

# California Regulatory Notice Register

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

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# PROPOSED ACTION ON REGULATIONS

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# TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

#### CONFLICT-OF-INTEREST CODES

#### **AMENDMENT**

# MULTI-COUNTY: Bay Area Schools Insurance Cooperative

A written comment period has been established commencing on April 20, 2018, and closing on June 4, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict—of—interest code(s). Any written comments must be received no later than June 4, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

### EFFECT ON HOUSING COSTS AND BUSINESSES

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

### **AUTHORITY**

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

### **REFERENCE**

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

#### **CONTACT**

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

# AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322–5660.

# TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### NOTICE OF PROPOSED REGULATORY ACTION Amend Academy Instructor Certificate Program (AICP) Regulation 1009

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

### Public Comments Due by June 4, 2018, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227–6932 or by letter to:

Commission on POST Attn: Cheryl Smith 860 Stillwater Road, Suite 100 West Sacramento, CA 95605–1630

### **AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §13503(e) which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will remove the pre–service AICP completion mandate to allow Regular Basic Course instructors to satisfy the AICP requirement within 12 months from the date of promotion, appointment, or transfer. This is consistent with other POST regulations that allow such a time frame for supplemental training for certain classifications of peace officers, such as district attorney investigators and deputy coroners, as well as the training requirements for newly appointed supervisors, managers, and those positions overseeing a field training program.

The benefit anticipated by the proposed amendments to the regulations will be to stay consistent with current practice, clear and concise, and meet the needs of POST's clients.

The specific benefits anticipate by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

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

### ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

### ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code §§ 17500–17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOVERNMENT CODE § 11346.3(b)

The adoption of the proposed amendments of regulations 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 proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state's environment.

## COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

### CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, 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 than the proposed action.

#### CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at <a href="mailto:cheryl.smith@post.ca.gov">cheryl.smith@post.ca.gov</a>, or (916) 227–0544. The alternate contact is Mike Barnes at (916) 227–3454. General questions regarding the regulatory process may be directed to Christy Correa at (916) 227–4847, <a href="mailto:christy.correa@post.ca.gov">christy.correa@post.ca.gov</a>, or by FAX at (916) 227–5271.

### TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at: <a href="http://www.post.ca.gov/regulatory-actions.aspx">http://www.post.ca.gov/regulatory-actions.aspx</a>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

# TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 182.01 and 182.04, and adopt Sections 182.02 and 182.03 in Article 3.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Disabled Person Parking Placards and License Plates.

### **PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

#### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **June 4**, **2018**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### **AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 22511.55.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 22511.55 authorizes the department to issue disabled person placards to a disabled person or a disabled veteran upon receipt of an application that includes a certification that is required to be signed by an authorized medical professional. When a disabled person placard is properly displayed in a vehicle, the placard holder may park in parking spaces with the International Symbol of Access, next to a blue curb authorized for persons with disabilities parking, next to a green curb (green curbs indicate limited time parking) for as long as needed, in an on-street metered parking space at no charge, or in an area that indicates it requires a resident or merchant permit. Once a disabled placard is issued, the placard is automatically renewed every two years. All disabled placards expire on June 30 and the department sends the placard holder a new placard and placard identification card to the address that appeared on the department's records. Vehicle Code section 22511.55(c) allows for a placard holder to apply for a substitute placard without recertifying their eligibility.

Senate Bill 611 (Chapter 48; Statutes of 2017) amended Vehicle Code section 22511.55 to require the department to, six years after the first issuance of a placard and every six years thereafter, send the placard hold-

er a renewal form by mail at least 90 days prior to the June 30 expiration date. SB 611 made further amendments to Vehicle Code section 22511.55(c) to limit the issuance of a substitute placard to a person to no more than four times in a two-year renewal period.

Changes made to Vehicle Code section 22511.55 will help the department prevent misuse and fraudulent activities in the disabled parking placard program. When parking placards are used by drivers who are not authorized to use them, the result is a reduced number of preferential parking spaces for disabled persons and a reduced number of metered parking spaces at which authorized placard holders can park for unlimited periods of time.

The department anticipates this proposed action will benefit California residents by preventing the fraudulent issuance and use of disabled parking placard. When disabled person parking placards are used by drivers who are not authorized to have them, it decreases the amount of parking spaces available for drivers who need the preferential parking.

### CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has determined that this proposed action is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern disabled person parking placards.

## COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department conducted a review of comparable federal regulations and statutes and has determined that no other regulations address disabled person parking placards.

### DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

 Application for Disabled Person Placard or Plates, form REG 195 (Rev 4/2018)

The form REG 195 will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

# ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seg.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No additional fees will be charged other than what is already required as a part of the application process.
- Small Business Impact: This proposed action is unlikely to have an impact on small businesses. It is possible that a small business may transport disabled persons and, as a result, qualify for a disabled parking placard. This action does not make amendments that are likely to impact small businesses that apply for disabled parking placards.
- Local Agency/School District Mandate: The
  proposed regulatory action will not impose a
  mandate on local agencies or school districts, or a
  mandate that requires reimbursement pursuant to
  Part 7 (commencing with Section 17500) of
  Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: This action identifies the process by which an applicant applies for a disabled person parking placard and implements the renewal process for current placard holders. There is no significant economic impact associated with this proposal as none of the provisions apply to businesses; therefore, this action is unlikely to have an adverse impact on businesses, including the ability to compete.

## RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California.

This action will benefit the welfare of California residents by preventing the fraudulent issuance and use of disabled parking placard. When disabled person parking placards are used by drivers who are not authorized to have them, it decreases the amount of parking spaces available for drivers who need the preferential parking. This action is not likely to have a significant impact on worker safety or the state's environment.

## PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.

### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst Department of Motor Vehicles Legal Affairs Division P.O. Box 932382, MS C-244 Sacramento, CA 94232-3820 Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657–8898 Facsimile: (916) 657–6243

E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff Department of Motor Vehicles Telephone: (916) 657–6469

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above–cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <a href="http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions">http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions</a>.

### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15

days after the date on which they are first made available to the public.

# TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to adopt Sections 153.00, 153.02, 153.04, 153.06, 153.08, 153.10, 153.12, 153.14, 153.16, 153.18, 153.20, 153.22, 153.24, 153.26 and 153.28 in Article 3.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to the Electronic Lien and Title Program to implement provisions relating to section 4450.5 of the Vehicle Code.

#### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., June 4, 2018, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

#### **AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 4450.5, in order to implement Vehicle Code section 4450.5.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 4450.5 directs the department to develop an Electronic Lien and Title program, in consultation with stakeholders, that would require lienholders' title information be stored electronically, if the department determines that such a program is cost–effective compared to its paper system.

In 1989, the department developed its Electronic Lien and Title pilot program and participation was voluntary. General Motors Acceptance Corporation (GMAC) was the first lienholder to join.

Under the Electronic Lien and Title program, when the department receives an application for title or registration showing the lienholder's name, address, and Electronic Lien and Title ID number an electronic lien record is produced, by the department, in lieu of a paper title. A web-based connectivity system was implemented to allow for Secure File Transfer between software vendors/service providers and the department.

Vehicle Code sections 1801 and 1801.1 authorize the department to allow a person to submit any documents required to be submitted to the department by using electronic media deemed feasible by the department instead of requiring the actual submittal of the original document. Vehicle Code section 1801.1(c) authorizes the department to, among other things, establish security standards and technological requirements, or terms and conditions, including methods of authentication for electronically submitted signatures.

This proposed action would implement Vehicle Code section 4450.5 and make specific the forms an Electronic Lien and Title Program service provider applicant and lienholder applicant must submit to the department to apply to become a participant. Additionally, this proposed action would specify program administration structure. The benefits anticipated from these proposed regulations are reduction in vehicle titling fraud.

## CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

During the process of developing these regulations, the department has conducted a search of any similar regulations on the topic of the electronic lien and title program and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department has conducted a review of federal regulations related to the electronic lien and title program and has determined that there are no comparable federal regulations.

### DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

• Electronic Lien and Title (ELT) Program Service Provider Application, REG 670 (NEW 1/2018)

- Electronic Lien and Title (ELT) Service Provider Permit, REG 672 (NEW 1/2018)
- Electronic Lien and Title (ELT) Program Lienholder Application, REG 671 (NEW 1/2018)
- Electronic Lien and Title (ELT) Lienholder Permit, REG 672 F (NEW 1/2018)
- Electronic Lien and Title (ELT) Program Change Request, REG 673 (NEW 1/2018)
- Electronic Lien and Title (ELT) Program Withdrawal Request, REG 674 (NEW 1/2018)

These documents will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

### **Economic and Fiscal Impact Determinations**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Effects on Housing Costs: None.
- Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.
- Cost Impact on Representative Private Persons or Businesses: While the department does not anticipate a cost impact to the lending industry, the department does anticipate fiscal and economic benefits as they will no longer have to store and manage paper documents.
- *Small Business Impact:* This proposed action may affect small business.
- Local Agency/School Districts Mandate: The proposed regulation action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code.

### **Results of the Economic Impact Statement**

The department has made the determinations that this proposed action will not affect the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state.

This action will benefit the welfare of California residents and worker safety by reducing titling fraud of vehicles.

## PUBLIC DISCUSSION OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.

### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Tracy Brazil, Regulations Analyst Department of Motor Vehicles Legal Affairs Division P.O. Box 932382, MS C–244 Sacramento, CA 94232–3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657–8919 Facsimile: (916) 657–6243

E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff Department of Motor Vehicles Telephone: (916) 657–6469

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above–cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <a href="http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions">http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions</a>.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

# TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to adopt Sections 226.00, 226.02, 226.04, 226.06, 226.08, 226.10, 226.16, 226.18, 226.20, 226.22, 226.24, 226.26, 226.30, 226.32, 226.38, 226.40, 226.42, 226.44, 226.46, 226.48, 226.50, 226.52, and 226.54 in Article 3.6, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Interstate Carrier Program.

### **PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

#### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., June 4, 2018, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

#### **AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 1685.1, in order to implement Vehicle Code section 1685.1.

# INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 1233 (Ch. 615, Statutes of 2004) added Vehicle Code section 1685.1 authorizing motor carrier associations who represent both intra and interstate motor carriers to submit an application to become a private industry partner with the department, as described in Vehicle Code section 1685. The provisions were effective January 1, 2005, and sunset January 1, 2010.

Over the years various California legislative and federal requirements increased the amount of documentation and the complexity of processing International Registration Plan vehicle registrations. This caused an increase in the rate of incomplete applications received by the department from International Registration Plan customers. Repeated handling of incomplete applications adversely affected customer service levels. In July 2010, the department discontinued the processing of International Registration Plan vehicle registrations in its field offices which was precipitated by insufficient resources to comply with federal verification requirements.

In 2009, the department modified the pilot program to allow registration agents access to the new International Registration Plan system, which was implemented in August 2009, through a business partnership which became the Interstate Carrier Program. The partnership

enabled certain businesses to electronically interface with the department's International Registration Plan system software to process International Registration Plan vehicle registrations.

Assembly Bill (AB) 2107 (Ch. 456, Statutes of 2016) added Vehicle Code section 1685.1 authorizing the department to establish the Interstate Carrier Program and to establish private industry partners such as licensed registration services, vehicle leasing companies, and motor carrier associations to process International Registration Plan related transactions in their offices.

This proposed action would implement Vehicle Code section 1685.1 and make specific the form an Interstate Carrier Program applicant must submit to the department to apply to be approved as a departmental partner. Additionally, this proposed action would specify program administration structure, fees, financial responsibility, compliance requirements, adequate oversight and monitoring, safeguards for protecting information, and transaction processing requirements as allowed for by statute. This proposed action is anticipated to benefit California's motoring public by ensuring immediate and convenient registration of motor carriers assisting in eliminating unregistered vehicles from operating on the roadways.

## CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

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

## COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department has conducted a review of federal regulations related to the interstate carrier program and has determined that there are no comparable federal regulations.

### DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Interstate Carrier Program Application, REG 202 I (NEW 11/2017)
- Interstate Carrier Program (ICP) Security Agreement, REG 216 I (NEW 11/2017)
- Statement of Personal History Owner Interstate Carrier Program (ICP), REG 2060 I, (NEW 11/2017)

- Statement of Personal History Employee Interstate Carrier Program (ICP), REG 206 I, (NEW 11/2017)
- Information Security and Disclosure Statement Firm, EXEC 201X (REV. 3/2003)
- Information Security and Disclosure Statement Public/Private Partnerships Employee, EXEC 200X (REV. 3/2003)
- Electronic Fund Transfer Authorization Form California Department of Motor Vehicles (CADMV) and Interstate Carrier Program (ICP), REG 214 I (NEW 11/2017)
- Interstate Carrier Program Surety Bond, REG 208 I (NEW 11/2017)
- Interstate Carrier Program Permit, REG 200 I (NEW 11/2017)
- Interstate Carrier Program Renewal Application, REG 203 I (NEW 11/2017)
- Interstate Carrier Program (ICP) Inventory Order form, REG 215 (NEW 11/2017)
- Interstate Carrier Program (ICP) Quarterly Inventory Report, REG 210 I (NEW 11/2017)
- Interstate Carrier Program Inventory Contact form, REG 213 I (NEW 11/2017)
- Interstate Carrier Program Employee Listing form, REG 209 I (NEW 11/2017)
- Interstate Carrier Program Application For Changes form, REG 201 I (NEW 11/2017)
- Acceptable Use Statement form, DMV 350 (REV. 8/2017)
- Interstate Carrier Program Daily Transaction Summary Sheet (DTS), REG 212 I (NEW 11/2017)
- Interstate Carrier Program Transactions Per Year Report, REG 211 1 (NEW 11/2017)
- Interstate Carrier Program Independent Audit Plan Guide For The Interstate Carrier Program Participant form, REG 217 I (NEW 11/2017)
- Interstate Carrier Program Independent Audit Program Audit Guide For The Certified Public Accountant form, REG 218 I (NEW 11/2017)
- Interstate Carrier Program Non–Disclosure Statement form, REG 205 I (NEW 11/2017)
- Request for Live Scan Service form, DMV 8016 (Rev. 11/2011)

These documents will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department's contact person identified below.

### **Economic and Fiscal Impact Determinations**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Effects on Housing Costs: None.
- Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.
- Cost Impact on Representative Private Persons or Businesses: The proposed action may impact private persons or businesses. It will implement an application fee for an original application, an application fee for a renewal application, and a requirement of maintaining a surety bond.
- *Small Business Impact:* This proposed action may impact small business.
- Local Agency/School Districts Mandate: The proposed regulation action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code.

### **Results of the Economic Impact Statement**

The department has made the determinations that this proposed action will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state.

This action will benefit the welfare of California residents and worker safety by ensuring motor carriers can have their International Registration Plan vehicle registrations processed conveniently and expediently.

## PUBLIC DISCUSSION OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.

### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Tracy Brazil, Regulations Analyst Department of Motor Vehicles Legal Affairs Division P.O. Box 932382, MS C–244 Sacramento, CA 94232–3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657–8919 Facsimile: (916) 657–6243

E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff Department of Motor Vehicles Legal Affairs Division Telephone: (916) 657–6469

# AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above–cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <a href="http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions">http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions</a>.

### **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

# TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to adopt Article 3.55 in Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Private Carriers of Passengers.

### **PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **June 4**, **2018**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### **AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 34683, 34684, 34687, 346917 and 34692.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 19 [Chapter 421; Statutes of 2017] enacted The Private Carriers of Passengers Registration Act and transferred regulatory oversight from the California Public Utilities Commission to the department effective July 1, 2018. Section 3 authorizes the department to establish rules and regulations that are necessary to implement, administer, and enforce the prescribed duties of the Act.

The provisions authorize the department to register private carriers of passengers and issue a certificate; serving as operating authority, monitor compliance, and impose enforcement sanctions. Program implementation requires development of rulemaking, development of interagency agreements (for data sharing between state agencies) for enforcement purposes, development of requests for information technology modifications and administrative—related changes.

Vehicle Code section 34691 establishes safety violations that require a suspension of the certificate; however, it does not specify how the private carrier of passengers are informed of the suspension or the procedures a carrier would follow to apply for a hearing or reinstatement of their certificate.

The proposed regulations were developed to address the department's prescribed duties outlined in the Act and above. The department proposes to adopt Sections 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, and 223.16, to make specific the requirements to obtain and maintain a Private Carrier of Passengers Certificate.

This action adopts several departmental forms for use during the application and renewal process. The department created the forms using only the information requirements authorized by Vehicle Code section 34683(b). Specifically, the forms all require the applicant to identify its business name, mailing and physical address, telephone number, carrier number, and contact person and number. The forms prescribed in this action are all required to be signed under penalty of perjury, which is also allowed by Vehicle Code section 34683(b). The difference in the forms lies in the form name, which identifies the transaction being requested (application, renewal, change, etc.) and the form numbers.

The benefits derived from this proposed action include identifying the application process, the renewal process and identifying the administrative hearing

process for carriers who have been suspended or revoked. The welfare of California residents will also see benefits when the department meets its statutorily mandated adjudication requirements. Also, a clear and efficient process for adjudicating alleged safety violations by private carriers of passengers will increase the safety of the public roadway by increasing the number of cases resolved timely and on the merits.

## CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has determined this proposed action is neither inconsistent nor incompatible with other state regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern the licensing process for private carriers of passengers.

### COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

Currently, rules related to private carriers of passengers are administered by the Public Utilities Commission. The PUC oversight of private carriers expires on July 1, 2018. At that time, the department will take over those responsibilities from the PUC and, through this proposed action, establish procedural rules for hearings held to determine the merits of a suspension of a private carrier of passengers certificate.

There are no comparable federal statutes or regulations.

### DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Application for Private Carrier of Passengers Certificate, form DMV REG 1300 (NEW 07/2018)
- Notice of Change, form DMV REG 1301 (NEW 7/2018)
- Private Carrier of Passengers Certificate Renewal Application, form DMV REG 1302 (NEW 7/2018)
- Certificate of Insurance, form DMV REG 1323 (NEW 7/2018)
- Private Carrier of Passengers Liability Bond form DMV REG 1327 (NEW 7/2018)

- Insurance Policy Endorsement, form DMV REG 1324 (NEW 7/2018)
- Notice of Cancellation of Insurance, form DMV REG 1325 (NEW 7/2018)
- Request for Voluntary Withdrawal Private Carrier of Passengers Certificate, form DMV REG 1308 (NEW 7/2018)

These forms will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

## ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Small Business Impact: This regulation may affect small business that will apply for private carrier of passengers certificates. However, the department does not anticipate the impact will be unlike those impacts to any other business.
- Local Agency/School District Mandate: The
  proposed regulatory action will not impose a
  mandate on local agencies or school districts, or a
  mandate that requires reimbursement pursuant to
  Part 7 (commencing with Section 17500) of
  Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposed regulatory action is not anticipated to have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Potential impacts may

include if the certificate holder is suspended. This may create a hardship on the certificate holder and any potential drivers. Adverse economic impacts would be minimized if certificate holders meet prescribed compliance standards.

## RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California. This proposed action moves the oversight of private carriers of passengers from the Public Utilities Commission to the department. Because this action will impact an existing group of businesses, the department has determined that these proposed regulations will not create new businesses or eliminate existing businesses in the State of California.

The welfare of California residents is benefitted when the department meets its statutorily mandated adjudication requirements. Also, a clear and efficient process for adjudicating alleged safety violations by private carriers of passengers will increase the safety of the public roadway by increasing the number of cases resolved timely and on the merits.

## PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.

#### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst Department of Motor Vehicles Legal Affairs Division P.O. Box 932382, MS C-244 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657–8898 Facsimile: (916) 657–6243

E-Mail: LADRegulations@dmv.ca. gov

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

Shelly Johnson Marker, Chief of Staff Department of Motor Vehicles Telephone: (916) 657–6469

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above—cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <a href="http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions">http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions</a>.

### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently

related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

# TITLE 14. DEPARTMENT OF PARKS AND RECREATION

NOTICE IS HEREBY GIVEN the Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations (CCR), Title 14, Division 3, Chapter 15, Articles 1 through 5, Sections 4970.00 through 4970.26 pertaining to the Off–Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program.

#### PUBLIC HEARING

The Department has scheduled two public hearings on the proposed rulemaking. The first hearing will be held in Bakersfield on June 5th, 2018. The meeting will commence at 3:00 p.m.

The location of the first hearing is:

Kern County Public Services Building 2700 M Street Bakersfield, CA

The second public hearing on the proposed rulemaking will be held in Sacramento on June 7th, 2018. The meeting will commence at 3:00 p.m.

The location of the second hearing is:

Off-Highway Motor Vehicle Recreation Division Headquarters 1725 23rd Street, Suite 200 Sacramento, CA 95816

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations.

The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the matter subject to discussion or consideration becomes part of the public record.

Such information shall be retained by the Department and shall be made available upon request.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 5:00 p.m., on June 4th, 2018. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

Department of Parks and Recreation Off–Highway Motor Vehicle Recreation Division Attn: Sixto Fernandez, Grants Manager Grants and Cooperative Agreements 1725 23rd Street, Suite 200 Sacramento, California 95816–7100

### **AUTHORITY AND REFERENCE**

*Authority Citation:* The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.32 and 5090.50.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and History

Public Resources Code Section 5090.01 et seq., also known as the Off–Highway Motor Vehicle Recreation Act of 2003 (Act), as amended, governs Off–Highway Motor Vehicle (OHV) Grants and Cooperative Agreements with cities, counties, Districts, U.S. Forest Ser-

vice, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit Organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies. The Program is administered by the OHMVR Division within the Department of Parks and Recreation. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV Recreation areas, roads, trails, and other Facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. Assistance is provided in the form of Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria.

The Department adopted permanent regulations for the Program, which appear in the California Code of Regulations, Title 14, Division 3, Chapter 15, Sections 4970.00 – 4970.26.

### Objectives and Benefits

The objective of the proposed action is to make improvements to the existing Program via amendments to the Program Regulations and documents incorporated by reference and to comply with SB 249. Program regulations appear in the California Code of Regulations (CCR) Title 14, Division 3, Chapter 15, Section 4970.00 et seq. The proposed revisions would remove one definition that's no longer needed, provide two new definitions and clarification of several existing definitions. The regulations add additional time to extend the Grant program cycle to give review teams the sufficient time to be thorough and to reduce errors that have occasionally been made in the past. Further explanation has been added to clarify how a match is treated between the Program and grant participants to reduce confusion. An explanation of how the OHMVR Division verifies a Certified Community Conservation Corps has been added and the agency has also been added to the list of agencies that must comply with the California Environmental Quality Act (CEQA) Requirements so they know how to comply with CEQA. Updates have been made, based on the experiences of the last few years, throughout the environmental requirements in subarticle 1 to clarify required documentation. Guidelines have been added to explain how an application may be rejected. The definition of "Eligible Project Costs" has been updated to allow for an hourly rate charge for vehicles with an additional 15% allowance to cover overhead costs of operating the equipment. Transportation cost and the base of operations have been defined. Guidelines have been added to update the equipment expense limit for nonprofits and the requirement that the Department of Parks and Recreation, OHMVR Di-

vision must be added as the lien holder after OHMVR Division approval of the equipment purchase. "Ineligible Project Costs" have been updated to allow for Grantees that provide Youth Mentoring Programs to have access to the Department's owned or managed property for training purposes. A background section has been added for five "Project types" to give the Grantees a separate section on their Application in which to provide details on the history of their program. Unreasonable and/or unnecessary cost and activities have been excluded from Law Enforcement Project request amounts. A contingency list is created to adhere to Legislative intent of funding as many projects as possible. The creation of the contingency will maximize grant funds awarded in previous Grant cycles but not utilized.

Throughout the Project administration section, the word "Division" has been replaced with "Department" due to changes within the Department as a result of our recent transformation. New forms have been assigned in this section as well to help with the efficiency of the program. Advances have been updated so Grantees now only need to send in pictures and GPS coordinates on the second advance and beyond due to uncontrollable changes in the Project Area. Section 5090.35 has been removed throughout, where there is no need for it to be listed for authority.

In the appendix, updates have been made to the Environmental Review Data Sheet, Habitat Management Program and the Soils Conservation Plan to update program requirements and to reduce confusion. In addition, the General Provisions have been updated to reduce confusion as well and new forms have been adopted to increase efficiency and consistency throughout the Grants program. The DPR 364 and Project Agreement have been updated to reflect new terms from the State's new FI\$CAL system, which is used to track all Grant funds. Lastly, the Evaluation Criteria questions have been updated to reduce confusion on what is being asked.

Overall, the intent of the proposed regulation revision is to reduce confusion for Applicants, address changes based on the OHMVR Division's past experience and to ensure public funds are being spent wisely and within the State's best interest. The proposed revisions will allow for a more clear understanding of the regulations and Grant administration by both the Grantees and OHMVR Division staff. These changes will provide Program efficiency and will allow the OHMVR Division to fully support motorized recreation.

### Effect of Proposed Rulemaking

The Department is proposing to amend the OHMVR Grants and Cooperative Agreements Program Regula-

tions, CCR Title 14, Division 3, Chapter 15, Articles 1 through 4, Sections 4970.00 – 4970.26 as follows:

### ARTICLE 1 — GENERAL PROVISIONS

### 4970.00. APPLICATION OF CHAPTER

Change to 14 CCR Section 4970.00 to add the Department of Parks and Recreation (Department) and to reflect current applicable Program dates for proposed revisions.

#### 4970.01. DEFINITIONS

Section 4970.01(f) is amended to conform to recent legislative action which redefined "Conservation" in Public Resources Code (PRC) Section 5090.10. The removal of PRC Sections 5090.10, 5090.50, and 5090.53 is made to align with changes that came from SB 249 and to repeal Sections that no longer apply to the definition.

Section 4970.01(o) is repealed because the term "Ecological Restoration" is no longer used within the Program per updates in SB 249.

Section 4970.01(t) is amended to provide an updated definition for the term "Good Standing."

Section 4970.01(u) is amended to align with changes that came from SB 249, which added State Recognized Native American Tribes and Certified Conservation Corps as eligible Grant Applicants.

Section 4970.01(w) is amended to clarify to Applicants/Grantees that three specific Project activities are not considered Ground Disturbing for the purposes of this program.

Section 4970.01(x) is amended to maintain regulatory consistency. PRC Section 5090.53 requires all Grants and Cooperative Agreements with Ground Disturbing Activities to prepare a wildlife habitat protection program to sustain a Viable Species Composition for the Project Area. PRC Section 5090.35 no longer refers to wildlife habitat protection programs or Viable Species Composition. The amendment also updates punctuation consistent with omitting the section reference

Section 4970.01(pp) is adopted to define a State Recognized Native American Tribe and who the official Tribal Contact list is managed by. The OHMVR Division will refer to this list when verifying Applicants. State Recognized Native American Tribes were added as eligible Applicants in SB 249.

Section 4970.01(rr) is adopted to define a Youths Mentoring Program.

#### 4970.04. GRANTS PROGRAM CYCLE

Section 4970.04, Table 2, Grant Cycle, is amended to add additional time for the review of Preliminary and Final Applications. Additionally, the change in Grant Cycle dates will provide the public additional time to re-

view and provide public comments on the Preliminary Applications. Lastly, "OHMVR" is removed from the appeal period date box.

# 4970.05. GENERAL APPLICATION REQUIREMENTS

Section 4970.05(e)(4) is amended to align with the updates in Section 4970.04, Table 2, Grants Cycle, which will provide additional time for the review and evaluation of Preliminary and Final Applications. Additionally, the changes also provide for an additional month for the public to review and comment on Preliminary and Final Applications. This change will clarify to Applicants and the public when public comments are due.

Section 4970.05(l)(2) is amended to define when the written permission is due.

Section 4970.05(p) is amended to define how the OHMVR Division will verify a Certified Community Conservation Corps, which are new eligible Applicants per SB 249.

# SUBARTICLE 1. ENVIRONMENTAL REQUIREMENTS

# 4970.06.1. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

Section 4970.06.1(b)(2) is amended to add "OHMVR" before "Division."

Section 4970.06.1(b)(3) is amended to avoid confusion as to funding of Project Deliverables prior to completion of CEOA review.

Section 4970.06.1(c) and 4970.06(c)(1) are amended to include State Recognized Native American Tribes and Certified Conservation Corps who were added as eligible Applicants in SB 249.

Section 4970.06.1(c)(1)(A) is amended to add "OHMVR" before "Division."

Section 4970.06.1(c)(3) is amended to correctly refer to CEQA compliance obligations of non–Federal Applicants.

Section 4970.06.1(d)(1)(A) is amended to make it clear to Cooperative Agreement Applicants that Project—related environmental review at least comparable with CEQA requirements must be completed, documented, and submitted as part of the Application. Documentation is necessary to ensure compliance with PRC Section 5090.50(d)(4).

Section 4970.06.1(d)(1)(B) is amended to make it clear to Cooperative Agreement Applicants that NEPA or other Project—related environmental review submitted to comply with PRC Section 5090.50(d)(4) must be clearly applicable to the Project Application.

Section 4970.06.1 is amended to remove PRC Reference 5090.35, which does not apply to the CEQA requirements.

## 4970.06.2. HABITAT MANAGEMENT PROGRAM (HMP)

Section 4970.06.2(a) is amended to eliminate confusion as to when an HMP is required for a Project that has been phased consistent with Section 4970.06.1(b).

Section 4970.06.2(d) is repealed because the previous language implied authority that does not exist.

Section 4970.06.2 is amended to remove PRC Reference 5090.35, which does not apply to the HMP requirements.

Section 4970.06.3(a) is amended to refer to the correct title of the referenced document.

Section 4970.06.3(c) is amended because Applicants may not receive Grant funding for every proposed Project, and the submitted Soil Conservation Plan may thus have addressed activities that would not be implemented with Grant funding.

Section 4970.06.3(e) is amended because the previous language implied the required Soil Conservation Plan could be presented in its entirety with the Grant Application and before the Grant–funded work had been completed. It also offered no explanation of or guidance on how to comply with the 2008 Soil Conservation Standard. As revised, the language now clarifies specific items to be included with the Soil Conservation Plan upon submission with the Grant Application. Documents that can only be provided upon completion of activities to be funded by Grant monies are now requested under an adopted Section 4970.06.3(g).

Section 4970.06.3(g) is amended because the previous language implied authority that does not exist. As such, this language was stricken in its entirety. Language regarding the documentation requirements for activities to be funded by requested Grant monies has been inserted into this section.

### 4970.07.2. FINAL APPLICATION DEFECTS

Section 4970.07.2(f) is adopted to alert potential Applicants that their Application may be rejected if their conduct is incompatible and/or contrary to the Mission Statement of the OHMVR Division.

Section 4970.07.2(g)(6) is adopted to add a sixth item whereby the OHMVR Division may decrease a requested amount in an Applicant's Project Cost Estimate and/or eliminate a proposed Project activity.

#### 4970.08. ELIGIBLE PROJECT COSTS

Section 4970.08(b)(5) is repealed to remove redundancy based on newly adopted Sections 4970.08(b)(12) and 4970.08(b)(13).

Sections 4970.08(b)(6) through 4970.08(b)(12) are renumbered.

Section 4970.08(b)(10) is amended to provide clarity on what the Program will allow for transportation costs related to materials and personnel and the word "Equipment" is removed and will be defined in adopted Sections 4970.08(b)(12) and 4970.08(b)(13).

Section 4970.08(b)(11) is amended to capitalize "Trust Fund."

Section 4970.08(b)(12) is adopted to further define eligible Equipment cost for a Nonprofit Grantee.

Section 4970.08(b)(13) is repealed and replaced with a revised section documenting what the Program will allow with regard to Equipment purchases and costs of operating such Equipment.

Section 4970.08(b)(13) is adopted to further define eligible Equipment cost for all other Grantees. This new section will provide a more standardized method for the Program to allow for the purchase, costs of operation and management of Equipment and related costs. Current regulations provide for a variety of ways the Program can be charged for fees and operating costs of Equipment and/or vehicles bought with funds outside this Program and for Equipment and/or vehicles bought with funds from this Program.

Section 4970.09(b)(10) is amended to provide an exception for a "Youth Mentoring Program" on the restriction of expending any Grant or match funds on lands owned or managed by the Department. Additionally, "OHMVR" is added before "Division."

Section 4970.09(b)(13) is repealed as the information is incorporated in the newly adopted Sections 4970.08(12) and (13).

Section 4970.09(b)(14) is renumbered to 4970.09(b)(13) due to the repeal of the prior Section 4970.09(b)(13).

# ARTICLE 2 — TYPES OF PROJECTS AND SPECIFIC APPLICATION REQUIREMENTS

The adoption of 14 CCR Sections 4970.10.1(d)(1), 4970.10.2(d)(1), 4970.10.3(d)(1), 4970.10.4(d)(1), 4970.11(f)(1)(A), and 4970.13(f)(1) is made to add a section where Applicants can provide background information about their organization.

Changes to 14 CCR Sections 4970.10.1(d)(1)(A), 4970.10.2(d)(1)(A), 4970.10.3(d)(1), 4970.10.4(d)(1)(A), 4970.11(f)(1)(A) and 4970.13(f)(1) are made to consistently list Project Deliverables as an Application requirement. The language being removed has the same meaning but using the defined term "Project Deliverables" reduces confusion.

### 4970.10.2. DEVELOPMENT

Section 4970.10.2(e)(2) is amended to add "OHMVR" before "Division."

Section 4970.10.2(c)(2) is amended to provide clarity to an Applicant of what type of activity on a parking lot would be considered a Development Project as opposed to a Ground Operation activity.

#### 4970.11. RESTORATION

Section 4970.11(a)(1) is amended because the language for Restoration was updated in SB 249, Section 15.5090.50(2)(C). The amendments simplify the language so it is clear that the purpose of a Restoration Project is to restore or repair habitat damaged by either legal or illegal OHV use.

ARTICLE 3 — APPLICATION EVALUATION SYSTEM AND FUNDING

#### 4970.15.3. LAW ENFORCEMENT

Section 4970.15.3(b)(6) is adopted to add a sixth item whereby the OHMVR Division may decrease a requested amount in an Applicant's Project Cost Estimate and/or eliminate a proposed Project activity.

### 4970.18. CONTINGENCY LIST(S)

Section 4970.18 is adopted to create a "Contingency List" process for the Department to capture unexpended and unencumbered Grant funds from previous Grant Projects. The process provides the framework on how the Contingency List will be established.

#### 4970.19.2. PROJECT AMENDMENTS

Section 4970.19.2 is amended because it has always been the OHMVR Division's policy that funded Grantees must get approval to make adjustments to their Project cost estimate but it has not been added to the language of our regulations. Adding it will allow for more clarity and consistency.

# 4970.20. EQUIPMENT MANAGEMENT REQUIREMENTS

Section 4970.20(a) is amended to clarify that Equipment purchased with OHV Trust Funds shall only be used for its intended purpose.

Section 4970.20(f) is amended to protect public funds from the possibility of Nonprofit Grantees misusing and inappropriately disposing of Equipment that was purchased with Grant funds. Additionally, the change to 4970(f) is necessary to conform to the new requirements listed in Section 4970.8(13)(E).

### 4970.22. ACCOUNTING PRACTICES

Section 4970.22(c) is amended to eliminate redundant regulatory language contained in Section 4970.08(b)(5). The changes also add "date of activity" as information necessary when completing a logbook or source document.

### 4970.23. PAYMENT REQUESTS

Section 4970.23 is amended to replace "OHMVR Division" with "Department" due to a potential shift in responsibilities as dictated by the Operational Transition Plan. The term "Payment Request" has also been replaced with "Expenditure Workbook" to list a new workbook that is being adopted into the appendix.

### 4970.23.1. ADVANCES

Section 4970.23.1(a) is amended to replace "written justification" with the new "Advance Justification Request" form. The requirement for GPS coordinates and photos of Project areas where activities will be conducted is being removed because those items are no longer required for the first advance. Additionally, "OHMVR" is added before "Division."

Section 4970.23.1(b)(5) is amended to replace "statement of activities/accomplishment" with "Project Accomplishment Report."

### 4970.23.2. REIMBURSEMENTS

Section 4970.23.2(e) is amended to replace "statement of activities/accomplishment" with "Project Accomplishment Report." The new Project Accomplishment Report is a standardized statement of activities/accomplishments.

Section 4970.23.2(f) is being repealed because the new Project Accomplishment Report includes the information being requested in this section, which the Grantee will fill out when submitting it.

### 4970.24. PROJECT CLOSEOUT

### 4970.24.1. PROJECT DOCUMENTATION

Section 4970.24.1(a) is amended to replace "OHMVR Division" with "Department" due to a potential shift in responsibilities as dictated by the Operational Transition Plan. The term "Payment Request" has also been replaced with "Expenditure Workbook" to list a new workbook that is being adopted into the appendix.

Section 4970.24.1(a)(1) is amended to replace "report of Deliverables completed" with the "Project Accomplishment Report." The new Project Accomplishment Report is a standardized report of deliverables completed.

Section 4970.24.1(a)(3) is being repealed because the items requested in this section will be turned in with the new Project Accomplishment Report.

Section 4970.24.1(b) is amended to replace "OHMVR Division" with "Department" due to a potential shift in responsibilities as dictated by the Operational Transition Plan.

Section 4970.24.1(c) is amended to replace the word "may" with "shall" to be less ambiguous.

Section 4970.24.1(d) is amended to replace "OHMVR Division" with "Department" due to a potential shift in responsibilities as dictated by the Operational Transition Plan.

### 4970.24.2. PROJECT PERFORMANCE REVIEW

Sections 4970.24.2(a), 4970.24.2(e), 4970.24.2(e)(1) and 4970.24.2(e)(2) are amended to replace "OHMVR Division" with "Department" due to a

potential shift in responsibilities as dictated by the Operational Transition Plan.

#### SUBARTICLE 1. AUDITS

Section 4970.25.1(d) is made to capitalize "Parks"; Department of Parks and Recreation is the name of a department and each word in a name should be capitalized.

Section 4970.25.1. Authority cited note is amended to remove PRC Reference 5090.35, which does not apply to Audits.

### 4970.25.2. FINAL AUDIT REPORT

Section 4970.25.2. Authority cited note is amended to remove PRC Reference 5090.35, which does not apply to Final Audit Reports.

ARTICLE 5 — CONTACTING THE OHMVR DIVISION

Documents Incorporated by Reference

ENVIRONMENTAL REVIEW DATA SHEET (ERDS) (Rev. 1/19)

Change to the Environmental Review Data Sheet (ERDS) is made to make it clearer what constitutes a Project under CEQA and to make it clear to federal agency and tribal Applicants that California special—status species must be addressed.

HABITAT MANAGEMENT PROGRAM (HMP) (Rev. 1/19)

Change to the Habitat Management Program (HMP) is made to correct punctuation, to address several issues that can make it difficult for Applicants to correctly complete the existing Table 4, to clarify what information is needed in each column and update Table 5 consistent with changes made to Table 4 and to make it clearer what information is needed in Table 6 in each column

### SOIL CONSERVATION PLAN (SCP) (Rev. 1/19)

Part 1. DETERMINE THE NEED FOR FULL SCP is amended to remove the direction that a Grantee must fill out SCP PARTS 1 and 2 if they select "no" and replaces the direction to refer to the newly adopted Soil Conservation Section 4970.06.3. Part 2. SOIL CONSERVATION PLAN is repealed to match the new direction in Part 1.

### GOVERNING BODY RESOLUTION (Rev. 1/19)

Governing Body Resolution is amended to match the language in Section 4970.05(m).

### PROJECT AGREEMENT (Rev. 1/19)

The Project Agreement has been amended to update terms that are no longer valid due to the state—mandated FI\$Cal system enhancement.

PROJECT AGREEMENT GENERAL PROVISIONS (UNITED STATES FEDERAL AGENCIES) (Rev. 1/19)

PROJECT AGREEMENT GENERAL PROVISIONS (FEDERAL AGENCIES OTHER THAN FOREST SERVICE) (Rev. 1/16)

# PROJECT AGREEMENT GENERAL PROVISIONS (U.S. FOREST SERVICE ONLY) (Rev. 1/16)

Changes to the General Provisions are made to reduce the number of Project Agreement General Provisions from three to two separate documents, which will reduce confusion for Applicants and curtail unnecessary repetitive language.

# PROJECT AGREEMENT GENERAL PROVISIONS (NONFEDERAL APPLICANTS ONLY) (Rev. 1/19)

Change to the Nonfederal Applicants Only General Provision is made to clarify and to provide consistency with the United States Federal Agencies General Provisions.

### ADVANCE JUSTIFICATION REQUEST (Rev. 1/19)

The Advance Justification Request is adopted to standardize the advance justification process and to increase the efficiency of the administrative process.

# EXPENDITURE WORKBOOK — ADVANCE (Rev. 1/19)

The Expenditure Workbook — Advance is adopted to standardize the advance payment request process and to increase the efficiency of the Grant administrative process.

# EXPENDITURE WORKBOOK — REIMBURSEMENT (Rev. 1/19)

The "Expenditure Workbook — Reimbursement" is adopted to standardize the reimbursement payment request process, to increase the efficiency of the Grant administration process, and to reduce the amount of time it takes for Grantees to receive their funds.

### PAYMENT REQUEST DPR 364 (Rev. 1/19)

The Payment Request DPR 364 has been amended to update terms that are no longer valid due to the state—mandated FI\$Cal system enhancement.

PROJECT ACCOMPLISHMENT REPORT (PAR) — GROUND OPERATIONS (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) DEVELOPMENT (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) — PLANNING (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) — ACQUISITION (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) — RESTORATION (Rev. 1/19)

PROJECT ACCOMPLISHMENT REPORT (PAR) — LAW ENFORCEMENT (Rev. 1/19)

# PROJECT ACCOMPLISHMENT REPORT (PAR) — EDUCATION AND SAFETY (Rev. 1/19)

A Project Accomplishment Report (PAR) has been adopted for each Project type to clarify what is required in a statement of activities/accomplishments and to increase the OHMVR Division's efficiency.

### GENERAL CRITERIA

Evaluation Criteria — General Criteria (Rev. 1/19) is amended to provide additional instruction to Applicants, revise scoring criteria, and request more specific explanations or data where applicable.

EVALUATION CRITERIA — Acquisition Project Criteria (Rev. 1/19)

EVALUATION CRITERIA — Development Project Criteria (Rev. 1/19)

EVALUATION CRITERIA — Education and Safety Criteria (Rev. 1/19)

EVALUATION CRITERIA — Ground Operations Project Criteria (Rev. 1/19)

EVALUATION CRITERIA — Planning Project Criteria (Rev. 1/19)

EVALUATION CRITERIA — Restoration Project Criteria (Rev. 1/19)

Each of the Evaluation Criteria in six categories are amended to revise specific Project evaluation criteria in order to obtain more effective and relevant information when scoring the Projects.

### EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that support the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles, and programs involving off-highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

# COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

### LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulation amendments do not impose a mandate on local agencies or school districts. Participation in the OHMVR Grants and Cooperative Agreements Program is voluntary.

### DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

The Department has made the following initial determinations:

Fiscal Impact on Local Agencies or School Districts: None.

Fiscal Impact on State Government: None.

Fiscal Impact on Federal Funding to the State: None. Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.

Other Nondiscretionary Cost or Savings Imposed Upon Local Agencies: None.

Cost Impacts on Representative Private Persons or Businesses: The proposed regulation changes will have no negative impact to the representative private persons or businesses. On the contrary, the awarding of Grant funds to the various entities state—wide will provide an economic boost as Grantees will need to purchase goods and services from private businesses in order to successfully complete their Projects.

Assessment of Effect on Jobs and Businesses: Adoption of these regulations will likely effect an increase in creation of jobs throughout the State as the various entities receiving Grant funds will need to hire individuals to complete their Projects. Additionally, the entities receiving Grant funds will need to purchase the goods and services necessary to complete their Projects. It can be argued that at the very least, the infusion of Grant funds into local economies will provide an economic boost and provide a stable revenue source for local businesses.

Impact on Housing: None.

Determination Regarding Effect on Small Businesses: The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Grants Program. Many of the Grant funds go to entities that utilize small businesses when they purchase goods and services. The proposed changes will provide a more streamlined and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department finds that jobs, at worst would not be affected, but, most likely see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and/or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that helps Land Managers and partners provide recreational opportunities in the State. This regulatory action also benefits the state's environment by improving the funding method that supports resource protection and Restoration activities related to OHV recreation.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it 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 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**

Inquiries concerning the proposed action may be directed to Sixto Fernandez, Grants Manager, at (916) 324–1572 or email at <a href="mailto:sixto.fernandez@parks.ca.gov">sixto.fernandez@parks.ca.gov</a>.

The back-up contact person regarding the proposed action is Jessica Terry, Grants Administrator, at (916) 319–8540 or e-mail at jessica.terry@parks.ca.gov.

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting Sixto Fernandez at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23rd Street, Suite 200, Sacramento, California, 95816–7100, and may be obtained upon request. Addi-

tionally, the Initial Statement of Reasons and the text of the proposed regulations and documents incorporated by reference may be obtained from the Department's website located at www.ohv.parks.ca.gov at the Grants link.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

### AVAILABILITY OF THE FINAL STATEMENT **OF REASONS**

Upon completion, a copy of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez at the aforementioned address.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations will be available through the Division Website at www.ohv.parks.ca.gov, under the Grants link.

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt new Article 17.5, and new Sections 3741, 3742, 3743, 3744, 3745, 3746, 3747, and 3748 into the California Code of Regulations, Title 15, concerning transfer of parole.

### **PUBLIC HEARING**

Date and

Time: June 11, 2018 — 10:00 a.m. to

11:00 a.m.

California Department of Place:

Corrections and Rehabilitation

Conference Room 100N 1515 S Street, North Building Sacramento, CA 95811

Purpose: To receive comments about this

action.

#### PUBLIC COMMENT PERIOD

The public comment period is April 20, 2018, through June 11, 2018, at 5:00 p.m. The Department will consider comments submitted in writing (by mail or by e-mail) to the contact person listed below postmarked no later than June 11, 2018.

#### CONTACT PERSON

Please direct any inquiries regarding this action to:

J. Struckmann

Regulation and Policy Management Branch Department of Corrections and Rehabilitation P.O. Box 942883, Sacramento, CA 94283-0001 RPMB@cdcr.ca.gov

Telephone 1 (916) 445-2276

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

Y. Sun, Chief, Regulatory Services Regulation and Policy Management Branch Telephone 1 (916) 445-2269

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

C. Bell

Division of Adult Parole Operations Telephone 1 (916) 445–1040

### AUTHORITY AND REFERENCE

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the

CDCR. As of that date, the office of the Director of Corrections is abolished.

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

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

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Penal Code (PC) Section 3003, CDCR is given the authority to return an offender released to parole supervision to his or her County of Last Legal Residence (CLLR). The proposed regulations clarify how CDCR determines the CLLR and provides the criteria established in statute for placing an offender in another county outside the CLLR to serve parole. Additionally, the regulations provide the circumstances under which an offender who is placed on parole in a county other than the CLLR shall be returned to the CLLR. This proposed action also incorporates by reference two forms: CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification, and CDCR Form 863 (Rev. 08/11) Notice of Release.

#### This action will:

- Define procedures for determining an offender's CLLR.
- Establishes criteria for placing an offender in a county other than his or her CLLR.
- Provide the conditions which will return an offender from another county to the CLLR.
- Incorporate by reference CDCR Form 1658 (Rev. 06/11), Parolee Residence/Employment Verification, and CDCR Form 863 (Rev. 08/11) Notice of Release.

### FORMS INCORPORATED BY REFERENCE

CDCR Form 1658 (Rev. 06/11), Parolee Residence/ Employment Verification.

CDCR Form 863 (Rev. 08/11) Notice of Release.

## SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulatory action may reduce recidivism and allow offenders on parole a better chance of successfully completing parole by placing offenders on parole in counties where family ties, rehabilitative programs, and/or employment exist. These factors may help offenders better reintegrate into the community and protect public safety.

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

In developing the proposed regulations, the Department researched existing statutes and concluded that the proposed regulations are not inconsistent or incompatible with existing State laws or regulations.

### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, nor a mandate that requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

### FISCAL IMPACT STATEMENT

 Cost to any local agency or school district that is required to be reimbursed pursuant to Government Code Section 17500 et seq.:

None.

- Cost or savings to any State agency: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

### EFFECT ON HOUSING COSTS

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

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

As stated above under "Specific Benefits Anticipated By The Proposed Regulations," the Department anticipates the proposed regulatory action may reduce recidivism and allow offenders on parole a better chance of successfully completing parole by placing offenders on parole in counties where family ties, rehabilitative programs, and/or employment exist. These factors may help offenders better reintegrate into the community and protect public safety.

## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because it places no obligations or requirements on any business. The proposed regulations make technical changes to parole procedures only.

#### CONSIDERATION OF ALTERNATIVES

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

### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

## AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

### 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# 2018-0330-01

CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

Regulations Revision for Qualified Public Educational Facility Bonds

This is a readoption of emergency regulations and amendments that enable the provision of tax–exempt, private activity bond allocations to state and local agencies for the purpose of providing public elementary and secondary schools with financing for the construction or improvement of school facilities.

Title 4

ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730,

5731 AMEND: 5000, 5020, 5100

Filed 04/09/2018 Effective 04/09/2018

Agency Contact: Ruben Barcelo (916) 653–8018

File# 2018-0329-02

CALIFORNIA SCHOOL FINANCE AUTHORITY State Charter Schools Facilities Incentive Program

This action by the California School Financing Authority makes changes without regulatory effect by making the maximum per—pupil grant award consistent with federal requirements for the Charter School Facility Incentives Grant Program.

Title 4

AMEND: 10179 Filed 04/10/2018

Agency Contact: Katrina Johantgen (213) 620-2305

File# 2018-0228-03

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Mandatory Random Drug Testing

This rulemaking action by the Department of Corrections and Rehabilitation amends two sections related to random drug testing and serious rule violations to revise timelines for retesting inmates who have previously tested positive for drug use, update guidelines for assignment to substance use disorder treatment programs, and make additional non–substantive changes to update cross–references and make stylistic changes to text.

Title 15

AMEND: 3016, 3315

Filed 04/09/2018

Effective 07/01/2018

Agency Contact: Josh Jugum

(916) 445-2228

File# 2018-0228-02

DEPARTMENT OF FOOD AND AGRICULTURE

Melon Fruit Fly Eradication Area

This timely certificate of compliance action by the Department of Food and Agriculture makes permanent the prior emergency action (OAL File No. 2017–1010–01E) that amended section 3591.15 of title 3 of the California Code of Regulations to add Santa Clara County as an eradication area for melon fruit fly, *Bactrocera cucurbitae*.

Title 3

AMEND: 3591.15 Filed 04/04/2018

Effective 04/04/2018

Agency Contact: Rachel Avila (916) 403–6813

File# 2018-0406-03

DEPARTMENT OF JUSTICE

Bureau of Cannabis Control Bond Form

This action, submitted by the Department of Justice pursuant to Government Code section 11343.8, is a request to file with the Secretary of State the bond form of the Bureau of Cannabis Control titled, "Commercial Cannabis Licensee Bond," and to print the title of the adopted bond form at new article 56, section 118.1.

Title 11

ADOPT: 118.1 Filed 04/11/2018 Effective 04/11/2018

Agency Contact: Cara M. Porter (415) 510–3508

File# 2018-0228-01

DEPARTMENT OF SOCIAL SERVICES

Child Care Nutrition Training, Section 100

This change without regulatory effect filing by the Department of Social Services amends three sections in title 22 of the California Code of Regulations and in the Manual of Policies and Procedures to update the number of health and safety training hours required for directors and teachers in day care centers.

Title 22, MPP

AMEND: 101215.1, 101216.1, 101416.2

Filed 04/11/2018

Agency Contact: Oliver Chu (916) 657–3588

File# 2018-0323-01

DEPARTMENT OF SOCIAL SERVICES

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 only.

Title 22
AMEND: 20000
Filed 04/10/2018
Effective 05/10/2018
Agency Contact:
Matthew "MJ" Johnson (916) 657–1678

File# 2018–0223–02 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT Proposition 65 Glyphosate NSRL

This action by the Office of Environmental Health Hazard Assessment adds an exposure level of 1,100 micrograms per day of the chemical Glyphosate to the list of chemicals deemed to pose no significant risk.

Title 27
AMEND: 25705
Filed 04/06/2018
Effective 07/01/2018
Agency Contact:

Esther Barajas–Ochoa (916) 322–2068

File# 2018–0315–02 STATE COUNCIL ON DEVELOPMENTAL DISABILITIES Conflict–of–Interest Code

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

Title 2 AMEND: 41000 Filed 04/04/2018 Effective 05/04/2018 Agency Contact: Natalie Bocanegra

(916) 322–5602

### CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN November 8, 2017 TO April 11, 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 04/04/18 AMEND: 41000 ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 04/02/18 243.5, 243.6, 548.120, 548.120.1. AMEND: 249, 266, 266.1, 266.2, 266.3, 548.121, 548.122, 548.123, 548.124 04/02/18 AMEND: 38000, 38000.5, 38000.10 03/20/18 AMEND: 18746.1, 18746.4 03/20/18 AMEND: 18746.3 03/20/18 REPEAL: 18901 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 ADOPT: 20020, 20021, 20022, 20023, 03/08/18 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. 18450.5. 18423, 18435, 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 ADOPT: 20202, 20203, 20204, 20205, 01/11/18 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223

(Renumbered

20226),

20224

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           (Renumbered
                            20230),
                                         20226
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                                                              AMEND: 3435
           (Renumbered
                            20229),
                                         20230
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                                                              AMEND: 3439(b)
           (Renumbered
                            20231),
                                         20235
                                                     12/20/17
                                                              AMEND: 6000, 6619, 6724, 6764, 6768,
           (Renumbered
                            20233),
                                         20236
                                                               6769, 6776
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           (Renumbered
                            20236).
                                                              AMEND: 3435(b)
           (Renumbered
                            20237),
                                         20250
                                                     12/13/17
                                                              AMEND: 3435(d)
           (Renumbered
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                                         20255
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                                                              ADOPT: 1391.7 AMEND: 1391, 1391.1,
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                            20240),
                                         20260
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           ADOPT: 20140, 20141, 20142, 20143,
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                                                              AMEND: 3591.5
           20144
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                                                              AMEND: 3406(c), 3591.5(b)
           AMEND: 1859.76
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                                                              AMEND: 3435(b)
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           AMEND: 10, 51.2, 52.1, 52.10, 52.11,
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                                                              AMEND: 3435(b)
           53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1,
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                                                              REPEAL: 1408.22
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           AMEND: 18531.5
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                                                              AMEND: 3435(b)
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          AMEND: 559.502
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                                                              ADOPT: 6690, 6691, 6692
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           AMEND: 59640
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           AMEND: 18535
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                                                              ADOPT: 5700, 5710, 5711, 5720, 5721,
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          ADOPT: 2852.5 AMEND: 2850, 2851,
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           2852, 2853, 2854, 2855, 2856
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                                                               5342, 5350, 5400, 5700
 01/16/18 AMEND: 3424(c), 3591.12
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                                                              AMEND: 10091.1, 10091.2, 10091.3,
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12/13/17	AMEND: 10032, 10036	02/07/18	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4,
12/13/17	AMEND: 12200.3, 12200.5, 12200.14,	01/04/10	9788.5, 9788.6
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11/30/17	AMEND: 12218.11, 12236		9792.24.3, 9792.24.4
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02/20/18	ADOPT: 11534.1 AMEND: 11530,		9792.27.15, 9792.27.16, 9792.27.17,
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12/05/17	AMEND: 400	02/20/10	228.02, 228.04, 228.06, 228.08, 228.10,		
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03/27/18	AMEND: 30.60 REPEAL: 30.105		227.14, 227.16, 227.18, 227.20, 227.22,		
03/26/18	AMEND: 2318.6, 2353.1, 2354		227.24, 227.26, 227.28, 227.30, 227.32,		
03/26/18	AMEND: 2318.6, 2353.1		227.34, 227.36, 227.38, 227.40, 227.42,		
03/22/18	AMEND: 3525, 3527, 3561, 3569, 3570,		227.44, 227.46, 227.48, 227.50, 227.52,		
	3575, 3602, 3603, 3681		227.54		
03/20/18	AMEND: 3541	02/15/18	AMEND: 170.00 renumbered as 206.00,		
03/07/18	AMEND: 6656, 6657, 6660, 6664		170.02 renumbered as 206.02, 170.04		
02/23/18	AMEND: 2644.18, 2644.20		renumbered as 206.04, 170.06		
01/29/18	AMEND: 6704, 6708, 6710		renumbered as 206.06, 170.08		
01/23/18	AMEND: 2498.4.9		renumbered as 206.08, 170.10		
01/22/18	AMEND: 2498.6		renumbered as 206.10, 170.12		
01/17/18	AMEND: 2498.6		renumbered as 206.12, 171.00 renumbered as 206.20, 171.02		
01/17/18	AMEND: 2498.5		,		
11/27/17	ADOPT: 2303.23, 2303.24, 2303.25, 2303.26 2303.27 2303.28 AMEND		renumbered as 206.22, 172.00 renumbered as 206.30, 172.05		
	2303.26, 2303.27, 2303.28 AMEND: 2303, 2303.1, 2303.2, 2303.4, 2303.5,				
	2303.8, 2303.9, 2303.11, 2303.12,		renumbered as 206.35, 172.10 renumbered as 206.40, 173.00		
	2303.13, 2303.14, 2303.15, 2303.17,		renumbered as 206.50, 173.00		
	2303.19, 2303.21, existing 2303.22		renumbered as 206.52, 173.04		
	renumbered as 2303.29, existing 2303.23		renumbered as 206.54, 173.06		
	renumbered as 2303.30, and existing		renumbered as 206.56, 173.08		
	2303.24 renumbered as 2303.22		renumbered as 206.58, 174.00		
Title 11			renumbered as 206.60, 180.00		
04/11/18	ADOPT: 118.1		renumbered as 206.62, 180.02		
04/03/18	AMEND: 51.26		renumbered as 206.64, and 181.00		
04/03/18	ADOPT: 51.30		renumbered as 206.66		
03/29/18	AMEND: 2021		AMEND: 553.70		
03/13/18	AMEND: 1045		8 AMEND: 1212.5, 1218, 1239, 1264		
03/07/18	AMEND: 115.1		AMEND: 1152.3		
03/07/18	AMEND: 115.2	12/28/17	ADOPT: 1294		
03/07/18	AMEND: 115.3	12/22/17	ADOPT: 17.00, 17.02, 17.04, 17.06		
03/07/18	AMEND: 115.4	10/07/17	AMEND: 15.00, 15.01		
03/07/18	AMEND: 115.5	12/07/17			
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02/22/18 02/22/18	AMEND: 1009 AMEND: 1001, 1005, 1008	11/15/17	AMEND: 180.00		
02/22/18	ADOPT: 80.4	11/13/17	ADOPT: 2774 AMEND: 2750, 2751,		
01/30/18	AMEND: 20	11/13/17	2752, 2753, 2754.1, 2755, 2756, 2757,		
01/30/18	ADOPT: 26.20		2758, 2759, 2760, 2761, 2762, 2763,		
01/25/18	AMEND: 2084, 2086, 2088, 2089, 2090,		2764, 2765, 2766, 2767, 2767.1, 2768,		
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01/02/18	ADOPT: 4260, 4261, 4262, 4263, 4264	11/13/17	AMEND: 225.00, 225.03, 225.09,		
11/29/17	AMEND: 2030, 2038, 2060		225.12, 225.15, 225.30, 225.35, 225.39,		
11/27/17	AMEND: 301, 303, 308, 411, 415, 420		225.42		
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03/12/18	AMEND: Appendix (Article 2.0)	04/02/18	AMEND: 265		
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         AMEND: 29.15
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                                                                AMEND: 18660.40
          AMEND: 1038, 1299.03, 1666.0
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                                                                 ADOPT: 17403.3.2, 17403.3.3 AMEND:
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          AMEND: 120.7, 705
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          ADOPT: 197
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          1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00,
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                                                                 AMEND: 1038
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                                                                 AMEND: 1035.1, 1035.2, 1035.3
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          AMEND: 13800
                                                                AMEND: Title 14, Sections: 18474,
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          AMEND: 3697, 3698, 3699
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          AMEND: 1038
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