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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. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.190, 1859.193, 1859.194, 1859.195 AND 1859.198, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTIONS PROPOSED FOR AMENDMENTS

- 1859.190, 1859.193, 1859.194, 1859.195 and 1859.198

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17078.72(k) and 17078.72(l) of the Education Code. The proposals interpret and make specific reference to Sections 17076.10, 17078.72, 101012(a)(4) and 101122(a)(4).

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its August 23, 2017 meeting, the SAB adopted emergency regulations to re-establish the Career Technical Education Facilities Program (CTEFP) under the SFP. The Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51) provided the CTEFP \$500 million in bond authority. In order for the SAB to apportion the CTEFP funding, the Program’s regulations must be reinstated.

The SAB was presented for its consideration additional funding cycles by which school districts and local educational agencies would submit grant applications. OPSC collaborated with the California Department of Education (CDE) in order to present the schedules for a fourth and fifth funding cycle. The SAB approved the fourth funding cycle with specific timelines as follows:

- Opening date of round was September 27, 2017 through November 29, 2017, for which school districts and local educational agencies would submit CDE grant applications.
- CDE scored the grant applications and published the results by February 14, 2018.
- School districts and local educational agencies submitted the *Career Technical Education Facility Funding* (Form SAB 50-10) to OPSC by close of business February 21, 2018.
- Presentation to the SAB by June 2018 for funding consideration.

As a side note, it was brought to OPSC’s attention that a subsection reference in existing regulation Section 1859.193 needed to be corrected. OPSC is including this minor non-substantive change in its 45-day public notice.

Bond Funds Impacted

- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action. The proposed regulations can be reviewed on OPSC’s website at

www.dgs.ca.gov/opsc. Copies of the proposed regulations will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

In 2006, the CTEFP was established under the SFP and \$500 million in bond authority was available for projects through Proposition 1D. The SAB established funding cycles with specific amounts of funding allocated to each funding cycle. The SAB also established in regulation (SFP Regulation Section 1859.196) how funds would be distributed to ensure the funds were distributed equally.

The proposed regulations resolve the problem of the CTEFP being an inactive program by re-establishing the CTEFP based on the successful passage of Proposition 51 and the repeal of SB 869, which removed the SAB's authority to make apportionments under the CTEFP on or after January 1, 2015 and also formalized how funds returning to the CTEFP were to be allocated. There is \$500 million in bond authority available for the SAB to allocate to school districts and local educational agencies for CTEFP projects.

OPSC performed a search on whether the proposed emergency regulations were consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, has determined that the proposed emergency regulations are consistent and compatible with existing State laws and regulations. Proceeding with the re-establishment of the CTEFP will benefit school districts, local educational agencies and the State of California by providing facilities needed for students to learn the skills and knowledge critical for today's high demand technical careers and in increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as supporting job creation.

Anticipated Benefits of the Proposed Regulations

The proposed regulations promote the State's general welfare by re-establishing the CTEFP based on the successful passage of Proposition 51 and the repeal of SB 869, which removed the SAB's authority to make apportionments under the CTEFP on or after January 1, 2015 and also formalized how funds returning to the CTEFP were to be allocated. There is \$500 million in bond authority available for the SAB to allocate to school districts and local educational agencies for CTEFP projects. The CTEFP has been a highly successful program, with each funding round to date being

over-subscribed. Proceeding with the re-establishment of the CTEFP will benefit school districts, local educational agencies and the State of California by providing facilities needed for students to learn the skills and knowledge critical for today's high demand technical careers and in increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as supporting job creation.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulations carries out the will of the voters based on the successful passage of Proposition 51 in November 2016. The CTEFP will have a positive impact to the State's economy and has the potential of creating jobs.

Summary of the Proposed Regulatory Amendments

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.190 sets forth general filing submittal instructions and specifies that CTEFP modernization projects do not affect the Modernization Eligibility of that facility pursuant to Regulation Section 1859.60. The proposed emergency regulatory amendments delete language that has been repealed by AB 99, Chapter 15, Statutes of 2017, and delete the language related to the treatment of funds returning to the CTEFP.

Existing Regulation Section 1859.193 specifies that CTEFP projects may be allowed to construct a new facility or modernize or reconfigure an existing facility. Grant determinations shall not exceed \$3 million for new construction projects or \$1.5 million for modernization/reconfiguration projects. It was brought to OPSC's attention that a subsection reference was incorrect. The proposed amendment corrects the reference and is considered a nonsubstantive change.

Existing Regulation Section 1859.194 specifies that CTEFP apportionments shall require an applicant matching share contribution on a dollar-for-dollar basis, and that loans may be requested by districts needing assistance to reach their matching share requirement, if specified criteria are met. Terms of loan agreements are set forth, including the requirement to repay the loan to the State with interest on the unpaid balance at the same rate as that charged by the Pooled Money Investment Board. The proposed emergency regulatory amendments provide new language clarifying that funds generated from other state or federal grant programs, such as the Career Technical Education Incentive Grant Program, cannot be used as the local matching share.

Existing Regulation Section 1859.195 prescribes the dollar amounts set forth for the first six-month and second six-month funding cycles, plus any funds remaining from the first cycle. The emergency regulatory

amendments delete language that has been repealed by AB 99, Chapter 15, Statutes of 2017.

Existing Regulation Section 1859.198 specifies that applicants are subject to the time limit on apportionments as outlined in Education Code Section 17076.10 and substantial progress requirements pursuant to Regulation Section 1859.105. The emergency regulatory amendments provide new language to allow funding being returned to the CTEFP as a result of a project being rescinded or reduced to costs incurred to be made available for apportionment in subsequent funding cycles. It also deletes language that is no longer applicable because that statute has been repealed.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulations resolve the problem of the CTEFP being an inactive program by re-establishing the CTEFP based on the successful passage of Proposition 51 and the repeal of SB 869, which removed the SAB’s authority to make apportionments under the CTEFP on or after January 1, 2015 and also formalized how funds returning to the CTEFP were to be allocated. There is \$500 million in bond authority available for the SAB to allocate to school districts and local educational agencies for CTEFP projects. This carries out the will of the voters based on the successful passage of Proposition 51 in November 2016. The CTEFP will have a positive impact to the State’s economy and has the potential of creating jobs.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws

and regulations. The proposed regulations are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The proposed regulations resolve the problem of the CTEFP being an inactive program by re-establishing

the CTEFP based on the successful passage of Proposition 51 and the repeal of SB 869, which removed the SAB's authority to make apportionments under the CTEFP on or after January 1, 2015 and also formalized how funds returning to the CTEFP were to be allocated. There is \$500 million in bond authority available for the SAB to allocate to school districts and local educational agencies for CTEFP projects. Proceeding with the re-establishment of the CTEFP will benefit school districts, local educational agencies and the State of California by providing facilities needed for students to learn the skills and knowledge critical for today's high demand technical careers. The CTEFP will increase the State's infrastructure investment resulting in a positive impact to the State's economy as well as supporting job creation. Re-establishment of the CTEFP carries out the will of the voters based on the successful passage of Proposition 51 in November 2016.

Therefore, the proposed regulations will most likely have a positive effect on the State's economy, creation of jobs, creation of new businesses, expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

Benefits to Public Health and Welfare, Worker Safety, and the State's Environment

- The proposed regulations promote the State's general welfare by re-establishing the CTEFP based on the successful passage of Proposition 51 and the repeal of SB 869, which removed the SAB's authority to make apportionments under the CTEFP on or after January 1, 2015 and also formalized how funds returning to the CTEFP were to be allocated. There is \$500 million in bond authority available for the SAB to allocate to school districts and local educational agencies for CTEFP projects.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.

- There is no impact to the State's environment from the proposed regulations.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts and local educational agencies for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than May 7, 2018 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail Address: lisa.jones@dgs.ca.gov
Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup

contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

click on “Laws and Regulations,” then click on “SFP Pending Regulatory Changes.”

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications that are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC’s Internet Web site at: <http://www.dgs.ca.gov/opsc> under “Resources,”

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency’s regulation coordinator named in this notice or may be accessed on the website listed above.

TITLE 4. CALIFORNIA HORSE RACING BOARD

- NOTICE OF PROPOSAL TO ADD RULE 1859.1, OUT-OF-COMPETITION TESTING PROCEDURES AND REQUIREMENTS
- RULE 1869, PROHIBITED DRUG SUBSTANCES IN OUT-OF-COMPETITION TESTING AND TO AMEND
- RULE 1858, TEST SAMPLE REQUIRED
- RULE 1859, TAKING, TESTING AND REPORTING OF SAMPLES
- RULE 1859.25, SPLIT SAMPLE TESTING
- RULE 1867, PROHIBITED VETERINARY PRACTICES

The California Horse Racing Board (Board or CHRB) proposes to add and amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, to establish procedures by which the Board will collect out-of-competition test samples, as well as penalties for non-compliance. Specifically, out-of-competition

test samples will be collected at the direction of the official veterinarian, the Equine Medical Director, or his/her designee at any time and in any location. Trainers, owners, and their designees are required to disclose the location of all of their horses that are eligible for out-of-competition testing; however, any party may request that their horse be tested in an alternative location. Additionally, trainers, owners, their designee(s), and racing association employees are required to cooperate with persons collecting out-of-competition test samples. Licensees who willfully fail to make a horse available for out-of-competition testing, or who cause interference or obstruction to the sampling process will receive a minimum one-year license suspension, and horses not made available for out-of-competition testing will be placed on the Steward's List for a minimum of 180 days.

The Board also proposes to add Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing, to list all medications, drugs, and other substances that are prohibited from being present in an out-of-competition test sample. The proposed rule will describe exceptions for certain therapeutic medications in cases where specific procedural and reporting requirements are followed by the trainer and/or their veterinarian. Finally, the rule will describe the liability and rights of trainers, owners, and other licensees who have the care and custody of a horse that tests positive for a prohibited substance in an out-of-competition test sample.

The Board also proposes to amend Rule 1858, Test Sample Required, to clarify the Board's authority to collect official blood, urine, and other biological test samples, as well as describe specifically which horses are eligible for out-of-competition testing. Additionally, the proposed amendment will make it a condition of trainers' and owners' licenses that the Board be given consent to collect out-of-competition test samples at any location where an eligible horse is present.

The Board also proposes to amend Rule 1859, Taking, Testing and Reporting of Samples, to make minor technical changes to existing language that ensures out-of-competition testing procedures do not conflict with existing official test sample collection requirements.

The Board also proposes to amend Rule 1859.25, Split Sample Testing, to extend the same split sample process and rights currently in place for post-race testing to licensees who have a horse in their custody that tests positive for a prohibited substance in an out-of-competition test sample.

Finally, the Board proposes to amend Rule 1867, Prohibited Veterinary Practices, to add a number of medications and drug substances to the current prohibited list, and extend the regulation's application to substances detected in out-of-competition test samples.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, May 24, 2018**, or as soon after that as business before the Board will permit, in the **Finish Line Room at Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on May 7, 2018**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6022
E-Mail: haroldc@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, 19562, 19577, 19580, and 19582, Business and Professions Code. Reference: Sections 19401, 19420, 19440, 19577, 19580, 19581, 19582, and 19583, Business and Professions Code; Section 603, Evidence Code; and Sections 337f, 337g and 337h, Penal Code.

Business and Professions Code sections 19420, 19440, 19562, 19577, 19580, and 19582 authorize the Board to adopt the proposed regulatory additions and amendments, which would implement, interpret or make specific sections 19401, 19420, 19440, 19577, 19580, 19581, 19582, and 19583, Business and Professions Code; Section 603, Evidence Code; and Sections 337f, 337g and 337h, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19401(a) explains that it is the intent of the Horse Racing Law to al-

low pari-mutuel wagering on horse races while assuring protection of the public. Business and Professions Code section 19420 states that the Board has jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19583 states that every veterinarian who treats a horse within the inclosure shall report the details of such treatment to the official veterinarian in writing.

The Board proposes to add Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing, and to amend Rule 1858, Test Sample Required, Rule 1859, Taking, Testing and Reporting of Samples, Rule 1859.25, Split Sample Testing and Rule 1867, Prohibited Veterinary Practices to bring the CHRB's regulatory scheme in line with the recommendations and research of the Racing Medication Testing Consortium (RMTTC) ¹ and the Association of Racing Commissioners International (ARCI).² These

¹The RMTTC strives to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and to protect the interests of the racing public. The RMTTC was founded in 2001 by representatives of a broad spectrum of racing-related groups who participated in an industry effort to determine potential consensus points on the most basic elements of a uniform national medication policy for racehorses. The RMTTC is incorporated as a 501(c)(3) charitable organization with both scientific and educational purposes. It is governed by a board of directors consisting of 24 industry stakeholder groups.

²The ARCI is composed of the governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad-Tobago. ARCI collaborates with other racing industry organizations who share its common goal of ensuring integrity in racing. ARCI is a not-for-profit trade association with no regulatory authority. Its members individually possess regulatory authority within their jurisdictions and solely determine whether or not to adopt ARCI recommendations on policies and rules.

organizations recently developed model rules and prohibited substance lists for out-of-competition testing that are intended to enhance the integrity of horse racing by controlling which medications race horses are administered while training. While the CHRB's current regulations restrict those medications that may be present in a horse during a race, they are generally silent as to which medications may or may not be used during training (i.e. when the horse is out-of-competition). Although many medications have legitimate therapeutic uses, others can have performance enhancing effects that give horses an unfair advantage when racing.

Until now, CHRB's drug testing efforts have focused almost exclusively on monitoring and restricting substances that are physically detectable in a horse immediately after a race. Although this has effectively curtailed the use of performance enhancing/altering substances immediately prior to a race, it does little to address the issue of substances that enhance performance long after they have been eliminated from the horse's body. For example, anabolic steroids, which have valid therapeutic uses, can also have muscle building side effects. Therefore, even after the steroid completely clears a horse's system, the horse may still have enhanced muscle mass that it could not have naturally developed without the assistance of the steroid. Accordingly, the CHRB seeks to better control and restrict medications used while horses are not in competition so as to ensure greater fairness and safety in California racing.

The proposed addition of Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, will establish procedures by which the Board will collect out-of-competition test samples, as well as penalties for non-compliance. Specifically, out-of-competition test samples will be collected at the direction of the official veterinarian, the Equine Medical Director, or his/her designee at any time and in any location. Trainers, owners, and their designee(s) are required to disclose the location of all of their horses that are eligible for out-of-competition testing; however, any party may request that their horse be tested in an alternative location. Additionally, trainers, owners, their designee(s), and racing association employees are required to cooperate with persons collecting out-of-competition test samples. Licensees who willfully fail to make a horse available for out-of-competition testing, or who cause interference or obstruction to the sampling process will receive a minimum one-year license suspension, and horses not made available for out-of-competition testing will be placed on the Steward's List for a minimum of 180 days.

The proposed addition of Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing, will define those drugs, substances, doping agents, and medica-

tions that are prohibited from being present in an out-of-competition test sample. Specifically, anabolic androgenic steroids will be prohibited unless the anabolic agent has been approved by the United States Food and Drug Administration (FDA), is administered pursuant to a valid veterinary prescription, and is reported to the Official Veterinarian on CHRB-60 (Rev. 7/15), Trainer Medication Report. Additionally, horses receiving permitted anabolic steroid treatments will be required to remain on the Veterinarian's List for a minimum of six months, and until such horse is declared raceably sound and in fit physical condition to exert its best effort in a race. Also prohibited will be: selective androgen receptor modulators, tibolone, and zeranol; Erythropoietin-Receptor agonists; Hypoxia-inducible factor stabilizers (except out-of-competition blood samples may contain cobalt in an amount that does not exceed 50 nanograms per milliliter); Chorionic Gonadotropin and Luteinizing Hormone and their releasing factors; Corticotrophins and their releasing factors (except adrenocorticotrophic hormone (ACTH) may be used in a horse that is out-of-competition, provided that the substance is approved by the FDA, is administered pursuant to a valid veterinary prescription, and is reported to the Official Veterinarian on CHRB-60 (Rev. 7/15), Trainer Medication Report); Beta-2 agonists, including all optical isomers (except clenbuterol and albuterol may be used in a horse that is out-of-competition, provided that the administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division); aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androsta-trienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, formestane, letrozole, and testolactone; raloxifene, tamoxifen, and toremifene; clomiphene, cyclofenil, and fulvestrant; myostatin inhibitors; activators of the AMP-activated protein kinase, Peroxisome Proliferator Activated Receptor δ (PPAR δ) agonists, insulins, trimetazidine, Thyroxine, and thyroid modulators/hormones containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof (except Thyroxine (T4) will not be considered a prohibited substance, and altrenogest will not be considered a prohibited substance in fillies and mares, provided that such treatments are made pursuant to a valid veterinary prescription, and both the administrations and prescriptions are carried out in accordance with all rules and regulations in this division); desmopressin, furosemide, plasma expanders, probenecid, torsemide, acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, etacrynic acid, indapamide, metolazone, spironolactone, thiazides, triamterene, trichlormethiazide, vasopressin receptor antagonists, and vaptans (except furosemide and trichlormethiazide

may be used in a horse that is out-of-competition, provided that the administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division). Additionally, any of the diuretics mentioned above may be administered in an emergency situation in order to safeguard the health of the horse so long as the substance is administered pursuant to a valid veterinary prescription, and is reported to the Official Veterinarian by the trainer on CHRB-60 (Rev. 7/15), Trainer Medication Report, or by the treating veterinarian on form CHRB-24 (Rev. 7/15), Veterinarian Report, within 24 hours of the administration. Otherwise, any substance not prohibited by this regulation is permitted for use when a horse is out-of-competition, provided such substance has been approved by the FDA for use in the United States, and is prescribed and administered in accordance with all applicable federal and state laws and regulations, including all CHRB rules and regulations.

Additionally, proposed Rule 1869 will establish a presumption that a prohibited drug substance detected in an official out-of-competition test sample is prima facie evidence that the trainer and/or any other licensee responsible for the care of the horse has been negligent in the care of the horse, and is also prima facie evidence that the drug substance has been administered to the horse. Furthermore, the proposed rule will make the trainer the absolute insurer of horses under their care within a licensed inclosure, and the owner the absolute insurer of horses they own located outside of a licensed inclosure when not in the care of another CHRB licensee. Finally, the proposed rule will make the defenses in CHRB Rule 1888, Defense to Trainer Insurer Rule, available to anybody charged with violating this proposed regulation, and will also apply the same penalty guidelines as described in Rule 1843.2, Classification of Drug Substances, and Rule 1843.3, Penalties for Medication Violations.

The proposed amendment to Rule 1858, Test Sample Required, will add a new subsection (b) to explain that the Board may take official blood, urine or other biological samples from horses, in accordance with Rules 1859 and 1859.1, to enhance the ability of the Board to enforce its medication and anti-doping rules at any time or date. The amendment will further revise new subsection (c) to expand horses eligible for testing (out-of-competition or otherwise) to include any horse under the care or control of a licensed trainer, or owned by a licensed owner. The amendment also explains that a horse is "out-of-competition" when it is not entered in a race as defined in this Article, and otherwise prohibits testing of weanlings, yearlings, and horses no longer engaged in racing that are outside of the inclosure and not entered in a Board-authorized horse sale. Finally,

the proposed amendment states that as a condition of licensure, persons holding trainer and owner licenses shall be deemed to have given consent for the Board to access any location, whether inside or outside of a licensed inclosure, where a horse eligible for testing may be found for the purpose of collecting official out-of-competition test samples. The proposed amendment further explains, however, that such consent does not permit the Board to search surrounding premises when collecting out-of-competition test samples.

The proposed amendment to Rule 1859, Taking, Testing and Reporting of Samples, specifies that all official test samples are to be “biological” in nature, and also makes an exception to the requirement that samples must be collected in a Board-approved detention area for out-of-competition test samples.

Finally, the proposed amendment allows for test samples to be witnessed, confirmed or acknowledged by owners of horses, in addition to their trainers.

The proposed amendment to Rule 1859.25, Split Sample Testing, extends the same split sample process and rights currently in place for post-race testing under the regulation to licensees who have a horse in their custody test positive for a prohibited substance in an out-of-competition sample.

The proposed amendment to Rule 1867, Prohibited Veterinary Practices, adds the following medications and drug substances to the current prohibited list: venoms or derivatives thereof, aminoimidazole carboxamide ribonucleotide (AICAR), hemopure, Myo-Inositol Trispyrophosphate (ITPP), oxyglobin, and thymosin beta. It also makes an exception for platelet rich plasma and autologous conditioned plasma under the general prohibition against growth hormones and analogs, so long as they are administered pursuant to a valid veterinary prescription and are reported to the Official Veterinarian by the trainer on CHRB-60 (Rev. 7/15) (Trainer Medication Report). Additionally, the proposed amendment extends Rule 1867’s application to prohibited substances detected in out-of-competition test samples.

FORMS INCORPORATED BY REFERENCE

- 1) Form CHRB-24, Veterinarian Report, revised 07/15
- 2) Form CHRB-60, Trainer Medication Report, revised 07/15

The proposed amendment to Rule 1867 and addition of Rule 1869 will incorporate by reference CHRB-24, Veterinarian Report (Revised 07/15), and CHRB-60, Trainer Medication Report (Revised 07/15), as it would be cumbersome, unduly expensive or otherwise im-

practical to publish these documents in the California Code of Regulations.

Form CHRB-24, Veterinarian Report (Revised 07/15), will be used by licensed veterinarians to report to the Official Veterinarian details of diuretic administrations made in emergency situations as described in Rule 1869(a)(13)(B). Under the proposed regulations, either the treating veterinarian or the trainer will need to report the administration to the Official Veterinarian within 24 hours. Under existing regulations, veterinarians treating horses within the inclosure already have to report all medication prescriptions and administrations to the Official Veterinarian on this form, and therefore this provision is consistent with other CHRB rules. If the emergency administration occurs outside of the inclosure, however, the trainer then will be responsible for reporting the administration on Form CHRB-60.

Form CHRB-60, Trainer Medication Report (Revised 07/15), will be used by licensed trainers to report each administration of platelet rich plasma and autologous conditioned plasma, anabolic androgenic steroids, adrenocorticotrophic hormone (ACTH), and emergency diuretic treatments given to horses in their care to the Official Veterinarian. The form includes fields for the name of the horse, name of the trainer, type of medication administered, and date and time of treatment so that the Official Veterinarian may properly identify all horses within the inclosure that have been administered these substances.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rules 1859.1 and 1869, and the proposed amendments to Rules 1858, 1859, 1859.25, and 1867, will substantially enhance the integrity and fairness of California horse racing by more effectively monitoring and controlling the use of medications in race horses when they are out-of-competition. Currently, the CHRB’s drug enforcement efforts focus almost exclusively on restricting substances that are physically detectable in a horse immediately after a race. Although this has effectively curtailed the use of performance enhancing/altering substances immediately prior to a race, it does little to address the issue of substances that enhance performance long after they have been eliminated from the horse’s body. While the CHRB regularly tests horses that are out-of-competition, it presently has no recourse when a substance is detected that is a known performance enhancer. Accordingly, these proposed regulatory changes will allow the CHRB to affirmatively restrict certain medications and drug substances in race horses that are intended to compete but not currently entered

for a specific race (i.e. horses that are “out-of-competition”).³

Such a change will first and foremost benefit the health and welfare of the horse. By giving the CHRB a mechanism to prosecute trainers, veterinarians, and/or owners who administer non-therapeutic medications or other drug substances to horses that are out-of-competition, the Board will be able to deter doping schemes that may harm the horse. A number of the substances prohibited under the proposed rules can have side effects that negatively impact the health of the horse.⁴ By explicitly banning such substances — and attaching a penalty in those instances where the substance is detected in an out-of-competition test sample — the Board will further curtail use of such drugs.

The proposed changes will also benefit the wagering public because out-of-competition testing will further eliminate the chance that a horse will unnaturally and/or unlawfully have its performance enhanced during a race due to prior doping. This will help ensure that the public is wagering on the merits of the horses’ natural abilities, and not being deceived by the improper and/or illicit use of performance enhancing drug substances.

Finally, the proposed changes will benefit the horse racing industry by enhancing the sport’s integrity and perception. By expanding the CHRB’s role in monitoring and restricting medication use in race horses, both the participating licensees and the public will have greater confidence in the fairness and safety of California racing, which in turn may grow viewership and wagering. Accordingly, these amendments will benefit the health, safety and welfare of horses, licensees, and the wagering public.

CONSISTENCY EVALUATION

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

³ Pursuant to current CHRB regulations, a horse is not entered to race (i.e. in-competition) until 48 hours before the race is actually run. Therefore a horse tested three days before it runs is still considered “out-of-competition.”

⁴ For example, auto-immune anemias associated with erythropoietin receptor agonists has been documented in horses. The World Anti-Doping Agency (WADA) issued a warning to athletes pointing out pre-clinical trials of the peroxisome proliferator-activated receptor agonist “GW501516” were halted over serious toxicity issues.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

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

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed addition of Rules 1859.1 and 1869, and the proposed amendments to Rules 1858, 1859, 1859.25, and 1867 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.

The following studies/relevant data were relied upon in making the above determination:

- ARCI Model Rules of Racing — Version 8.1 (revised July 2017), pgs. 258–265, 284–288, 416–425, and 443–447.
- World Anti-Doping Agency — The 2014 Prohibited List International Standard — (2014 Version 2.0)

Cost impact on representative private persons or businesses: none.

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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The proposed addition of Rules 1859.1 and 1869, and the proposed amendments to Rules 1858, 1859, 1859.25, and 1867 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulatory changes promote the safety and welfare of race horses in California by implementing a mechanism for the CHRB to affirmatively monitor and restrict medications and drug substances in horses that are intended to compete but not currently entered for a specific race. Such a program not only protects the horses, but also protects their riders and the wagering public. Furthermore, an effective out-of-competition testing program will further enhance the integrity of horse racing in California, which in turn may grow viewership and wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposed addition of Rules 1859.1 and 1869, and the proposed amendments to Rules 1858, 1859, 1859.25, and 1867 do not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (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 on 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 PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
E-mail: haroldc@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy, Regulations and Legislation
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register,

the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

The California Pollution Control Financing Authority ("CPCFA" or the "Authority") proposes to adopt and amend Sections 8078.8-8078.10 of Title 4 of the California Code of Regulations (the "Proposed Regulations") concerning the administration of the California Americans with Disabilities Small Business Capital Access Loan Program. These Proposed Regulations are necessary to ensure that changes authorized through Assembly Bill 1553, signed by Governor Brown on October 10, 2017, are implemented in furtherance of the California Americans with Disabilities Act Small Business Capital Access Loan Program (the "CalCAP/ADA Program" or "CalCAP/ADA"). The Proposed Regula-

tions have been approved by the Office of Administrative Law (“OAL”) on an emergency basis, and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520, 44559.5, 44559.11 and 44559.13 of the Health and Safety Code. Sections 44520, 44559.5, 44559.11 and 44559.13 of the Health and Safety Code authorize the Authority to adopt regulations relating to small business financing.

Reference: Sections 12101 of Title 42 of the United States Code. References the federal Americans with Disabilities Act and amendments thereto.

Reference: Sections 4459.5 of the Government Code. References the Certified Access Specialist, which is any person who has been certified pursuant to Section 4459.5 of the Government Code.

Reference: Section 55.53 of the California Civil Code. Sets forth pertinent details regarding the content and scope of a Certified Access Specialist (CASp) inspection, including the role of the CASp in assessing whether the inspected premises meet the construction-related accessibility standards.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Capital Access Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. (Health and Safety Code, § 44559.)

The proposed amendments to the regulations will allow the Authority to include provisions specific to the California Americans with Disabilities Act Small Business Capital Access Loan Program (“CalCAP/ADA Program”). The proposed regulations will expand the definition of small business for the purposes of the CalCAP/ADA program to include businesses with less than \$5 million in total gross annual income. In addition, the proposed regulation will allow the Authority to include a reimbursement to the borrower for the cost of the Certified Access Specialist (“CASp”) Report to incentivize participation in the CalCAP/ADA Program.

The Authority has performed a search of existing regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

Anticipated Benefits of the Proposed Regulations:

The broad objective of the regulations is to provide access to capital and economic incentives for small businesses concerning physical alterations or retrofits

necessary for compliance with the federal Americans with Disabilities Act (“ADA”). It is anticipated that with the proposed regulations, expanding the definition of small business to include businesses with less than \$5 million in total gross annual income will help increase access and compliance with ADA for more types of small businesses in California. The regulations also aim to incentivize participation in the CalCAP/ADA Program and compliance with the ADA by allowing the Authority to reimburse the small business owner for the cost of the CASp Report.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

After conducting a review for any regulations that would relate to or affect these areas, the Authority has determined that the proposed regulations are not inconsistent or incompatible with existing regulations.

§ 8078.8 Definitions.

This section defines terms commonly used throughout the regulations to avoid ambiguity or misunderstanding.

Section 8078.8(d). Adds the term “CASp Inspection Report” to the definition as it can be used interchangeably with the term CASp Report.

Section 8078.8(h). Updates the name of the Program to conform to the statute.

Section 8078.8(k). Adds the term “Reimbursement” and “Reimbursement for CASp Report” defined as the amount that may be reimbursed to the Qualified Small Business by the Authority. The Reimbursement cannot exceed 5% of the loan amount enrolled in the CalCAP/ADA program. A range of factors can impact the costs of a CASp report like square footage of the facility, specific areas that need to be inspected, and license level of CASp inspector. The reimbursement amount of the CASp report cost is limited to a maximum of 5% of the enrolled loan amount in an effort to prevent an overcharge of the CASp report cost.

Section 8078.8(1)(2). Updates the definition of “Small Business” or “Qualified Business” to expand the criteria for qualified businesses to be eligible for the CalCAP/ADA Program to have a total gross annual income to less than \$5 million according to the statutory changes.

Necessity. The proposed amendments are necessary to include definitions specific to the CalCAP/ADA program and for consistency with the statutory changes.

§ 8078.10 Loan Enrollment.

This section describes the contents of a completed application, contribution amounts, and terms of the enrollment and reimbursement.

Section 8078.10(h). Provides the required information and documentation a Borrower must submit to the Authority in order to request a Reimbursement for the

CASp Report cost. The required information is necessary to determine the maximum reimbursement amount for an eligible Borrower.

Section 8078.10(i). Provides the timeframe and process for the Authority to effectuate the reimbursement. This gives the Borrower an expected timeframe to receive the payment and holds the Authority to a timely standard.

Necessity. A description of the required information is necessary to specify the application contents that must be provided in order for the Authority to reconcile the reimbursement amount.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Authority has made the following determinations regarding the effect of the Proposed Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

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

Small Business: The proposed regulations will not have an effect on small business because the program is voluntary for any small business that seeks to apply for financial assistance in physically altering or retrofitting its small business facility for compliance with the federal ADA.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The proposed regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The broad objective of the regulations is to provide access to capital for small businesses in order to make modification to their business buildings to be compliant with the federal ADA. The proposed regulations will have some safety benefits and welfare for California residents because it assists businesses in making reasonable accommodations for people with disabilities. The Authority does not expect that the proposed regulations will impact the state’s environment because the proposed regulations are intended to help meet Federal, State and local goals associated with reasonable accommodations for people with disabilities and incentivize participation in CalCAP/ADA.

CONSIDERATION OF ALTERNATIVES

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

The Authority invites interested parties to present statements with respect to alternatives to the Proposed Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries, and any questions regarding the substance of the Proposed Regulations must be submitted or directed to:

Bianca Smith, Program Manager
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209-0001
Telephone: (916) 653-5408
Fax: (916) 589-2805
Email: bsmith@treasurer.ca.gov

Christina Vue, Associate Treasury Program Officer
California Pollution Control Financing Authority
P.O. Box 942809
Sacramento, CA 94209-0001
Telephone: (916) 654-5740
Fax: (916) 589-2805
Email: cvue@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Regulations to the Authority. The written comment period on the Proposed Regulations ends at **5:00 p.m. (PT) on May 7, 2018**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time and day in order to be considered by the Authority.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 801 Capitol Mall, Second Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the California Regulatory Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Proposed Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found on the Authority's website at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“Class II Watercourses Classification Sunset Amendments, 2018”
Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4
Subchapters 4, 5, and 6, Article 6
Amend: § 916.9 [936.9, 956.9]

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Thursday, May 10th, 2018, at its regularly scheduled meeting commencing at 9:00 a.m., at the Flamingo Conference Resort and Spa, 2777 4th St, Santa Rosa, CA 95405. At

the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on Monday, May 7, 2018.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Eric Hedge
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

14 CCR § 1122 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to GOV 11346.5(a)(3)(A)-(D))

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, et seq. (Act) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “. . . adopt district forest practice rules . . . to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources . . .” and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

PRC § 21000(g) requires that “all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage . . .”

In September 2009, the Board adopted new Forest Practice Rules for “Anadromous Salmonid Protection Rules, 2009” (ASP Rules). Among other elements of the new Rules was a new watercourse classification and protection system for Class II-Large watercourses (Class II-L). As a result of the Board's 2009 rule adoption, watercourses classified as Class II-L receive a higher level of protection than Class II-standard (Class II-S) watercourses through wider protection zones and additional operational restrictions. The Class II-L protection measures exceed the protection measures for Class II-S watercourses because Class II-L watercourses can have greater individual effects on receiving Class I watercourse temperature, sediment, nutrient, and large wood loading than Class II-S watercourses due to larger channel size, greater magnitude and duration of flow, and overall increased transport capacity for watershed products. The practical effect of the Class II-L protections is that commercial timber management in proximity to Class II-L watercourses is significantly limited or completely excluded.

The purpose of the ASP Rules, which constitute changes to the former “Threatened and Impaired Rules” are to protect and restore habitat conditions for coho salmon and other anadromous salmonids in California river systems, increase fish population abundance and so improve the conservation status of threatened salmonid species.

During the initial implementation phase of the Board’s adopted regulations, members of the public expressed concern surrounding the Department of Forestry and Fire Protection’s (Department) interpretation and enforcement of the Class II–L identification and minimum protection distance provisions. Specifically, it was contended that the Department’s interpretation of the Class II–L regulations did not conform to the plain–English reading of the Rules. As the Class II–L protection requirements are more restrictive than the standard Class II–S requirements, the Department’s allegedly more inclusive interpretation of the Class II–L provisions had the potential to affect the regulated public in a manner which was unintended by the Board.

In 2013, the Board adopted amendments, entitled “CLASS II–L IDENTIFICATION AND PROTECTION AMENDMENTS, 2013” to 14 CCR § 916.9 [936.9, 956.9] to both clarify the methods used to make determinations of Class II watercourse types and to ensure that Class II–L protection measures were achieving the desired results of restoration. These amendments utilized more objective metrics to classify Class II watercourses and included a five–year evaluation period punctuated by sunset (January 1, 2019) of the regulations. To aid in determining efficacy, the amendments also included a requirement that the Department report to the Board at least annually on the use and effectiveness of the Class II–L protection measures.

Additionally, in 2013 the Effectiveness Monitoring Committee (EMC) was created following the legislative approval of Assembly Bill 1492 (chaptered in 2012). AB 1492, among other items, established the need for evaluation of and reporting on the “ecological performance” of the state Forest Practice Rules, and the EMC was established with the intent of providing “. . . the Board of Forestry and Fire Protection and the Natural Resource Agencies with a science based committee whose charter is to better understand the specific requirements of the California Forest Practice Rules and other laws and regulations related to forest resources are effective in achieving resource objectives.”

Since approval of AB 1492, the EMC has been promoting scientific research, facilitating monitoring practices, and recommending monitoring practices aimed at evaluating how well current practices restore, enhance, and maintain aquatic and terrestrial habitat on private and state forest land. Since its creation, the EMC has received proposals, and recommended Board funding, for

several studies designed to yield results which may aid in determining the efficacy of Class II–L protection measures. Many of these studies, including one which is likely to receive initial funding in 2018, are expected to take an additional three to four years to yield results which could aid the Board in making its determination. The EMC has met every two months and has regularly reported its updates and findings at Board meetings.

The problem is that since the adoption of the 2013 amendments, the efficacy of Class II watercourse determination methods has yet to be fully evaluated by the Board. Without such an evaluation, the existing methods to determine Class II watercourse classification will sunset at the end of the current year. Without a method to determine Class II watercourse classification, the public and the Department will be unable to implement and enforce beneficial and necessary watercourse protection measures.

Additionally, research into the efficacy of existing regulations is not expected to yield meaningful results until several years in the future. Since initial regulatory adoption and the EMC’s inception, the EMC has provided a better structure than the Department for the study of and reporting on the efficacy of these regulations attributed to the monies made available with the legislative approval of AB 1492 and the more streamlined avenues through which these types of studies may be conducted.

The purpose of the proposed action is to extend the sunset date of Class II watercourse determination regulations to allow pending and forthcoming scientific studies on the subject to be completed, thereby providing a reasonable timeline which will allow full evaluation of the efficacy of existing regulation and provide the Board the opportunity to make a fully informed determination on future amendments to the regulations. The proposed action will also eliminate requirements for annual Department reporting on the effectiveness of the regulations in recognition of both the multi–year nature of these research efforts and the ongoing efforts of the EMC, while maintaining that permanent adoption of Class II Watercourse and Lake Protection Zone (WLPZ) width is dependent upon the Board’s determination of regulatory efficacy.

The effect of this proposed action is to extend the sunset date of the methods for determining Class II watercourse type an additional 4 years and to eliminate the annual reporting requirements of the Department on Class II WLPZ width efficacy.

The primary benefit of the proposed action is the maintenance of a comprehensive regulatory scheme which allows for the implementation of Class II watercourse protection measures. These protection measures may benefit environmental quality throughout the state through the maintenance of Class II watercourse quali-

ty. The proposed action will also increase government and Departmental efficiency through the reliance of the Board on existing mechanisms for researching efficacy of Class II protection measures, rather than requiring the Department to present information to the Board annually when meaningful results are not likely to become available for several years.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including 14 CCR § 916) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to Class II watercourse determination and reporting and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it simply amends current regulatory language.

Statutes to which the proposed action was compared: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

No documents are incorporated by reference.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations related to the system of forest practice applicable to timber management on state and private timberlands developed pursuant to the FPA. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is 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 the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the Act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

The proposed action will not result in costs or savings to any State agency.

**HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))**

The proposed action will not significantly affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE
(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and
11346.5(a)(8))**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

The Board has relied on contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California.
- (B) will not create new businesses;
- (B) will not eliminate existing businesses within California.
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the Informative Digest/Policy Statement Overview.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

BUSINESS REPORT

(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement and eliminates a reporting requirement from the Department.

SMALL BUSINESS (defined in GOV 11342.610)

Small businesses, within the meaning of GOV § 11342.610, are not expected to be affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

Pursuant to 1 CCR § (b), the reason(s) the regulation does not affect small business are the same as provided in the Economic Impact Analysis in the Initial Statement of Reasons.

ALTERNATIVES INFORMATION

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Eric Hedge
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 653–8007

The designated backup person in the event Mr. Hedge is not available is Matt Dias, Executive Officer for the Board of Forestry and Fire Protection. Mr. Dias may be contacted at the above address or by phone at (916) 653–8007.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a)(16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. 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 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board website at: http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 22. DEPARTMENT OF
SOCIAL SERVICES

ORD #0917-19

ITEM #1 Suspension of New Admissions

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on May 9, 2018, at the following address:

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

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 9, 2018.

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

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

CONTACT

California Department of Social
Services
Office of Regulations Development
744 P Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2856, Fax: (916) 654-3286
Email: ord@dss.ca.gov

CHAPTERS

Adopting Title 22 sections 87764 and 87765.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Residential Care Facilities for the Elderly (RCFE) Act provides for the licensure and regulation of RCFEs. Pursuant to Health and Safety Code section 1569.2, RCFEs are a housing arrangement, chosen by individuals who are typically 60 years of age or older, that provide care and supervision, protective supervision, or personal care based on the needs of the individual.

As part of the RCFE Reform Act in 2014, the Legislature passed Senate Bill (SB) 1153, Chapter 706 (Statutes of 2014), effective January 1, 2015, which added section 1569.545 to the Health and Safety Code. This bill authorized the Department to prohibit a licensee from admitting new residents when the licensee is cited for a violation that presents a direct and immediate risk to the health, safety, or personal rights of a resident and the violation is not corrected immediately. The bill also authorized the Department to order a suspension of new resident admissions when the licensee has failed to pay fines assessed by the Department after the licensee's appeal rights have been exhausted. Suspension of new admissions is defined as a prohibition on admitting new residents to receive care or services in the facility. SB 1153 requires the Department to develop an appeals process for licensees who wish to appeal the suspension on new admissions.

The proposed regulations prescribe a process in which the Department will carry out a suspension of new resident admissions. The process includes how to serve a notice to suspend new resident admissions, what the notice of the order to suspend new resident admissions shall include, required postings of the notice, and other information as specified. This prescribed process will help to ensure consistency and transparency of De-

partmental operations. The proposed regulations will also implement an appeal process. The appeal process will provide licensees who wish to appeal the suspension of new resident admission with their due process rights. The appeal process will function both as a process for error correction as well as a process of clarifying and interpreting statute and regulation.

The proposed regulations outline a process that will ultimately help to ensure the protection of current and prospective residents of RCFEs. After conducting an evaluation for any other regulations related to this area, the Department finds that these are the only regulations concerning the suspension of new admissions in Residential Care Facilities for the Elderly. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: The FY 2015-16 budget act provided authority for three and a half (3.5) ongoing positions and approximately \$466,000 in ongoing costs to implement the requirements of SB 1153 (Chapter 706, Statutes of 2014).
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

**STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination 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.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments 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 California.

Creation or Elimination of Jobs Within the State of California

The proposed regulation conforms to SB 1153 (Chapter 706, Statutes of 2014). The proposed regulation implements state law. If there were to be any impact on the creation or elimination of jobs within the State of California, it would be a result of the passage of the enacting law, not the regulation. Therefore, the Department has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

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

The proposed regulation conforms to SB 1153 (Chapter 706, Statutes of 2014). The proposed regulation implements state law. If there were to be any impact on the creation of new businesses or the elimination of existing businesses within the State of California, it would be a result of the passage of the enacting law, not the regulation. Therefore, the Department has determined that this regulatory proposal will not have an impact on the creation or elimination of existing businesses within the State of California.

Expansion of Business Within the State of California

The proposed regulation conforms to SB 1153 (Chapter 706, Statutes of 2014). The proposed regulation implements state law. If there were to be any impact on the expansion of businesses currently doing business within the State of California, it would be a result of the passage of the enacting law, not the regulation. There-

fore, the Department has determined that this regulatory proposal will not have an impact on the expansion of businesses currently doing business within the State of California.

Benefits of the Regulations

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: 1) require RCFEs to immediately resolve serious health, safety, and personal rights violations before admitting new residents; and 2) equip the Department with a more rigorous enforcement tool to ensure facilities comply with regulations specific to serious health, safety, and personal rights of residents. The promulgation of these regulations is necessary to carry out the Community Care Licensing Division’s core function of protecting the health and safety of vulnerable elderly populations in licensed residential care.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

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

AUTHORITY AND REFERENCE CITATIONS

Health and Safety Code section 1569.30 gives CDSS the authority to develop these regulations and Health and Safety Code sections 1569.545 and 1569.50 are being referenced to make these regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Sylvester Okeke
(916) 657-2586
Backup: Oliver Chu
(916) 657-2586

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0417-12

ITEM #2 Child Welfare Services — Incarcerated Parents — Tribal Customary Adoptions — Juvenile Court Services

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on May 9, 2018, at the following address:

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

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

Statements or arguments related to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 9, 2018.

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

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

below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

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

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

CHAPTERS

CDSS Manual of Policies and Procedures, Division 31 (Child Welfare Services Program), Chapter 31-200 (Assessment and Case Plan), Section 31-206 (Case Plan Documentation), and Chapter 31-500 (Special Requirements), Section 31-525 (Independent Living Program).

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current regulations specify what information a social worker must include in all case plan documentation. These amended regulations will require the social worker to describe in the case plan any information regarding tribal customary adoption of an Indian child, parental/legal guardian incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program as it relates to completing case plan objectives and goals, or wards who were once dependents and the services they have access to as well as being enrolled in a transitional independent living plan.

Tribal Customary Adoption

The proposed regulations specify that, in the case plan of an Indian child, Tribal Customary Adoption must be documented as a primary concurrent permanency option.

Incarcerated Parents

The proposed regulations specify that information regarding incarcerated parents must be documented in the case plan by the social worker, including information describing any barriers to services faced by these parents. The purpose of these measures is to ensure the court is informed of any barriers a parent who is incarcerated, institutionalized, or in a court-ordered residential substance abuse treatment program may face in completing court-mandated reunification services and their ability to maintain contact with their children.

Juvenile Court Jurisdiction: Services and Benefits

The proposed regulations specify that when the juvenile court terminates jurisdiction over a ward who was once a dependent, the youth shall have access to all services a dependent would have access to. Also, in the case of a youth placed in a group home whose social worker or probation officer has good cause to believe he or she will not achieve permanency prior to his or her 18th birthday, a transitional independent living plan will be initiated for the youth.

Minor and Nonminor Dependent Parents

The proposed regulations specify that information regarding minor and nonminor dependent parents must be documented in the case plan by the social worker, including information describing any barriers to services faced by these parents. The purpose of these measures is to ensure the court is informed of any barriers a parent who is a minor or a nonminor dependent may face in completing court-mandated reunification services.

These regulations will create clarity and guidance for county social workers to effectively document the services available to, and any barriers to those services faced by, parents/legal guardians who are incarcerated, institutionalized, or in a court-ordered residential substance abuse treatment program, or to document tribal customary adoption as a primary permanency option for Indian children.

The Department conducted an evaluation as to whether there were any related regulations on these subjects and determined these are the only regulations on these topics. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. They are consistent with the intent of the Legislature in adopting SB 118 (Chapter 338, Statutes of 2009), AB 2070 (Chapter 482, Statutes of 2008), SB 945 (Chapter 631, Statutes of 2010), AB 1325 (Chapter 287, Statutes of 2009) and SB 68 (Chapter 284, Statutes of 2015).

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500-17630: N/A.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandat-

ed local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination 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. This determination was made because the proposed regulations are only applicable to state and county agencies and are mandated by the State of California.

Provisions of SB 118 (Chapter 338, Statutes of 2009) would require social workers to include additional information into a child's case plan regarding the status of parent(s)/legal guardian(s) incarceration, institutionalization or admittance to a court-ordered residential substance abuse treatment program, or in the case of an Indian child, tribal customary adoption. The Child Welfare System/Case Management System is currently able to capture information about a child's incarcerated parent(s), thus these provisions would result in unknown, but minimal and absorbable costs associated with the time required to enter this data into the Child Welfare System/Case Management System.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments 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 California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the State's environment are as follows: These regulations will create clarity and guidance for county social workers to effectively document the services available to,

and any barriers to those services faced by, parents/legal guardians who are incarcerated, institutionalized or in a court-ordered residential substance abuse treatment program, or to document tribal customary adoption as a primary permanency option for Indian children.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

No other alternatives are permissible, as these regulations are being developed as a result of state law implemented by Assembly Bill (AB) 2070 (Chapter 482, Statutes of 2008) and Senate Bill (SB) 118 (Chapter 338, Statutes of 2009) regarding incarcerated parents of children in the foster care system, SB 945 (Chapter 631, Statutes of 2010) regarding wards who were once dependents and the services available to them, AB 1325 (Chapter 287, Statutes of 2009) regarding tribal customary adoptions, and SB 68 (Chapter 284, Statutes of 2015) regarding minor and nonminor dependent parents and reunification services.

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

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Sections 361.5, 366.24, 607.5 and 16501.1, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca
(916) 657-2586
Backup: Sylvester Okeke
(916) 657-2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF PUBLIC HEALTH

March 13, 2018
VIA ELECTRONIC MAIL AND FIRST CLASS MAIL
Susan Noone
President
Blood Centers of California
P.O. Box 2569
Sacramento, CA 95812

RESPONSE TO REQUEST FOR RECONSIDERATION OF PETITION TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 17, SECTION 1002(a)(2)

Dear Ms. Noone,

Thank you for contacting the California Department of Public Health (Department) on behalf of the Blood Centers of California (BCC).

Under Government Code section 11340.7(c), any interested person may request that a state agency reconsider a decision regarding a regulation amendment petition. On May 30, 2017, CDPH received from the BCC a request for reconsideration of a denial to amend California Code of Regulations, title 17, section 1002(a)(2). On November 7, 2017, a public hearing was granted regarding this reconsideration. Based upon hearing testimony, additional supporting documents, and pursuant to the requirements of Government Code section 11340.7, the Department issues this response to the BCC's petition.

The BCC requests an amendment to California Code of Regulations, title 17, section 1002(a)(2). Specifically, the BCC requests the following change:

(2) The employee placed in charge, in the absence of a qualified physician must be a registered nurse. The registered nurse shall be available for consultation via the telephone, audio/video — real time chat (synchronous) or other electronic means.

BCC members and interested parties attended a public hearing with Department representatives on November 7, 2017, and presented evidence to support these changes. The BCC submitted additional information on November 20, 2017, regarding adverse donor reactions, additional complementary documents, and responses from registered nurses (RN) throughout the country, in support of its request for reconsideration. Positions of support for this amendment from BCC were unanimous and each party submitted statements asserting that donor safety in the form of donor reactions during col-

lections is not negatively affected in other areas of the country, where RNs are not required to be physically present during blood collection activities.

The Department appreciates the additional information provided by the BCC and the opportunity to have heard from BCC members and interested parties at the November 7, 2017, public hearing regarding the petition. The Department has carefully reviewed and considered the data and information submitted regarding the petition. The Department has also re-reviewed current blood center and regulatory practices in California and other areas of the United States.

Health and Safety Code section 1610 requires the Department to make rules and regulations governing the production of all biologics produced in establishments under Health and Safety Code section 1609, subdivision (c). The Department recognizes the importance and complexity of the issues raised by this petition. Thus, the Department has decided to exercise its authority and grant BCC's petition to initiate the rulemaking process to amend California Code of Regulations, title 17, section 1002(a)(2). During the rulemaking process set forth under the Administrative Procedure Act (Gov. Code, §1340 et. seq.), the Department may, additionally, focus on the acuity of donor adverse events, mobile blood drives, whole blood vs apheresis procedures, and the actual mechanisms of telehealth processes where no data was provided during the petition consideration process. The Department intends to conclude the rule-making action within a reasonable period.

If you have any questions, you may contact me at Keith.VanWagner@cdph.ca.gov or (916) 445-2012.

Sincerely,

_____/s/
 Keith Van Wagner
 Assistant Chief Counsel
 Regulations, Privacy & Special Projects

**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# 2018-0207-01
 BOARD OF BEHAVIORAL SCIENCES
 Application Processing and Registrant Advertising

In this rulemaking action, the Board of Behavioral Sciences ("Board") amends a provision to eliminate minimum, median, and maximum license-application processing times in light of the repeal of the Permit Reform Act of 1981. This action also amends a provision regarding advertising of therapy, counseling, and social work services in response to statutory changes made by Senate Bill 1478 (Stats. 2016, ch. 489) and Senate Bill 800 (Stats. 2017, ch. 573) that changes the titles of certain "Registered Interns" to "Registered Associates."

Title 16
 AMEND: 1805.1, 1811
 Filed 03/14/2018
 Effective 03/14/2018
 Agency Contact: Christy Berger (916) 574-7817

File# 2018-0129-01
 CALIFORNIA DEBT LIMIT ALLOCATION
 COMMITTEE
 Forms Simplification

In this action without regulatory effect, the California Debt Limit Allocation Committee is making formatting and grammatical corrections to incorporated by reference forms as well as placing some of the incorporated by reference forms' text into the text of the California Code of Regulations.

Title 4
 AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700
 Filed 03/13/2018
 Agency Contact: Felicity Wood (916) 651-8484

File# 2018-0123-03
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Enrollment Assistance

In this regular rulemaking, the California Health Benefit Exchange (Exchange) amends four sections in Title 10 of the California Code of Regulations. To streamline the application process for individuals and entities who wish to participate in the Certified Enroller program, the Exchange amends the regulations to remove some information that was not necessary to determine eligibility for the program. The regulatory modifications also remove the requirement for Certified Enrollment Counselors to receive training on the Exchange's Covered California for Small Business. The amendments further add the requirement that applicants certify they will comply with the agreement between the Certified Enrollment Entity and the Exchange and will adhere to all applicable State and Fed-

eral laws and regulations. And finally, the amendments change the requirement for certified enrollers to maintain a record of a consumer's authorization to access his or her personally identifiable information from 6 years to 10 years.

Title 10
AMEND: 6656, 6657, 6660, 6664
Filed 03/07/2018
Effective 03/07/2018
Agency Contact: Brian Kearns (916) 228-8843

File# 2018-0206-01
CALIFORNIA STATE AUDITOR'S OFFICE
California Healthcare, Research and Prevention Tobacco Tax Act of 2016

This file and print action by the California State Auditor's Office (Office) adopts sections relating to defining administrative costs for purposes of the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, as required by Revenue and Taxation Code section 30130.57.

This action is exempt from OAL review pursuant to Government Code section 8546:

8546. (g) The provisions and definitions of Article 2 (commencing with Section 11342.510) of Chapter 3.5 of Division 3 shall not be construed to include the California State Auditor's Office. The California State Auditor may adopt regulations necessary for the operation of the office pursuant to the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Division 3), but these regulations shall not be subject to the review or approval of the Office of Administrative Law.

Title 2
ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217
Filed 03/14/2018
Effective 03/14/2018
Agency Contact:
Brianna Carlson-Behnoud (916) 445-0255

File# 2018-0226-01
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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: 1045
Filed 03/13/2018
Effective 04/12/2018
Agency Contact: Connie A. Paoli (916) 227-2803

File# 2018-0213-04
DEPARTMENT OF FOOD AND AGRICULTURE
Melon Fruit Fly Eradication Area

This regular rulemaking by the Department of Food and Agriculture establishes an eradication area with respect to the melon fruit fly, *Bactrocera cucurbitae*, covering all of Alameda County. This eradication area is being established in response to the collection of one adult melon fruit fly from a trap in the Newark area of Alameda County on July 31, 2017.

Title 3
AMEND: 3591.15
Filed 03/13/2018
Effective 07/01/2018
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0216-03
DEPARTMENT OF HUMAN RESOURCES
Dependent Verification and Re-Verification

The Department of Human Resources adopts a requirement that state agencies re-verify, at least once every three years, that the family-member dependents of state employees and annuitants enrolled in state-sponsored health benefits remain eligible. The regulation establishes the specific documentation necessary to re-verify eligibility for health benefits and the documentation retention requirements and procedures for terminating health coverage for ineligible persons.

Title 2
ADOPT: 599.855
Filed 03/12/2018
Effective 03/12/2018
Agency Contact: Scott Morrison Jr. (916) 322-3657

File# 2018-0215-05
DEPARTMENT OF JUSTICE
Department of Conservation Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Conservation, titled "Surety Bond (Corporation)."

Title 11
AMEND: 115.1
Filed 03/07/2018
Effective 03/07/2018
Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0215-06
 DEPARTMENT OF JUSTICE
 Department of Conservation Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Conservation, titled “Surety Bond (Partnership).”

Title 11
 AMEND: 115.2
 Filed 03/07/2018
 Effective 03/07/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0215-07
 DEPARTMENT OF JUSTICE
 Department of Conservation Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Conservation titled, “Surety Bond (Sole Proprietorship).”

Title 11
 AMEND: 115.3
 Filed 03/07/2018
 Effective 03/07/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0215-08
 DEPARTMENT OF JUSTICE
 Department of Conservation Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Conservation titled, “Reclamation Performance Bond Increase/Decrease Rider.”

Title 11
 AMEND: 115.4
 Filed 03/07/2018
 Effective 03/07/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0215-09
 DEPARTMENT OF JUSTICE
 Department of Conservation Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Conservation titled, “Reclamation Performance Bond General Purpose Rider.”

Title 11
 AMEND: 115.5
 Filed 03/07/2018
 Effective 03/07/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0207-03
 DEPARTMENT OF MOTOR VEHICLES
 Appendix of Approved Identity Documents

This action by the Department of Motor Vehicles makes a change without regulatory effect by adding two identification cards to the list of documents that have been deemed to provide satisfactory proof of an applicant’s identity for purposes of section 16.04, subdivision (a)(1). These identification cards are a Paraguay Identification Card (Republica del Paraguay Cedula de Identidad Civil — 09-2008 version) and a Honduras Consular Card (Gobierno de la Republica de Honduras Matricula Consular — Consular ID — 08-2017 version).

Title 13
 AMEND: Appendix (Article 2.0)
 Filed 03/12/2018
 Agency Contact: Randi Calkins (916) 657-8898

File# 2018-0129-03
 DEPARTMENT OF SOCIAL SERVICES
 Community Crisis Homes

This certificate of compliance rulemaking action by the California Department of Social Services makes permanent new chapter 6.1 in title 22 of the California Code of Regulations and new provisions in the Manual of Policies and Procedures relating to requirements for Community Crisis Home licensure, which were adopted in emergency action No. 2017-0906-02.

Title 22, MPP
 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190
 Filed 03/13/2018
 Effective 03/13/2018
 Agency Contact: Oliver Chu (916) 657-3588

File# 2018-0125-03
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Hotel Housekeeping Musculoskeletal Injury Prevention

In this rulemaking action, the Occupational Safety and Health Standards Board adopted a comprehensive standard to address occupational hazards faced by housekeepers in the hotel and hospitality industry.

Title 8
 ADOPT: 3345
 Filed 03/09/2018
 Effective 07/01/2018
 Agency Contact: Marley Hart (916) 274-5721

File# 2018-0129-04
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Normal Retirement Age

The California Public Employees' Retirement System amended a regulation addressing normal retirement age. The amendments establish a maximum normal retirement age of 62 and add the normal retirement ages applicable to statutory benefit formulas enacted since 2004, as specified.

Title 2
 AMEND: 586.1(a)
 Filed 03/12/2018
 Effective 07/01/2018
 Agency Contact: Evan Bailey (916) 795-3038

File# 2018-0124-04
SECRETARY OF STATE
 Conditional Voter Registration

This action by the Secretary of State adopts procedures for processing Conditional Voter Registration (CVR) and the subsequent processing of accepted CVR provisional ballots.

Title 2
 ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027
 Filed 03/08/2018
 Effective 03/08/2018
 Agency Contact: Jennifer Curtis (916) 695-1571

File# 2018-0124-03
STATE WATER RESOURCES CONTROL BOARD
 North Coast Basin Plan Upper Elk River Sediment TMDL

On May 12, 2016, the North Coast Regional Water Quality Control Board adopted Resolution No. R1-2016-0017, which establishes a Total Maximum Daily Load and incorporates an action plan to address sediment impairments in the Upper Elk River Watershed. The State Water Resources Control Board approved the amendment of the Basin Plan in Resolution No. 2017-0046 on August 1, 2017.

Title 23
 ADOPT: 3909.6
 Filed 03/08/2018
 Effective 03/08/2018
 Agency Contact: Lance Le (707) 576-6727

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 11, 2017 TO
 March 14, 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**
 03/14/18 ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217
 03/12/18 AMEND: 586.1(a)
 03/12/18 ADOPT: 599.855
 03/08/18 ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027
 02/27/18 AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9, 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4, 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.15, 1183.16, 1183.17, 1184.1, 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2, 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5
 02/22/18 AMEND: 58100
 02/22/18 AMEND: 59800
 02/13/18 AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4
 02/13/18 AMEND: 18535
 02/13/18 AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3
 02/13/18 AMEND: 11034
 02/07/18 AMEND: 56800
 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	01/22/18	AMEND: 3439(b)
	(Renumbered 20218), 20220, 20220.5	01/18/18	AMEND: 3439(b)
	(Renumbered 20260), 20221, 20222	01/16/18	AMEND: 3439(b)
	(Renumbered 20225), 20223	01/16/18	AMEND: 3424(c), 3591.12
	(Renumbered 20226), 20224	01/16/18	AMEND: 3439(b)
	(Renumbered 20232), 20227, 20225	01/03/18	AMEND: 3435(b)
	(Renumbered 20230), 20226	12/26/17	AMEND: 3435
	(Renumbered 20229), 20230	12/21/17	AMEND: 3439(b)
	(Renumbered 20231), 20235	12/20/17	AMEND: 6000, 6619, 6724, 6764, 6768, 6769, 6776
	(Renumbered 20233), 20236		
	(Renumbered 20234), 20247	12/15/17	AMEND: 3439(b)
	(Renumbered 20236), 20249.5	12/13/17	AMEND: 3435(b)
	(Renumbered 20237), 20250	12/13/17	AMEND: 3435(d)
	(Renumbered 20238), 20255	12/12/17	ADOPT: 1391.7 AMEND: 1391, 1391.1, 1391.3
	(Renumbered 20250), 20258		
	(Renumbered 20240), 20260	12/11/17	AMEND: 3439(b)
	(Renumbered 20241), 20261	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
	(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	12/07/17	AMEND: 3439(b)
12/20/17	AMEND: 1859.76	12/05/17	AMEND: 3591.5
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	11/28/17	AMEND: 3406(c), 3591.5(b)
11/27/17	AMEND: 18531.5	11/22/17	AMEND: 3435(b)
11/27/17	AMEND: 1859.190, 1859.194, 1859.195, 1859.198	11/21/17	AMEND: 3435(b)
11/21/17	AMEND: 559.502	11/21/17	REPEAL: 1408.22
11/21/17	AMEND: 59640	11/20/17	AMEND: 3591.15
11/15/17	AMEND: 18535	11/20/17	AMEND: 3435(b)
10/26/17	ADOPT: 571.1	11/15/17	AMEND: 6728
10/23/17	AMEND: 11024	11/09/17	AMEND: 3435(b)
10/23/17	AMEND: 59740	11/07/17	ADOPT: 6690, 6691, 6692
		11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
		11/06/17	AMEND: 3435(b)
		11/02/17	AMEND: 3435(b)
		10/23/17	AMEND: 3435(b)
		10/16/17	AMEND: 3591.15
		10/16/17	AMEND: 3439(b)
Title 3		Title 4	
03/13/18	AMEND: 3591.15	03/13/18	AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700
03/01/18	AMEND: 6628		
02/27/18	AMEND: 3439(b)	03/05/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
02/16/18	AMEND: 3439(b)		
02/12/18	AMEND: 6000, 6739		
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		

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 12-Z

02/23/18 ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

02/22/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 REPEAL: 10325.5

02/21/18 AMEND: 1865

02/21/18 AMEND: 1689, 1689.1

02/15/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

01/25/18 AMEND: 1685, 1688

01/24/18 ADOPT: 4002.10, 4206, 4207 AMEND: 4001, 4200, 4201

01/17/18 AMEND: 12386, 12391, 12566

01/09/18 ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853

01/08/18 AMEND: 12120, 12303, 12362

01/02/18 AMEND: 12261, 12264

12/28/17 AMEND: 4300, 4302, 4304, 4306, 4307, 4308

12/21/17 AMEND: 8078.8, 8078.10

12/19/17 AMEND: 232

12/13/17 AMEND: 10032, 10036

12/07/17 AMEND: 12200.3, 12200.5, 12200.14, 12202, 12205.1, 12220.3, 12220.5, 12220.14, 12222, 12225.1, 12301.1, 12342, 12350, 12352, 12357, 12358

12/01/17 ADOPT: 5259 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540

11/30/17 AMEND: 12218.11, 12236

11/29/17 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190

11/16/17 AMEND: 1844

11/02/17 AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10

10/31/17 AMEND: 711

10/31/17 AMEND: 10031, 10032, 10033, 10035, 10036

10/18/17 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21

10/13/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220,

5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221

Title 5

02/26/18 ADOPT: 71396

02/20/18 ADOPT: 11526 AMEND: 11520, 11524, 11525

02/20/18 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

01/29/18 AMEND: 19810

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

01/22/18 AMEND: 27000

01/11/18 AMEND: 9517.3

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

11/27/17 AMEND: 19810

11/21/17 ADOPT: 71396

11/16/17 ADOPT: 11526 AMEND: 11520, 11524, 11525

11/16/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

11/13/17 REPEAL: 620, 621, 622, 623, 624, 625, 626, 627

11/07/17 ADOPT: 9517.1

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

Title 8

03/09/18 ADOPT: 3345

02/27/18 ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893

02/07/18 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6

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03/01/18 ADOPT: 1685 AMEND: 1680, 1681, 1682, 1683, 1684
 01/30/18 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
 01/25/18 AMEND: 1602, 1605.3, 1606

Title 21

01/04/18 ADOPT: 1478.1, 1478.2 AMEND: 1476
 11/28/17 ADOPT: 1700.1, 1700.2, 1700.3, 1705.1, 1706.1, 1707.1 AMEND: 1700 [renumbered to 1701.1], 1701 [renumbered to 1701.2], 1702.1, 1703 [renumbered to 1702.2], 1704.1 [renumbered to 1703.1], 1704.2 [renumbered to 1703.2], 1704.3 [renumbered to 1703.3], 1704.4 [renumbered to 1703.4], 1704.5 [renumbered to 1703.5], 1704.6 [renumbered to 1703.6], 1705.1 [renumbered to 1704.1], 1705.2 [renumbered to 1704.2], 1705.3 [renumbered to 1704.3], 1705.4 [renumbered to 1704.4], 1705.5 [renumbered to 1704.5], 1705.6 [renumbered to 1704.6], 1705.7

	[renumbered to 1704.7, 1705.8 [renumbered to 1704.8]	01/24/18	ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6
Title 22		12/26/17	ADOPT: 3949.13
03/01/18	AMEND: 2706-5, 2706-7	12/15/17	AMEND: 64300, 64305, 64310, 64315
02/08/18	AMEND: 97232	12/14/17	AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481
01/24/18	AMEND: 97177.10, 97177.67, 97177.70	11/20/17	AMEND: 2922
01/11/18	ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255	11/16/17	AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, 3717
12/18/17	ADOPT: 2925	11/06/17	AMEND: 2200, 2200.5, 2200.6, 2200.7
12/08/17	AMEND: 2608-1, 2627(b)-1	11/06/17	ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070
12/05/17	AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1	10/19/17	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
11/16/17	ADOPT: 63750.80 AMEND: 63850		
10/30/17	AMEND: 72517		
Title 22, MPP		Title 25	
03/13/18	ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190	01/18/18	AMEND: 10001
12/21/17	ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211	11/08/17	ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316
		10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5
Title 23		Title 27	
03/08/18	ADOPT: 3909.6	02/05/18	AMEND: 25705
02/22/18	AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5 (renumbered to 638.5), 700.6 (renumbered to 638.6)	02/01/18	AMEND: 27000
		01/29/18	AMEND: 27001
		01/02/18	ADOPT: 25603.3
		12/28/17	AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2
		12/20/17	AMEND: 27001
		11/20/17	AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13
		11/15/17	AMEND: 27001
		11/15/17	AMEND: 27001
		10/30/17	ADOPT: 25607.32, 25607.33
		10/30/17	AMEND: 27000
		Title MPP	
		01/17/18	AMEND: 47-260
		01/17/18	AMEND: 46-430
		12/28/17	AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
		11/16/17	AMEND: 44-211

