



California Regulatory Notice Register

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JUNE 22, 2018

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Amendment

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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

ADOPTION

MULTI-COUNTY: 375 Beale Condominium Corporation

AMENDMENT

STATE AGENCY: California Conservation Corps

MULTI-COUNTY: Kirkwood Meadows Public Utility District
Pooled Liability Assurance Network JPA (PLAN JPA)
Antelope Valley Union High School District

A written comment period has been established commencing on June 22, 2018, and closing on August 6, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 6, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

**THE STATE ALLOCATION BOARD
PROPOSES TO
AMEND REGULATION SECTIONS 1859.2,
1859.51, 1859.70, 1859.82 AND 1859.93.1, ALONG
WITH AN ASSOCIATED FORM, TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
RELATING TO LEROY F. GREENE SCHOOL
FACILITIES ACT OF 1998**

**REGULATION SECTIONS AND FORM
PROPOSED FOR AMENDMENTS**

- 1859.2, 1859.51, 1859.70, 1859.82 and 1859.93.1
- *Application For Funding*, Form SAB 50-04, (Revised 06/17 01/18), referenced in Regulation Section 1859.2

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

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.10, 17075.15 and 17078.64 of the Education Code. The proposals interpret and make specific reference Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.35, 17070.51(a), 17070.63, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.20, 17072.25, 17072.33, 17073.25, 17074.10, 17074.30, 17074.56, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72, 17078.72(k), 17079, 17079.10, 17079.20, 17250.30, 17280, 42268, 42270, 56026, 101012(a)(4), 101012(a)(1) and 101012(a)(8) Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

**INFORMATIVE DIGEST/POLICY OVERVIEW
STATEMENT**

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

At its January 24, 2018 meeting, the SAB adopted proposed regulations relating to 1) the continued acceptance, review and funding of Seismic Mitigation Program (SMP) projects since these projects are considered health and safety projects; and 2) the processing of new construction funding applications, which would require school districts to submit new construction eligibility updates in order to support the projects on OPSC’s workload list. Additionally, small school districts could submit new construction eligibility updates earlier in the review process in order to secure eligibility for up to three subsequent enrollment reporting years as provided by statute and regulation. The proposed regulations will help OPSC efficiently manage its workload for current and future SMP requests, as well as projects currently on OPSC’s workload list and future new construction project submittals.

Bond Funds Impacted

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)

- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D) and
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action and the amendments to the Form SAB 50–04. The proposed regulations and Form can be reviewed on OPSC’s website at www.dgs.ca.gov/opsc. Copies of the proposed regulations and form will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The proposed regulations address the processing of SMP projects by allowing OPSC to continue to receive, accept and review the applications for funding consideration by the SAB at the next available meetings. OPSC, on behalf of the SAB, administers the SFP, a portion of which consists the Facility Hardship Program. Facility hardship projects include the repair, replacement, and construction of “new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils” (SFP Regulation Section 1859.82). The circumstances in which a school district can apply for facility hardship assistance was expanded to include “the need to repair, reconstruct, or replace the most vulnerable school facilities . . . determined by the department [of General Services] to pose an unacceptable risk of injury to its occupants in the event of a seismic event” [Education Code Section 17075.10(a)]. The specific purpose of funding SMP projects was provided through Proposition 1D, which limited funding up to \$199.5 million. At this time, the funding for SMP projects has almost been exhausted [approximately \$5.1 million remains]. The estimated value of SMP funding applications received by OPSC that have not been processed or presented for SAB approval exceeds the remaining funding made available by Proposition 1D. Funding for SMP projects will be provided from the New Construction category through Proposition 51 as Proposition 51 does not make a distinction between the

funding for SMP projects and the funding for other Facility Hardship projects.

The proposed regulations also address the processing of new construction funding applications. OPSC has projects dating back to 2013 on its workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available and per SAB direction, OPSC has begun processing the applications. New applications continue to be submitted; however, there will be a significant length of time before they are processed as OPSC works on the applications previously received first. The proposed regulations will streamline the process by allowing OPSC to notify school districts 90 days in advance that it will be reviewing the school districts’ projects and the school districts will need to prepare and/or gather data to update eligibility information when OPSC processes their new construction funding applications. Small school districts will also be allowed to submit new construction eligibility updates earlier than when it is requested by OPSC so they can secure their eligibility for up to three subsequent enrollment reporting years as intended by statute.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulations will benefit the State’s general welfare by allowing the continued funding of SMP projects, which are considered health and safety projects, and requiring school districts to submit updated new construction eligibility information in order to support their new construction project(s) while maintaining the date–order integrity of submitted applications.

Anticipated Benefits of the Proposed Regulations

The proposed regulations for processing SMP projects promote the State’s general welfare, including protection of public health and safety, by assisting in increasing the State’s infrastructure investment of school facilities. By allowing the continued funding of SMP projects, which are considered health and safety projects, the school buildings will be built stronger and safer to house students.

The proposed regulations for processing new construction funding applications promote fairness and the State’s general welfare by requiring school districts to submit new construction eligibility updates for the enrollment year in which the application is processed. This will help maintain equity in the SFP and ensure that the SAB’s fiduciary responsibility of Proposition 51 bond funds is upheld.

The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the im-

plementation of these proposed regulations will have 1) a positive impact on public health and safety at public K–12 schools by providing school districts with the opportunity to continue to submit SMP applications in order to address health and safety issues; and 2) streamline the processing of new construction funding applications by allowing OPSC to notify school districts 90 days in advance that it will be reviewing the school districts' projects and the school districts will need to prepare and/or gather data to update eligibility information when OPSC processes their new construction funding applications. Further, small school districts will be allowed to submit new construction eligibility updates earlier than when it is requested by OPSC so they can secure their eligibility for up to three subsequent enrollment reporting years as intended by statute. These proposed regulatory amendments will result in a positive impact to the State's economy and have the potential of creating jobs.

Summary of the Proposed Regulatory Amendments

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed regulations 1) correct a reference in the definition of "Seismic Rehabilitation Grant"; 2) expand the definition of "SFP New Construction Account" to include Propositions 1A (1998), 1D (2006) and 51 (2016). The revision date of the Form SAB 50–04 will be changed to make amendments relating to the processing of applications on OPSC's workload list.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school district's baseline eligibility for new construction. The proposed amendments require school districts to update their new construction eligibility when OPSC begins processing the school districts' new construction funding application for funding requests that are received on or after June 6, 2017. The specific date of June 6, 2017 is added as it is the day following the SAB action that made the change requiring new construction eligibility updates (prior application submittals were addressed through SAB policy, which also was part of the June 5, 2017 action). The proposed amendments set forth and clarify the timeframes for using current or past year enrollment for purposes of updating new construction eligibility in order to comply with Education Code Section 17071.75(a)(3)(A), which states enrollment projections are made based on the fiscal year. Districts that provide enrollment information on the Form SAB 50–01 prior to November 1 must use the current enrollment year, while districts providing this information on or before October 31 may use the past year information. October is the timeframe when current year enrollment

is reported by school districts to the California Department of Education. It is necessary to include the specific dates in this regulation so that districts will know which enrollment year to use when completing the Form SAB 50–01. In addition, having a specified deadline to use past year information ensures that the most current enrollment information is used when projecting future need. The proposed changes also specify the potential impact if a school district does not provide the necessary information at the time of application processing. Failure to submit the requested documents within the 90-day timeframe may result in the return of the school districts' *Application For Funding* (Form SAB 50–04). In order to clarify the regulation section that identifies which types of enrollment reporting require an update based on the current enrollment year, the reference to those projections utilizing a fifth and tenth year projection is incorporated into the beginning of subsection (e) and subsections (1) and (2) are deleted.

The proposed regulatory amendments also allow small school districts to submit new construction eligibility updates earlier than when it is requested by OPSC in order to secure their eligibility for up to three subsequent enrollment reporting years ("locked"), as provided in Education Code Section 17071.75(g). In keeping with the SAB's desire to comply with the Education Code requiring use of new construction funds for eligible projects, it was necessary to specify that the eligibility that is "locked" for three years for small school districts must still be current. The proposed amendments include the first enrollment year (2016/17) that small school districts can use to establish eligibility (and have it considered "locked") for any applications that were submitted beginning November 1, 2012 and on an ongoing basis. The proposed amendments further specify that if a small school district did not provide an eligibility update based on the 2016/17 enrollment year it may do so in future years and set a deadline that if the eligibility was not previously "locked" prior to the year in which the funding application is processed by OPSC and the district is notified of the application processing, current year enrollment reporting will be necessary. It is necessary to include these dates in the proposed amendments to ensure that small school districts know which enrollment years can be used to make use of the allowances under Education Code Section 17071.75(g).

Existing Regulation Section 1859.70 sets forth general guidelines for school districts to apply for SFP new construction or modernization funding. This section also sets forth guidelines to school districts regarding district reorganizations and the process for submitting new construction applications after the reorganization election. The proposed amendments require school districts to submit new construction eligibility updates when

OPSC begins processing the school districts' new construction funding application. Failure to submit the requested documents within the 90-day timeframe may result in the return of the school district's Form SAB 50-04. It was necessary to include the proposed amendments to ensure equity in the program, specifically, that the same requirements to provide new construction eligibility updates for funding applications submitted on or after June 6, 2017 applied to districts that are affected by a reorganization election. The SAB action of June 5, 2017 requiring new construction eligibility updates applied to all funding applications. Failure to amend the regulations in this section could result in districts affected by a reorganization election not having to provide the enrollment information based on the year in which OPSC processes the application.

Existing Regulation Section 1859.82 establishes the criteria a school district must meet to be eligible for facility hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. The proposed amendments 1) replace the \$199.5 million authority limit with language that SMP projects be funded only from new construction bond authority; 2) remove SMP project funding provisions that detail funding an SMP project when insufficient funding is available; and 3) remove the provision that SMP funding applications not apportioned or approved for placement on the Unfunded List (Lack of AB 55 Loans) be returned to the applicant. It was necessary to delete the language in subsections (D) and (E) since SMP projects are no longer distinguished as SMP projects on their own. Although these projects still require concurrences by structural engineers, they are projects under the realm of the Facility Hardship Program and the criteria in subsections (D) and (E) are no longer applicable.

Existing Regulation Section 1859.93.1 specifies that applications for new construction projects shall be funded in the order of receipt of an Approved Application for funding. The proposed amendment removes the SMP project funding order provisions as the funding set aside for SMP projects under Proposition 1D has been exhausted. It was necessary to delete the language in subsection (a) as SMP projects are part of and funded as Facility Hardship Program projects.

Existing Form SAB 50-04, *Application for Funding*, (incorporated by reference) is submitted by school districts to apply for state funding for new construction and modernization projects. The proposed amendments clarify that modernization projects may still file the form concurrently with a determination of eligibility. Consistent with the proposed regulations, the form is being amended to require school districts to provide a

determination of eligibility upon request of OPSC. The conforming amendments also clarify that failure to submit the requested forms may result in OPSC returning the funding application.

Statutory Authority and Implementation

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

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

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulations address the processing of SMP projects by allowing OPSC to continue to receive, accept and review the applications for funding consideration by the SAB at the next available meetings. OPSC, on behalf of the SAB, administers the SFP of which consists the Facility Hardship Program. Facility hardship projects include the repair, replacement, and construction of "new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils" (SFP Regulation Section 1859.82). The circumstances in which a school district can apply for facility hardship assistance were expanded to include "the need to repair, reconstruct, or replace the most vulnerable school facilities . . . determined by the department [of General Services] to pose an unacceptable risk of injury to its occupants in the event of a seismic event" [Education Code Section 17075.10(a)]. The specific purpose of funding SMP projects was provided through Proposition 1D, which limited funding up to \$199.5 million. At this time, the funding for SMP projects has almost been exhausted [approximately \$5.1 million remains]. The estimated value of SMP funding applications received by OPSC that have not been processed or presented for SAB approval exceeds the remaining funding made available by Proposition 1D. Funding for

SMP projects will be provided from the New Construction category through Proposition 51 as Proposition 51 does not make a distinction between the funding for SMP projects and the funding for other Facility Hardship projects.

The proposed regulations also address the processing of new construction funding applications. OPSC has projects dating back to 2013 on its workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available and per SAB direction, OPSC has begun processing the applications. New applications continue to be submitted; however, there will be a significant length of time before they are processed as OPSC works on the applications previously received first. The proposed regulations will streamline the process by allowing OPSC to notify school districts 90 days in advance that it will be reviewing the school districts' projects and the school districts will need to prepare and/or gather data to update eligibility information when OPSC processes their new construction funding applications. Small school districts will also be allowed to submit new construction eligibility updates earlier than when it is requested by OPSC so they can secure their eligibility for up to three subsequent enrollment reporting years as intended by statute.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

Form Incorporated by Reference

Application For Funding, Form SAB 50-04, (Revised 06/17 01/18), referenced in Regulation Section 1859.2, is incorporated by reference.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

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

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The proposed regulations address the processing of SMP projects by allowing OPSC to continue to receive, accept and review the applications for funding consideration by the SAB at the next available meetings. The proposed regulations also address the processing of new construction funding applications. OPSC has projects dating back to 2013 on its workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available and per SAB direction, OPSC has begun processing the applications. New applications continue to be submitted; however, there will be a significant length of time before they are processed as OPSC works on the applications previously received first.

Proceeding with the implementation of the proposed regulations will allow the continued funding of SMP projects, which are considered health and safety projects, and require school districts to submit updated new construction eligibility information in order to support their new construction project(s) while maintaining the date–order integrity of submitted applications. These proposed regulations will have 1) a positive impact on public health and safety at public K–12 schools by providing school districts with the opportunity to continue to submit SMP applications in order to address health and safety issues; and 2) streamline the processing of new construction funding applications by allowing OPSC to notify school districts 90 days in advance that it will be reviewing the school districts’ projects and the school districts will need to prepare and/or gather data to update eligibility information when OPSC processes their new construction funding applications. Further, small school districts will be allowed to submit new construction eligibility updates earlier than when it is requested by OPSC so they can secure their eligibility for up to three subsequent enrollment reporting years as intended by statute. When projects receive apportionments (actual cash) from the SAB and once bond funds have been released, it is anticipated that there will be a positive impact to the State’s economy and the potential for job creation because school districts are able to use these funds for construction projects. Therefore, the proposed regulations will most likely have a positive effect on the State’s economy, creation of jobs, creation of new businesses, and expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

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

- The proposed regulations for processing SMP projects promote the State’s general welfare, including protection of public health and safety, by assisting in increasing the State’s infrastructure investment of school facilities. By allowing the continued funding of SMP projects, which are considered health and safety projects, the school buildings will be built stronger and safer to house students.
- The proposed regulations for processing new construction funding applications promote fairness and the State’s general welfare by requiring school districts to submit new construction eligibility updates for the enrollment year in which the application is processed. This will help maintain equity in the SFP and ensure

that the SAB’s fiduciary responsibility of Proposition 51 bond funds is upheld.

- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although these proposed regulations do not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code–compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State’s environment from the proposed regulations.

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

EFFECT ON SMALL BUSINESSES

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

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e–mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e–mail or fax must be received at OPSC no later than August 6, 2018 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

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

Lisa Jones, Regulations
Coordinator

Mailing

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

E-mail

Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 375-6721

RULEMAKING FILE

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

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

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet website at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

ADOPTION OF REGULATIONS

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

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

SUBSTANTIAL CHANGES WILL REQUIRE
A NEW NOTICE

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

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

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

**TITLE 18. CALIFORNIA DEPARTMENT
OF TAX AND FEE ADMINISTRATION**

NOTICE OF INTENTION TO ADOPT A
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA DEPARTMENT OF TAX
AND FEE ADMINISTRATION

NOTICE IS HEREBY GIVEN that the California Department of Tax and Fee Administration, pursuant to the authority vested in it by section 87300 of the Gov-

ernment Code, proposes its conflict-of-interest code. A comment period has been established commencing on June 22, 2018, and closing on August 6, 2018.

The California Department of Tax and Fee Administration proposes to adopt its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure category can be requested.

The California Department of Tax and Fee Administration administers numerous tax and fee programs, including the state's sales and use, fuel, tobacco, and cannabis taxes. The programs generated \$64.3 billion in revenue to support state and local government services in fiscal year 2015–2016. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than August 6, 2018, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 23, 2018, by contacting the Contact Person set forth below.

The California Department of Tax and Fee Administration has determined that the proposed code:

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

All inquiries should be directed to:

Ms. Kimberly D. Willy, Tax Counsel III
(Supervisor)
California Department of Tax and Fee
Administration
450 N Street, MIC: 82
P.O. Box 942879
Sacramento, CA 94279
(916) 323–3078
kimberly.willy@cdtfa.ca.gov

TITLE 19. CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

Division 4. California Underground Facilities Safe Excavation Board Chapter 1. Section 4001

The California Underground Facilities Safe Excavation Board (“Board”) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a public hearing to accept comments if a written request is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the 45–day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person indicated below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Comments will be accepted for 45 days beginning June 22, 2018 and ending August 6, 2018. The written comment period **closes at 5:00 p.m. (Pacific Time (“PT”)) on August 6, 2018**. All written comments received by that time will be considered and responded to as part of the compilation of the rulemaking file. Submit comments to contact via:

- Email: diane.arend@fire.ca.gov; (include in the subject line of the email “**Dig Safe Board, T9, Division 4 Comments**”), or

- Mail to:

**CAL FIRE/OFFICE OF THE STATE FIRE
MARSHAL
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Diane Arend, Code Development &
Analysis**

Hand delivery to:

**CAL FIRE/OFFICE OF THE STATE FIRE
MARSHAL
2251 Harvard Street, Suite 400
Sacramento, CA 95815
Attn: Diane Arend, Code Development &
Analysis
8:00 a.m. to 5:00 p.m.**

AUTHORITY AND REFERENCE

Government Code section 4216.22 authorizes the Board to adopt the proposed regulation. The proposed regulation implements, interprets, clarifies, and makes specific sections 4216.1 and 4216.16 of the Government Code.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

This rulemaking action implements, interprets, clarifies, and makes specific the fees each member of a regional notification center shall pay to the Board.

Summary of Existing Laws:

Government Code section 4216.1 requires every operator of a subsurface installation, except the Department of Transportation, to become a member of, participate in, and share in the costs of, a regional notification center. Government Code section 4216.16 authorizes the Board to obtain funding for its operational expenses from a fee charged to the members of the regional notification centers not to exceed the reasonable regulatory cost incident to enforcement of Government Code section 4216 et seq., and apportion the fee in a manner consistent with formulas used by the regional notification centers. Government Code section 4216.22 provides that the Board may prescribe the rules and regulations as may be necessary or proper to carry out the purposes and intent of the Dig Safe Act of 2016 (SB 661, Chapter 809, Statutes of 2016) (the "Act") and to exercise the powers and duties conferred upon the Board by the Act.

Summary of Regulations:

The Board is proposing to add California Code of Regulations, Title 19, Division 4, Chapter 1, prescribing the rules and regulations pursuant to Government Code Section 4216.22. The regulation proposed in this rulemaking action would establish and specify the amount of the fees, including late fees, the members of the regional notification centers must pay to the Board, as well as payment deadlines and instructions.

Summary of Effect:

These regulations will have negligible effect on operators who are required to be members of regional notification centers and respond to any local request transmission from a regional notification center regarding excavation near the operator's subsurface installation; and pay a fee to support the operational expenses of the California Underground Facilities Safe Excavation Board. The largest effect these regulations have is to adjust and update business practices for the regional notification centers through the coordination of the Board.

Comparable Federal Regulations or Statutes:

There are no comparable federal regulations or statutes.

Objective and Anticipated Benefits of the Proposed Regulation:

The objective of the proposed regulation is to ensure that the Board has sufficient funding for its operational expenses to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon the Board by the Act. The specific benefits anticipated from the proposed regulation include 1) coordination of education and outreach activities that encourage safe excavation practices, 2) development of standards for safe excavation, 3) investigations of possible violations of Government Code section 4216 et seq., and 4) enforcement of Government Code section 4216 et seq.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations: The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that this proposed regulation is the only regulation that concerns the payment of fees to the Board for its operational expenses to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon the Board by the Act.

Forms Incorporated by Reference:

There are no documents or forms incorporated by reference for this rulemaking.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

There are no other matters prescribed by statute applicable to the Board, or to any specific regulation. There are no other matters to identify.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Board has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost or savings to any state agency: Although the proposed action will directly affect a state agency that owns, operates, or maintains a subsurface installation, and is required to be a member of a regional notification center, the Board concludes that any cost will not be significant.
3. Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**
4. Other nondiscretionary cost or savings imposed on local agencies: **None.**
5. Cost or savings in federal funding to the state: **None.**
6. Significant Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action may have an impact on businesses statewide that own, operate, or maintain a subsurface installation, including small businesses that own, operate, or maintain a subsurface installation, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

DECLARATION OF EVIDENCE

The Board has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

7. Significant effect on housing costs: **None.**

8. Cost impacts on a representative private person or business: Pursuant to Government Code section 4216.16, subdivision (b), the Board “shall apportion the fee in a manner consistent with formulas used by the regional notification centers.” The fee in the proposed regulation is only about one-third of the fee charged by the regional notification centers to its members for each transmission initiated at the request of the member.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Board concludes that it is (1) unlikely that the proposed regulation will eliminate any jobs, (2) unlikely that the proposed regulation will create jobs, (3) unlikely that the proposed regulation will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by funding the operational expenses of the Board to carry out the purposes and intent of the Act and to exercise the powers and duties conferred upon the Board by the Act, including 1) coordination of education and outreach activities that encourage safe excavation practices, 2) development of standards for safe excavation, 3) investigations of possible violations of Government Code section 4216 et seq., and 4) enforcement of Government Code section 4216 et seq.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation may affect small businesses that own, operate, or maintain a subsurface installation.

BUSINESS REPORT

The proposed regulation does not mandate any new reporting or recordkeeping requirements beyond the business practice that has already been established by the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine

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

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

CONTACT PERSON(S)

Inquiries or specific questions concerning the proposed rulemaking action may be directed to the following contact persons:

General inquiries:

Diane Arend, Regulations Coordinator
CAL FIRE / Office of the State Fire
Marshal
2251 Harvard Street, Suite 400
Sacramento, CA 95815
diane.arend@fire.ca.gov
(916) 568-2917

Substantive or technical questions:

Deborah Yang, Legal Counsel
California Underground Facilities Safe Excavation
Board
2251 Harvard Street, Suite 400
Sacramento, CA 95815
deborah.yang@fire.ca.gov
(916) 568-2969

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the contact person(s).

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting the contact person.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received by the Board, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of the Proposed Rulemaking (“NOPR”), Initial Statement of Reasons (“ISOR”), the text of the regulation (“ET”) and any other materials or documents concerning this rulemaking can be accessed on the Office of the State Fire Marshal Website at: http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65

PROPOSED ADOPTION OF NEW SECTION UNDER ARTICLE 7

NO SIGNIFICANT RISK LEVELS SECTION 25704 EXPOSURES TO LISTED CHEMICALS IN COFFEE POSING NO SIGNIFICANT RISK

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to add a new section to Article 7 of Title 27 of the

California Code of Regulations¹, section 25704, stating that exposures to Proposition 65² listed chemicals in coffee that are produced as part of and inherent in the processes of roasting coffee beans and brewing coffee pose no significant risk of cancer.

PUBLIC PROCEEDINGS

Public Hearing

A public hearing will be held on **August 16, 2018**, at which time any person may make comments orally or in writing on the proposed action described in this notice. The public hearing will commence at 10:00 a.m. in the Sierra Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted or 2 pm.

Written Comment Period

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA by **5:00 p.m. on August 30, 2018**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information electronically, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

All submissions should be directed to:

Monet Vela
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517
Fax: 916-323-2610

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

¹ All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

² Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65." Hereafter referred to as "Proposition 65" or "the Act."

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323-2517, or by e-mail to monet.vela@oehha.ca.gov. Carl DeNigris is a back-up contact person for inquiries concerning processing of this action and is available at (916) 322-5624 or carl.denigris@oehha.ca.gov.

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.6 and 25249.10.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

OEHHA is the lead state agency that implements Proposition 65 and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.³ Coffee, a unique and complex chemical mixture made from the roasted seeds of the coffee plant, contains many different compounds, including carcinogens listed under Proposition 65, and anticarcinogens. The International Agency for Research on Cancer (IARC) — the only Proposition 65 authoritative body to have evaluated coffee — concluded that coffee consumption is not classifiable as to its overall carcinogenicity and is associated with reduced risk of certain cancers in humans. These findings are contained in Volume 116 of the IARC Monographs on the Evaluation of Carcinogenic Risks to Humans: Drinking Coffee, Mate, and Very Hot Beverages, released on June 13, 2018.

OEHHA has determined that exposures to Proposition 65 listed chemicals in coffee that are produced as part of and inherent in the processes of roasting coffee beans and brewing coffee pose no significant risk of cancer. The proposed regulation would clarify this determination.

Anticipated Benefits of the Proposed Regulation

The proposed regulation will further the goals of the authorizing statute by clarifying that there is no significant cancer risk resulting from exposures to listed carcinogens in coffee that are created by and inherent in the

³ Health and Safety Code section 25249.6.

processes of roasting coffee beans or brewing coffee. The regulation provides guidance to businesses concerning whether they need to provide Proposition 65 warnings for coffee. This regulation will therefore benefit the health and welfare of California residents by helping to avoid cancer warnings for chemicals in coffee that do not pose a significant cancer risk.

No Inconsistency or Incompatibility with Existing Regulations

OEHHA has determined that the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts. There are also no costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of the Government Code because Proposition 65 does not apply to these facilities.⁵ OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state because of the proposed regulatory action. There are also no costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The proposed regulation clarifies that Proposition 65 listed chemicals in coffee pose no significant risk of cancer. It does not impose any mandatory requirements on businesses. OEHHA has therefore made an initial determination that the adoption of this regulation will

not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

Creation or Elimination of Jobs within the State of California

This regulatory action will not impact the creation or elimination of jobs within the State of California because it does not create additional compliance requirements. The regulatory action simply clarifies that Proposition 65 listed chemicals in coffee pose no significant cancer risk.

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

This regulatory action will not impact the creation of new businesses or the elimination of existing businesses within the State of California because it does not create additional compliance requirements. It simply clarifies that exposure to Proposition 65 chemicals in coffee pose no significant cancer risk.

The Expansion of Businesses Currently Doing Business within the State

This regulatory action will not impact the expansion of businesses within the State of California because it does not create additional compliance requirements. It simply clarifies that exposure to Proposition 65 chemicals in coffee poses no significant cancer risk.

Benefits of the Proposed Regulation

The proposed regulation will further the goals of the authorizing statute by clarifying that there is no significant cancer risk resulting from exposures to listed carcinogens in coffee that are created by and inherent in the processes of roasting coffee beans or brewing coffee. The regulation provides guidance to businesses concerning whether they need to provide Proposition 65 warnings for coffee. This regulation will therefore benefit the health and welfare of California residents by helping to avoid cancer warnings for chemicals in coffee that do not pose a significant cancer risk.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or businesses.

⁴ Health and Safety Code section 25249.11(b).

⁵ Health and Safety Code section 25249.11(b).

EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees⁶ and the action does not impose any new requirements upon any business.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA's web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA website at www.oehha.ca.gov.

⁶ Health and Safety Code section 25249.11(b).

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's website at www.oehha.ca.gov.

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

SUBJECT: Cancellations, Rescissions, and Nonrenewals of Health Care Service Plan Enrollment, Subscription, or Contract; Deleting old sections 1300.65, 1300.65.1 and 1300.65.2; Adding new sections 1300.65, 1300.65.1, 1300.65.2, 1300.65.3, 1300.65.4, 1300.65.5 in Title 28, California Code of Regulations; Control No. 2017-5214.

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Department) proposes to adopt regulations under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) clarifying standards and requirements to ensure health care service plans comply with state and federal requirements for cancellation, rescissions, and nonrenewals of health care coverage.

This rulemaking action proposes to delete old sections 1300.65, 1300.65.1, and 1300.65.2, and to adopt new sections 1300.65, 1300.65.1, 1300.65.2, 1300.65.3, 1300.65.4 and 1300.65.5, in Title 28, California Code of Regulations. Before undertaking this action, the Director of the Department (Director) will conduct written public proceedings, during which time any interested person, or such person's duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments or

contentions (hereinafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department, Office of Legal Services, **by 5 p.m. on August 6, 2018**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email or via the Department's website:

Website: [http://www.dmhc.ca.gov/
LawsRegulations.aspx#open](http://www.dmhc.ca.gov/LawsRegulations.aspx#open)
Email: regulations@dmhc.ca.gov
Mail: Department of Managed Health
Care
Office of Legal Services
Attn: Regulations Coordinator
980 9th Street, Suite 500
Sacramento, CA 95814
Fax: (916) 322-3968

Please note: if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax, or mail, should include the author's name and a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department's rulemaking title and control number, **Cancellation of Enrollment, Control No. 2017-5214** in any of the above inquiries.

CONTACTS

Inquiries concerning the proposed adoption of these regulations may be directed to the following person(s):

Jennifer Willis
Attorney IV
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 324-9014
(916) 322-3968 fax
jennifer.willis@dmhc.ca.gov

Emilie Alvarez
Regulations Coordinator
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 445-9960
(916) 322-3968 fax
emilie.alvarez@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which the proposed regulation is based (rulemaking file). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Suite 500, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department's website at: <http://www.dmhc.ca.gov/LawsRegulations.aspx#open>.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Regulation Coordinator named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department's website, mail, fax, or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend, or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Pursuant to Health and Safety Code section 1341.9, the Department is vested with all duties, powers, purposes, responsibilities, and jurisdiction as they pertain to health care service plans (plans) and the health care service plan business.

Health and Safety Code section 1344 grants the Director authority to adopt, amend, and rescind regulations as necessary to carry out the provisions of the Knox–Keene Act, including rules governing applications and reports, and defining any terms as are necessary to carry out the provisions of the Knox–Keene Act.

Health and Safety Code section 1365 prohibits an enrollment or subscription from being canceled or not renewed (nonrenewal) unless certain circumstances are present and specific requirements are met.

Health and Safety Code section 1389.21 prohibits an enrollment, subscription, or contract from being rescinded unless certain circumstances are present and specific requirements are met.

45 Code of Federal Regulations parts 156.270 and 155.430 prohibit an enrollment, subscription, or contract from being canceled, rescinded, or not renewed unless certain circumstances are present and specific requirements are met.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Purpose of the Regulation:

The purpose of this rulemaking action is to clarify and interpret the rights and responsibilities of plans, providers, and enrollees prior to, during, and following cancellations, rescissions, or nonrenewals of an enrollee’s health care coverage.

Health and Safety Code sections 1365 and 1389.21 prohibit an enrollee’s health care enrollment, subscription, or contract from being canceled, rescinded or not renewed except for seven reasons, summarized as follows: (1) nonpayment of premiums, (2) fraud or intentional misrepresentation, (3) changes to where an individual subscriber resides, lives, or works that removes him or her from the plan’s service area, (4) violation of a material contract provision relating to employer contribution or group participation rates, (5) plan ceases, in part or whole, to offer new health care service plan contracts in the individual or group markets, or all markets, in the state, (6) plan withdraws, completely or partially, from the market, and (7) changes to the membership status in a guaranteed association in the case of a group health benefit plan. The law specifies that unless one of these seven reasons is present, and the specific requirements as to the reason are met, an enrollment, subscription, or contract cannot be canceled, rescinded, or not renewed.

This regulation package seeks to amend and clarify current regulations in order to address identified ambiguities and inconsistencies existing in current regulations, as well as updating current regulations to address changes in federal law. This rulemaking also seeks to

clarify and streamline the grievance process for cancellations, rescissions, and nonrenewals.

Summary of Existing Laws and Regulations:

State grace period:

Health and Safety Code Section 1365(a)(1)(A) states that a plan shall not cancel an enrollment or subscription for non-payment of premiums, unless the enrollee has “been duly notified and billed for the charge and at least a 30-day grace period has elapsed since the date of the notification or, if longer, the period of time required for notice and any other requirements pursuant to [federal law].” In addition, Health and Safety Code section 1365(b)(1) provides that an “enrollee or subscriber who alleges that an enrollment or subscription has been or will be improperly canceled, rescinded, or not renewed may request a review by the director pursuant to Section 1368.”

Current California Code of Regulations, title 28, section 1300.65, among other things, specifies the details of the 30-day grace period that enrollees are entitled to when they fail to pay a premium. The current regulation states the 30-day grace period begins no earlier than the first day after the last date of paid coverage, which, at a minimum, shall extend through the thirtieth day after the last date of paid coverage. California Code of Regulations, title 28, section 1300.65, also requires plans to send out two notices before coverage can be canceled or not renewed: the Notice of Consequence for Nonpayment of Premiums, and the Notice of Cancellation for Nonpayment of Premiums and Grace Period (hereinafter Notice of Cancellation). Current regulations require the Notice of Consequence for Nonpayment of Premiums contain certain information, and be sent concurrent with the billing information and prior to the commencement of the grace period. The regulations require the Notice of Cancellation contain certain information, and be sent no later than five business days after the last day of paid coverage. California Code of Regulations, title 28, section 1300.65(c)(3)(A)(iii) provides that if the plan fails to receive the past due amount on or before the last day of the grace period, coverage may be canceled prospectively only after the end of the grace period.

Federal grace period:

Section 1412 of the Patient Protection and Affordable Care Act¹ (ACA) permits cancellation or nonrenewal for nonpayment of premiums “in the case of any nonpayment of premiums by [an APTC Enrollee]” if the QHP Issuer “notif[ies] the Secretary of such nonpayment; and allow[s] a [three]-month grace period for

¹ Patient Protection and Affordable Care Act, Pub. L. No. 111–148, 124 Stat. 119 (2010) (codified as amended at 42 U.S.C. § 18001 (Supp. 2010)).

nonpayment of premiums before discontinuing coverage.” Neither state nor federal law specifies when the three-month grace period starts or ends; however, 45 Code of Federal Regulations part 156.270, subd. (f) provides that if an enrollee is delinquent on premium payment, the plan must provide the enrollee with notice of such payment delinquency. Current California Code of Regulations, title 28, section 1300.65.2, subdivision (b)(1)(B), states that if the enrollee or subscriber does not pay outstanding premiums by day 15 of the first month of the federal grace period, the plan shall provide a Notice of Suspension to the enrollee or subscriber.

Federal Code of Regulations, title 45, part 156.270, subdivision (d)(1) provides that the Qualified Health Plan Issuer (QHP Issuer) shall “pay all appropriate claims for services rendered during the first month of the grace period and may pend claims for services rendered to the enrollee in the second and third months of the grace period.”² [Emphasis Added.] However, current California Code of Regulations, title 28, section 1300.65.2, subdivision (b)(2) provides that during the second and third month of the grace period, the QHP issuer shall suspend coverage for the enrollee. This language reveals an inconsistency between federal and state law. Federal law states that suspension in months two and three of the grace period is optional, while current California law states that suspension in months two and three of the grace period is mandatory. Current California Code of Regulations, title 28, section 1300.65.2, subdivision (b)(2) further requires plans to notify the enrollee’s providers of the suspension by day 15 of the second month of the federal grace period, and to make any necessary system adjustment to the plan’s real time eligibility and verification system to reflect the suspension status by day one of the second month of the federal grace period. Last, Federal Code of Regulations, title 45, part 156.270, subdivision (g) provides that if an enrollee exhausts the 3-month grace period without paying outstanding premiums, the plan shall terminate the enrollee’s enrollment. On the other hand, California Code of Regulations, title 28, section 1300.65.2, subdivision (f) provides that if the enrollee does not pay outstanding premiums before the exhaustion of the federal grace period, the plan may cancel or not renew the enrollee’s coverage.

Grievance form:

Current California Code of Regulations, title 28, section 1300.65.1, is a template form for enrollees, subscribers, or group contract holders to use to submit a grievance to the Department. Although enrollees, subscribers, or group contract holders are not required to use this form to submit grievances, the regulations do require that plans make this form or a form that meets

the enumerated requirements readily available to its members.

Broad Objectives and Benefits of the Regulation:

Pursuant to Government Code section 11346.5(a)(3)(C), the broad objectives and benefits of these regulations are to clarify and make specific state and federal law relevant to the rights and responsibilities of the Department, plans, health providers, enrollees, subscribers, and group contract holders as they relate to notice and grace periods when an enrollment, subscription, or contract is cancelled, rescinded, or not renewed. The Department, plans, health providers, and enrollees, subscribers, and group contract holders will benefit from the proposed regulatory action by way of a transparent, consistent, and predictable process for cancellations, rescissions, or nonrenewals of an enrollment, subscription, or contract for health care coverage.

Proposed California Code of Regulations, title 28, section 1300.65 benefits plans, providers, and consumers by updating the “definitions” portion of the regulation. It also expands the scope of that section to state that the definitions contained therein apply to Health and Safety Code, sections 1365 and 1389, and to the entirety of Title 28, Division 1, Chapter 2, Article 6. Defining the terms not previously defined in this article will better clarify the rights and responsibilities of the parties for the various types of cancellations of an enrollment or subscription.

Proposed California Code of Regulations, title 28, section 1300.65, subdivision (b) benefits plans, providers, enrollees and subscribers by specifying the rights and responsibilities of the parties regarding grievances under Health and Safety Code section 1365, subdivision (b). The clarity of the rights and responsibilities of the parties, including provisions addressing a determination of a plan’s non-compliance, will be beneficial in bringing consistency and predictability to the process.

Proposed California Code of Regulations, title 28, sections 1300.65.1, 1300.65.2, and 1300.65.3 benefit plans, providers, enrollees and subscribers by clarifying the ambiguity in the timeframes, content and scope of the required notices and grace periods for cancellations, rescissions, and nonrenewals that exists in the current regulations. This clarity benefits plan compliance when they have the authority or are mandated to cancel, rescind, or not renew an enrollee or subscriber’s health care coverage. Similarly, the clarity of the proposed amendments to the regulations will benefit the enrollee or subscriber by affording him or her the protections of all the required notices and the full duration of the applicable grace periods to continue health care coverage.

² 45 C.F.R. § 156.270(d)(1).

Proposed California Code of Regulations, title 28, section 1300.65.3, subdivision (a)(3) benefits plans, providers, enrollees and subscribers by clarifying a plan has the discretion to suspend the coverage of its enrollees or subscribers during the second and third months of the 3-month federal grace period. The proposed regulation will be consistent with the federal regulation, thereby benefitting plans and their enrollees or subscribers by ensuring that plans provide three full months of a grace period instead of just a one-month grace period, with the option to suspend health care coverage of the enrollee or subscriber during the second and third months.

Proposed California Code of Regulations, title 28, section 1300.65.4 benefits plans, providers, subscribers, and enrollees by clarifying that the rights of enrollees, subscribers, and group contract holders to file a grievance are the same as an expedited grievance pursuant to Health and Safety Code sections 1368 and 1368.01, and their implementing regulations. In addition, the proposed rule will specify that grievances may be submitted to the plan and the Department, in various forms and formats, e.g., electronically, verbally, and in writing (using a template form, or any writing that contains the enumerated information necessary to process the grievance).

Proposed California Code of Regulations, title 28, section 1300.65.5 benefits plans, providers, enrollees and subscribers by maintaining model language that notifies enrollees, subscribers, and group contract holders about their rights to file a grievance. The Department believes maintaining the model language about an enrollee, subscriber, or group contract holder's grievance right, despite removing some other model language from the regulation, is necessary for a consistent and effective grievance process.

Comparison with Existing Federal Law:

The Department has compared these proposed regulations to existing federal law, including 42 United States Code section 18082, subdivision (c)(2)(B)(iv), and 45 Code of Federal Regulations, parts 156.270 and 155.430. The regulations proposed in this rulemaking action are neither inconsistent nor incompatible with existing federal law.

Evaluation of Inconsistency/Incompatibility with Existing State Regulation:

The Department compared the proposed regulations for inconsistency or incompatibility with any other state regulations, including sections 1300.68 and 1300.68.1 of title 28 of the California Code of Regulations, and has found that these are the only regulations dealing with cancellations, rescissions or nonrenewals of health plan contracts. Therefore, the proposed regulations are nei-

ther inconsistent nor incompatible with existing state regulations.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which the above 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 provisions of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the requirements of the proposed regulations during the written comment period.

SUMMARY OF FISCAL IMPACT

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Costs to private persons or businesses directly affected: 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.
- Statewide adverse economic impact directly affecting business and individuals: None.
- Effect on Housing Costs: None.

DETERMINATIONS

The Department has made the following initial determinations:

The Department has determined the regulation will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has determined the regulation will have no significant effect on housing costs.

The Department has determined the regulation does not affect small businesses. Health care service plans are not considered a small business under Government Code section 11342.610, subdivisions (b) and (c).

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

The Department has determined that this regulation will have no cost or savings in federal funding to the state.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

(Government Code section 11346.3, subdivision (b))

Creation or Elimination of Jobs Within the State of California:

The amended regulations are designed to interpret and clarify existing state and federal requirements regarding the cancellation, rescission, or nonrenewal of health care coverage. The regulations build on current interpretations and clarify the rights and responsibilities of plans, enrollees, subscribers, and health care providers when an enrollment, subscription, or contract is canceled, rescinded, or not renewed. At the same time, the regulations replace current interpretations of the law proven to be problematic and unwieldy. In clarifying and interpreting the current state and federal law as it exists in California Health and Safety Code sections 1365 and 1389.21, and 45 Code of Federal Regulations parts 156.270 and 155.430, no jobs in California will be created or eliminated.

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

The amended regulation is designed to interpret and clarify state and federal requirements regarding the cancellation, rescission or nonrenewal of health care coverage. The regulations build on current interpretations and clarifications of the rights and responsibilities of plans, enrollees, subscribers, and health care providers when an enrollment, subscription, or contract is cancelled, rescinded, or not renewed. At the same time, the regulation replaces current interpretations proven to be problematic and unwieldy. In clarifying and interpreting California Health and Safety Code sections 1365 and 1389.21, and 45 Code of Federal Regulations parts 156.270 and 155.430, no new businesses in California will be created or existing businesses eliminated.

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

The amended regulation is designed to interpret and clarify state and federal requirements regarding the cancellations, rescissions, or nonrenewal of health care coverage. The regulation builds on current interpretations and clarifications of the rights and responsibilities of plans, enrollees, and health care providers when an enrollment, subscription, or contract is canceled that have proven effective and consistent; at the same time, the regulation replaces current interpretations and clarifications that have proven to be problematic and unwieldy. In clarifying and interpreting current state and federal law as it exists in California Health and Safety Code sections 1365 and 1389.21, and 45 Code of Federal Regulations parts 156.270 and 155.430, no existing businesses will be expanded that are currently doing business in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The amended regulations are designed to interpret and clarify state and federal requirements regarding the cancellation, rescission, and nonrenewal of health care coverage. The regulations build on current interpretations and clarifications of the rights and responsibilities of plans, enrollees, subscribers, and health care providers when an enrollment, subscription, or contract is canceled, rescinded, or not renewed. At the same time, the regulation replaces current interpretations proven to be problematic and unwieldy. These regulations will benefit the health and welfare of California residents by ensuring consistent, timely, and predictable processes when health care coverage is canceled, rescinded, or not renewed. California enrollees and subscribers subject to their health care coverage being canceled will also benefit from the updates to grievance rights and responsibilities. In clarifying and interpreting current state and federal law as it exists in California Health and Safety Code Sections 1365 and 1389.21, and 45 Code of Federal Regulations parts 156.270 and 155.430, there will be no adverse effect on the health and welfare of California residents, worker safety, or California's environment.

BUSINESS REPORT

These amendments to the existing regulations update the information contained within the regulations to clarify and update the requirements of state and federal law regarding the rights and responsibilities when health coverage is canceled, rescinded, or not renewed. The amendments to these regulations are necessary for the

health, safety, or welfare of the people of the State of California.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0218-02

ITEM # 1 Treatment of Motor Vehicles for CalWORKs Program

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 8, 2018, as follows:

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

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

Statements or arguments relating to the proposals may also be submitted in writing, email, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 8, 2018.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the Internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>. Additionally, all the information which the Department considered

as the basis for these proposed regulations (i.e., rule-making file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

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

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

CHAPTERS

Manual of Policies and Procedures sections 42 and 80

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations amend the treatment of motor vehicles in the CalWORKs program. Assembly Bill (AB) 74 (Chapter 21, Statutes of 2013) does the following:

1. Allows CalWORKs applicants and recipients to retain non-exempt motor vehicles that have an equity value of \$9,500 or less.
2. Allows CalWORKs applicants and recipients to self-certify the encumbrances (owed amount, if any) of all motor vehicles in the Assistance Unit (AU).
3. Repeals the previous exemption for a motor vehicle with an equity value of \$1,501 or less.
4. Adds a new exemption for all motor vehicles in which ownership has been transferred to a client as a gift, donation or family transfer.

Senate Bill (SB) 98 (Chapter 258, Statutes of 2013) further amends the treatment of vehicles to reference "licensed and unlicensed" vehicles as "motor" vehicles.

Current CalWORKs regulations exempt the entire value of any motor vehicle in the AU if any of the following apply:

1. It is primarily used for income-producing purposes.
2. Annually, it produces income that is consistent with its fair market value (FMV) even if used on a seasonal basis.
3. It is necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member.
4. It is used as the family's residence.

5. It is necessary to transport a physically disabled family member, including an AU–excluded disabled family member, regardless of the purpose of the transportation.
6. It would be exempted under (1) through (4), but the vehicle is not in use because of temporary unemployment.
7. It is used to carry fuel for heating or water for home use, when the transported fuel or water is the primary source of fuel or water for the family.
8. The equity value of the vehicle is \$1,501 or less.

County Welfare Departments (CWDs) determine the fair market value (FMV) for non–exempt motor vehicles by using Kelley Blue Book values or an estimate of the motor vehicle’s value. Any amount exceeding the FMV of \$4,650, regardless of any encumbrances, would count toward the family’s resource level.

The proposed amendments will adopt a new methodology to evaluate motor vehicles as property in the CalWORKs program when determining resource eligibility. CalWORKs applicants and recipients will self–certify the FMV and/or encumbrances of all motor vehicles in the assistance unit using a new form, the CW 80 (Self–Certification Form for Motor Vehicles), or by completing the motor vehicle section on the appropriate statement of facts. The motor vehicle’s equity value is the FMV less the encumbrances. However, CalWORKs regulations continue to follow methods established under the CalFresh program on excluding personal property resources, such as education and retirement accounts, when evaluating property. Further proposed amendments will emphasize that CalWORKs regulations specifically exempt certain retirement and education accounts in the CalWORKs program. Additionally, the resource limits for CalWORKs families have increased from \$2,000 to \$2,250 and from \$3,250 to \$3,500 for CalWORKs households with an elderly or disabled household member, to be compatible with CalFresh asset limit increases for CalFresh households. These new resource limit amounts and references to CalFresh will be amended in the property section of CalWORKs regulations.

Consistency:

The CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. The CDSS has found that these are the only regulations concerning the treatment of motor vehicles in the CalWORKs program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing regulations or statutes, and fulfill the intent of AB 74 and SB 98.

Benefits:

This regulatory action will benefit the health and welfare of California residents by allowing CalWORKs families to own motor vehicles valued at \$9,500 or less without losing their CalWORKs eligibility. The amended and adopted regulations will increase the likelihood of stable families moving towards self–sufficiency, resulting in a positive economic impact to the state. This regulatory action does not make changes to regulations involving worker safety or the state’s environment, as the regulations only affect individuals participating in the CalWORKs program. In addition, the proposed regulations will make other technical, conforming changes, such as adopting, amending, and repealing sections as necessary.

The following form is being incorporated by reference:

CW 80 (2/18) — Self–Certification Form For Motor Vehicles — CalWORKs

COST ESTIMATE

1. Costs or Savings to State Agencies: With the implementation of this policy in January 2014, the impact of AB 74 is included in the CalWORKs caseload and expenditure trends under CalWORKs grants, employment services, administration, and child care and is not budgeted separately. The last estimate provided, as reflected in the 2014–15 Appropriation, reflected \$78,000 in general fund costs.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: With the implementation of this policy in January 2014, the impact of AB 74 is included in the CalWORKs caseload and expenditure trends under CalWORKs grants, employment services, administration, and child care and is not budgeted separately. The last estimate provided, as reflected in the 2014–15 Appropriation, reflected \$8,000 in county costs.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: With the implementation of this policy in January 2014, the impact of AB 74 is included in the CalWORKs caseload and expenditure trends under CalWORKs grants, employment services, administration, and child care and is not budgeted separately. The last estimate provided, as reflected in the 2014–15 Appropriation, reflected

\$2,049,000 in Temporary Assistance for Needy Families (TANF) costs. This reflects federal funding (including state operations costs).

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies and school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that this regulatory change was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS 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 STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to current clients and assistance units of the CalWORKs program and the state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. There are no additional benefits for worker safety and the state's environment as the regulations only affect

families participating in the CalWORKs program. This regulatory action will benefit the health and welfare of California residents by giving county workers more administrative flexibility regarding the evaluation of motor vehicles.

The following documents were relied upon in proposing the regulatory action: Welfare and Institutions Code section 11155, Food and Nutrition Act of 2008, and the United States Department of Agriculture, Food and Nutrition Services (FNS) — Administrative Notices (AN) 14–55, 14–56, and 17–30 and All County Letters No. 14–107 and 17–108.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS considered the following alternatives with the following results: No alternatives have been presented for review.

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

AUTHORITY AND REFERENCE CITATIONS

Sections 10553, 10554, and 10604 of the Welfare and Institutions (W&I) Code give CDSS the authority to write these regulations and Sections 10063, 11265.1, 11265.2, 11265.3, 11450, 11450.5, 11155, and 11157.5 of the W&I Code are being referenced to make these regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu
(916) 657–2586

Backup:
Sylvester Okeke
(916) 657–2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring and Research at California Least Tern Nesting Colonies

The Department of Fish and Wildlife (“Department”) received a proposal from Ms. Cynthia Hartley (Independent Researcher), requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for research purposes, consistent with protection and recovery of the species. The tern is a Fully Protected bird, and is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Hartley is planning to conduct research on the tern in southern California (including Ventura County), in accordance with methods approved and overseen by the Department and the U.S. Fish and Wildlife Service (Recovery Permit TE181713–2 or later amendments).

The following research activities are proposed: a) Utilize drones to test the efficacy of nest monitoring and habitat assessment via the specialized technique; b) locate, mark, and monitor nests; c) Erect and use cameras to monitor nests/nesting sites; d) Transport sick or injured individuals to Department–approved rehabilitation facilities; and e) Salvage abandoned eggs and carcasses of chicks or adults.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Hartley as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after a 30–day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after July 23, 2018, for an initial and renewable term of up five years. Contact: Hans Sin, Hans.Sin@wildlife.ca.gov, Phone (858) 539–9022.

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# 2018–0425–04

BOARD OF CHIROPRACTIC EXAMINERS
Application for Licensure and CE Requirements

This rulemaking action amends the Board’s current license application form to include various new requirements, and adds two new forms to verify applicant educational history.

Title 16

AMEND: 321, 364

Filed 06/07/2018

Effective 10/01/2018

Agency Contact:

Marcus McCarther (916) 263–5355

File# 2018–0430–02

CALIFORNIA HIGHWAY PATROL

Modified Limousine Bus Inspection Consistency — With Fees

This certificate of compliance action submitted by the Department of the California Highway Patrol makes permanent the prior emergency actions (OAL File Nos. 2017–0719–05E and 2018–0126–01EE) that updated maximum driving and on–duty times, fueling restrictions, out–of–service criteria, and passenger compartment requirements for modified limousines. This action also makes permanent the requirements for a modified limousine terminal inspection program and a terminal inspection fee.

Title 13

ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264

Filed 06/12/2018

Effective 06/12/2018

Agency Contact: Joseph Mosinski (916) 843–3400

File# 2018–0425–03

DEPARTMENT OF CONSERVATION

Requirements for Oil and Gas Pipelines

This action amends management standards for active gas pipelines in sensitive areas under the jurisdiction of

the Department of Conservation, including those that are four inches or less in diameter and ten years or older. The standards address testing protocols, time frames, and reporting procedures.

Title 14
 AMEND: 1760, 1774, 1774.1, 1774.2
 Filed 06/07/2018
 Effective 10/01/2018
 Agency Contact: Justin Turner (916) 322-2405

File# 2018-0518-03
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Inmate Work/Privilege Groups and Computation of Term and Credit

This emergency by operational necessity pursuant to Penal Code section 5058.3 is a readopt of OAL File No. 2017-1212-02EON. This action (1) clarifies procedures for assigning inmates to work groups, privilege groups and special assignments; (2) clarifies how hospitalizations and unassigned statuses impact assignments; (3) specifies credit-earning eligibility of inmates placed in segregated housing; (4) implements processes for awarding Good Conduct Credit; and (5) adopts definitions and guidelines related to the computation of term and credits.

Title 15
 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
 Filed 06/07/2018
 Effective 06/12/2018
 Agency Contact: Laura Lomonaco (916) 445-2217

File# 2018-0503-02
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Health Care Grievances

This timely certificate of compliance action makes permanent the prior emergency actions, submitted as operationally necessary under Penal Code section 5058.3, which established a statewide Health Care Grievance Program and adopted two forms incorporated by reference. (See OAL File Nos. 2017-0626-02EON, 2018-0118-05EON.)

Title 15
 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
 Filed 06/13/2018
 Effective 06/13/2018
 Agency Contact: Julie Inderkum (916) 691-0697

File# 2018-0501-04
 DEPARTMENT OF INSURANCE
 CAARP Simplified Rules and Rates Manual

This file and print action amends rates under five sub-lines of the California Automobile Assigned Risk Plan: (1) trucks, tractors, and trailers; (2) taxis, limousines, and van pools; (3) buses; (4) zone related risks; and (5) employers non-ownership liability. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620, subdivision (c), and Government Code section 11340.9, subdivision (g).

Title 10
 AMEND: 2498.5
 Filed 06/13/2018
 Effective 06/13/2018
 Agency Contact: Michael Riordan (415) 538-4226

File# 2018-0502-06
 DEPARTMENT OF JUSTICE
 Department of Motor Vehicles

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 Department of Motor Vehicles titled, "Private Carrier of Passengers Liability Bond," and to print the title of the adopted bond form at Article 20, section 51.32.

Title 11
 ADOPT: 51.32
 Filed 06/13/2018
 Effective 06/13/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0427-01
 DEPARTMENT OF PUBLIC HEALTH
 Limited Permit X-ray Bone Densitometry Category Whole Body Procedures

The Department of Public Health filed amendments to regulations concerning radiologic technology to clarify that whole body composition procedures (the measurement of total and regional whole body fat and lean tissue mass) are within the existing scope of the X-ray bone densitometry permit category. The amendments also change references to X-ray bone densitometry to dual energy X-ray absorptiometry, or DEXA, for consistency with industry and international usage.

Title 17
 AMEND: 30400, 30413, 30417, 30418, 30419, 30420, 30427.2 (re-numbered to 30427), 30435, 30442, 30443, 30447, 30461, 30467
 Filed 06/07/2018
 Effective 10/01/2018
 Agency Contact: Dawn Basciano (916) 440-7367

File# 2018-0501-03
DEPARTMENT OF SOCIAL SERVICES
Due Process Rights and Efficiencies for State Hearings

This resubmittal action by the Department of Social Services amends several sections of the Manual of Policies and Procedures regarding due process rights for state hearings.

Title MPP
AMEND: 22-001, 22-003, 22-004, 22-009,
22-045, 22-050, 22-051, 22-054, 22-062, 22-065,
22-069, 22-071, 22-072, 22-073, 22-085
Filed 06/12/2018
Effective 06/12/2018
Agency Contact: Oliver Chu (916) 657-3588

File# 2018-0425-05
EDUCATION AUDIT APPEALS PANEL
Supplement to Audits of K-12 LEAs — FY 2017-18

This timely certificate of compliance action makes permanent the amendments in OAL file no. 2018-0118-04E. In that action, the Education Audit Appeals Panel amended the Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting for FY 2017-2018 pursuant to Education Code section 14502.1.

Title 5
AMEND: 19810
Filed 06/07/2018
Effective 06/07/2018
Agency Contact:
Timothy E. Morgan (916) 445-7745

File# 2018-0522-02
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This request by the Office of Environmental Health Hazard Assessment for filing with the Secretary of State and printing in the California Code of Regulations adds TRIM® VX to the list of chemicals known to the state to cause cancer and is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8.

Title 27
AMEND: 27001
Filed 06/07/2018
Effective 05/25/2018
Agency Contact: Michelle Ramirez (916) 327-3015

File# 2018-0516-03
STATE WATER RESOURCES CONTROL BOARD
Onsite Wastewater Treatment System Policy Update

On April 17, 2018, the State Water Resources Control Board adopted Resolution No. 2018-0019, which amended the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (the "OWTS Policy"). The amendment renews the OWTS Policy conditional waiver and amends the impaired water bodies list contained in OWTS Policy Attachment 2, Tables 5 and 6.

Title 23
AMEND: 2924
Filed 06/11/2018
Effective 06/11/2018
Agency Contact: Timothy O'Brien (916) 341-6904

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 10, 2018 TO
June 13, 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 1**
 - 05/21/18 AMEND: 44
- Title 2**
 - 05/17/18 ADOPT: 11027.1 AMEND: 11028
 - 05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165
 - 05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165
 - 05/09/18 AMEND: 321
 - 05/09/18 AMEND: 11034
 - 04/25/18 AMEND: 18401
 - 04/25/18 AMEND: 18450.1
 - 04/23/18 ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5
 - 04/16/18 AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1
 - 04/12/18 AMEND: 1859.2, 1859.81
 - 04/04/18 AMEND: 41000
 - 04/02/18 ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 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

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04/02/18	AMEND: 38000, 38000.5, 38000.10	(Renumbered 20236),	20249.5
03/20/18	AMEND: 18746.1, 18746.4	(Renumbered 20237),	20250
03/20/18	AMEND: 18746.3	(Renumbered 20238),	20255
03/20/18	REPEAL: 18901	(Renumbered 20250),	20258
03/14/18	ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217	(Renumbered 20240),	20260
		(Renumbered 20241),	20261
03/12/18	AMEND: 586.1(a)	(Renumbered 20242),	20265
03/12/18	ADOPT: 599.855	(Renumbered 20251),	20266
03/08/18	ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027	(Renumbered 20252),	20267
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	(Renumbered 20253)	REPEAL: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20215, 20245, 20249, 20251, 20252, 20253, 20254, 20256, 20257, 20259, 20262
		01/11/18	ADOPT: 20130, 20131, 20132, 20133, 20134, 20135, 20136, 20137, 20138
		Title 3	
		06/04/18	ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608
02/22/18	AMEND: 58100	05/30/18	AMEND: 3439(b)
02/22/18	AMEND: 59800	05/24/18	AMEND: 3439(b)
02/13/18	AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4	05/24/18	AMEND: 6502
02/13/18	AMEND: 18535	05/18/18	AMEND: 3439(b)
02/13/18	AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3	04/30/18	AMEND: 3439(b)
02/13/18	AMEND: 11034	04/04/18	AMEND: 3591.15
02/07/18	AMEND: 56800	03/27/18	AMEND: 3439(b)
01/23/18	AMEND: 59530	03/26/18	AMEND: 3439(b)
01/18/18	AMEND: 18351	03/13/18	AMEND: 3591.15
01/11/18	ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223 (Renumbered 20226), 20224 (Renumbered 20232), 20227, 20225 (Renumbered 20230), 20226 (Renumbered 20229), 20230 (Renumbered 20231), 20235 (Renumbered 20233), 20236 (Renumbered 20234), 20247	03/01/18	AMEND: 6628
		02/27/18	AMEND: 3439(b)
		02/16/18	AMEND: 3439(b)
		02/12/18	AMEND: 6000, 6739
		01/29/18	AMEND: 3439(b)
		01/29/18	AMEND: 3439(b)
		01/25/18	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
		01/24/18	AMEND: 2
		01/22/18	AMEND: 3439(b)
		01/18/18	AMEND: 3439(b)
		01/16/18	AMEND: 3439(b)
		01/16/18	AMEND: 3424(c), 3591.12
		01/16/18	AMEND: 3439(b)

Title 4

05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15

05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259

05/17/18 AMEND: 12590

05/15/18 AMEND: 12204, 12220, 12238, 12560

04/30/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10

04/10/18 AMEND: 10179

04/09/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

03/29/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071

03/22/18 AMEND: 1699

03/15/18 ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2

03/13/18 AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700

03/05/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15

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

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

02/21/18 AMEND: 1865

02/21/18 AMEND: 1689, 1689.1

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

01/25/18 AMEND: 1685, 1688

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

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

Title 5

06/07/18 AMEND: 19810

05/18/18 ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310

05/08/18 AMEND: 75020

04/30/18 AMEND: 41906.5, 41906.6

04/30/18 AMEND: 42909

02/26/18 ADOPT: 71396

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

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

01/29/18 AMEND: 19810

01/29/18 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901

01/25/18 ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8

01/22/18 AMEND: 27000

01/11/18 AMEND: 9517.3

Title 8

05/30/18 AMEND: 1618.1

05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773

05/08/18 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040,

95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330	01/22/18 AMEND: 2498.6 01/17/18 AMEND: 2498.6 01/17/18 AMEND: 2498.5
05/08/18 AMEND: 9789.31, 9789.32, 9789.39 04/27/18 AMEND: 9789.25 03/19/18 AMEND: 344.18 03/09/18 ADOPT: 3345 02/27/18 ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893 02/07/18 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6 01/24/18 REPEAL: 16410, 16411, 16412, 16413, 16414 01/11/18 ADOPT: 9792.23.10, 9792.23.11, 9792.23.12 AMEND: 9792.20, 9792.22, 9792.23, 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24.1, 9792.24.2, 9792.24.3, 9792.24.4	Title 11 06/13/18 ADOPT: 51.32 06/05/18 AMEND: 1005, 1007, 1008 06/05/18 ADOPT: 49.18 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522 04/11/18 ADOPT: 118.1 04/03/18 AMEND: 51.26 04/03/18 ADOPT: 51.30 03/29/18 AMEND: 2021 03/13/18 AMEND: 1045 03/07/18 AMEND: 115.1 03/07/18 AMEND: 115.2 03/07/18 AMEND: 115.3 03/07/18 AMEND: 115.4 03/07/18 AMEND: 115.5 02/27/18 AMEND: 1951, 1953, 1954, 1955, 1956, 1959, 1960 02/22/18 AMEND: 1009 02/22/18 AMEND: 1001, 1005, 1008 02/22/18 ADOPT: 80.4 01/30/18 AMEND: 20 01/29/18 ADOPT: 26.20 01/16/18 AMEND: 2084, 2086, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2107, 2109
Title 9 05/17/18 AMEND: 3850, 3850.010 05/14/18 AMEND: 3560, 3560.010, 3560.020, 3705, 3726, 3735, 3750, 3755 05/08/18 ADOPT: 4020, 4020.1 03/20/18 AMEND: 7140.5 02/12/18 ADOPT: 4020, 4020.1 01/16/18 AMEND: 7140.5 01/12/18 AMEND: 4350	Title 13 06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264 05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06 05/07/18 AMEND: 423.00 04/26/18 AMEND: 1153 04/18/18 AMEND: 1151.9.1 03/12/18 AMEND: Appendix (Article 2.0) 02/27/18 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269 02/26/18 ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28 AMEND: 227.02, 227.04, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54 02/15/18 AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06
Title 10 06/13/18 AMEND: 2498.5 05/31/18 AMEND: 2715, 2728.5, 2752 05/22/18 AMEND: 2498.6 04/20/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538 03/27/18 AMEND: 30.60 REPEAL: 30.105 03/26/18 AMEND: 2318.6, 2353.1, 2354 03/26/18 AMEND: 2318.6, 2353.1 03/22/18 AMEND: 3525, 3527, 3561, 3569, 3570, 3575, 3602, 3603, 3681 03/20/18 AMEND: 3541 03/07/18 AMEND: 6656, 6657, 6660, 6664 02/23/18 AMEND: 2644.18, 2644.20 01/29/18 AMEND: 6704, 6708, 6710 01/23/18 AMEND: 2498.4.9	

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renumbered as 206.06,	170.08	06/07/18	ADOPT: 3371.1 AMEND: 3043.7, 3044
renumbered as 206.08,	170.10		REPEAL: 3371.1
renumbered as 206.10,	170.12	05/15/18	AMEND: 3000, 3030, 3190, 3269
renumbered as 206.12,	171.00	05/01/18	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4,
renumbered as 206.20,	171.02		2449.5, 2449.6, 2449.7, 3043.1, 3043.2,
renumbered as 206.22,	172.00		3043.3, 3043.4, 3043.5, 3043.6, 3490,
renumbered as 206.30,	172.05		3491, 3492, 3493 AMEND: 3043, 3043.5
renumbered as 206.35,	172.10		(renumbered to 3043.7), 3043.6
renumbered as 206.40,	173.00		(renumbered to 3043.8), and 3044
renumbered as 206.50,	173.02		REPEAL: 2449.2, 2449.3, 2449.5, 3042,
renumbered as 206.52,	173.04		3043.1, 3043.2, 3043.3, 3043.4, 3043.7
renumbered as 206.54,	173.06	04/17/18	ADOPT: 2240 REPEAL: 2240
renumbered as 206.56,	173.08	04/09/18	AMEND: 3016, 3315
renumbered as 206.58,	174.00	03/05/18	ADOPT: 3378.9, 3378.10 AMEND:
renumbered as 206.60,	180.00		3000, 3023, 3043.8, 3044, 3084.9, 3269,
renumbered as 206.62,	180.02		3335, 3337, 3341, 3341.2, 3341.3,
renumbered as 206.64, and	181.00		3341.5, 3341.6, 3341.8, 3341.9, 3375,
renumbered as 206.66			3375.1, 3375.2, 3376, 3376.1, 3378,
02/13/18	AMEND: 553.70		3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
02/01/18	AMEND: 1212.5, 1218, 1239, 1264		3378.6, 3378.7, 3378.8 REPEAL: 3334
01/25/18	AMEND: 1152.3	03/01/18	ADOPT: 3349.1, 3349.2, 3349.3, 3349.4,
			3349.5, 3349.6, 3349.7, 3349.8, 3349.9
			AMEND: 3349
Title 14		02/07/18	ADOPT: 3999.24
06/07/18	AMEND: 1760, 1774, 1774.1, 1774.2	02/05/18	AMEND: 1006, 1062
05/24/18	ADOPT: 3803.1, 3803.2, 3803.3	02/01/18	ADOPT: 3087, 3087.1, 3087.2, 3087.3,
	AMEND: 3802, 3803		3087.4, 3087.5, 3087.6, 3087.7, 3087.8,
05/16/18	AMEND: 131		3087.9, 3087.10, 3087.11, 3087.12
05/16/18	AMEND: 131		
05/10/18	ADOPT: 29.11		
05/09/18	AMEND: 18660.5, 18660.10, 18660.21,	Title 16	
	18660.34	06/07/18	AMEND: 321, 364
05/01/18	ADOPT: 650 AMEND: 703 REPEAL:	06/04/18	ADOPT: 5000, 5001, 5002, 5003, 5004,
	650		5005, 5006, 5007, 5008, 5009, 5010,
04/24/18	AMEND: 131		5011, 5012, 5013, 5014, 5015, 5016,
04/19/18	AMEND: 4800		5017, 5018, 5019, 5020, 5021, 5022,
04/02/18	AMEND: 265		5023, 5024, 5025, 5026, 5027, 5028,
04/02/18	ADOPT: 749.9		5029, 5030, 5031, 5032, 5033, 5034,
03/29/18	AMEND: 29.15		5035, 5036, 5037, 5038, 5039, 5040,
03/27/18	AMEND: 1038, 1299.03, 1666.0		5041, 5042, 5043, 5044, 5045, 5046,
03/02/18	AMEND: 120.7, 705		5047, 5048, 5049, 5050, 5051, 5052,
03/02/18	ADOPT: 197		5053, 5054, 5055, 5300, 5301, 5302,
02/27/18	ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11,		5303, 5304, 5305, 5306, 5307, 5308,
	1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00,		5309, 5310, 5311, 5312, 5313, 5314,
	7.50, 8.00 REPEAL: 1.60		5315, 5400, 5401, 5402, 5403, 5404,
02/27/18	AMEND: 150, 150.02, 150.03, 705		5405, 5406, 5407, 5408, 5409, 5410,
02/22/18	ADOPT: 131		5411, 5412, 5413, 5414, 5415, 5416,
02/20/18	AMEND: 13800		5417, 5418, 5419, 5420, 5421, 5422,
02/07/18	AMEND: 3697, 3698, 3699		5423, 5424, 5425, 5426, 5500, 5501,
02/06/18	AMEND: 1038		5502, 5503, 5504, 5505, 5506, 5600,
01/25/18	AMEND: 1038		5601, 5602, 5603, 5700, 5701, 5702,
			5703, 5704, 5705, 5706, 5707, 5708,
			5709, 5710, 5711, 5712, 5713, 5714,
			5715, 5716, 5717, 5718, 5719, 5720,
			5721, 5722, 5723, 5724, 5725, 5726,
Title 15			
06/13/18	ADOPT: 3087, 3087.1, 3087.2, 3087.3,		
	3087.4, 3087.5, 3087.6, 3087.7, 3087.8,		
	3087.9, 3087.10, 3087.11, 3087.12		

	5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814		30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
05/15/18	AMEND: 1399.395		
04/20/18	AMEND: 1749		
03/19/18	AMEND: 4422		
03/14/18	AMEND: 1805.1, 1811		
03/05/18	AMEND: 2070, 2071		
03/01/18	AMEND: 9.1, 12, 12.1, 12.5, 15.1, 16, 19, 20, 43, 45, 87.9		
01/25/18	ADOPT: 1715.65	03/19/18	ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35059, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5310, 5311, 5312, 5331, 5335, 5335.4, 5335.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, 5338.6, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256, 5333, 5333.4, 5333.6
01/17/18	AMEND: 1760		
01/17/18	AMEND: 420.1 REPEAL: 424.5		
01/11/18	AMEND: 427.10, 427.30		
Title 17			
06/07/18	AMEND: 30400, 30413, 30417, 30418, 30419, 30420, 30427.2 (re-numbered to 30427), 30435, 30442, 30443, 30447, 30461, 30467		
06/04/18	ADOPT: 40100, 40101, 40102, 40115, 40116, 40118, 40126, 40128, 40129, 40130, 40131, 40133, 40135, 40137, 40150, 40155, 40156, 40159, 40162, 40165, 40167, 40169, 40175, 40177, 40178, 40180, 40182, 40200, 40205, 40220, 40222, 40223, 40225, 40232, 40234, 40236, 40238, 40240, 40242, 40250, 40252, 40254, 40256, 40258, 40260, 40262, 40264, 40266, 40268, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40300, 40305, 40306, 40310, 40400, 40401, 40403, 40405, 40406, 40408, 40410, 40411, 40412, 40415, 40500, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40601		
05/30/18	AMEND: 95835, 95911		
05/23/18	ADOPT: 51101, 51102, 51103, 51104, 51105, 51106		
05/07/18	ADOPT: 98201, 98202, 98203		
04/20/18	AMEND: 6000, 6025, 6035, 6040, 6045, 6050, 6051, 6055, 6060, 6065, 6070, 6075 REPEAL: 6015, 6020		
04/13/18	ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196		
03/15/18	AMEND: 30145, 30145.1, 30205, 30231, 30275, 30278.1, 30309, 30310, 30311, 30314, 30336.8, 30408, 30409, 30456.8, 30535		
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05/08/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301,		
Title 20			
		05/29/18	ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505
		03/01/18	ADOPT: 1685 AMEND: 1680, 1681, 1682, 1683, 1684
		01/30/18	ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4, 1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6 (renumbered from 4.5), 6.3, 7.2, 7.3, 7.6,

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8.1, 8.2 (renumbered from 8.3), 8.4, Article 9 (title), 9.4, 9.6 (renumbered from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12, 13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1, 15.3, 16.1, 16.2, 17.1 REPEAL: 8.2, 8.6, 9.6, 9.7	04/19/18 ADOPT: 3949.14
01/25/18 AMEND: 1602, 1605.3, 1606	04/16/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
Title 21	03/29/18 AMEND: 595
05/15/18 AMEND: 1575	03/26/18 AMEND: 315, 316
Title 22	03/08/18 ADOPT: 3909.6
05/09/18 AMEND: 97212, 97240, 97241, 97246, 97249	02/22/18 AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5 (renumbered to 638.5), 700.6 (renumbered to 638.6)
04/26/18 ADOPT: 69511.2 AMEND: 69511	01/24/18 ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6
04/12/18 AMEND: 7000	Title 25
04/10/18 AMEND: 20000	06/04/18 ADOPT: 6932 REPEAL: 6932
03/01/18 AMEND: 2706-5, 2706-7	01/18/18 AMEND: 10001
02/08/18 AMEND: 97232	Title 27
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01/11/18 ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255	05/09/18 AMEND: 25705
Title 22, MPP	04/06/18 AMEND: 25705
05/09/18 AMEND: 35015, 35017, 35019	02/05/18 AMEND: 25705
04/11/18 AMEND: 101215.1, 101216.1, 101416.2	02/01/18 AMEND: 27000
03/13/18 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190	01/29/18 AMEND: 27001
Title 23	Title MPP
06/11/18 AMEND: 2924	06/12/18 AMEND: 22-001, 22-003, 22-004, 22-009, 22-045, 22-050, 22-051, 22-054, 22-062, 22-065, 22-069, 22-071, 22-072, 22-073, 22-085
05/24/18 AMEND: 3946, 3949.13, 3949.14	01/17/18 AMEND: 47-260
05/03/18 ADOPT: 2910.1 REPEAL: 2910.1	01/17/18 AMEND: 46-430