



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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

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

Changes to the conflict-of-interest code include: (1) amending Disclosure Category 2 in 22 California Code of Regulations (CCR) Section 66250.1 to include a provision regarding business entities or sources that are, or were, registered as a “lobbyist,” “lobbying firm,” or “lobbyist employer”; (2) adding a new Disclosure Category 4 to 22 CCR Section 66250.1 for certain employees performing work in information technology positions; (3) adding a new Disclosure Category 5 in 22 CCR Section 66250.1 for certain employees performing work in procurement positions; (4) deleting positions listed in 22 CCR Section 66250.2 no longer used by DTSC; (5) adding new or renamed positions currently used by DTSC; and (6) added additional language regarding the reporting requirement of consultants performing work for DTSC.

The proposed amendment and explanation of the reasons can be obtained from DTSC’s contact listed below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 26, 2018, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 12, 2018.

DTSC has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Gregory Lyall
 Attorney IV
 (916) 324-0339
 gregory.lyall@dtsc.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Marysville Joint Unified School District
 Alta Irrigation District
 Oakdale Irrigation District
 Alameda Contra Costa Transit District

STATE AGENCY: Department of Child Support Services

A written comment period has been established commencing on October 12, 2018, and closing on Novem-

ber 26, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 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 November 26, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as

the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

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

CONTACT

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **November 15, 2018**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on November 13, 2018.**

BACKGROUND/OVERVIEW

(1) *Biennial Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings,*

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

and State Officeholder Contribution Limits: Adoption of Amendments to Regulation 18545.

Regulation 18545 contains the current campaign contribution limit, voluntary expenditure ceiling amounts, and state officeholder account limits. Sections 83124, 85316(b)(4), and 89503(f) of the Act, charge the Commission with making a biennial cost of living adjustment to limit amounts in order to reflect changes in the Consumer Price Index (“CPI”). The California Department of Finance (“DOF”) provides the forecast and actual annual California CPI for All Urban Consumers, which is based upon U.S. Bureau of Labor Statistics. (Section 82001, Regulation 18544(c).)

This amendment makes the cost of living adjustments for the period of January 1, 2019 through December 31, 2020. The adjustments are based on the California CPI for 2018 as the “calendar year immediately preceding the year in which the adjustment is to take effect.” (Regulation 18544(c).) The DOF CPI Forecast, May Revise, prepared in April 2018, lists the 2018 annual forecast California CPI as “271.0.”²

Regulation 18544(a)(1) and (2) provide the formula for adjusting contribution limits and voluntary expenditure ceilings, which is reflected in the following equation:

$$\begin{array}{r} \text{Applicable Limit} \\ 2001 \end{array} \times \frac{271.0 \text{ (2018 Annual CPI)}}{174.8 \text{ (CPI from 2000)}} = 2019 \text{ limit}^{**}$$

* As forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2018.

** Rounded to the nearest \$100 for contribution limits; to nearest \$1,000 for voluntary expenditure ceilings.

The formula for calculating the adjustments to state officeholder accounts contribution limits, found in Regulation 18544(b), is reflected in the following equation:

$$\begin{array}{r} \text{Applicable Limit} \\ 2007 \end{array} \times \frac{271.0 \text{ (2018 Annual CPI)}}{210.5 \text{ (CPI from 2006)}} = 2019 \text{ limit}^{**}$$

* As forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2018.

** Rounded to the nearest \$100.

(2) *Biennial Gift Limit Adjustments*: Adoption of Amendments to Regulations 18700, 18730, and 18940.2.

² A forecast annual CPI is used due to the fact that the actual CPI for a given year is not available until mid-January of the following year. See http://www.dof.ca.gov/Forecasting/Economics/Eco_Forecasts_Us_Ca/index.html, CPI-U all items for 2018, for the relevant CPI figure.

The gift limit must also be adjusted biennially by the Commission to reflect changes to the California CPI. (Sections 87103(e) and 89503(f).) The formula used to calculate the adjusted gift limit is reflected in the following equation:

$$\begin{array}{r} \text{Applicable Limit} \\ 1990 \\ (\$250)^3 \end{array} \times \frac{271.0 \text{ (2018 Annual CPI)}}{135 \text{ (CPI from 1990)}} = 2019 \text{ limit}^{**}$$

* As forecast in the DOF Consumer Price Index Forecast, May Revise, dated April 2018.

** Rounded to the nearest \$10.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18545: The proposed amendments to Regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2019 through December 31, 2020.

Amend 2 Cal. Code Regs. Sections 18700, 18730, 18940.2. The proposed amendments reflect the adjustment of the gift limit from \$470 to \$500 for the period of January 1, 2019 through December 31, 2020.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation of the CPI adjustments.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend,

³ Section 89503, gift limits, was originally added by Stats. 1990, c. 84. The base year figure for this limitation is from year 1990.

and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific the following:

Amend 2 Cal. Code Regs. Section and 18545. Government Code Sections 83124, 85301, 85302, 85303, 85316 and 85400.

Amend 2 Cal. Code Regs. Sections 18700, 18730, and 18940.2. Government Code Sections 82028, 87100, 87103, 87300–87302, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Sara Puricelli, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 4. CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

The California Health Facilities Financing Authority (“Authority”) proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Authority has not scheduled a public hearing on this proposed action. However, the Authority 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 comments relevant to the proposed regulatory action to the Authority. Comments may also be submitted by facsimile (FAX) at (916) 654–5362 or email at chffa@treasurer.ca.gov. The written comment period closes at 5:00 p.m. (PST) on November 26, 2018. The Authority will consider only comments received by the Authority office by that time. Please submit comments to:

Rosalind Brewer
Program Manager
California Health Facilities Financing Authority
915 Capitol Mall, Room 435
Sacramento, CA 95814

Following the written comment period, the Authority may thereafter adopt the proposed regulations substantially as described below or may modify the proposed regulations 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 proposed regulations will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification.

Copies of the proposed regulations and the Initial Statement of Reasons are available from the office listed on the following page. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <https://www.treasurer.ca.gov/chffa/clg/index.asp>. The development of these regulations was based, in part, on the statistical information gathered by the Office of Statewide Health Planning and Development, a State of California agency that collects and disseminates information about California’s healthcare infrastructure. Their report, entitled “Annual Utilization Report of Primary Care Clinics — 2015” is available to the public for reading/perusal as is all information that the Authority considered as the basis for these proposed regulations at the address listed below.

Following its preparation, the Final Statement of Reasons will be available from the office listed below:

California Health Facilities Financing Authority
915 Capitol Mall, Room 435
Sacramento, CA 95814
Telephone (916) 653–2799
Facsimile: (916) 654–5362
Email: chffa@treasurer.ca.gov

AUTHORITY AND REFERENCE CITATIONS

The Authority adopts these regulations under the authority granted in Section 11346.1 of the Government Code, and cites the following references: Sections 15432 and 15438.11, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code Section 15438.11 (Stats. of 2017, Chapter 52, Section 1) became effective on July 10, 2017, with the signing of SB 97. This legislation created

the Clinic Lifeline Act of 2017 (“Act”). The purpose of the Act is to provide working capital, in the form of a Grant, to small and rural health facilities adversely affected by a reduction or elimination of federal government assistance.

The Government Code provides specific requirements for health facility eligibility to apply for Grant funds and limits eligible health facilities to those defined in Section 15432, subdivision (d) of the Government Code. The total amount of money appropriated to the Clinic Lifeline Act is \$20 million, and the maximum amount that a facility shall apply for is \$250,000.

Government Code Section 15438.11 charges the Authority with the responsibility of developing regulations to establish specific criteria for Grant awards, including eligibility criteria, eligible costs, and evaluation criteria to select grant recipients.

These proposed emergency regulations will accomplish the following:

- a. Establish requirements for Health Facilities eligibility.
- b. Establish eligible costs to those costs meeting the definition of “Working Capital” as specified in the Health Facilities Financing Authority Act, specifically Government Code Section 15432, subdivision (h).
- c. Filing of Applications upon notification of a “Federal Trigger” as defined.
- d. Maximum Grant amounts per Applicant and Region, as defined.
- e. Evaluation Criteria.
- f. Initial and Final Allocations.
- g. Appeals.
- h. Release of funds and recovery of funds.
- i. Reporting requirements.
- j. Record retentions, inspections and audits.

The benefit of these proposed regulations is the implementation of Government Code Section 15438.11, cited as the Clinic Lifeline Act of 2017. (For purposes of implementation, entitled Lifeline Grant Program of 2017.)

The law made provisions for regulations to be developed as emergency regulations and provides the language to justify the need for the emergency as necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations were approved by the Office of Administrative Law with an effective date of February 23, 2018, and expiring on August 23, 2018.

The First Funding Round opened on February 26, 2018, and Applications for Grant funds were accepted until 5:00 p.m. (Pacific Daylight Time) on March 26, 2018. Requests for grant funds were low as the numbers

of health facilities impacted by any direct federal reduction or elimination of funds were minimal. As the reduction or elimination of federal funds did not materialize as anticipated, the STO (State Treasurer’s Office) Administration sought out other alternatives to assist health facilities serving vulnerable populations. In-house Legal Counsel determined that any viable solution would require a change in the law, which the STO Administration pursued. Attempts to change the law via either a trailer bill or the introduction of new legislation failed. During this interim period, the Authority postponed initiation of the process for the Certificate of Compliance as any change to the law would impact the emergency regulations.

The emergency regulations expired on August 23, 2018. Therefore, the Authority requested and was granted by OAL, an extension of the regulations in order to complete the process by which the regulations will become permanent. (The readopt extends the emergency regulations until November 21, 2018.) Significant changes to the initial emergency regulations were made prior to the readoption. The most notable change is the process for submission of the Application. Going forward, health facilities may submit an Application for Grant funds at the time of any action or inaction by the federal government that reduces or eliminates federal assistance. This change allows health facilities to act at the time of the “Federal Trigger” as opposed to waiting for the Authority to have specified timeframes for submission of an Application. As the use of the Grant funds is specific for “working capital” e.g., maintenance or operation expenses, this approach better meets the intent of the law and the immediate needs of the health facilities. Other minor edits have been made to the regulations determined to be necessary to address clarity. (Note: As the changes made to the regulations were significant, it was necessary to present the proposed regulations to the Authority for concurrence. The regulations were presented to the Authority on July 26, 2018. Resolution No. 2018–05 was adopted by the Authority on this same day.)

The only entities impacted by these regulations are health facilities as defined in Section 15432, subdivision (d) of the Government Code that experience a reduction or elimination of federal government assistance.

DOCUMENTS INCORPORATED
BY REFERENCE

Lifeline Grant Program Application Form No. CHFFA 8 LGP–01 (Rev. 09/2018)

Request for Disbursement Form No. CHFFA 8 LGP–02 (Rev. 09/2018)

Final Report Form No. CHFFA 8 LGP-03 (Rev. 09/2018)

STATEMENT OF NECESSITY

Note: In the following justifications, all references to “facility” are to a “health facility”.

Section 7213, Definitions — subdivision (i). “Federal Trigger” is added to clarify and ensure that all potential Applicants are using the same definition to determine their eligibility to apply for Grant funds.

Section 7213, Definitions — subdivision (y). “Working Capital” is necessary as Section 15438.11, subdivision (d) specifies that the Grants awarded under this section “may be used for working capital for core operating support”. Statute does not provide a definition of “core operating support”. For the purpose of implementation of these regulations, “core operating support” includes “Working Capital” as contained in Welfare and Institutions Code section 15432, subdivision (h).

Section 7214, Eligibility — subdivision (a). The proposed regulation duplicates or overlaps a state statute (Government Code 15438.11, subdivision (c)). This duplication is necessary to satisfy the “clarity” standard of Government Code Section 11349.1(a)(3) by (1) stating the statutory requirements, of which one shall be met, for eligibility to apply for a Grant fund; and (2) providing easy access to the statutory requirements for potential Applicants.

Section 7214, Eligibility — subdivision (b). It is necessary to further restrict the eligibility requirements for a Grant due to the number of health facilities that are potentially eligible. This subdivision incorporates additional requirements for eligibility to address the intended purpose of the statute.

Section 7214, Eligibility — subdivision (c). Government Code section 15438.11, subdivision(b)(5) states that the intent of the Legislature “to assist those small or rural health facilities that may be adversely financially affected by a reduction or elimination of federal government assistance and that have little to no access to working capital.” This regulation further supports the legislative intent of health facilities in a Rural Medical Service Study Area.

Section 7216, Grant Application — Multiple amendments were made to this section to further expand on the addition of the definition of “Federal Trigger”. Applicants are notified that an Application may be submitted upon the occurrence of a “Federal Trigger”, thus eliminating the need for funding rounds. It is further specified that the “Federal Trigger” can be no earlier than July 10, 2017, the date of the Clinic Lifeline Act of 2017. Establishment of this date ensures that health facilities are not requesting Grant funds for a reduction/

elimination of federal assistance during a period of time in which the law was not in effect, and thus Grant funds were not available.

Section 7216, Grant Application — subdivision (f). As Applications will be accepted on a continuous basis, it is necessary to inform Applicants of the timeline for review/evaluation of the Application, as well as Application submission times and exceptions.

Section 7218, Maximum Grant Amount — subdivision (c). This subdivision was added to inform potential Applicants that the maximum grant amount by region will be removed as of June 30, 2019, making any remaining funds available on a statewide basis.

Section 7219, Evaluation Criteria — subdivision (a). Potentially in excess of 1,200 health facilities are eligible for Grant funds. An eligible health facility can apply for a Grant of \$250,000. If each Applicant applies for the maximum Grant amount, a total of 80 health facilities will receive funding. The scoring criteria, therefore, needs to focus on those health facilities meeting the intent of the legislation and also, providing for statewide representation. The four items Applicants will address, financial impact, services provided, vulnerable populations served, and day-to-day operations, will demonstrate the needs of the community served and meet legislative intent such as serving the vulnerable populations.

Section 7219, Evaluation Criteria — subdivision (b). Section 7219, Evaluation Criteria — subdivision (b). Additional points will be given to health facilities located in rural or frontier medical service study areas and to health facilities that are Federally Qualified Health Centers (FQHC) or FQHC Look-Alikes to further support those health facilities most at risk for federal government funding cuts.

Section 7220, Initial Allocation — subdivision (e). A health facility is now required to score a minimum number of points in the Evaluation Criteria section in order for the CHFFA staff to make a recommendation (Initial Allocation) to the Authority for a Final Allocation. The number of required points is 25 points. This threshold is based on the average number of points received by those health facilities that applied for Grant funds during the initial funding round.

Section 7221, Appeals. The ability to appeal is a standard process in the awarding of Grant funds by the Authority. This section is standardized amongst all the Grant programs under the Authority with minor regulatory edits to address the specific Grant program.

Section 7223, Use of the Grant Funds — subdivision (b). Subdivision (b) provides potential Grantees with specific costs that cannot be paid for with Grant funds. Each of the subitems under (b) provide the necessary clarification as to the use of the Grant funds which is to assist the health facilities that “may be adversely finan-

cially affected by a reduction or elimination of federal government assistance.” (Government Code 15438.11, subdivision (b)(1)).

DESCRIPTION OF THE BENEFITS OF THE PROPOSED ACTION, WHICH INCLUDES NONMONETARY BENEFITS SUCH AS PROTECTION OF THE PUBLIC HEALTH AND SAFETY, WORKER SAFETY, THE ENVIRONMENT, ETC.

Prior to this legislation, there was no State-directed program offering Grants to health facilities faced with a reduction or elimination of federal government assistance.

These regulations provide a mechanism where a health facility experiencing a reduction/elimination of federal government assistance may apply for and receive a Grant award of up to \$250,000. This Grant will provide the necessary funds to offset in whole or in part, the removal of the federal government assistance thus enabling the facility to continue to meet the health care needs of vulnerable populations in the small and rural areas of California.

AN EVALUATION OF WHETHER OR NOT THE PROPOSED REGULATIONS ARE NONCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATION

The Authority evaluated whether or not there were any other regulations concerning the awarding of grants to health facilities which experience a reduction or elimination of federal government assistance and has found that these are the only regulations in this area. The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Cost or Savings to State Agencies: No impact.
2. Cost to Local Agencies or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No impact.
4. Federal Funding to State Agencies: No impact.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no “state-mandated local costs” in these regulations which re-

quire reimbursement under Section 17500 et seq. of the Government Code.

FISCAL IMPACT

These regulations do not impose any costs to any local agency or school district requiring reimbursement pursuant to section 17500 et seq. of the Government Code, nor do these regulations identify any costs or savings to any state agency, other nondiscretionary costs or savings to be imposed upon local agencies, or costs or savings in federal funding to the state.

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

The California Health Facilities Financing Authority has not identified any significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of these regulations does not have an impact on the creation or elimination of jobs within the state. As a result of the adoption of these regulations, new businesses will not be created and current businesses will not be eliminated within the state. The adoption of these regulations will not provide for the expansion of businesses currently doing business within the state. Additionally, neither benefits nor detriments are expected to worker safety or the state’s environment due to the adoption of these regulations.

These regulations will directly impact the health and welfare of California residents, especially those defined as vulnerable populations in small and rural areas. The Grant monies awarded to the health facilities through this Grant Program will benefit the vulnerable populations through the continuation of health services to this population should the health facility face a reduction or elimination of federal government assistance.

Note: For purposes of these regulations, “Vulnerable Populations” are defined as the indigent, underinsured, uninsured, underserved and undocumented immigrant populations.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The California Health Facilities Financing Authority is not aware of any cost impacts that a representative

private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT

The proposed regulations do not require any reports to be made by any business or other entity.

SMALL BUSINESS

The proposed regulations will not affect small businesses because these regulations are specific to and affect only health facilities meeting the eligibility criteria as identified in Government Code Section 15438.11, subdivision (c) and Section 7214, subdivision (b) of the proposed regulations.

CONSIDERATION OF ALTERNATIVES

The Authority 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.

In developing the regulatory action, the Authority itself did not consider any alternatives because no reasonable alternative has been presented to it. The Authority invites interested persons to submit comments and alternatives with respect to the proposed regulations during the public comment period.

CHFFA REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATIONS

Contact Person:
Rosalind Brewer
(916) 653-2799

Backup:
Martha Maldonado
(916) 653-2799

TITLE 9. DEPARTMENT OF REHABILITATION

Title 9. Rehabilitative and Developmental Services Division 3. Department of Rehabilitation

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation (“Department” or “DOR”) proposes to amend Sections 7041, 7044, 7045, 7122, and 7140.5 of Title 9 of the California Code of Regulations, and to add Section 7044 to Title 9 of the California Code of Regulations, described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, any interested person or his or her duly authorized representative may make a written request for a public hearing. The written request to hold a public hearing must be received by the contact person identified in this notice no later than 15 days prior to the close of the written comment period. The Department shall, to the extent practicable, provide notice of the time, date and place of the hearing by mailing the notice to every person who submitted written comments, or who requested a hearing, on the proposed amendments.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Michele Welz, Regulations Analyst
Department of Rehabilitation — Legal Affairs
721 Capitol Mall
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-558-5826 or by email to Legal@dor.ca.gov, with “Comments to Regulations” in the subject line. Comments must be received by the Regulations Analyst by 5:00 p.m. on November 26, 2018. All written comments received by the Department during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority comes from Sections 19006 and 19016 of the Welfare and Institutions Code. The proposed regulations implement, interpret and make specific the fol-

lowing: 29 USC Sections 701(a)(6), (c)(1)–(3); 705(20); 721(a)(5)(19)–(20), 722(a)–(b)(d) and 723(a)(1); 29 USC Section 3151(a)–(b); 34 CFR Sections 361.36, 361.38, 361.41(b), and 361.42(a)(1), (4)(i–ii), 361.44, 361.47; Sections 19006, 19010, 19011, Welfare and Institutions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The California Department of Rehabilitation (“Department”) provides vocational rehabilitation services to eligible individuals with disabilities to assist them in obtaining employment. The Department works in partnership with its consumers and other stakeholders to provide vocational rehabilitation (“VR”) services and advocacy resulting in employment, independent living, and equality for individuals with disabilities.

The regulatory changes the Department seeks reflect changes in processes and increased efficiency and removal of regulations that reference an outdated procedure. Over the last year, the Department developed and piloted an innovative eligibility process, Expedited Enrollment. As the pilots were successful, the Department planned to implement Expedited Enrollment statewide. To implement Expedited Enrollment statewide, the Department must amend four regulations to reflect the discontinued use of the DR 222, Application for Vocational Rehabilitation Services form and adopt a new regulation, Section 7044 which identifies the information that each applicant must provide under federal and state law to apply for vocational rehabilitation services.

The DOR is proposing simple amendments to Sections 7041, 7045, 7122 and 7140.5 to remove the reference to the discontinued DR 222 Application for Vocational Rehabilitation Services and adding Section 7044 which states the minimum information an individual must provide to apply for vocational rehabilitation services. None of the changes will eliminate any services or disrupt the vocational rehabilitation process. Instead, the regulatory changes should improve the ease of application and access to vocational rehabilitation services for Californians with disabilities.

ANTICIPATED BENEFITS

The benefits of updating the above-listed regulations are to provide conformity with federal statutes and regulations providing that the states provide vocational rehabilitation services to the public in the most efficient way. Amending the regulations will allow the Department to implement expedited enrollment statewide which provides quicker access to vocational rehabilitation services to Californians with disabilities. We are

doing this change now as we prepare to expand DOR’s online portal to include the ability to apply for services electronically. Additionally, amending the regulations eliminates the appearance of inconsistency between the Department’s regulations and the district offices’ procedures for the expedited enrollment program. By removing the appearance of underground regulation and expanding the mode of application for services to the internet, the Department continues to benefit the public whom we serve. As a result, the proposed regulatory action creates a positive impact to the protection of public health and safety of disabled individuals in California.

**EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY OF
EXISTING REGULATIONS**

The Department considered any other possible related regulations to this proposed action and it has been determined that these are the only regulations dealing with the streamlined eligibility and medical services pertaining to the Department. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations, or with federal regulations.

**DISCLOSURES REGARDING THE PROPOSED
ACTION — FISCAL IMPACT**

The DOR has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations.

The proposed regulations do not require a report to be made.

- There is no mandate on local agencies and school districts.
- There is no cost or savings to any state agency.
- There are no costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.
- There is no other nondiscretionary cost or savings imposed on local agencies.
- There is no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

There is no known significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ASSESSMENT

There are no known cost impacts that a representative private person or business would incur as a result of reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Creation or Elimination of Jobs within the State of California

The regulations are designed to amend language which allows expansion of the application process for VR services. Therefore, no jobs in California will be created or eliminated.

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

The regulations are designed to amend language which allows expansion of the application process for VR services. Therefore, no businesses in California will be created nor will any existing businesses be eliminated.

Expansion of Businesses Currently Doing Business within the State of California

The regulations are designed to amend language which allows expansion of the application process for VR services. Therefore, no businesses in California will be expanded or eliminated.

Benefits of the Regulations

The proposed action will promote expedited enrollment for VR services by consumers by eliminating narrow regulations that limited application to one format. It will also benefit any consumers by amending current regulations that do not serve to provide applicants of the vocational rehabilitation program with the clearest guide to the process.

Business reports

No Business Reporting requirement.

Housing costs

No significant effect on housing costs.

Determination of effect on small business

The Department has determined that these proposed regulations will not affect small business as defined in Government Code Section 11342.610 because the only process that will change because of the regulations change is processing applications.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department has determined that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the

Department, would be more effective in carrying out the purpose for which the action is proposed, 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 the law.

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Michele Welz, Regulations Analyst
Department of Rehabilitation
721 Capitol Mall
Sacramento, California 95814
Telephone: (916) 558-5825
Email: Legal@dor.ca.gov

The backup contact person for these inquiries is Elizabeth Colegrove at (916) 558-5825 or Legal@dor.ca.gov.

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Michele Welz at the address above.

The Department shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Section 11346.6. This includes copies of the regulation proposal in large print, Braille, on audiotape, compact disk, or copies of the regulation proposal transmitted electronically, upon request.

The Department will accommodate a person with a visual disability or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, Proposed Text of Regulations, and Initial Statement of Reasons. Copies may be obtained by contacting Michele Welz at the address or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the public comment period has ended and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts the regulations as revised.

Please send requests for copies of any modified regulations to the attention of Michele Welz at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Michele Welz at the address above or at Legal@dor.ca.gov with "regulation" in the email subject line, or you can call (916) 558-5825, or on the Department's website at www.dor.ca.gov.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the Proposed Text of the Regulations in underline and strikeout, can be accessed through the Department's website at www.dor.ca.gov.

**TITLE 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

Requirements for Course Certification
Regulation 1052

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

PUBLIC COMMENTS DUE BY NOVEMBER 26,
AT 5:00 P.M.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-2801, by email to [Maria Sandoval](mailto:Maria.Sandoval), or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Currently, Regulation 1052(g), does not outline a clear process for pilot program implementation. In order to better serve law enforcement, the community, and stay ahead of emerging and contemporary issues, POST is proposing changes to the regulation that will clarify the process for implementing a pilot program. The proposed changes would allow POST's Executive Director to authorize a Pilot Program to evaluate, and change, current regulations to include the addition and/or elimination of course hours, course content, and course certification requirements. Evaluating, and changing, current regulations will include collaboration with Subject Matter Experts (SME's), law enforcement officials, and community stakeholders to elicit input on course content and/or hours. The proposed changes are applicable to all POST-certified courses.

The ability to add and/or eliminate hours and/or content from courses, in addition to modifying the course certification process, is necessary to ensure POST is able to continue to meet the needs of agencies, respond to emerging trends, and provide credit for training to those individuals attending a pilot program course.

The benefits of the proposed amendments to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective

in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

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

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

training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SECTION 11346.5(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments to the regulations will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Maria Sandoval, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2808. General questions regarding the regulatory process may be directed to Heidi Hernandez at (916) 227-2802.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website.

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

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

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

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“State Forest Regulations Update, 2018”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 9
Subchapter 1, Articles 1, 2, 3, 4, & 5,
Amend: §§ 1400.5, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1430, 1431, 1432, 1433, 1435, 1436, 1437, 1438, and 1439
Adopt: §§ 1401.1, 1401.2
Subchapter 4,
Amend: §§ 1510, 1511, 1515, 1516, 1517, 1518, 1519, 1520, 1521**

NATURE OF PROCEEDING

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

PUBLIC HEARING

The Board will hold a public hearing on December 5, 2018, at its scheduled meeting commencing at approximately 9:00 a.m., at the Resources Building Auditori-

um, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on Monday, November 26, 2018.

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

Written comments shall be submitted to the following address:

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

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

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

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

(916) 653–0989

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

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

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

14 CCR § 1122 Note: Authority cited: Sections 4656.1, Public Resources Code. Reference: Sections 4643, 4645, 4646, 4651, 4652, 4656.1, and 4656.2, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

PRC 4656.1 provides the Board of Forestry and Fire Protection (Board) authority to “. . .establish rules and regulations. . .for the preservation, protection, and use of state forests. . .” and PRC 4652 allows the Department of Forestry and Fire Protection (CAL FIRE) to “collect recreational user fees for overnight camping and reserved group activities in a demonstration state forest”, provided that those fees do not exceed the costs of maintenance of and improvements to the campgrounds and associated facilities, environment, and access.

Demonstration state forests are forest lands which are owned by the state and managed and administrated by CAL FIRE. Currently, there are eight demonstration state forests throughout California, totaling over 69,000 acres. These public lands are managed to focus on demonstration of commercial timber management, plantation management, ecosystem restoration, fire prevention, recreation, and monitoring. Though the extent by which recreational opportunities are available varies among the state forests, many of the forests offer extensively developed camping, hiking, hunting, and fishing opportunities to the public.

Though all management activities require some form of initial cost, the administration and management of recreational opportunities within the state forests present significant and ongoing capital requirements. CAL FIRE spends roughly \$342,600 annually on the maintenance and development of recreational facilities on the state forests for the enjoyment of the public; facilities which are currently free of charge for public use.

The problem is that increasing demand and use of recreational facilities on some of the state forests has resulted in growing costs of maintenance and development of these resources. These increased costs are currently covered by the budgetary allowances of the state forests, but additional funding will allow for further improvement of existing resources and the development of additional camping and recreational facilities.

Additionally, many of the regulations which were adopted by the Board under the authority of PRC 4656.1 have issues with clarity of interpretation and en-

forcement. The existing regulations are inconsistent in their use of defined terms and are unclear on where those terms should be applied. Most of these regulations were adopted by the Board approximately three to four decades ago and have had very few amendments or updates in the intervening years, resulting in some instances of outdated references within the regulations.

The purposes of the proposed action are twofold: (1) to adopt regulations which allow CAL FIRE to collect fees for overnight camping and use of designated group camping areas and to establish the schedule for these fees; and (2) to improve the clarity of existing regulations related to state forests.

The effect of this proposed action is to make specific CAL FIRE’s collection of fees for overnight camping and the use of designated group campgrounds, to establish a schedule for those fees, and to improve the clarity of existing regulations related to the use of state forests.

The primary benefit of the proposed action is to provide funds for the ongoing maintenance and improvement of campgrounds and associated facilities on Jackson, Mountain Home, and Boggs Mountain Demonstration State Forests. These funds will allow CAL FIRE to provide continued recreational opportunities to the regulated public and to allow for improvements to existing camping and bathroom facilities, thereby ensuring maintained environmental quality in those areas. Additionally, the proposed amendments will improve the clarity of the regulations for public implementation and allow for additional clarity of enforcement by CAL FIRE.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including 14 CCR § 4453) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to camping fees on state forests and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it simply amends current regulatory language.

Statute to which the proposed action was compared: Public Resources Code Section 4584.

No documents are incorporated by reference.

MANDATED BY FEDERAL LAW
OR REGULATIONS

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

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

There are no comparable Federal regulations related to the imposition of fees for overnight camping on state forests. No existing Federal regulations meeting the same purpose as the proposed action were identified.

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

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

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

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

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

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

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

Regarding costs or savings to any state agency, there will be an ongoing fiscal impact to CAL FIRE in the additional costs of administration of camping fees as a result of the proposed adoption of 14 CCR § 1401.1. Current staff at the Demonstration State Forests dedicate between 10–75% of their time towards the administration, maintenance, and improvement of camping facilities. CAL FIRE estimates that the administration of newly adopted camping fees will require an additional one to two percent of staff time, depending upon staff position and rank. These additional time requirements result in an additional cost of \$6,246 at Boggs Mountain Demonstration State Forest, \$5,060 at Jackson Demonstration State Forest, and \$5,673 at Mountain Home Demonstration State Forest for a total annual cost of approximately \$17,000 per year as a result of the proposed action. Given that these regulations are likely to become

effective on January 1, 2019 or April 1, 2019, it is likely that only 50% of the additional cost (\$8,500) will be required as additional expenditure in the current State Fiscal Year.

Current camping facilities are extant within Jackson, Boggs Mountain, and Mountain Home Demonstration State Forests, including infrastructure that may be utilized to collect the proposed camping fees, and there will be no additional development or construction costs as a result of the proposed action.

Other amendments within the proposed action will not have a fiscal impact. These amendments include clarification of existing regulations.

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

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

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

The proposed action will not significantly affect housing costs.

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

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

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

The fiscal and economic impact analysis for these Exemption Amendments relies upon contemplation, by the Board, of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development. Additionally, the analysis utilizes a mixture of collected and anecdotal data provided by CAL FIRE which is related to the use of designated camping areas within State Forests within the past 3 years (2015 through 2017).

The majority of amendments within the proposed action are simple clarifications of existing regulation and does not impose new regulatory burdens on the public, however the imposition of camping fees will likely have an economic and fiscal impact.

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

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

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

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

The Board is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This initial determination is based on the same record of facts, evidence, documents, testimony, or other evidence as listed as the basis for the Significant Statewide Adverse Economic Impact.

- Between 3,700 to 6,200 uses of designated camping areas occurs annually. The average expected use of designated camping areas is approximately 5,000 uses per year.
- Approximately 60% of campsite users bring one vehicle and will be subject to the \$15 use fee, while the remaining 40% bring an additional vehicle and will be subject to the \$15 use fee.
- The total impact from average use is expected to be approximately \$85,000 annual, whereas the maximum economic impact for use is \$105,400 annually.

- A representative individual is likely to utilize a campsite for a weekend (two nights) with one vehicle. The representative individual will be subjected to an economic impact of \$30.

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

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

Small business, within the meaning of GOV § 11342.610, is not expected to be affected by the proposed action, as businesses, including small businesses, do not normally engage in recreational camping on state forests.

ALTERNATIVES INFORMATION

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

CONTACT PERSON

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

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

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

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

http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/.

All of the following are available from the contact person:

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

FINAL STATEMENT OF REASONS

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

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at:

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 8.0**

NOTICE IS HEREBY GIVEN that the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2805 and 2808, in order to implement, interpret and make specific Penal Code Sections 2806 and 2808, propose to amend Section 8006 of Article 1, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Pay Rates, Schedule and Movement.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **November 20, 2018**.

PUBLIC COMMENT PERIOD

The public comment Period will close **December 5, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

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

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSON

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

M. Doherty, Regulatory Analyst
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711
piaregs@calpia.ca.gov

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

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

AUTHORITY AND REFERENCE

Penal Code (PC) section 2808 provides the Prison Industry Board (PIB) with rulemaking authority to amend regulation 8006.1 concerning Inmate Pay Rates, Schedule and Movement. In order to implement and make specific, Penal Code (PC) sections 2806 and 2808, PIB proposes to amend regulation section 8006 regarding Inmate Pay Rates, Schedule and Movement.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW

The proposed adoption of Section 8902 will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to “all of the things that the board of directors of a private corporation would do. . .”

Specifically, CALPIA and PIB propose amending Section 8006 regarding Inmate Pay Rates, Schedule and Movement to specify advancement by progressive levels through pay rates and skill levels. The proposed amendments will be vetted through the public process of PIB, as required in PC 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). PIB will vote on these proposed regulations at their board meeting. Upon approval, PIB’s Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request and upon CALPIA’s website.

Anticipated Benefits of the Proposed Regulation:

Anticipated benefits of the proposed regulation include a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations, ongoing employment of inmate workers, and providing experiences for inmate workers to utilize upon release from custody. CALPIA has evaluated the potential benefits of this proposed regulatory action and made an initial determination that this proposed regulatory action:

- Will have no effect on housing costs.
- Will not impose new mandates upon local agencies or school districts.
- Will involve no nondiscretionary costs or savings to any local agency, no cost to any local agency or school district for which Sections 17500-17630 of the Government Code require reimbursement, nor costs or savings in federal funding to the state.
- Will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the State of California.
- Will continue to provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations employment inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Will eliminate inconsistencies from institution to institution and facility to facility.
- Will decrease the incidences of inmate appeals regarding inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.
- Will support uniformity in application of regulations regarding inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.
- Will provide assurances of consistent and equitably allocated inmate pay rates, schedule and movement and promotions to increased skill level and pay rates.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

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

Local Mandates:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reim-

bursement pursuant to Government Code Sections 17500 through 17630.

Fiscal Impact Statement:

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

Effect on Housing Costs:

PIB and CALPIA have determined that the proposed action will have no significant effect on housing costs.

Significant Statewide Adverse Economic Impact on Business:

PIB and CALPIA have determined that adoption of the proposed 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 because this regulation only applies to internal operations of CALPIA.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As result the economic impact assessment and in accordance with Government Code Section 11346.3(b), PIB and CALPIA have made the following assessments regarding the proposed regulation:

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CALPIA's proposed regulatory changes any differently than exists presently or there is no impact on existing jobs and therefore there is no impact with the adoption of this section.

CREATION, EXPANSION, OR ELIMINATION OF EXISTING BUSINESSES (SMALL OR LARGE) WITHIN THE STATE OF CALIFORNIA

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by CALPIA's proposed regulatory changes any differently than currently, or not at all, and therefore will not have an effect on the creation, expansion, or elimination of small or large businesses within California.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

Provide a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operation employment inmate workers, and providing experiences for inmate workers to utilize upon release from custody.

REPORTS RELIED UPON

None.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small businesses any differently than they are now or not at all because they are not affected by CALPIA's internal operations.

CONSIDERATION OF ALTERNATIVES

PIB and CALPIA must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of PIB and CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in imple-

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

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

The Proposed Text, Initial Statement of Reasons, and Materials Relied Upon have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If modifications sufficiently related to the originally proposed text are made, the changes will be clearly indicated and made available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. PIB and CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice, or it can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

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

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 8.0**

NOTICE IS HEREBY GIVEN that the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2805 and 2808, in order to implement, interpret and make specific Penal Code

Sections 2806 and 2808, proposes to amend Section 8004.1 of Article 1, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning inmate worker employment, revising the requirement for a minimum Test of Adult Basic Education (TABE) score to minimum qualifications.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than **November 20, 2018**.

PUBLIC COMMENT PERIOD

The public comment period will close **December 5, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

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

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSON

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

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

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

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

AUTHORITY AND REFERENCE

Penal Code (PC) section 2808 provides the Prison Industry Board (PIB) with rulemaking authority to amend

regulation 8004.1 concerning inmate worker employment, revising the requirement for a minimum Test of Adult Basic Education (TABE) score to minimum qualifications.

In order to implement and make specific Penal Code (PC) sections 2806 and 2808, PIB proposes to amend regulation section 8004.1. Specifically, CALPIA and PIB propose amending Section 8004.1 to address the appearance of potential bias or discrimination against disabled inmates by changing the standard for employment from minimum Test of Adult Basic Education (TABE) scores to minimum qualifications to perform duties of the position.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW

The proposed adoption of Section 8004.1 will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to “all of the things that the board of directors of a private corporation would do. . .”

This regulatory action is necessary to implement, interpret, clarify and make specific Penal Code (PC) Section 2801 regarding inmate participation for work assignments with CALPIA. Penal Code (PC) Sections 2801 and 2808 provide the PIB with implied rulemaking authority to establish regulations for developing and operating enterprises to employ prisoners. Penal Code Section 2801(c) provides CALPIA’s General Manager with the authority to operate a work program for prisoners and manage inmate participation for work assignments with CALPIA. This includes establishing regulations for developing and operating enterprises to employ prisoners. Pursuant to these statutes, CALPIA’s General Manager has the authority to operate a work program for inmates including inmate worker hiring standards and requirements.

Specifically, CALPIA and PIB propose amending Section 8004.1 to address the appearance of potential bias or discrimination against disabled inmates by changing the standard for employment from minimum Test of Adult Basic Education (TABE) scores to minimum qualifications to perform duties of the position. The proposed amendments will be vetted through the public process of PIB, as required in PC 2808(h) and (i), and now are being promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). PIB will vote on these proposed regulations at their next board meeting. Upon approval, PIB’s Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative

Law (OAL) and are available to the public upon request and upon CALPIA’s website.

Anticipated Benefits of the Proposed Regulation:

Anticipated benefits of the proposed regulation include providing a nonmonetary benefit for the protection and safety of public health and safety, by ensuring ongoing efficiency of operations, employment of inmate workers, and providing experiences for inmate workers to utilize upon release from custody. CALPIA has evaluated the potential benefits of this proposed regulatory action and made an initial determination that this proposed action will:

- Continue to provide a nonmonetary benefit for the protection of public health and safety, by ensuring ongoing efficiency of operations employment inmate workers, and providing work experiences for inmate workers to utilize upon release from custody.
- Eliminate inconsistencies from institution to institution and facility to facility.
- Decrease the incidences of inmate appeals regarding inmate pay rates, schedules and movement and promotions to increased skill level and pay rates.
- Support uniformity in application of regulations regarding inmate pay rates, schedules and movement and promotions to increased skill level and pay rates.
- Provide assurances of consistent and equitably allocated inmate pay rates, schedules and movement and promotions to increased skill level and pay rates.
- Reduce the appearance of potential bias or discrimination against and ensure the inclusion of disabled inmates in eligibility for CALPIA work assignments by changing the standard for employment from minimum TABE scores to minimum qualifications to perform duties of the position.
- Promote providing access to its activities, services, and programs to inmates/parolees with disabilities, with or without reasonable accommodation, consistent with penological interests.
- Promote inclusion of qualified inmates with a disability in activities, services, and programs of CDCR, including CALPIA work assignments.
- Maintain the current availability of work assignments with CALPIA for qualified inmates without a qualification bar based on TABE score alone while still requiring education participation while on CALPIA assignment.
- Comply with the Joint Case Status Statement dated March 15, 2017, PC-CA-0001-0055, in

Armstrong v. Schwarzenegger, Case No. 4:94-cv-02307-CD (N.D. Cal.).

CALPIA and PIB propose amending Section 8004.1 to address the appearance of potential bias or discrimination against and ensure the inclusion of disabled inmates in eligibility for CALPIA work assignments by changing the standard for employment from minimum TABE scores to minimum qualifications to perform duties of the position. It is the policy of the California Department of Corrections (CDCR) to provide access to its activities, services, and programs to inmates/parolees with disabilities, with or without reasonable accommodation, consistent with penological interests. No qualified inmate or parolee with a disability is excluded from participation in or denied benefits of activities, services, and programs of CDCR. An inmate may be excluded from CDCR assignment if the inmate would be unable to perform the essential functions of the assignment despite the provision of accommodations and adaptive support services (oral rather than written tests, etc.), the assignment would pose a safety risk, or the provision of accommodation for the assignment would fundamentally alter the program or present an undue financial or administrative burden. Because academic and vocational correctional education reduces post-release recidivism and does so cost-effectively, CALPIA inmate workers remain obligated to be enrolled in an educational program designed to achieve academic and vocational milestones. On average, inmates who participate in correctional education programs have 43 percent lower odds of recidivating than those who did not. Inmates who participate in high school/GED programs have 30 percent lower odds of recidivating than those who had not. Using a three-year reincarceration rate for a hypothetical pool of 100 inmates, the three-year reincarceration costs in 2013 for those who did not receive correctional education were between \$2.94 million and \$3.25 million.

This change to the regulation maintains the current availability of work assignments with CALPIA for qualified inmates without a qualification bar based on TABE score alone while still requiring education participation while on CALPIA assignment. Removing the TABE score requirement complies with the Joint Case Status Statement dated March 15, 2017, PC-CA-0001-0055, in Armstrong v. Schwarzenegger, Case No. 4:94-cv-02307-CD (N.D. Cal.). The proposed regulatory action will be vetted through the public process of PIB, as required in PC Section 2808, subsections (h) and (i), and promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). PIB will review these regulations at the next board meeting. Upon approval, the PIB's Record of Vote and the applicable portion of the meeting minutes will be included in the rulemaking file. These docu-

ments will be filed with the Office of Administrative Law (OAL).

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

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

Local Mandates:

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

Fiscal Impact Statement:

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

Effect on Housing Costs:

PIB and CALPIA have determined that the proposed action will have no significant effect on housing costs.

Significant Statewide Adverse Economic Impact on Business:

PIB and CALPIA have determined that adoption of the proposed 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 because this regulation only applies to internal operations of CALPIA.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), PIB and CALPIA have made the following assessments regarding the proposed regulation:

CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on

jobs within the State of California because these jobs are not affected by CALPIA's independent credit card transactions any differently under section 8902 than exists presently or there is no impact on existing jobs and therefore there is no impact with the adoption of this section.

CREATION, EXPANSION, OR ELIMINATION OF EXISTING BUSINESSES (SMALL OR LARGE) WITHIN THE STATE OF CALIFORNIA

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by CALPIA's independent credit card transactions any differently than currently, or not at all; and therefore, adoption of section 8902 will not have an effect on the creation, expansion, or elimination of small or large businesses within California.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

The benefit of the amended regulation is to address the appearance of potential bias or discrimination against disabled inmates by changing the standard for employment from minimum Test of Adult Basic Education (TABE) scores to minimum qualifications to perform duties of the position.

REPORTS RELIED UPON

None.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small businesses any differently than they are now or not at all because they are not affected by CALPIA's internal operations.

CONSIDERATION OF ALTERNATIVES

PIB and CALPIA must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of PIB and CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action. Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF RULEMAKING DOCUMENTS

The Proposed Text, Initial Statement of Reasons, and Materials Relied Upon have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: www.calpia.ca.gov.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

**TITLE 15. CALIFORNIA PRISON
INDUSTRY AUTHORITY**

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 8**

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

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below, Requests for public hearings must be made no later than **November 20, 2018**.

PUBLIC COMMENT PERIOD

The public comment period will close **December 5, 2018**. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVER

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

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSONS

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

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

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

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

AUTHORITY AND REFERENCE

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Section 2808, in order to implement, interpret and make specific Penal Code Sections 2808 and 2809, propose to amend Section 8004 of Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education.

INFORMATIVE DIGEST

CALPIA is amending Section 8004 to provide notice and affirm the General Manager's authority at any time to terminate inmate assignments with or without cause. The proposed regulatory action will allow PIB to implement its authority vested by the Legislature. In PC section 2808, the Legislature granted PIB powers equal to "all of the things that the board of directors of a private corporation would do. . . ."

This regulatory action is necessary to implement, interpret, clarify and make specific PC Section 2801 regarding inmate participation for work assignments with CALPIA. PC Sections 2801 and 2808 provide the PIB with implied rulemaking authority to establish regulations for developing and operating enterprises to employ prisoners. Penal Code Section 2801(c) provides CALPIA's General Manager with the authority to operate a work program for prisoners and manage inmate participation for work assignments with CALPIA. This includes establishing regulations for developing and operating enterprises to employ prisoners. Pursuant to these statutes, CALPIA's General Manager has the authority to operate a work program for inmates including inmate worker hiring standards, requirements and assignment termination.

POLICY STATEMENT OVERVIEW

In order for CALPIA to function safely and efficiently, this revised regulation is needed to provide notice

and enforce standard workplace practices and provide familiarity with those practices for inmates upon release from custody and post-custody employment. CALPIA provides inmates with work opportunities to develop work skills and experience applicable upon release from custody. It is standard practice for private sector employers to terminate worker assignments and employment at any time and with or without cause. Therefore, CALPIA is amending Section 8004 to include this same requirement. As a result, it is necessary to implement this amendment through the Administrative Procedure Act as a requirement of inmate worker assignment. Thus, this proposed action benefits the public and general welfare.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

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

Local Mandates:

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

Fiscal Impact Statement:

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

Effect on Housing Costs:

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

Significant Statewide Adverse Economic Impact on Business:

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

Results of the Economic Impact Analysis/Assessment

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

Creation or Elimination of Jobs within the State of California

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

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

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

Expansion of Businesses Currently Doing Business Within the State of California

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

Benefits of the Regulations

This proposed regulatory action will benefit CALPIA inmates by providing inmates with a standard employment practice which is applied in the private sector workplace. This proposed regulatory action will create familiarity and compliance with a standard public sector employment practice and promote CALPIA's efficient operations. Said amendment will facilitate potential compliance with standard workplace practices providing inmate workers with higher probability of retaining non-custody employment and reducing recidivism. **Thus, this proposed action benefits the public and general welfare.**

Cost Impacts on Representative Private Persons or Businesses

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

Effect on Small Businesses

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

Consideration of Alternatives

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to af-

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

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

Reports Relied Upon

None.

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

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

Availability of Changes to Proposed Text

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA’s website: www.calpia.ca.gov.

Availability of the Final Statement of Reasons

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

TITLE 16. VETERINARY MEDICAL BOARD

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD**

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board 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 prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than November 26, 2018**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 4842.5 and 4905 of the BPC, the Board is proposing changes to sections 2070 and 2071 of Article 7 of Division 20 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

A. Informative Digest

BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (VMPPA), which is contained in BPC sections 4800 through 4917.

Existing laws, BPC sections 4842.5 and 4905, authorize the Board to charge fees associated with veterinarian licensure, premises permit registration, and registered veterinary technician registration. These sections

require the Board to set the amount of the fees associated with licensure and registration at amounts the Board determines are reasonably necessary to provide sufficient funds to carry out the purpose of the VMPA. The sections also set specified limits on the amount of fees that may be charged.

Amend Sections 2070 and 2071

The statutory fees are set in regulation under sections

Table 1. Fee Schedule

Revenue Category	Fees	
	CURRENT	NEW
Section 2070		
Application Eligibility Review - Veterinarian	\$125.00	\$150.00
California State Board Exam	\$200.00	\$235.00
Initial License - Veterinarian	\$290.00	\$350.00
Biennial Renewal - Veterinarian	\$290.00	\$350.00
Temporary License - Veterinarian	\$150.00	\$175.00
Initial Registration - Veterinary Premises	\$200.00	\$400.00
Annual Registration - Veterinary Premises	\$200.00	\$400.00
Delinquent Renewal - Veterinarian	\$25.00	\$35.00
Delinquent Renewal – Veterinary Premises	\$25.00	\$35.00
Section 2071		
Application Eligibility Review – Veterinary Technician	\$125.00	\$150.00
California Veterinary Technician Exam	\$175.00	\$200.00
Initial Registration - Veterinary Technician	\$140.00	\$160.00
Biennial Renewal - Veterinary Technician	\$140.00	\$160.00
Delinquent Renewal - Veterinary Technician	\$25.00	\$35.00

2070 (veterinarian and premises permit registration) and 2071 (registered veterinary technician registration). The Board is proposing to amend CCR sections 2070 and 2071 to increase certain fees associated with veterinarian licensure, premises permit registration, and registered veterinary technician as detailed in Table 1 below:

B. Policy Statement Overview

In accordance with BPC section 4800.1, the Board’s highest priority is protection of the public in exercising its regulatory, licensing, inspection, and disciplinary functions.

The Board is a self-supporting, special fund agency that generates its revenues from licensing and registration fees. In order to perform its regulatory, licensing, inspection, and disciplinary functions, the Board must generate sufficient revenues from fees associated with licensing and registration. The Board is also required to maintain a Fund Condition reserve of no less than three (3) months and no more than ten (10) months of annual authorized expenditures. As the Board’s costs associated with performing its core functions have risen sharply, the Board is currently experiencing a severe

fiscal imbalance. This proposal would increase fees associated with veterinarian licensure and premises permit and registered veterinary technician registrations so that the Board can continue to perform its core functions and properly protect the public.

C. Anticipated Benefits of Proposed Regulatory Action

By increasing licensing and registration fees, this proposal would generate sufficient funds for the Board to resolve its fiscal imbalance. In turn, the Board will be able to appropriate additional funds toward inspections and enforcement, which will protect California consumers and their pets by ensuring that licensees are complying with the VMPA and allowing for the prosecution of those licensees that are violating the VMPA. In addition to this, by amending sections 2070 and

2071, the Board will be complying with BPC section 4905, which requires the Board to maintain a reserve of no more than ten (10) months of annual authorized expenditures.

D. Consistency and Compatibility with Existing State Regulations

During the process of developing this proposal, the Board has conducted a search of any similar regulations on this topic. The Board has evaluated this regulatory proposal and found that it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The anticipated additional revenue from the proposed fee increase will increase the Board’s revenue to approximately \$1,340,000 additional revenue per Fiscal Year ongoing. There are no ex-

Table 2. Cost Impact — Veterinary Premises

Revenue Category	Population	Fee Increase Amount	Annual Increase Amount
Initial Registration - Veterinary Premises	300	\$200	\$60,000
Annual Registration - Veterinary Premises	3,500	\$200	\$700,000
Delinquent Renewal – Veterinary Premises	125	\$10	\$1,250

Cost Impact on Representative Private Person or Business:

This regulation may have an economic impact on private persons or businesses, specifically, veterinarian and registered veterinary technician applicants and licensees, as well as veterinary premises registration holders. The regulation would impose increased fees on

pected costs or savings to any other state agency or costs/savings in federal funding.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None.

Business Impact: The Board has initially determined that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This regulation may have an economic impact on businesses, specifically, veterinary premises (hospitals). The regulation would impose increased fees on the initial and renewal registration of veterinary premises.

Specific annual veterinary premises cost impacts ongoing are shown in Table 2 below:

the initial and annual renewal of veterinary premises permits. The proposal also increases fees for applications, examinations, renewals, and delinquencies associated with veterinarian licensees and registered veterinary technician registrations.

Specific annual applicant and licensee cost impacts ongoing are shown in Table 3 below:

Table 3. Cost Impact — Applicant and License Population

Revenue Category	Population	Fee Increase Amount	Annual Increase Amount
Application Review - Veterinary	700	\$25	\$17,500
California State Board Exam	700	\$35	\$24,500
Initial License - Veterinary	575	\$60	\$34,500
Biennial Renewal - Veterinary	6,175	\$60	\$370,500
Temporary License - Veterinary	25	\$25	\$625
Initial Registration - Veterinary Premise	300	\$200	\$60,000
Annual Registration - Veterinary Premise	3,500	\$200	\$700,000
Delinquent Renewal - Veterinary	250	\$10	\$2,500
Delinquent Renewal – Veterinary Premises	125	\$10	\$1,250
		Total	\$1,211,375
Application Review – Veterinary Technician	970	\$25	\$24,250
California Veterinary Technician Exam	970	\$25	\$24,250
Initial Registration - Veterinary Technician	615	\$20	\$12,300
Biennial Renewal - Veterinary Technician	3,275	\$20	\$65,500
Delinquent Renewal - Veterinary Technician	250	\$10	\$2,500
		Total	\$128,800

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses, similar to the business impact that is stated above. This regulation may have an economic impact on businesses, specifically, veterinary premises (hospitals). The regulation would impose increased fees on the initial and annual renewal registration of veterinary premises.

Specific annual veterinary premises cost impacts ongoing are shown in Table 2 above.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The proposed rulemaking will not create businesses or jobs, or eliminate existing businesses or jobs within California because the proposed fees are anticipated to have minimal impact on businesses. The proposed rulemaking will not affect the expansion of businesses currently doing business with the state. The impact on businesses will be minimal and absorbable as this regulation specifically affects individual licensees and premises permit holders. This regulation may have an economic

impact on private persons or businesses, specifically, veterinarian, veterinary technician, and veterinary premises applicants and licensees. The regulation would impose increased fees for the initial and renewal license and registration of veterinarians, veterinary technicians, and veterinary premises.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state’s environment:

- The proposed regulations would increase the Board’s revenue, resolving the fiscal imbalance and allow the Board to continue with inspections and prosecuting individuals violating the VMPA through enforcement measures. By continuing these tasks, the Board will be protecting California consumers and their pets.
- This regulatory proposal focuses on fee increases and does not affect worker safety.
- This regulatory proposal focuses on fee increases and does not affect the state’s environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the proposal 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 proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 N. Market Blvd, Suite 230, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Amanda Drummond,
Administrative Program
Coordinator
Address: Veterinary Medical Board
1747 North Market Blvd.,
Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5238
Fax No.: 916-928-6849
E-Mail Address: Amanda.Drummond@dca.ca.gov

The backup contact person is:

Name: Ethan Mathes, Interim Executive
Officer
Address: Veterinary Medical Board
1747 North Market Blvd.,
Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5220
Fax No.: 916-928-6849
E-Mail Address: Ethan.Mathes@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.vmb.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

**Title 20. Public Utilities and Energy
Division 2. State Energy Resources Conservation
and Development Commission
Chapter 4. Energy Conservation
Article 4. Appliance Efficiency Regulations
Sections 1601-1609**

NOTICE OF PROPOSED ACTION

California Energy Commission
Portable Air Conditioners
Docket No. 18-AAER-04

INTRODUCTION

The Energy Commission proposes to adopt regulations for single-duct and dual-duct portable air conditioners (portable air conditioners) after considering all comments, objections, and recommendations regarding the proposed action.

A PUBLIC HEARING IS SCHEDULED

The California Energy Commission will hold a public hearing for the proposed regulations on the follow-

ing date and time. Any interested person, or his or her authorized representative, may present oral and written statements relevant to the proposed regulations at the hearing. The Energy Commission requests that any person making oral comments also submit a written copy of the testimony at the hearing.

Tuesday, November 27, 2018
10:00 a.m. — 12:00 p.m. (Pacific Time)
California Energy Commission
1516 9th Street
First Floor, Rosenfeld Hearing Room
Sacramento, CA 95814
(Wheelchair accessible)

Audio for the hearing will be broadcast over the internet. Details regarding the Energy Commission's webcast can be found at www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in the hearing, please contact Erica Rodriguez at Erica.Rodriguez@energy.ca.gov or (916) 654-4314, at least 5 days in advance.

Public Adviser:

The California Energy Commission's Public Adviser, Alana Mathews, is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228 or contact publicadviser@energy.ca.gov.

News Media Inquiries:

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

WRITTEN COMMENT PERIOD

You may submit written comments to the Energy Commission for consideration on or prior to 5:00 p.m. on Monday, November 26, 2018. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments to the California Energy Commission using the Commission's e-commenting feature by going to the Commission's *Portable Air Conditioners* webpage at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-04.html Docket Number 18-AAER-04, then select the "Submit e-comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the California Energy Commission's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone number, email address, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket unit. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 18-AAER-04
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076
Or by e-mail to DOCKET@energy.ca.gov
Or fax them to Dockets at (916) 654-4354

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 25213, 25218(e), and 25402(c) authorize the Energy Commission to adopt any rule or regulation, as necessary, to implement, interpret and make specific Public Resources Code Sections 25402(c) and 25216.5(d).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist Act establishes the Energy Commission as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandate that the California Energy Commission adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the Energy Commission satisfies this requirement is through the Appliance Efficiency Regulations (California Code of Regulations, title 20, sections 1601-1609), which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state- and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the Energy Commission that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the Energy Commission's database of appliances approved to be sold or offered for sale in California.

Appliance energy efficiency is identified as a key to achieving the greenhouse gas (GHG) emission reduction goals of Assembly Bill 32 (Nunez, Chapter 488, Statutes of 2006). Senate Bill 350 (de León, Chapter 547, Statutes of 2015), established the Clean Energy and Pollution Reduction Act of 2015, requiring the Energy Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a doubling of energy savings from buildings and retail end uses by 2030.

Therefore, in compliance with statute, the Energy Commission has prepared the proposed regulations to provide definitions, data reporting requirements and efficiency standards for portable air conditioners, sold or offered for sale in California, effective February 1, 2020. The proposed regulatory language includes changes recently made to the Appliance Efficiency Regulations, approved September 26, 2018, and which became effective October 1, 2018. These changes are available online at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=224840>.

Difference from existing comparable federal regulation or statute

No federal efficiency standards currently exist for portable air conditioners. The United States Department of Energy (DOE) considered energy conservation standards for portable air conditioners in a rulemaking in 2016, but to date has not published a final rule in the Federal Register. However, the DOE did publish a final test procedure for portable air conditioners in the Federal Register on June 1, 2016, making it the applicable test procedure for all single-duct and dual-duct portable air conditioners manufactured in or imported into the United States.

The Energy Commission used information from the DOE rulemaking to support the proposed regulation.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of these regulations is to increase energy efficiency savings in the state by establishing statewide energy efficiency standards for single-duct and dual-duct portable air conditioners. Portable air conditioners were added under the scope of the Appliance Efficiency Regulations in a previous rulemaking along with definitions and the federal test method. These regulations are proposing to provide additional definitions, data reporting requirements, and efficiency standards.

The specific benefits of the proposed regulations would be cost savings to the consumer, lower statewide energy use, and lower statewide greenhouse gas emissions and criteria air pollutants associated with electricity production. It’s anticipated that consumers would save approximately \$5 million in first-year savings and

\$50 million annually after stock turnover in ten years. The proposed standard is expected to annually yield 369 gigawatt hours (GWh) in energy savings after stock turnover.

Determination of inconsistency or incompatibility with existing state regulations

The Commission has conducted an evaluation for any other regulations in this area and has concluded that these are the only regulations concerning portable air conditioners. The Energy Commission currently has definitions, test procedures, and reporting requirements for spot air conditioners. Spot air conditioners are a type of “portable air conditioner” in the general sense (meaning an air conditioner that can be moved from room to room), but are distinct from single-duct and dual-duct air conditioners because they intake air from the room and output both the cool air and the rejected heat into the same room. The Energy Commission is not proposing any changes to the regulations for spot air conditioners.

Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. These regulations are proposed to provide definitions, data reporting requirements, and efficiency standards for single-duct and dual-duct portable air conditioners.

DOCUMENTS INCORPORATED BY REFERENCE

The Energy Commission will not be incorporating any documents by reference.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The Energy Commission has made the following initial determinations:

- A mandate on local agencies and school districts: None.
- The cost to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.: None.
- Cost or savings to any state agency: None.
- Non-discretionary cost or savings imposed upon local agencies: None.

- Cost or savings in federal funding to the state: None.
- Significant effect on housing costs: None.
- Cost Impact on small business: The Energy Commission is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action. There are no small businesses in California engaged in the manufacturing of portable air conditioners. The small businesses involved in distribution and sales of portable air conditioners may experience increased wholesale purchase prices of portable air conditioners due to the proposed standard; however, the Energy Commission assumes these costs are entirely passed along to the end consumer, so that there are no direct economic impacts of the proposed standard to these businesses.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Energy Commission estimates that approximately 500 California businesses may be impacted by the regulations. However, these regulations are not likely to result in a significant adverse economic impact on any business.

The proposed regulation sets new efficiency standards that will require manufacturers to produce more efficient portable air conditioners. However, there no manufacturers of portable air conditioners in the United States. The Energy Commission assumes that portable air conditioner manufacturers will pass the incremental cost to improve the efficiency of an appliance onto the distributors and retailers, which will then pass on the cost to consumers.

Under the appliance efficiency regulations (sections 1608 and 1609), retailers are responsible for ensuring that the products they sell appear in the Modernized Appliance Efficiency Database System (MAEDbS) before they are sold or offered for sale in California. Because portable air conditioners are a newly covered product, the Energy Commission assumes that retailers will experience some additional costs associated with checking MAEDbS to ensure that the portable air conditioners they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state. The Energy Commission estimates that this will cost each company about \$25 per model. Energy Commission staff estimates that large-scale national home improvement stores carry approximately 160 in-scope portable air

conditioner models that will require MAEDbS verification. Independently operated stores may carry fewer than ten in-scope portable air conditioner models. These are one-time costs and unlikely to be passed through to consumers and also unlikely to cause a significant adverse impact on businesses in California.

Some retailers may choose to incur additional costs if they rebrand an appliance that is not certified to MAEDbS and wish to sell it in California. These retailers are required to certify the appliances to California, and therefore will incur costs associated with reporting to the MAEDbS.

Sellers of electricity, both retail and wholesale, may experience slightly reduced sales of electricity due to the proposed standard. However, any reduction in sales is small compared to the total electricity sales of these entities and therefore negligible.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

Efficiency standards for portable air conditioners have an initial increased incremental cost to individuals for the improved efficiency, but the increased efficiency will result in lower utility bills to those individuals through reduced electricity consumption. The savings from the lower utility bills over the lifetime of the more efficient portable air conditioners exceed the incremental costs of improvement, resulting in overall economic savings. The Energy Commission assumes that an individual would purchase only one portable air conditioner per household.

The businesses involved in distribution and sales of portable air conditioners may experience increased wholesale purchase prices of portable air conditioners due to the proposed standard; however, the Energy Commission assumes these costs are entirely passed along to the end consumer, so that there are no direct economic impacts of the proposed standard to these businesses. There are no manufacturers in the United States of portable air conditioners and portable air conditioner shipments and sales are not expected to change significantly as a result of the proposed regulations. However, some retailers may choose to incur additional costs if they rebrand an appliance that is not certified to MAEDbS and wish to sell it in California. These retailers are required to certify the appliances to California, and therefore will incur costs associated with reporting to the MAEDbS.

Sellers of electricity, both retail and wholesale, may experience slightly reduced sales of electricity due to

the proposed standard. However, any reduction in sales is small compared to the total electricity sales of these entities and therefore negligible.

The Energy Commission estimates that the regulations may potentially create a maximum of 25 jobs in California and will not eliminate any jobs. This is based on the DOE's Technical Support Document's indirect employment impact analysis. There is no direct impact on jobs because there is no production in the United States of portable air conditioners subject to the proposed standard.

BUSINESS REPORT

The regulations impose a new reporting requirement for manufacturers, including private brand packagers and reassemblers, of single-duct and dual-duct portable air conditioners. However, there are no manufacturers of portable air conditioners located in the United States and as such, there will be no reporting costs for a California business due to the proposed regulations. However, some retailers may choose to stand in as manufacturers when they rebrand a product and take on the manufacturer's certification burden for that portable air conditioner model.

It is necessary for the health, safety, or welfare of the people of the state that the regulation which requires a report apply to businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Energy Commission concludes that (1) the proposal may indirectly create jobs within California, (2) it's unlikely the proposal will eliminate jobs within California, (3) it's unlikely the proposal will create new businesses in California, (4) it's unlikely the proposal will eliminate existing businesses within California, (5) it's unlikely the proposal will result in the expansion of businesses currently doing business within the state.

Benefit of the Proposed Action: The proposed regulation will benefit California residents and worker safety through mandatory statewide standards including definitions, reporting requirements and efficiency standards for portable air conditioners. It's anticipated that consumers would save approximately \$5 million in first-year savings and \$50 million annually after stock turnover in ten years. The proposed standard is expected to annually yield 369 gigawatt-hours (GWh) in energy savings after stock turnover.

The proposed regulations will have a significant positive impact on the environment through energy efficiency gains and avoiding greenhouse gas (GHG) emissions and criteria pollutant emissions. Therefore, the

Energy Commission could not identify any adverse environmental impacts associated with the proposed efficiency standards.

CONSIDERATION OF ALTERNATIVES

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

The Energy Commission invites interested persons to present statements or arguments concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Please direct inquiries concerning all aspects of the rulemaking process, including requests for copies of the proposed text (the "express terms"), the initial statement of reasons, any modified version of the regulations, the substance of the proposed regulations or any other information upon which the rulemaking is based, to:

Corrine Fishman
Regulations Manager, Efficiency Division
1516 Ninth Street
Sacramento, CA 95814-5512
(916) 654-4976
corrine.fishman@energy.ca.gov

If Corrine Fishman is unavailable, please contact Patrick Saxton at Patrick.Saxton@energy.ca.gov or (916) 654-4274.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The Energy Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the initial statement of reasons, and any documents relied upon. Copies may be obtained by contacting Corrine Fishman at the address or phone number listed above or accessed through the

Energy Commission's webpage at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-04.html.

AVAILABILITY OF SUBSTANTIAL CHANGES
TO ORIGINAL PROPOSAL FOR AT LEAST 15
DAYS PRIOR TO AGENCY
ADOPTION/REPEAL/AMENDMENT OF
RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Energy Commission adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT
OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Energy Commission's website at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-04.html or contacting the contact person listed above.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, and the Initial Statement of Reasons, have been posted on our website at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-04.html.

**TITLE 22. DEPARTMENT OF PUBLIC
HEALTH**

NOTICE OF PROPOSED RULEMAKING
Title 22. Social Security
DPH-15-003 In-Patient Treatment of
Eating Disorders

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Anita Shumaker, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, at (916) 440-7718, email to Anita.Shumaker@CDPH.ca.gov or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by 5:00 p.m. on November 26, 2018, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-15-003 Inpatient Treatment of Eating Disorders" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636-6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, “**DPH-15-003 Inpatient Treatment of Eating Disorders**”, with the comment author’s name and email or mailing address.

PUBLIC HEARING

A public hearing has not been scheduled for this rule-making. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

ASSISTIVE SERVICES

For individuals with disabilities, The Department will provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takes, reading or writing assistance. To request these assistive services, please call (916) 558-1710 or California Relay at 711 or 1-800-735-2929, email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are made less than 10 business days prior to a public hearing.

AUTHORITY AND REFERENCE

The Department is authorized to make and enforce regulations pertaining to Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies pursuant to Health and Safety Code sections 1254.5, 131000, 131050, 131051, 131052 and 131200. This proposal implements, interprets, or makes specific the licensing and certification of health facilities’ ability to provide inpatient treatment of eating disorders, Health & Safety Code statutes by adopting Chapter 2.6 Article 1 sections 71900 and 79101 of the California Code of Regulations, Title 22 (22 CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Proposal

The Department proposes to adopt Chapter 2.6 (sections 71900-71901) of Division 5, title 22 of the California Code of Regulations (CCR) to designate congregate living health facilities (CLHFs) as a type of health facility licensed by the Department that may perform inpatient treatment of eating disorders.

Background

On September 25, 1987, the Governor signed Assembly Bill 2222 into law (Stats. 1987, ch. 1142) (the Law), which amended Health and Safety Code (Health & Saf. Code) section 1254.5, subdivision (1) (the Code). In addition to other facilities already designated in the Code, the Law was intended to provide the Department with the authority to designate licensed health facilities for inpatient treatment of eating disorders. Currently, the Code specifies that general acute care hospitals and acute psychiatric hospitals (as defined in Health & Saf. Code § 1250 subd. (a) & (b), respectively) may provide inpatient treatment of eating disorders.

Since the passage of the Law, the Department has approved licensure requests for a number of CLHFs as a class of health facility that may provide inpatient treatment of eating disorders. However, the Department has not formally promulgated the designation of CLHFs as a recognized health facility for such treatment.

The Department proposes this regulatory change to formalize the designation of CLHFs as providers for inpatient treatment of eating disorders. Doing so brings the Department into compliance with the Administrative Procedure Act (APA).

Problem Statement

According to National Association of Anorexia Nervosa, more than 30 million people in the U.S. will suffer from an eating disorder. At least 13 percent of women over the age of 50 have symptoms of an eating disorder. Children under 12 admitted to the hospital for eating disorders rose 119 percent in less than a decade. Eating disorders have the highest mortality rate of any mental illness, with nearly one person dying every hour as a direct result of their eating disorder. Anorexia is the 3rd most common chronic illness among adolescents, after asthma and obesity. Over 70 percent of sufferers will not seek treatment due to stigma, misconceptions, lack of education, diagnosis and lack of access to care.¹

¹ *Eating Disorder Facts and Statistics*, National Association of Anorexia Nervosa and Associated Disorders; 2018.

Despite the serious nature of this disease, only 35 percent of people that receive treatment for eating disorders get treatment at a specialized facility.² The treatment of eating disorders can be complex and difficult. Often, “eating disorders require a comprehensive treatment plan involving medical care and monitoring, psychosocial interventions, nutritional counseling, and when appropriate, medication management.”³ For example, treatment of anorexia nervosa is frequently provided in an inpatient hospital setting where feeding plans can be developed, and the patient’s medical and nutritional needs can be best managed.⁴

These factors illustrate the need to ensure there are sufficient inpatient treatment settings for those suffering from eating disorders. Pursuant to the Code, currently only general acute care hospitals and acute psychiatric hospitals may treat inpatients with eating disorders. The Legislature, however, recognized the serious nature of this disease and provided the Department with the authority to designate additional types of facilities that can offer inpatient care. In promulgating this regulation, the Department seeks to formally provide that CLHFs can treat eating disorders, which could expand treatment options for those suffering from eating disorders.

Objectives (Goals) of the Regulation

- Formally designating CLHFs as a type of facility that can provide treatment for eating disorders.
- Improving patient outcomes and experiences for Californians.
- Aligning departmental practice with the requirements of the APA in its approval of inpatient treatment of eating disorders at CLHFs.

Anticipated Benefits

Anticipated Benefits include nonmonetary benefits to the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or the promotion of fairness or social equity, and the increase in openness and transparency in business and government amongst other things. Anticipated benefits from this proposed regulatory action are:

- Existing CLHFs that want to treat eating disorders on an inpatient basis would formally be allowed to apply for a license to do so.
- Protect some of the state’s most vulnerable populations that are at the highest risk for negative health outcomes as a result of this disease.

² *Eating Disorder Facts and Statistics, supra.*
³ *Facts About Eating Disorders and the Search for Solutions*, National Institute of Mental Health. Bethesda (MD): National Institutes of Health, U.S. Department of Health and Human Services; 2001.
⁴ *Ibid.*

- The increased inpatient treatment of eating disorders may help lower rates of eating disorder diagnoses and potentially decrease mortality rates for the disease.
- Provide clarity for the regulated community as to the types of facilities that may provide inpatient treatment of eating disorders.

The proposed regulations are reasonably necessary to protect the health and welfare of those who suffer from eating disorders and allow greater access to inpatient treatment.

EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE AND FEDERAL REGULATIONS

The Department has reviewed existing state and federal regulation related to or affecting this area and concludes that the proposed regulations are compatible or consistent with existing state and federal regulations.

FORMS INCORPORATED BY REFERENCE

Not applicable.

MANDATED BY FEDERAL LAW OR REGULATIONS

Not applicable.

OTHER STATUTORY REQUIREMENTS

Not applicable.

LOCAL MANDATE

The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

- A) **Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of the Government Code:**
None.

- B) **The cost or savings to any state agency:**
None.
- C) **Impact on any cost or savings in federal funding of the program:**
None.
- D) **Other nondiscretionary costs or savings imposed on local agencies:**
None.

HOUSING COSTS

The Department has determined that the regulations will not have an impact on housing costs.

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

The Department has made an initial determination that these regulations would not have a significant statewide adverse economic impact directly affecting businesses, and individuals, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulations will not significantly affect:

- The creation or elimination of jobs within the state.
- The creation of new business or the elimination of existing businesses within the state.
- The expansion of businesses currently doing business within the state, however some existing CLHFs may elect to begin providing eating disorder treatment.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the environment.

The Department notes that this proposed regulation, which formally designates CLHFs as facilities that may treat inpatient eating disorders, is not expected to result in an expansion of businesses or the creation of new jobs. However, the proposed regulation could potentially result in a larger number of existing CLHFs treating those with eating disorders.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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.

BUSINESS REPORTING REQUIREMENT

The proposed regulatory amendments do not change current business reporting requirements.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulation will have no effect on small business in California other than formalizing CLHFs as designated facilities for the inpatient treatment of eating disorders for which there are no associated costs.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative considered by the Department or has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, or would be less burdensome to affected private persons than the proposed regulatory action, or would be more cost effective to affected private persons. Should the Department decide not to formally designate CLHFs as an inpatient treatment facility type for eating disorders, CLHFs would be out of compliance and the number of facilities providing eating disorder services would be reduced.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

- Eating Disorder Statistics — National Association of Anorexia Nervosa and Associated Diseases (<http://www.anad.org/get-information/about-eating-disorders/eating-disorders-statistics/>).
- *Facts About Eating Disorders and the Search for Solutions*, National Institute of Mental Health. Bethesda (MD): National Institutes of Health,

U.S. Department of Health and Human Services;
2001.

Programs, Office of Regulations, and the Proposed
Regulations link.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Chelsea Driscoll at (916) 552-8778. All other inquiries concerning the action described in this notice may be directed to Anita Shumaker, Office of Regulations, at (916) 440-7718, or to the designated backup contact, Charlet Archuleta, Office of Regulations, at (916) 440-9403.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address previously noted, will be the location of public records, including reports, documentation, and other material related to the proposed regulations.

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these document be mailed to you, please call (916) 440-7718 (or the California Relay Service at 711), or send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

A copy of the final statement of reasons when prepared will be available upon request from the Office of Regulations.

Internet Access

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov and by clicking on the following:

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**California Department of Fish and Wildlife —
Public Interest Notice**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR**

Curletti Farming Project
2080-2018-011-05
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice (09/27/2018) that Betteravia Ranches, LLC proposes to rely on a federal take authorization and Habitat Conservation Plan to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the establishment and maintenance of new row crop agriculture, including construction of infrastructure, and the establishment of a guest worker housing facility. The proposed project will occur in the Santa Maria Valley in Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued an Incidental Take Permit (Service Permit No. TE62704C) (ITP) for the final Habitat Conservation Plan (HCP) to Betteravia Ranches, LLC, on 11/27/2017, which considered the effects of the proposed project on the state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Betteravia Ranches, LLC, is requesting a determination that the ITP and associated HCP are consistent with CESA for purposes of the proposed project. If CDFW determines the ITP and associated HCP are consistent with CESA for the proposed project, Betteravia Ranches, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

Department of Fish and Wildlife — Public Interest Notice

PROPOSED RESEARCH ON A FULLY PROTECTED SPECIES
Research on San Francisco Garter Snake
(Thamnophis sirtalis tetrataenia)

The Department of Fish and Wildlife (Department) received a proposal on May 7, 2018 from Patricia Valcarcel, on behalf of WRA, Inc., requesting authorization to take the San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*) ('SFGS') for scientific research purposes. The SFGS is a Fully Protected reptile and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Valcarcel is requesting authorization to conduct surveys for SFGS presence, to monitor populations, and to salvage dead specimens throughout the species' range in San Francisco, San Mateo, and Santa Cruz counties in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service).

Ms. Valcarcel possesses an Endangered Species Act recovery permit from the Service to conduct the following research activities: surveys and habitat assessments; capture of wild snakes by hand, hand-held reptile stick, and by terrestrial trap lines (i.e., funnel traps and drift fencing); taking of body measurements; release at the site of capture; and marking. Population monitoring requires the ability to identify individuals in order to track their growth and survival through time. Ms. Valcarcel is proposing to use standard marking methods for snakes including clipping ventral scales, micro-branding ventral scales, and/or implanting passive integrated transponder (PIT) tags subcutaneously. In addition, Ms. Valcarcel may collect a small amount of tail tissue (no greater than 1 cm) using sterile scissors for genetic studies that will contribute to recovery efforts when approved by the Department and the Service.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Valcarcel as the Principal Investigator, to carry out the proposed activities. The researchers are also required to have a valid federal recovery permit for SFGS

and a Scientific Collecting Permit to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptile species after a 30 days' notice 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 5050 for take of Fully Protected reptiles, it would issue the MOU on or after November 12, 2018, for an initial and renewable term of up to, but not to exceed, four years.

Contact: Laura Patterson, Laura.Patterson@wildlife.ca.gov, 916-341-6981.

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# 2018-0907-06
 BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 Conflict-of-Interest Code

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

Title 2
 AMEND: 59760
 Filed 09/26/2018
 Effective 10/26/2018
 Agency Contact: Phil Laird (916) 653-4000

File# 2018-0906-04
 CALIFORNIA CONSERVATION CORPS
 Conflict-of-Interest Code

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

Title 2
 AMEND: 43000, 43001, 43002, 43003, 43004,
 43005, 43006, 43007, 43008, 43009
 Filed 09/27/2018
 Effective 10/27/2018
 Agency Contact: Colleen Hardin (916) 341-3195

File# 2018-0814-02
 CALIFORNIA ENERGY COMMISSION
 Amendments to the Title 20 Appliance Efficiency
 Regulations

This action by the California Energy Commission amends appliance efficiency regulations to update provisions to reflect current federal law, revise state-specific requirements, revise the appliance certification procedures, and to update the appliance data submittal requirements.

Title 20
 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605,
 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609
 Filed 09/26/2018
 Effective 10/01/2018
 Agency Contact: Linda Barrera (916) 651-2924

File# 2018-0815-01
 CALIFORNIA GAMBLING CONTROL
 COMMISSION
 Third-Party Providers of Proposition Player Services
 (TPPPS) Application Form Correction

This action makes changes without regulatory effect to the form BGC-434, Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, which is incorporated by reference in California Gambling Control Commission regulations.

Title 4
 AMEND: 12205.1
 Filed 09/26/2018
 Agency Contact: Josh Rosenstein (916) 274-5823

File# 2018-0821-01
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Security Threat Group Management

The California Department of Corrections and Rehabilitation (Department) submitted this timely certificate of compliance to make permanent the amendments made in OAL File No. 2017-0918-05EON, and readopted in OAL File No. 2018-0214-01EON regarding security threat group management.

Title 15
 ADOPT: 3378.9, 3378.10
 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269,
 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6,
 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1,
 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
 3378.6, 3378.7, 3378.8
 REPEAL: 3334
 Filed 10/03/2018
 Effective 10/03/2018
 Agency Contact: Anthony Carter (916) 445-2220

File# 2018-0928-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Peach Fruit Fly Eradication Area

This emergency action adds the entire county of Contra Costa to the list of counties proclaimed to be eradication areas with respect to the peach fruit fly, *Bactrocera zonata*.

Title 3
 AMEND: 3591.12
 Filed 10/02/2018
 Effective 10/02/2018
 Agency Contact: Karen Olmstead (916) 403-6879

File# 2018-0829-04
 DEPARTMENT OF JUSTICE
 Department of Fish and Wildlife Bond Form

The Department of Justice submitted this action to file with the Secretary of State, pursuant to Government Code section 11343.8, amendments to the Department of Fish and Wildlife bond form titled "Surety Bond for Oil Spill Response and Damages."

Title 11
 AMEND: 44.2
 Filed 09/26/2018
 Effective 09/26/2018
 Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0814-06
 DEPARTMENT OF SOCIAL SERVICES
 CWS: Incarcerated Parents, Tribal Customary Adop-
 tions, Juvenile Court Services

In this regular rulemaking, the Department of Social Services is adopting regulations requiring a social worker to describe in a case plan any information regarding tribal customary adoption of an Indian child, parental/legal guardian incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program as it relates to completing case plan objectives and goals, and wards who were once dependents and the services they have access to as well as being enrolled in a transitional independent living plan.

Title MPP
 AMEND: 31–206, 31–525
 Filed 09/26/2018
 Effective 01/01/2019
 Agency Contact: Everardo Vaca (916) 657–2363

File# 2018–0824–03
 DEPARTMENT OF VETERANS AFFAIRS
 Veterans Homes of California Regulations
 Renumbering

This action without regulatory effect renumbers several regulations concerning the Veterans’ Home of California system.

Title 12
 AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)
 Filed 09/27/2018
 Agency Contact: Phil McAllister (916) 653–1961

File# 2018–0814–01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998; SMP/NC Application Processing

The State Allocation Board submitted this certificate of compliance action to make permanent emergency amendments to regulations relating to funding Seismic Mitigation Program projects and the processing of new construction funding applications submitted by California school districts.

Title 2
 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
 Filed 09/26/2018
 Effective 09/26/2018
 Agency Contact: Lisa Jones (916) 376–1753

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 2, 2018 TO
 October 3, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 1**
 05/21/18 AMEND: 44
- Title 2**
 09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
 09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
 09/26/18 AMEND: 59760
 09/24/18 AMEND: 18700.2
 09/20/18 AMEND: 559.885
 09/20/18 ADOPT: 211.2 AMEND: 211
 09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5
 09/11/18 AMEND: 1859.77.3
 08/02/18 ADOPT: 59830
 08/01/18 AMEND: 58200
 07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705
 07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3
 06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
 06/19/18 AMEND: 554.7
 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
 05/09/18 AMEND: 321
 05/09/18 AMEND: 11034

Title 3

10/02/18 AMEND: 3591.12
 09/13/18 AMEND: 6502
 09/12/18 AMEND: 3591.13
 09/12/18 AMEND: 3591.12
 09/06/18 AMEND: 3601
 08/22/18 AMEND: 3591.2
 08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015
 08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53
 08/02/18 AMEND: 3591.2
 07/31/18 AMEND: 3
 07/19/18 AMEND: 3591.2
 06/28/18 AMEND: 3435(b)
 06/21/18 AMEND: 3439(b)
 06/21/18 AMEND: 3591.5
 06/18/18 AMEND: 1280.11
 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
 05/30/18 AMEND: 3439(b)
 05/24/18 AMEND: 3439(b)
 05/24/18 AMEND: 6502
 05/18/18 AMEND: 3439(b)

Title 4

09/26/18 AMEND: 12205.1
 09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
 09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
 09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
 07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190

07/18/18 AMEND: 2050
 07/09/18 AMEND: 10325, 10326
 07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157
 07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
 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

Title 5

08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5
 07/23/18 AMEND: 40050.2, 40100.1, 40513, 40514, 41021
 07/03/18 ADOPT: 71396, 71397, 71398, 71399
 06/21/18 AMEND: 19810
 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

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,
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to 501.2), 503.1 (renumbered to 505.7),
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