.1, 2768,
2769, 2770, 2771, 2772, 2773

11/13/17 AMEND: 225.00, 225.03, 225.09,
225.12, 225.15, 225.30, 225.35, 225.39,
225.42

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:
1956.8

09/11/17 AMEND: 1

09/07/17 AMEND: 430.00, 431.00

Title 14

01/03/18 AMEND: 18943, 18944, 18945.1

01/02/18 ADOPT: 722

12/27/17 AMEND: 699.5

12/21/17 ADOPT: 128

12/20/17 AMEND: 933, 933.1, 933.2, 933.3,
933.4, 933.5, 933.6, 933.7, 933.10,
933.11, 934, 934.1, 934.2, 934.3, 934.5,
934.6, 934.7, 934.8, 934.9, 935, 935.1,
935.2, 935.3, 935.4, 936, 936.1, 936.2,
936.3, 936.4, 936.5, 936.6, 936.7, 936.8,
936.9, 936.10, 936.11, 936.11.1, 936.12,
937, 937.2, 937.5, 937.6, 937.7, 937.9,
937.10, 938, 938.1, 938.4, 938.5, 938.6,
938.7, 938.8, 938.10, 939, 939.1, 939.2,
939.3, 939.4, 939.5, 939.9, 939.10,
939.12, 939.16, 940, 943, 943.1, 943.2,
943.3, 943.4, 943.5, 943.6, 943.7, 943.8,
943.9, 943.9.1, 949, 949.1, 949.2, 949.3,
949.4, 949.5, 949.6, 949.7, 953, 953.1,
953.2, 953.3, 953.4, 953.5, 953.6,
953.10, 953.11, 954, 954.1, 954.2, 954.3,
954.5, 954.6, 954.7, 954.8, 954.9, 955,
955.1, 955.2, 955.3, 955.4, 956, 956.1,
956.2, 956.3, 956.4, 956.5, 956.6, 956.7,
956.8, 956.9, 956.10, 956.11, 956.12,
957, 957.2, 957.5, 957.7, 957.9, 957.10,
958, 958.1, 958.4, 958.5, 958.6, 958.7,
958.8, 958.10, 959, 959.1, 959.2, 959.3,
959.4, 959.5, 959.12, 959.16, 960, 961,
961.4, 963, 963.1, 963.2, 963.3, 963.4,
963.5, 963.6, 963.7, 963.8, 963.9,
963.9.1, 969, 969.1, 969.2, 969.3, 969.4,
969.5, 969.6, 969.7, 1032.10

12/13/17 ADOPT: 3504.6

12/12/17 AMEND: 3950 REPEAL: 3951, 3952,
3953, 3954, 3955, 3956, 3957, 3958,
3959, 3960, 3961, 3962, 3963, 3964,
3965

12/06/17 AMEND: 4970.00, 4970.03, 4970.05,
4970.10

12/05/17 AMEND: 265

12/05/17 AMEND: 18660.40

11/28/17 ADOPT: 17403.3.2, 17403.3.3 AMEND:
17402, 17403.0, 17403.8, 17405.0,
17409.3, 18103.1, 18221.5

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

10/31/17 AMEND: 917, 917.2, 917.3, 917.4,
917.5, 917.7, 917.9, 917.10, 917.11, 918,
918.1, 918.4, 918.5, 918.6, 918.7, 918.8,

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 10/04/17 AMEND: 18419
 09/29/17 AMEND: 29.80, 122
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 09/19/17 AMEND: 1094.16
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 12/18/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
 12/12/17 AMEND: 8199
 11/30/17 AMEND: 1
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 11/03/17 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
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 10/04/17 AMEND: 3000, 3030, 3190, 3269
 10/04/17 AMEND: 18419
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 09/19/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
 08/31/17 AMEND: 8001
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 10/10/17 AMEND: 1358
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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
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 08/24/17 AMEND: 1021, 1022
 08/22/17 ADOPT: 1399.730, 1399.731, 1399.732
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 08/21/17 AMEND: 100010, 100020, 100030, 100040, 100050, 100070

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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, 2735.3, 2735.4, 2735.5, 2735.6, 2735.7, 2740.1, 2745.1, 2745.2, 2745.3, 2745.4, 2745.6, 2745.7, 2745.7.5, 2745.8, 2745.10, 2745.10.5, 2745.11, 2750.1, 2750.3, 2750.4, 2755.2, 2755.6, 2760.8, 2765.1, 2770.1, 2770.2, 2770.5, 2775.2, 2775.3, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.5, 2780.6, 2785.1

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 09/11/17 AMEND: 1604, 1606
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 12/05/17 AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1
 11/16/17 ADOPT: 63750.80 AMEND: 63850
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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

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09/07/17 AMEND: 81001, 81010, 81020, 81022,
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08/24/17 AMEND: 83001, 83064, 83072, 83087,
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12/15/17 AMEND: 64300, 64305, 64310, 64315
12/14/17 AMEND: 64444, 64445, 64445.1,
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11/20/17 AMEND: 2922
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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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10/12/17 ADOPT: 5535, 5535.5, 5536, 5536.5

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12/28/17 AMEND:
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11/20/17 AMEND: 25600.1, 25600.2, 25601,
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10/30/17 ADOPT: 25607.32, 25607.33
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