



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. DEPARTMENT OF
FINANCIAL INFORMATION SYSTEM
FOR CALIFORNIA (FISCAL)**

**NOTICE OF INTENT TO ADOPT A
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Department of FISCAL, pursuant to the authority vested in it by section 87306 of the Government Code, proposes to adopt a conflict-of-interest code. A comment period has been established commencing on February 9, 2018, and closing on March 26, 2018. All inquiries should be directed to the contact listed below.

The Department of FISCAL proposes to adopt a 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 adoption of this code carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Information on the code is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed conflict-of-interest code by submitting them no later than March 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 March 12, 2018.

The Department of FISCAL has determined that the proposed conflict-of-interest code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes 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: Pat Cruz, Attorney, (916) 576-5173, pat.cruz@fiscal.ca.gov.

**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 CODE

AMENDMENT

MULTI-COUNTY: Transbay Joint Powers Authority

A written comment period has been established commencing on February 9, 2018, and closing on March 26, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 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 Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than March 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 Sasha Linker, 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 Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees’ Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend Section 554.7 of Title 2 of the California Code of Regulations (CCR). The proposed regulation would amend the current Board election process to require the voter to sign a perjury statement on the reverse side of the return envelope, instead of on the ballot, to certify that the voter is eligible to vote.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing February 9, 2018 and closing at 5:00 p.m. March 26, 2018. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; via E-mail at Regulation_Coordinator@calpers.ca.gov, or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

Pursuant to Government Code (GC) section 11346.8, the Board has not scheduled a public hearing on this matter. However, if any interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulation Coordinator, a request for a public

hearing at least 15 days prior to the close of the written comment period, March 12, 2018, a public hearing shall be scheduled before the Board or its Finance and Administration Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC section 20121.

Reference citation: GC section 20096.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board election process requires voters to sign a perjury statement on the ballot to certify that they are eligible to vote in the election.

This rulemaking action will require the voter to sign the perjury statement on the reverse side of the return envelope, instead of the ballot. This rulemaking action is intended to decrease the number of invalid votes and increase voter confidence and participation in the Board elections.

Consistency Evaluation

CalPERS has evaluated and determined that the proposed regulation is not inconsistent, nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC section 11346.5, subdivision (a), paragraphs (3)(D).

Anticipated Benefits

CalPERS believes that the adoption of this regulation will have no impact on the health and welfare of California residents since this regulation only modifies the CalPERS Board election process. However, this regulation is intended to decrease the number of invalid votes and increase voter confidence and participation in the election process.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it only modifies the CalPERS Board

election process by allowing a voter to sign their perjury statement on the reverse side of the return ballot envelope instead of their ballot.

VIII. DISCLOSURES REGARDING THE PROPOSED RULEMAKING ACTION

The Board has made the following initial determinations:

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** This regulation package will not impose any mandates on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will result in a minimal increased cost to CalPERS for the administration of Board elections. The actual cost will vary depending on the number of voters and the number of ballots cast in an election.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs on any local agency or school district.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose any nondiscretionary costs or savings on local agencies.
- E. **COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** There are no costs or savings in federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of businesses in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) affect worker safety or the state's environment.

As stated under the Informative Digest/Policy Statement Overview above, the benefit of this regulation is intended to be a decrease in the number of invalid votes and an increase in voter confidence and participation in the CalPERS Board elections.

- I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect on housing costs.
- J. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC SECTION 17500 THROUGH SECTION 17630: There are no costs to any local agency or school district which must be reimbursed in accordance with GC section 17500 through section 17630.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5 (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome 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 provision of law.

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

X. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Anthony Martin, Board Election Coordinator
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-9347
E-mail: Anthony_Martin@calpers.ca.gov

The backup contact person for these inquiries is:

Christina Nutley, Board Election Manager
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-2397
E-mail: Christina_Nutley@calpers.ca.gov

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

XI. AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection by contacting the Regulation Coordinator at the address shown in Section II. To date, the file consists of this notice, the Initial Statement of Reasons (ISOR) and the text of the proposed regulation. A copy of the proposed text and the ISOR is available at no charge by written request to the CalPERS Regulation Coordinator, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed on CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulation after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendment will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept notified of the results of the regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS

Regulation Coordinator at the address shown in Section II.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission, 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 February 9, 2018 and closing on March 26, 2018. All inquiries should be directed to the contact listed below.

The California Gambling Control Commission 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.

This amendment modifies the Appendix, which lists disclosure categories and designates positions, to correctly identify the Commission's divisions, add new positions, and remove positions that no longer exist at the Commission. The amendment to the Appendix also modifies the required disclosure level of the Associate Personnel Analyst, Associate Management Auditor, Associate Governmental Program Analyst, and Staff Services Analyst positions and adds a new disclosure category (category 5) to require disclosure of real property interests for employees who do not require full disclosure, but have the ability to influence the licensing process or regularly interact with licensees. This amendment makes other technical changes to reflect the current organizational structure of the Commission. Copies of the amended code and a written explanation of the reasons for any new or amended designated positions or disclosure categories are available and may be requested from the Contact Person set forth below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than March 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 March 11, 2018.

The California Gambling Control Commission 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: Kate Patterson, Attorney, 916-263-4793, kpatterson@cgcc.ca.gov.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5 AMEND ARTICLE 7.5, SECTION 1239

COMMERCIAL VEHICLE SAFETY ALLIANCE, NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA, APRIL 1, 2017 (CHP-R-17-07)

The California Highway Patrol (CHP) proposes to adopt by reference, the Commercial Vehicle Safety Alliance (CVSA), North American Standard (NAS) Out-of-Service (OOS) Criteria, April 1, 2017, Edition, in Title 13, California Code of Regulations. The current regulation incorporates by reference, the CVSA, NAS OOS Criteria, April 1, 2016, Edition.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 34501(a)(1) of the California Vehicle Code (CVC) authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the CHP, are designed to promote the safe operation of vehicles described in Section 34500 CVC. The CHP's authority to adopt regulations includes, but is not limited to, controlled substances and alcohol testing of drivers by motor carriers, drivers hours-of-service qualifications, equipment, fuel containers, fuel operations, inspec-

tions, maintenance, record keeping, accident reports, drawbridges, and cargo securement (Section 34500.3 CVC). Section 2402 CVC provides the Commissioner with the authority to “make and enforce such rules and regulations as may be necessary to carry out the duties of the department,” and Section 24004 CVC provides the authority for the CHP to place vehicles OOS (Attorney General’s Opinion NS 2520) in order to ensure safety. Current regulations adopt, by reference, the CVSA, NAS OOS Criteria, April 1, 2016, Edition, which apply to those vehicles listed in Section 34500 CVC.

The intent of these regulations is to adopt specific uniform criteria for determining whether a vehicle, the cargo, and/or driver, inspected by an authorized representative of the CHP, is in an unsafe condition which would likely constitute a hazard on the highways. These regulations will incorporate by reference, specified portions of the standards contained within the CVSA, NAS OOS Criteria, April 1, 2017, Edition.

Adoption of these criteria will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle OOS criteria. During the process of developing this regulation, the CHP has conducted a search of any similar regulation on this topic and has concluded this proposed regulation is not inconsistent or incompatible with existing state regulations. This proposed regulation merely updates the current regulation.

DOCUMENT INCORPORATED BY REFERENCE

The CVSA, NAS OOS Criteria, April 1, 2017, Edition.

DOCUMENTS RELIED UPON

Attorney General Opinion NS 2520 (Authority to place vehicles OOS).

Memorandum of Understanding between the CVSA and CHP.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 322–3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Officer Joseph Mosinski
P.O. Box 942898
Sacramento, CA 94298–0001

Written comments will be accepted until 5:00 p.m., on March 26, 2018.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review, an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322–3154, or by calling the CHP, CVS, at (916) 843–3400. All requests for information should include the following information: the title of the rulemaking package, the requester’s name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester’s information is incomplete or illegible. The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed action are available through the CHP’s website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above address. Copies will also be posted on the CHP’s website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Officer Kristi McNabb (back-up contact), CHP, CVS, at (916) 843–3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or

non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

**RESULTS OF THE ECONOMIC
IMPACT ANALYSIS**

The CHP has made an initial determination this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500–17630, require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California; (5) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle OOS criteria; and (6) 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.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

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

EFFECT ON SMALL BUSINESSES

The CHP has determined the proposed regulatory action has no effect on small businesses. Changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. Minor additions and changes to the OOS criteria are clarifying in nature and are within all existing requirements for industry.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine no reasonable alternative considered by the agency, or which 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. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 24004, 31401, and 34501(a), CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 2402, 2410, 12500, 12502, 12515(b), 14603, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506, and 34510, CVC.

**TITLE 13. CALIFORNIA HIGHWAY
PATROL**

TITLE 13, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2, CHAPTER 6.5,
ARTICLE 3,
AMEND SECTION 1213

**ELECTRONIC LOGGING DEVICES
(CHP-R-2017-11)**

The Commissioner of the California Highway Patrol (CHP) finds that the adoption of these proposed regulations is necessary to carry out the duties of the CHP. Sections 34501 and 34501.2 of the California Vehicle Code (CVC) allow the CHP to adopt reasonable rules and regulations which are designed to promote the safe operation of vehicles described in Section 34500 of the CVC, commonly referred to as “regulated” vehicles (trucks, truck-trailer combinations, buses, etc.). The adopted regulations are contained in Title 13 of the California Code of Regulations (CCR). In order for the CHP to fulfill the mandate established in Section 34501(a) CVC, and be in compliance with federal law, the CHP must align record of duty status (RODS) requirements with Title 49 of the Code of Federal Regulations (CFR), Part 395. This rulemaking action will align state regulations which currently conflict with updated federal regulations in Title 49 CFR. It also serves to clarify that carriers and drivers engaged in interstate op-

erations shall comply with RODS requirements contained in Title 49 CFR, Part 395, as those regulations exist in the October 1, 2017 edition.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Federal Motor Carrier Safety Administration (FMCSA) is requiring that interstate motor carriers and drivers who are currently required to maintain RODS and record them manually per Title 49 CFR, Part 395, Section 395.8(a), utilize Electronic Logging Devices (ELDs) to record RODS beginning December 18, 2017. After December 18, 2017, unless otherwise provided, RODS recorded manually will no longer be acceptable for drivers engaged in interstate operations. Current state regulations do not require the use of ELDs as a method for recording a driver's RODS; therefore, beginning December 18, 2017, they were no longer compatible with federal regulations. Authorized personnel inspecting interstate motor carriers and driver RODS for compliance within California are no longer able to effectively enforce federal regulations regarding RODS applicable to those carriers and drivers. Compliance with drivers' hours-of-service (HOS) limits and RODS is a matter of public safety on California highways and is intended to create a safer work environment for drivers, and make it easier and faster to accurately track, manage, and share RODS data. With approximately 5,567,583 registered motor trucks in California, the potential for collisions is extremely high. Fatigued driving is a proven danger on the road leading to hundreds of traffic collisions and deaths each year. Assurance of compliance with HOS limits, documented as required, will help prevent fatigued drivers from operating commercial vehicles and reduce catastrophic traffic collisions. Additionally, current federal regulations contained in Title 49 CFR, require states to remain compatible with federal regulations¹. Therefore current state regulations contained in Title 13 CCR, Section 1213, are in jeopardy of federal preemption. An amendment is needed to create consistency between state and federal regulations. This proposed regulation will create that consistency between state and federal regulations and allow California to effectively enforce federal regulations regarding RODS applicable to those carriers and drivers.

¹ Section 355.25 of Title 49, CFR.

DOCUMENT INCORPORATED BY REFERENCE

The CHP has determined it would be cumbersome, unduly expensive, or otherwise impractical to publish Title 49 CFR, Part 395, in the CCR.

The CHP will make available Title 49 CFR, Volume 5, subtitle B — Chapter III, October 1, 2017, edition, upon request, to the affected public. Copies of this document, or relevant portions thereof, can be obtained from the CHP by calling CVS at (916) 843-3400, (800) 735-2929 (TT/TTD), (800) 735-2922 (voice), or via facsimile at (916) 322-3154. Additionally, this document, or relevant portions thereof, is available on the following website:

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title49-vol5/pdf/CFR-2017-title49-vol5.pdf>.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, California 95811. Interested parties are advised to call for an appointment.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting an evaluation, the CHP has determined these are the only regulations concerning driver's RODS. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

This proposed regulatory action will provide a non-monetary benefit to the protection and safety of public health, employees, and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to the CFR.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Officer Joseph Mosinski
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on March 26, 2018.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be re-

ceived by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in the event the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed action are available through the CHP's website at: <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any substantial changes to the original proposal will be available for at least 15 days prior to the CHP adopting this resulting regulation.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP's website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the content of the proposed regulations, should be directed to Officer Joseph Mosinski or Sergeant Jaime Nunez, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

DISCLOSURES REGARDING THE PROPOSED ACTION

The CHP has made the following determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Effect on Small Business: This proposed regulation will not affect small business because businesses subject to federal jurisdiction are currently required to comply with Federal Motor Carrier Safety Regulations. Therefore, the mere adoption of regulations to avoid preemption or to grant enforcement authority of preexisting regulations provides no additional impact on the industry.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CHP concludes this proposed regulatory action: (1) is unlikely to create additional jobs, nor eliminate any jobs in the State of California; (2) is unlikely to result in the elimination of existing businesses, nor create or expand businesses in the State of California; (3) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory authority for enforcement efforts as they relate to violations of RODS found in Title 49 CFR.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, 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 pri-

vate persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY AND REFERENCE

The authority and references for the adopted and amended sections contained in this rulemaking are as follows:

Section 1213

Note: Authority cited: Sections 31401, 34501, 34501.2, 34501.5, and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13 CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6, ARTICLE 1, AMEND SECTION 1151.9.1

Explosives Routes and Stopping Places (CHP-R-2017-13)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), Division 2, Chapter 6, Article 1, regarding designated routes for the transportation of explosives by commercial vehicles on highways in the state.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives. The CVC requires the CHP to keep information current in regulation with maps indicating designated routes. The CHP's field commands conduct annual surveys on the routes and stops for the transportation of explosives to determine if changes are necessary. The CHP's Central Division proposed an update of explosives routes because a section of State Route 180 has been constructed and linked together in the downtown Fresno area. The proposed regulation

amendments will update explosives routes by removing 20.2 miles and extending 14.7 miles of currently designated routes specified in Section 1151.9.1 CCR, Routes — Map 9A. These updates will provide carriers an alternative route to reduce potential risks associated with the transportation of explosives and enhance public health and safety in the Fresno area.

Proposed amendments received concurrence from the CHP Central Division, Fresno Fire Department, Fresno County Fire Protection District, State Fire Marshal, and California Department of Transportation.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment because changes to the application of the regulation are not substantive, and bring the regulation in conformance with existing statute. The proposed changes update and clarify routes designated for carriers transporting explosives and contribute to transportation safety and public health.

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

PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., March 26, 2018.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in ~~strikeout~~ and underline for-

mat. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Adam Roha at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of Califor-

nia; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating designated routes for commercial vehicle carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the routes for commercial vehicles transporting explosives on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP has determined that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 31616, CVC.

REFERENCE

This action implements or interprets Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616, CVC.

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

**California Code of Regulations
Title 15, Crime Prevention and Corrections**

**Division 8
California Prison Industry Authority**

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808 and 2809 in order to implement, interpret and make specific Penal Code 2808, propose to amend Sections 8004 and 8004.2, Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning Recruitment and Appointment Process.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **March 12, 2018**, 15 days prior to March 26, 2018.

PUBLIC COMMENT PERIOD

The public comment period will close **March 26, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL OR HAND DELIVER

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

**M. Doherty, Legal Analyst
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711**

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

**C. Pesce, Executive Secretary
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711**

AUTHORITY AND REFERENCE

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808, in order to implement, interpret and make specific Penal Code sections 2808 and 2809, propose to amend Section 8004.2 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning inmate recruitment and appointment process.

INFORMATIVE DIGEST

CALPIA is amending Section 8004.2 to incorporate basic inmate employment hire documentation for recordkeeping and maintaining efficient operations.

POLICY STATEMENT OVERVIEW

In order for CALPIA to function safely and efficiently, these revised regulations are needed to provide and enforce standard workplace practices and provide familiarity with those practices for inmates upon release from custody and post-custody employment. CALPIA provides inmates with work opportunities to develop work skills and experience applicable upon release from custody. It is standard practice for employers to require applicants and staff to execute appointment and other documents regarding the terms and conditions of employment.

Therefore, CALPIA is amending Section 8004.2 to include this same requirement. As part of the appointment process inmates must be provided acknowledge-

ment of policies, procedures, other documents and/or conditions of appointment and appointment documents for review and signature. Failure or refusal to sign for and/or acknowledge receipt of policies, procedures, other documents and/or conditions of appointment and appointment documents as requested by their supervisor, or CALPIA, will result in immediate removal from the CALPIA work program. This amendment is necessary as inmates may refuse to sign inmate worker hire and employment documentation. As a result, it is necessary to implement this amendment through the Administrative Procedure Act as a requirement of inmate worker assignment.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

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

Local Mandates:

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

Fiscal Impact Statement:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:	None.
Cost or savings to any state agency:	None.
Other nondiscretionary cost or savings imposed on local agencies:	None.
Cost or savings in federal funding to the State:	None.

Effect of Housing Costs:

CALPIA has made an initial determination that the proposed action will have no significant effect of housing costs.

Significant Statewide Adverse Economic Impact on Business:

CALPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

Results of the Economic Impact Analysis/Assessment:

In accordance with the Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs Within the State of California:

CALPIA has determined that these regulatory changes will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

Creation of New Businesses or Elimination of Existing Businesses Within the State of California:

These regulatory changes will have no effect on the creation of new or elimination of existing businesses within California because those businesses are not affected by the internal management of CALPIA employees.

Expansion of Businesses Currently Doing Business within the State of California:

These regulatory changes will have no effect on the expansion of businesses currently doing business within the State of California because they are not affected by the internal management of CALPIA employees.

Benefits of the Regulations:

The proposed regulatory action will benefit CALPIA inmates by providing more inmates with standard employment requirements applied in the workplace upon release from custody. These amendments will create familiarity and practice with standard employment practices and also promote CALPIA's efficient operations. Said amendments will facilitate potential compliance with standard workplace practices providing inmate workers with higher probability of retaining non-custody employment and reducing recidivism. **Thus, this proposed action benefits the public and general welfare.**

Cost Impacts on Representative Private Persons or Businesses:

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

Effect on Small Businesses:

CALPIA has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of CALPIA inmate workers.

Consideration of Alternatives:

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, 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 af-

affected private persons and equally effective implementing the statutory policy or other provision of law.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

Reports Relied Upon:

None.

Availability of Proposed Text, Initial Statement of Reasons, and Rulemaking Record; Documents on CALPIA's Website:

The Proposed Text, Initial Statement of Reasons, and all the information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

Availability of Changes to Proposed Text:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA 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 PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: www.calpia.ca.gov.

Availability of the Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 in order to implement, interpret and make specific PC Section 5054, proposes to amend section 3190 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Religious Property Vendors.

PUBLIC HEARING

Date and Time: **March 30, 2018 — 10:00 a.m. to 11:00 a.m.**
Place: Department of Corrections and Rehabilitation
Colorado Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **March 30, 2018 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

**Anthony Carter
Regulation and Policy Management Branch
Telephone (916) 445-2220**

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

**Charles Richey
Division of Adult Institutions
Department of Corrections and Rehabilitation
(916) 327-1132**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in

this or any code, refers to the CDCR, Division of Adult Operations.

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

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

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

This action amends Section 3190 of the CCR, Title 15, Division 3 concerning Personal Property and Religious Personal Property.

In 2013 the Department adopted regulations standardizing religious personal property, and incorporated by reference the Religious Personal Property Matrix (RPPM) (Rev. 6/27/13). This matrix lists the types and amounts of religious/spiritual items an inmate can possess while incarcerated. Currently, religious property is identified as a Special Purchase that can be purchased through departmental approved package vendors, and local vendors authorized at the institutional level.

With the exception of departmentally approved personal package vendors that may offer a selection of religious items, the only authorized religious vendors are locally approved special purchase vendors. The result is 35 different lists of approved religious vendors. This policy has created inconsistencies from institution to institution since each prison compiles their own unique lists of approved religious vendors. Inmates who are allowed to receive religious items from a locally approved religious vendor while incarcerated at one institution may be denied when requesting to order the same item from the same vendor after his/her transfer to another institution. Likewise, if an inmate places an order with a locally approved religious vendor and is subsequently transferred to another facility, the inmate's order may be sent to the new facility only to be refused and returned to sender because that vendor is not on the receiving institution's approved religious vendor list.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

Establishment of a Statewide Religious Vendor List will standardize the approved list of vendors from

which inmates may purchase approved religious items, which will eliminate the inconsistencies of conflicting standards and lists throughout the State. Workload on the institutions and vendors will be lessened as the prisons will not need to do their own research and approval of lists. Likewise, vendors will need only to qualify with a single statewide approval instead of seeking up to thirty-five individual prison approvals. Inmates, prison staff, vendors and customers will be spared the frustration of product returns due to statewide guidelines.

The Department's intent to create a standardized religious property vendors list will: 1) Eliminate inconsistencies from institution to institution; 2) Decrease the incidences of inmate appeals regarding special purchases of religious items; 3) Support uniformity in regards to identification of approved religious vendors; and 4) Provide assurance that items sold and shipped to inmates are in conformance with the RPPM.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department reached this conclusion because these proposed regulations supplement existing regulations concerning inmate property, which is authorized by law.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents or the state's environment, because the proposed regulations relate strictly to the management of CDCR institutions.

The Department has made an initial determination that this action will not have a significant adverse economic impact on business in the state of California because these regulations will only affect the current existing religious product vendors by standardizing the approval of these businesses on a statewide basis and clarifying which of their products conform to the RPPM.

The proposed regulations may impact private businesses by expanding their customer base to all state inmates, which may also increase competition between vendors with a larger vendor and product list for inmates to choose from.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are 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 regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. PHYSICIAN ASSISTANT BOARD

The Physician Assistant Board (Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 a.m. on April 23, 2018, in the Hearing Room located at 2005 Evergreen Street, Suite 1150A, Sacramento, California 95815. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov. The written comment period closes at **5:00 p.m. on April 23, 2018**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Anita Winslow, Regulatory Coordinator
Physician Assistant Board
2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

AUTHORITY AND REFERENCE

Business and Professions Code sections 125.9, 148 and 3510 authorize the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 125.9 and 148 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 148 (Section 148) authorizes the Physician Assistant Board (Board) to establish, by regulation, a system similar to that authorized by Business and Professions Code section 125.9, for the issuance of an administrative citation to

an unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the Board. Existing regulation, Title 16, California Code of Regulations (CCR) section 1399.573 (Section 1399.573) limits the executive officer’s authority to issue unlicensed activity citations, fines and orders of abatement only in cases where an individual who was previously licensed by the Board has practiced with a delinquent license (i.e., the license expired).

In 2014, the Board received a complaint that a person who had never been licensed as a physician assistant had seen patients, performed patient exams and identified himself as a licensed physician assistant. A request by the Board for a criminal misdemeanor prosecution was declined. As a result, the Board had no legal recourse to prevent further violations of the law and to protect consumers since the Board had no authority to issue a citation, fine and order of abatement for unlicensed activity to persons who had never been previously licensed by the Board due to the limitations in Section 1399.573.

To avoid a recurrence of the type of problem faced by the Board in 2014, the Board proposes to expand the authority of the executive officer to issue citations and fines to those who have never been licensed and are holding or have held themselves out as a physician assistant. Currently, Section 1399.573 states that a citation may be issued “only in the case of a physician assistant who has practiced with a delinquent license.” This proposal would strike that language and replace it with language that states that a citation may be issued “against any person who is acting in the capacity of a licensee under the jurisdiction of the board and who is not otherwise exempt from licensure.”

Anticipated Benefits of the Proposed Regulation:

The Board’s mission is to protect consumers. It is the Board’s responsibility to set minimum licensing standards for physician assistants in the practice of medicine and to ensure that those standards are continuously met for the protection of the public. This proposal would allow the Board to better protect the health, safety and welfare of consumers by authorizing the Board to issue citations, fines and orders of abatement to any person who is acting in the capacity of a physician assistant without licensure. This would help enforce current law, provide better consumer protection, deter prospective violators, and help provide a fair and competitive environment for the Board’s licensees.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded

that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Statewide adverse economic impact directly affecting businesses and individuals: None.

Significant effect on housing costs: None

Business Impact:

The Physician Assistant Board has determined that the proposed amendment 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 initial determination is based on the following facts or evidence, documents, and testimony:

The Physician Assistant Board has approximately 11,044 licensees for the current fiscal year. Physician assistants work in a variety of practice settings and specialties under the supervision of licensed physicians. Aside from the incident in 2014, the Board does not have data on the number of individuals who have never been licensed and are holding themselves out as physician assistants. However, the regulatory proposal would only affect an individual found to be in violation. A licensee that is found to be non-compliant with statutes and regulations enforced by the Board may be impacted through the assessment of a citation with an administrative fine which may not exceed \$5,000 for each inspection or each investigation made with respect to the violation in accordance with Section 125.9(b)(3) of the Business and Professions Code. In the last three years, the Board has issued four (4) citations to individuals who have practiced without a license with an average cost of \$500 each.

Effect on Small Business:

The Physician Assistant Board has determined that the proposed regulations would not affect small businesses because it would only affect those persons engaging in unlicensed activity under the Board's jurisdiction.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

It will not create or eliminate jobs within the State of California because this proposed regulation will authorize the Board's executive officer to issue citations and orders of abatement and levy fines in cases of unlicensed activity and the potential economic impact should not be significant if individuals comply, including seeking licensure with the Board. This proposal will update the executive officer's authorization to issue citations and orders of abatement and levy fines in cases of unlicensed activity. However, the regulatory proposal would only affect an individual found to be in violation. A licensee that is found to be non-compliant with statutes and regulations enforced by the Board may be impacted through the assessment of a citation with an administrative fine which may not exceed \$5,000 for each inspection or each investigation made with respect to the violation in accordance with Section 125.9(b)(3) of the Business and Professions Code. In the last three years, the Board has only issued four (4) citations to individuals who have practiced without a license with an average cost of \$500 each.

It will not create new business or eliminate existing businesses within the State of California because the proposal will update the executive officer's authorization to issue citations and orders of abatement and levy fines in cases of unlicensed activity and the proposal should not affect businesses that hire only licensed physician assistants.

It will not affect the expansion of businesses currently doing business within the State of California because the proposal will update the executive officer's authorization to issue citations and orders of abatement and levy fines in cases of unlicensed activity and the proposal should not affect businesses that hire only licensed physician assistants.

This regulatory proposal will benefit the health and welfare of California residents because authorizing the executive officer to issue citations and orders of abatement and levy fines in cases of unlicensed activity enhances consumer protection, by protecting the consumer from receiving substandard care from unlicensed individuals acting in the capacity of a licensee under the Board's jurisdiction. This proposal would also help enforce current law, provide better consumer protection,

deter prospective violators, and help provide a fair and competitive environment for the Board's licensees.

This regulatory proposal could affect worker safety because this proposed regulation authorizes the board's executive officer to issue citations and orders of abatement and levy fines in the cases of unlicensed activity, which could protect workers from receiving substandard care from unlicensed individuals acting in the capacity of a licensee under the Board's jurisdiction.

This regulatory proposal will not affect the State's environment because updating the executive officer's authority to issue citations and orders of abatement and levy fines in cases of unlicensed activity does not involve environmental issues.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name: Anita Winslow
 Address: 2005 Evergreen Street, Suite 1100
 Sacramento, CA 95815-3893
 Telephone No.: (916) 561-8782
 Fax No.: (916) 263-2671
 E-Mail Address: anita.winslow@mbc.ca.gov

The backup contact person is:

Name: Lynn Forsyth
 Address: 2005 Evergreen Street, Suite 1100
 Sacramento, CA 95815-3893
 Telephone No.: (916) 561-8785
 Fax No.: (916) 263-2671
 E-Mail Address: lynn.forsyth@mbc.ca.gov

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons, if any, or other information upon which the rulemaking is based, and the minutes of the Physician Assistant Board's November 3, 2014 and February 9, 2015 meetings.

**AVAILABILITY OF CHANGED OR
 MODIFIED TEXT**

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

**AVAILABILITY OF DOCUMENTS ON
 THE INTERNET**

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

**TITLE 16. PHYSICIAN ASSISTANT
 BOARD**

The Physician Assistant Board (Board) proposes to repeal the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:00 a.m. on April 23, 2018**, in the Hearing Room located at

2005 Evergreen Street, Suite 1150A, Sacramento, California 95815. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov. The written comment period closes at **5:00 p.m. on April 23, 2018**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Anita Winslow, Regulatory Coordinator
Physician Assistant Board
2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

AUTHORITY AND REFERENCE

Business and Professions Code sections 2018 and 3510 authorize the Board to repeal these regulations. The proposed repeal of sections 1399.531 and 1399.532 of title 16 of the California Code of Regulations implements, interprets, and makes specific section 3513 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 3513 (Section 3513), provides, in pertinent part, that the board must recognize the approval of physician assistant training programs approved by a national accrediting organization, and that, “if no national accrediting organization is approved by the board, the board may examine and pass upon the qualification of, and may issue certificates of approval for, programs for the education and training of physician assistants that meet board standards.” In addition, the approvals of physician assistant training programs approved by a national accrediting organization are recognized by the Board under Section 3513. Title 16, California Code of Regulations section 1399.530 (Section 1399.530) indicates in pertinent part, “The educational program shall be established in educational institutions accredited by an accrediting agency recog-

nized by Council for Higher Education Accreditation (CHEA) or its successor organization, or the U.S. Department of Education, Division of Accreditation, which are affiliated with clinical facilities that have been evaluated by the educational program.” Therefore, the Board is currently authorized by law to use these accreditation agencies to approve all physician assistant training programs and would no longer a need a separate review and approval by the Board to review and approve physician assistant training programs. For the following reasons, the Board considers the current regulatory requirements in Sections 1399.531 and 1399.532 unnecessary.

The Board adopted Sections 1399.531 and 1399.532 of Title 16 of the California Code of Regulations (Sections 1399.531 and 1399.532, respectively) in 1983 to address the fact that there were no accrediting bodies that specifically reviewed and accredited post-graduate physician assistant programs and provide requirements for a Board-approved program. Since the adoption of these regulations, there are accrediting agencies that review and accredit these programs, and those approvals are recognized by the Board. Therefore, there is no longer a need for the board to fill this void of reviewing and approving training programs, and by extension, no longer a need to set forth the curriculum requirements for a program approved by the Board.

Repealing these regulations would also remove a potential barrier for the creation of additional physician assistant training programs while continuing to protect consumers. For example, if a post-graduate program seeks Board approval for a training program that has already been approved by a national accrediting organization, and the approval is recognized by the Board, waiting for additional approval by the Board would potentially deter or delay the start of the program until approval is given by the Board. Since these programs would have already met approval standards of a national accrediting organization, repealing these regulations would remove a potential barrier to educational programs that wish to provide post-graduate specialty training to physician assistants.

In addition, due to the changes in accreditation standards and the approval process used by state licensing boards since Sections 1399.531 and 1399.532 were adopted, it is the Board’s view that these regulations do not meet the current standards for reviewing and approving such training programs, which is misleading to consumers. A more intensive review process, including site visits and class review, would be necessary. The Board is exercising its discretion, as set forth in Section 3513, to cease examining and passing upon the qualification of, and issuing certificates of approval for, physician assistant education and training programs that meet board standards.

Anticipated Benefits of the Proposed Regulation:

At present, a post-graduate program that has obtained approval from a national accrediting organization that is approved by the Board would face delays in beginning their program due to an additional approval from the Board. Since these programs have already been accredited by a national accrediting agency, repealing these regulations would eliminate a barrier to educational programs for post-graduate specialty training for physician assistants in California. This could result in additional training programs for physician assistants, which would ultimately benefit consumers due to additional training opportunities for physician assistants in California.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Statewide adverse economic impact directly affecting businesses and individuals: None.
- Significant effect on housing costs: None.

Business Impact:

The Physician Assistant Board has determined that the proposed repeal 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 because it addresses curriculum requirements for an approved program for primary care physician assistants and requirements for an approved program for specialty training of physician assistants.

Effect on Small Business:

The Physician Assistant Board has determined that the proposed repeal of these regulations would not affect small businesses because these regulations only apply to educational programs that wish to provide post-graduate specialty training to physician assistants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Physician Assistant Board has determined that this regulatory repeal may have an impact on the creation of jobs, new businesses, or the expansion of businesses but not the elimination of jobs or existing businesses in the State of California because removing a potential barrier for the creation of more post-graduate training programs may result in additional training programs. The programs would not have the added expense of creating a package regarding the proposed program for the Board's review and approval. Because the Board recognizes program approvals by national accrediting organizations, there would be no need to obtain additional approval from the Board. This could result in the creation of more jobs or new businesses.

Benefits of the Proposed Action: The Physician Assistant Board has determined that this regulatory repeal may benefit the health and welfare of California residents because by having more post-graduate training programs available to physician assistants, they would have additional training opportunities, and as a result, be better trained to serve the consumer.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name: Anita Winslow
Address: 2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

Telephone
No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail
Address: anita.winslow@mbc.ca.gov

The backup contact person is:

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Telephone
No.: (916) 561-8785
Fax No.: (916) 263-2671
E-Mail
Address: lynn.forsyth@mbc.ca.gov

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the initial statement of reasons, if any, or other information upon which the rulemaking is based, Business and Professions Code section 3513, Minutes of the April 18, 2016 and July 11, 2016 Board meetings, and the September 2002 report from the Council for Higher Education Accreditation (CHEA), *The Fundamentals of Accreditation — What Do You Need to Know?*

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may repeal the regulations described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Anita Winslow at the address indicated above. The Board will accept written comments on the modified regulation 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 Ms. Winslow at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

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

TITLE 18. BOARD OF EQUALIZATION

**The State Board of Equalization Proposes to
Adopt
Amendments to California Code of Regulations,
Title 18,
Section 51, Agreements Qualifying Land for
Assessment As Open-Space Lands**

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, section (Property Tax Rule) 51, Agreements Qualifying Land for Assessment As Open-Space Lands. Property Tax Rule 51 prescribes the provisions that an agreement made pursuant to the Land Conservation Act of 1965 or Williamson Act (Gov. Code, § 51200 et seq.) prior to November 10, 1969, is required to contain for the agreement to provide the restrictions, terms, and conditions that are substantially similar to or more restrictive than those required by such act for a contract. The proposed amendments to Property Tax Rule 51 replace the rule’s reference to repealed Property Tax Rule 251, Announcement of Assessment Ratio, with new text that refers to Revenue and Taxation Code (RTC) section 401, which has the same meaning and does not substantively change the calculation of the minimum cancellation fee required to be included in the cancellation provision of a pre-November 10, 1969, agreement, under Property Tax Rule 51, subdivision (d).

PUBLIC HEARING

The Board will conduct a meeting at 450 N Street, Sacramento, California, on March 27, 2018. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, in-

cluding the specific agenda for the meeting, available on the Board’s website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on March 27, 2018. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Property Tax Rule 51.

AUTHORITY

Government Code section 15606.

REFERENCE

RTC section 401.

Article 1.5 (commencing with section 421) of chapter 3 of part 2 of division 1 of the RTC.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current Law

In 1965, the Legislature enacted the California Land Conservation Act of 1965 or Williamson Act (Gov. Code, § 51200 et seq.) in an effort to preserve the maximum amount of the state’s limited supply of agricultural lands for the production of food and fiber, discourage the conversion of such lands to urban uses, and discourage noncontiguous urban development. (See Gov. Code, § 51220 (1965).) As relevant here, article 3 of the act (commencing with Gov. Code, § 51240) provided for and still provides for a city or county to enter into a “contract” to limit the use of specified land for the purposes of preserving such land. Article 3.5 of the act (commencing with Gov. Code, § 51255) provided for a city or county to enter into an “agreement” to limit the use of specified land, until Government Code section 51255 was repealed on a prospective basis, effective January 1, 1970. (Stats. 1969, ch. 1372, §§ 28, 44.) Also, article 5 (commencing with Gov. Code, § 51280) of the act generally required and still generally requires a landowner to pay a fee to a city or county upon the cancellation of a contract, and, in 1969, Government Code section 51283 was repealed and reenacted to require such a fee to be equal to 50 percent of the full cash value (or fair market value) of the land free from the contractual restrictions, as determined by the county assessor for the county in which the land is located, multiplied by the most recent assessment ratio announced pursuant to RTC section 401. (Stats. 1969, ch. 1372, §§ 34, 35.)

In the 1966 general election, the electorate approved a constitutional amendment that added article XXVIII, section 2 to the California Constitution to authorize the Legislature to enact laws providing for open-space lands subject to enforceable restrictions to be valued for assessment purposes on a basis that is “consistent with such restriction[s] and use.” (In November 1974, article XXVIII, section 2 was repealed and article XIII, section 8 of the California Constitution was adopted, which contains similar provisions.) The following year, the Legislature added article 1.5 (commencing with section 421) to chapter 3 of part 2 of division 1 of the RTC to implement that authority. (Stats. 1967, ch. 1711, § 1.) And, as relevant here, article 1.5 defined an enforceable restriction to open-space land as a “contract” or “agreement” authorized by the California Land Conservation Act of 1965, but only when an agreement “taken as a whole, provides restrictions, terms, and conditions which are substantially similar or more restrictive than those required by statute for a contract.” (Stats. 1967, ch. 1711, § 1 (RTC, § 422).) Also, in 1969, RTC sections 421 and 422 were repealed and reenacted, and reenacted RTC section 421 further provided that, for purposes of article 1.5, the term “agreement” means “an agreement executed pursuant to the California Land Conservation Act prior to the 61st day following the final adjournment of the 1969 Regular Session of the Legislature.” (Stats. 1969, ch. 862, §§ 1–4.) This language was previously determined to mean executed prior to November 10, 1969.

Prior to 1966, RTC section 401 provided that “all taxable property shall be assessed at its full cash value” (fair market value). (Stats. 1939, ch. 154, p. 1285.) However, a succession of amendments to RTC section 401 provided for each county assessor to assess taxable property “from the lien date for the 1967–1968 fiscal year through the 1970–1971 fiscal year at a publicly announced ratio of his own choosing which shall be between 20 percent and 25 percent of full cash value” and at “25 percent of full cash value” beginning with the lien date for the 1971–1972 fiscal year. So, the assessment ratios varied from county to county for the fiscal years 1967–1968 through 1970–1971. (See Stats. 1966, 1st Ex. Sess., ch. 147, § 34; Stats. 1967, ch. 43, § 1; and Stats. 1968, 1st Ex. Sess., ch. 1, § 10.) Also, Property Tax Rule 251 was adopted in 1966 to require each county assessor to annually announce the “uniform ratio” of full cash value, pursuant to RTC section 401, at which the assessor is assessing property and provide that such an announcement shall be accomplished by “publication in at least one newspaper of general circulation within the county, copies of which shall be sent immediately to the county board of supervisors and the State Board of Equalization,” and prominently posting a notice of that county’s assessment ratio in the assessor’s

office. (Quoted text filed with the Secretary of State on November 25, 1966.) However, the reference to an assessment ratio was removed from RTC section 401 operative January 1, 1981 (Stats. 1978. ch. 1207, §§ 15 and 22), and Property Tax Rule 251 was repealed in 1982 because it was no longer necessary.

Property Tax Rule 51 was adopted in 1970 to implement, interpret, and make specific article 1.5 of chapter 3 of part 2 of division 1 of the RTC by prescribing the provisions that a pre–November 10, 1969, agreement is required to contain for the agreement to provide the restrictions, terms, and conditions that are substantially similar or more restrictive than those required by statute for a contract. As relevant here, Property Tax Rule 51, subdivisions (c) and (d), respectively require that an agreement include a cancellation provision and that the provision require the owner to pay a “cancellation fee” as deferred taxes “which is at least 50 percent of the full market value of the land when relieved of the restriction, as found by the assessor, multiplied by the latest assessment ratio that had been published pursuant to section 251 of this code [(Property Tax Rule 251)] when the agreement was initially entered into.”

Effect, Objective, and Benefits of the Proposed Amendments

Board staff determined that Property Tax Rule 51 is still necessary because the Department of Conservation verified that pre–November 10, 1969, agreements still exist, which are subject to the rule’s provisions. However, Board staff determined that there is an issue (or problem within the meaning of Gov. Code, § 11346.2, subd. (b)(1)) with subdivision (d) of Property Tax Rule 51 because it refers to Property Tax Rule 251, which has not been published in the California Code of Regulations since its repeal in 1982. Staff initiated a project to address the issue by amending Property Tax Rule 51 to delete the reference to repealed Property Tax Rule 251 and replace it with new text that will have the same meaning and will not substantively change the calculation of the minimum cancellation fee required to be included in the cancellation provision of a pre–November 10, 1969, agreement, under Property Tax Rule 51, subdivision (d). Staff determined that this objective could be accomplished by replacing the reference to repealed Property Tax Rule 251 with a reference to RTC section 401 because the assessment ratio that county assessors were required to publish under repealed Property Tax Rule 251 was the assessment ratio that assessors were required to announce under RTC section 401. And, as a result, staff drafted proposed amendments to Property Tax Rule 51, subdivision (d), providing that the cancellation fee required to be included in the cancellation provision of a pre–November 10, 1969, agreement shall be at least 50 percent of the full market value of the land

when relieved of the restriction, as found by the assessor, multiplied by the “assessment ratio in effect, pursuant to Revenue and Taxation Code section 401, on the date” when the agreement was initially entered into, and proposed amendments adding a reference to RTC section 401 to Property Tax Rule 51’s reference note.

Interested parties were provided with Board staff’s draft of the proposed amendments to the rule on September 8, 2016 (see Letter to Assessors 2016/031 available on the Board’s website), and invited to participate in the rulemaking effort. The only comment received regarding the draft of the proposed amendments was from the Los Angeles County Assessor’s Office in support of the amendments as written.

Board staff subsequently prepared Formal Issue Paper 16–11 and submitted it to the Board Members for consideration at the Board’s December 14, 2016, Property Tax Committee meeting. In the formal issue paper, Board staff recommended that the Board propose to adopt staff’s draft amendments to Property Tax Rule 51 to replace the reference to repealed Property Tax Rule 251 with a reference to RTC section 401 (discussed above). (In the formal issue paper, staff also recommended that the Board propose to adopt a solely grammatical amendment replacing “As” with “as” in the title of the rule.) Board staff also noted that the Department of Conservation verified that pre–November 10, 1969, agreements still currently exist, and staff recommended that the Board propose to adopt the amendments through the Administrative Procedure Act’s regular rulemaking process to provide the public, including county assessors and the owners of land subject to pre–November 10, 1969, agreements, additional notice and an opportunity to comment on the amendments if they believe that the amendments may result in an unintended substantive change to the rule.

At the conclusion of the December 14, 2016, Property Tax Committee meeting, the Board agreed with staff’s recommendations and the Board Members unanimously voted to propose the adoption of staff’s recommended amendments to Property Tax Rule 51. The Board determined that the proposed amendments are reasonably necessary to have the effect and accomplish the objective of addressing the issue (or problem) with Property Tax Rule 51 discussed above by deleting the rule’s reference to repealed Property Tax Rule 251 and replacing it with new text that refers to RTC section 401, which will have the same meaning and will not substantively change the calculation of the minimum cancellation fee required to be included in the cancellation provision of a pre–November 10, 1969, agreement.

The Board anticipates that the proposed amendments will increase openness and transparency in government and benefit the public, local boards of equalization and

assessment appeals boards, county assessors, and the owners of land subject to pre-November 10, 1969, agreements by deleting Property Tax Rule 51's reference to Property Tax Rule 251, which has not been published in the California Code of Regulations since its repeal in 1982.

The Board has performed an evaluation of whether the proposed amendments to Property Tax Rule 51 are inconsistent or incompatible with existing state regulations. The Board has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because there are no other Property Tax Rules that prescribe the provisions that a pre-November 10, 1969, agreement is required to contain for the agreement to provide the restrictions, terms, and conditions that are substantially similar or more restrictive than those required by statute for a contract. In addition, there are no comparable federal regulations or statutes to Property Tax Rule 51 or the proposed amendments to Property Tax Rule 51.

**NO MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 51 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

**ONE-TIME COST TO THE BOARD, BUT NO
OTHER COST OR SAVINGS TO ANY STATE
AGENCY, LOCAL AGENCY, OR
SCHOOL DISTRICT**

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 51 will result in an absorbable \$396 one-time cost for the Board to update its website after the amendments are completed. The Board has determined that the adoption of the proposed amendment to Property Tax Rule 51 will result in no other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Board has made an initial determination that the adoption of the proposed amendments to Property Tax Rule 51 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 adoption of the proposed amendments to Property Tax Rule 51 may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT REQUIRED BY GOVERNMENT
CODE SECTION 11346.3, SUBDIVISION (b)**

The Board assessed the economic impact of the proposed amendments to Property Tax Rule 51 on California businesses and individuals and determined that the proposed amendments to Property Tax Rule 51 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment (EIA) required by Government Code section 11346.3, subdivision (b)(1), for the proposed amendments and included it in the initial statement of reasons. In the EIA, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 51 will neither create nor eliminate jobs in the State of California nor create new businesses or eliminate existing businesses within the state nor expand businesses currently doing business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 51 will not affect the benefits of the rule to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

Adoption of the proposed amendments to Property Tax Rule 51 will not have a significant effect on housing costs.

DETERMINATION REGARDING
ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise 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 than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Henry Nanjo, Chief Counsel, by telephone at (916) 323-1094, by e-mail at Henry.Nanjo@boe.ca.gov, or by mail at State Board of Equalization, Attn: Henry Nanjo, MIC:73, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Christopher Mayfield, Lead Analyst, by telephone at (916) 322-1923, by fax at (916) 324-3984, by e-mail at Christopher.Mayfield@boe.ca.gov, or by mail at State Board of Equalization, Attn: Christopher Mayfield, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Mr. Christopher Mayfield is the designated backup contact person to Mr. Nanjo.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on March 27, 2018, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Property Tax Rule 51 during the March 27, 2018, Board meeting. Written comments received by Mr. Christopher Mayfield at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Property Tax Rule 51. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board has prepared an underline and strikethrough version of the text of Property Tax Rule 51 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rule-making file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GOVERNMENT CODE
SECTION 11346.8

The Board may adopt the proposed amendments to Property Tax Rule 51 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days prior to adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Nanjo. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

If the Board adopts the proposed amendments to Property Tax Rule 51, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at www.boe.ca.gov.

GENERAL PUBLIC INTEREST

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ANNOUNCEMENT OF SECOND PUBLIC COMMENT PERIOD

Draft Technical Support Document on the Proposed Updates of the Public Health Goals for Nitrate and Nitrite in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of the revised draft technical support document for the proposed updates of the Public Health Goals (PHGs) for nitrate and nitrite in drinking water.

OEHHA initiated a 45-day public comment period on the first draft document on December 16, 2016, and held a public workshop on February 13, 2017. Subsequently, an external scientific peer review of the draft PHG document was conducted pursuant to Health and Safety Code Section 116365(c)(3)(D). OEHHA has revised the draft document based on public and peer review comments. Revision of the draft document included additional analyses and discussion of epidemiological studies of cancer and birth defects, among other changes. The PHGs in the revised draft document remain unchanged.

OEHHA is soliciting comments on the revised draft technical support document during a 30-day comment period. The second draft technical document is posted on the OEHHA website at <http://www.oehha.ca.gov/>. OEHHA will evaluate all the comments received and revise the document as appropriate. Written comments must be received by the PHG program at PHG.Program@oehha.ca.gov or at the postal address below by 5:00 p.m. on March 12, 2018 to be considered. After any subsequent revisions, OEHHA intends to post the final document on its website along with responses to the major comments submitted during the external scientific peer review and the public comment periods.

A review of the scientific literature published since the development of the original nitrate and nitrite PHGs in 1997 has identified no new information to support changing the current PHG of 45 parts per million (ppm) for nitrate. Nitrate can also be expressed in terms of its concentration as nitrogen. When expressed as nitrogen, 45 ppm nitrate is equivalent to 10 ppm nitrogen. The PHG of 3 ppm for nitrite, which when expressed as nitrogen is 1 ppm, remains the same. The combined

nitrate/nitrite PHG of 10 ppm (as nitrogen), which accounts for the additive toxicity of nitrate and nitrite, also remains unchanged. It does not replace the individual values, and the maximum contribution from nitrite should not exceed 1 ppm nitrite-nitrogen. These PHGs protect against the occurrence of infant methemoglobinemia, a blood disorder that results in decreased oxygen distribution to tissues, as well as other effects, such as liver toxicity, that have been shown to occur at higher levels of exposure and in the general population.

PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are used by the State Water Resources Control Board in setting California's drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at the email address above or at (916) 324-7572.

Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Program

DECISION NOT TO PROCEED

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Administration of the Death Penalty — Lethal Injection — Notice File No. Z2015-1027-02

Pursuant to Government Code 11347, the California Department of Corrections and Rehabilitation hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Notice Register on November 6, 2015, Register 2015, No. 45-Z, concerning Administration of the Death Penalty by Lethal Injection (OAL Notice Z2015-1027-02).

¹ Codified at Health and Safety Code, section 116270 et seq.

² Health and Safety Code section 116365(c).

³ Health and Safety Code section 116365(a) and (b).

Any interested person with questions concerning this rulemaking should contact Josh Jugum at (916) 445-2228 or by e-mail at joshua.jugum@cdcr.ca.gov.

The Department will also post this Notice of Decision Not to Proceed on its website at http://www.cdcr.ca.gov/regulations/adult_operations/index.html.

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

CALIFORNIA GAMBLING CONTROL COMMISSION

Re: Government Code section 11425.60, subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission's office below. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
Telephone: (916) 263-1523
Facsimile: (916) 263-1365
E-Mail: rjohnson@cgcc.ca.gov

The index and text of the precedential decisions also can be viewed on the Internet at <http://www.cgcc.ca.gov/?pageID=PrecedentialDecisions>.

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# 2017-1212-01
BOARD OF EDUCATION
California Assessment of Student Performance

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

Title 5
ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9
AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8
Filed 01/25/2018
Effective 01/25/2018
Agency Contact: Hillary Wirick (916) 319-0860

File# 2018-0116-01
BOARD OF FORESTRY AND FIRE PROTECTION
Emergency Rulemaking to Facilitate Post-Fire Recovery Efforts within the Counties of Napa, Sonoma and Mendocino

In this emergency rulemaking, the Board of Forestry and Fire Protection is providing an exemption from the plan preparation and submission requirements and from the completion report and stocking report requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code section 4511, et seq.) to persons engaging in specified forest management activities. This exemption includes cutting or removing dead or dying trees when the trees are within 300 feet of an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire during the October 2017 Northern California wildfires in Mendocino, Napa, and Sonoma Counties.

Title 14
AMEND: 1038
Filed 01/25/2018
Effective 01/25/2018
Agency Contact: Eric Hedge (916) 653-9633

File# 2017-1212-03
BOARD OF PHARMACY
Inventory Reconciliation Report

The Board of Pharmacy proposed this action to adopt section 1715.65 in title 16 of the California Code of Regulations. Section 1715.65 will require all pharmacies and clinics licensed by the board to compile and maintain for three years quarterly inventory reconcilia-

tion reports to reconcile all acquisitions and dispositions of federal Schedule II controlled substances and to report any losses of these medications to the board, as specified.

Title 16
 ADOPT: 1715.65
 Filed 01/25/2018
 Effective 04/01/2018
 Agency Contact: Lori Martinez (916) 574-7917

File# 2017-1211-04
 CALIFORNIA ENERGY COMMISSION
 Appliance Efficiency Regulations

This action amends appliance efficiency regulations regarding (1) allowances for new adder technology for computers; and (2) aligning state and federal reporting requirements for LED lamps and small-diameter directional lamps (SSDLs).

Title 20
 AMEND: 1602, 1605.3, 1606
 Filed 01/25/2018
 Effective 01/25/2018
 Agency Contact: Lisa DeCarlo (916) 654-5195

File# 2017-1213-07
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Plan-Based Enrollers

In this regulatory action, the California Health Benefit Exchange (“Exchange”) is amending three sections in Title 10 of the California Code of Regulations. These amendments remove from the application information that the Exchange found is no longer necessary to determine the eligibility of a Plan-Based Enroller (PBE). They also add language to preclude PBE applicants who failed the criminal and background check process from reapplying to the program for two years. In addition, the amendments clarify that PBEs could provide referrals to other Certified Enrollers or any Agents certified by the Exchange. And finally, the regulatory modifications prevent PBEs from being affiliated with other Certified Enrollers in order to protect the public from potential conflicts of interest.

Title 10
 AMEND: 6704, 6708, 6710
 Filed 01/29/2018
 Effective 01/29/2018
 Agency Contact: Brian Kearns (916) 228-8843

File# 2018-0104-01
 CALIFORNIA HIGHWAY PATROL
 Explosives Routes and Stopping Places

In this regulatory action, the California Highway Patrol removes 10.7 miles and extends 14 miles of current-

ly designated routes for the transportation of explosives by commercial vehicles on highways in the Bakersfield area of Kern County.

Title 13
 AMEND: 1152.3
 Filed 01/25/2018
 Effective 01/25/2018
 Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2017-1211-02
 CALIFORNIA HORSE RACING BOARD
 Equipment Requirement/Use of Riding Crop

The California Horse Racing Board is amending two sections in title 4 of the California Code of Regulations. These amendments replace the word “whip” with “riding crop” to more accurately reflect the term used by the horse racing community. These amendments also make existing provisions regarding the use of riding crops applicable to both jockeys and exercise riders during training.

Title 4
 AMEND: 1685, 1688
 Filed 01/25/2018
 Effective 04/01/2018
 Agency Contact:
 Nicole Lopes-Gravelly (916) 263-6397

File# 2018-0119-03
 CALIFORNIA STATE UNIVERSITY
 Admission Requirements

This action by the Board of Trustees of the California State University System amends several sections dealing with admission requirements. This action was submitted to the Office of Administrative Law (OAL) for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations. It is exempt from the Administrative Procedure Act and OAL review pursuant to Education Code section 89030(b).

Title 5
 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901
 Filed 01/29/2018
 Effective 01/29/2018
 Agency Contact: Stephen Silver (562) 951-4500

File# 2017-1211-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Natural Gas Motor Vehicle Fuels

The Department of Food and Agriculture, Division of Measurement Standards, proposed this action to adopt and amend regulations under title 4 of the California Code of Regulations pertaining to the retail sale of natural gas motor vehicle fuels in California.

Title 4
ADOPT: 4002.10, 4206, 4207 AMEND: 4001,
4200, 4201
Filed 01/24/2018
Effective 04/01/2018
Agency Contact: Pamela Fitch (916) 229-3058

File# 2017-1212-04
DEPARTMENT OF FOOD AND AGRICULTURE
Rice Identity Preservation

The Department of Food and Agriculture submitted this timely certificate of compliance to make permanent the regulations adopted in OAL File No. 2017-0303-01E and readopted OAL File No. 2017-1030-02EE. The emergency rulemaking action adopted and amended sections in CCR title 3, to address the prevention and eradication of weedy rice, which was identified in California rice growing regions.

Title 3
ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853,
2854, 2855, 2856
Filed 01/25/2018
Effective 01/25/2018
Agency Contact: Amy Uber (916) 204-4022

File# 2017-1213-02
DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing (HLB) Disease Interior Quarantine

This timely Certificate of Compliance by the Department of Food and Agriculture (the "Department") makes permanent the expansion of a quarantine area for Huanglongbing ("HLB") disease into the San Gabriel area of Los Angeles County. The quarantine area was expanded by approximately four square miles in response to the confirmation on July 21, 2017, of the presence of HLB from suspect citrus tissue samples collected in the San Gabriel area. This emergency action provides authority for the state to continue to perform quarantine activities against HLB within this additional area.

Title 3
AMEND: 3439(b)
Filed 01/29/2018
Effective 01/29/2018
Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1213-03
DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing (HLB) Disease Interior Quarantine

This certificate of compliance action makes permanent prior emergency regulations expanding the Huanglongbing Disease Interior Quarantine in Los Angeles

and Orange Counties. (See OAL Matter No. 2017-0823-02E.)

Title 3
AMEND: 3439(b)
Filed 01/29/2018
Effective 01/29/2018
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0109-01
DEPARTMENT OF FOOD AND AGRICULTURE
Conflict-of-Interest Code

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

Title 3
AMEND: 2
Filed 01/24/2018
Effective 02/23/2018
Agency Contact: Teresa Swafford (916) 403-6616

File# 2017-1208-05
DEPARTMENT OF INDUSTRIAL RELATIONS
Public Works Enforcement Hearings

This change without regulatory effect filing by the Department of Industrial Relations repeals five sections in title 8 of the California Code of Regulations to remove obsolete notice, appeal, and hearing procedures for contractors and subcontractors accused of violating prevailing wage requirements on public works projects.

Title 8
REPEAL: 16410, 16411, 16412, 16413, 16414
Filed 01/24/2018
Agency Contact: John Cumming (415) 486-2038

File# 2018-0102-01
DEPARTMENT OF JUSTICE
Conflict-of-Interest Code

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

Title 11
AMEND: 20
Filed 01/30/2018
Effective 03/01/2018
Agency Contact: Julia Zuffelato (916) 210-6040

File# 2018-0119-02
DEPARTMENT OF JUSTICE
Department of Food and Agriculture Bond Form

This action, submitted by the Department of Justice pursuant to Government Code section 11343.8, is a re-

quest to file with the Secretary of State the Commercial Cannabis Licensee Bond form of the Department of Food and Agriculture and to print the title of the adopted bond form in Title 11 of the California Code of Regulations at section 26.20.

Title 11
 ADOPT: 26.20
 Filed 01/29/2018
 Effective 01/29/2018
 Agency Contact: Cara M. Porter (415) 703-1188

File# 2017-1208-06
 DEPARTMENT OF WATER RESOURCES
 Water Loss Audit Regulation

In this action, the Department of Water Resources establishes rules for conducting and validating water loss audits, technical qualifications for individuals performing water loss audit validations, and reporting requirements for submitting validated water loss audits to the Department.

Title 23
 ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6
 Filed 01/24/2018
 Effective 01/24/2018
 Agency Contact: Todd Thompson (916) 651-9255

File# 2018-0118-04
 EDUCATION AUDIT APPEALS PANEL
 Supplement to Audits of K-12 LEAs — FY 2017-18

This emergency rulemaking action by the Education Audit Appeals Panel supplements the 2017-18 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting (Audit Guide) pursuant to Education Code section 14502.1. The revised Audit Guide is applicable to FY 2017-2018.

Title 5
 AMEND: 19810
 Filed 01/29/2018
 Effective 01/29/2018
 Agency Contact:
 Timothy E. Morgan (916) 445-7745

File# 2017-1219-04
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This file and print request by the Office of Environmental Health Hazard Assessment amends subdivision (b) of section 27001 to add Vinylidene chloride (1,1-Dichloroethylene) to the list of chemicals known

to the state to cause cancer. This amendment is exempt from the rulemaking procedures of the APA and OAL review pursuant to Health and Safety Code section 25249.8.

Title 27
 AMEND: 27001
 Filed 01/29/2018
 Effective 12/29/2017
 Agency Contact: Michelle Ramirez (916) 327-3015

File# 2017-1208-04
 OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT
 Forms Update — Address Change

This change without regulatory effect filing by the Office of Statewide Health Planning and Development amends sections 97177.10, 97177.67, and 97177.70 in title 22 of the California Code of Regulations to update the revision dates for three forms incorporated by reference. The Office is revising the forms to update outdated Office contact information.

Title 22
 AMEND: 97177.10, 97177.67, 97177.70
 Filed 01/24/2018
 Agency Contact: Adrienne Starkey (916) 326-3684

File# 2017-1214-01
 PUBLIC UTILITIES COMMISSION
 Rules of Practice and Procedure

In this action, the California Public Utilities Commission (Commission) adopts amendments to its Rules of Practice and Procedure to reflect changes in the Commission's administration, to streamline procedures, and to provide greater clarity regarding practice before the Commission. The action also implements Senate Bill 215 (Chapter 807, Statutes of 2016) regarding the disqualification of assigned commissioners and administrative law judges, the rules governing ex parte communications, and other procedural requirements.

Title 20
 ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4, 1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6 (renumbered from 4.5), 6.3, 7.2, 7.3, 7.6, 8.1, 8.2 (renumbered from 8.3), 8.4, Article 9 (title), 9.4, 9.6 (renumbered from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12, 13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1, 15.3, 16.1, 16.2, 17.1
 REPEAL: 8.2, 8.6, 9.6, 9.7
 Filed 01/30/2018
 Effective 04/01/2018
 Agency Contact: Hallie Yacknin (415) 703-1675

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 30, 2017 TO
January 31, 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

- 01/23/18 AMEND: 59530
- 01/18/18 AMEND: 18351
- 01/11/18 ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223 (Renumbered 20226), 20224 (Renumbered 20232), 20227, 20225 (Renumbered 20230), 20226 (Renumbered 20229), 20230 (Renumbered 20231), 20235 (Renumbered 20233), 20236 (Renumbered 20234), 20247 (Renumbered 20236), 20249.5 (Renumbered 20237), 20250 (Renumbered 20238), 20255 (Renumbered 20250), 20258 (Renumbered 20240), 20260 (Renumbered 20241), 20261 (Renumbered 20242), 20265 (Renumbered 20251), 20266 (Renumbered 20252), 20267 (Renumbered 20253) REPEAL: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20215, 20245, 20249, 20251, 20252, 20253, 20254, 20256, 20257, 20259, 20262

- 01/11/18 ADOPT: 20130, 20131, 20132, 20133, 20134, 20135, 20136, 20137, 20138
- 01/08/18 ADOPT: 20140, 20141, 20142, 20143, 20144
- 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
- 10/10/17 AMEND: 10500
- 10/09/17 AMEND: 59780
- 10/04/17 ADOPT: 280, 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.55.1, 547.55.2, 547.56, 547.57, 547.57.1, 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57
- 09/22/17 AMEND: 1859.2, 1859.81
- 09/21/17 AMEND: 59620
- 09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
- 08/31/17 AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065
- 08/30/17 AMEND: 59590

Title 3

- 01/29/18 AMEND: 3439(b)
- 01/29/18 AMEND: 3439(b)
- 01/25/18 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
- 01/24/18 AMEND: 2
- 01/22/18 AMEND: 3439(b)
- 01/18/18 AMEND: 3439(b)
- 01/16/18 AMEND: 3439(b)
- 01/16/18 AMEND: 3424(c), 3591.12
- 01/16/18 AMEND: 3439(b)
- 01/03/18 AMEND: 3435(b)
- 12/26/17 AMEND: 3435

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 6-Z

12/21/17	AMEND: 3439(b)	01/17/18	AMEND: 12386, 12391, 12566
12/20/17	AMEND: 6000, 6619, 6724, 6764, 6768, 6769, 6776	01/17/18	AMEND: 12386, 12391, 12566
12/15/17	AMEND: 3439(b)	01/09/18	ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853
12/13/17	AMEND: 3435(b)	01/08/18	AMEND: 12120, 12303, 12362
12/13/17	AMEND: 3435(d)	01/02/18	AMEND: 12261, 12264
12/12/17	ADOPT: 1391.7 AMEND: 1391, 1391.1, 1391.3	12/28/17	AMEND: 4300, 4302, 4304, 4306, 4307, 4308
12/11/17	AMEND: 3439(b)	12/21/17	AMEND: 8078.8, 8078.10
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	12/19/17	AMEND: 232
12/07/17	AMEND: 3439(b)	12/13/17	AMEND: 10032, 10036
12/05/17	AMEND: 3591.5	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
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11/22/17	AMEND: 3435(b)	11/30/17	AMEND: 12218.11, 12236
11/21/17	AMEND: 3435(b)	11/29/17	AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190
11/21/17	REPEAL: 1408.22	11/16/17	AMEND: 1844
11/20/17	AMEND: 3591.15	11/02/17	AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10
11/20/17	AMEND: 3435(b)	10/31/17	AMEND: 711
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11/09/17	AMEND: 3435(b)	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
11/07/17	ADOPT: 6690, 6691, 6692	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
11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856	10/09/17	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
11/06/17	AMEND: 3435(b)	10/05/17	AMEND: 1632
11/02/17	AMEND: 3435(b)	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
10/23/17	AMEND: 3435(b)		
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10/16/17	AMEND: 3439(b)		
09/28/17	AMEND: 3439(b)		
09/28/17	AMEND: 3435(b)		
09/27/17	AMEND: 3435(b)		
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09/19/17	AMEND: 3406(c), 3591.5(b)		
09/14/17	AMEND: 3439		
09/12/17	AMEND: 3435(b)		
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09/05/17	AMEND: 3435(b)		
09/05/17	AMEND: 3435(b)		
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01/29/18 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901
01/25/18 ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8
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11/28/17 AMEND: 9510, 9512, 9513, 9518, 9529, 9810
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11/21/17 ADOPT: 71396
11/16/17 ADOPT: 11526 AMEND: 11520, 11524, 11525
11/16/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534
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11/07/17 ADOPT: 9517.1
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12/28/17 AMEND: 9789.17.3, 9789.19
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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)
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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
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 12/07/17 AMEND: 1152.6.1
 11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,
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 10/30/17 AMEND: 423.00
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 11/20/17 ADOPT: 1.95
 11/16/17 AMEND: 2975
 11/15/17 AMEND: 1038
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 12/21/17 AMEND: 8004, 8004.1
 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
 11/27/17 AMEND: 3600(b), 3600(e)
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