



California Regulatory Notice Register

REGISTER 2018, NO. 48-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 30, 2018

PROPOSED ACTION ON REGULATIONS

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Conflict-of-Interest Code — Notice File No. Z2018-1115-01 2089

Amendment

- Multi-County:* California Insurance Pool Authority
- Antelope Valley State Water Contractors Association
- Elisnore Valley Municipal Water District
- Northern California Cities Self-Insurance Fund
- Truckee Tahoe Airport Land Use Commission
- Tri-Dam Project/Power Authority
- Southern California Public Power Authority
- Access Services

State Agency: Employment Development Department

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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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

- MULTI-COUNTY:** California Insurance Pool Authority
 Antelope Valley State Water Contractors Association
 Elsinore Valley Municipal Water District
 Northern California Cities Self-Insurance Fund
 Truckee Tahoe Airport Land Use Commission
 Tri-Dam Project/Power Authority
 Southern California Public Power Authority
 Access Services

- STATE AGENCY:** Employment Development Department

A written comment period has been established commencing on November 30, 2018, and closing on January 21, 2019. 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 January 21, 2019. 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. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development, 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 November 30, 2018 and closing on January 14, 2019. All inquiries should be directed to the contact listed below.

The Office of Statewide Health Planning and Development 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 a number of changes to the Designated Position list to reflect a recent re-organization in which the Information Technology Services Division (ITSD) and the Healthcare Information Division (HID) were combined into a new Information Services Division (ISD). In ad-

dition, the names of several employee classifications are updated due to the statewide Information Technology Class Consolidation, several positions are added or modified to reflect other organizational shifts and to reflect current staffing, and the Office is proposing a change to Disclosure Category 3 to reflect programmatic changes. As a result of new statutory mandates, the Office is preparing to administer two new programs, the Prescription Drug Pricing for Purchasers program and the Health Care Cost Transparency Database. One new staff position has been added to the Designated Position list, as has a new Committee that the Office is required to appoint. Disclosure Category 3 has been further amended, and a new Disclosure Category 9 has been added, to reflect these new departmental responsibilities. The amendment also makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than January 14, 2019, 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 December 31, 2018.

The Office of Statewide Health Planning and Development 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:

Beth Herse
Senior Staff Attorney
Office of Statewide Health Planning and
Development
2020 West El Camino Avenue, Suite 1217
Sacramento, CA 95833
916-326-3610
Beth.Herse@oshpd.ca.gov

**TITLE 5. STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION**

**AMENDMENTS TO THE CALIFORNIA CODE
OF REGULATIONS, TITLE 5 REGARDING
THE MIGRANT EDUCATION PROGRAM**

REGIONAL PARENT ADVISORY COUNCIL

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 1:30 p.m. on January 14, 2019 at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Patricia Alverson, Regulations Coordinator
Administrative Support and Regulations Adoption
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator by 5:00 p.m. on January 14, 2019. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SSPI may

adopt the proposed regulations substantially as described in this Notice, or may modify the proposed regulations if the modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Sections 54444.2, *Education Code*.
Reference: Sections 54441, 54444.1, and 54444.2, *Education Code*; and 20 U.S.C. Section 6399.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

In 1973, the Migrant Education Program (MEP) was established in California through the enactment of Assembly Bill (AB) 1062. This legislation was subsequently amended by AB 1825 of 1975 and AB 1382 of 1981. The latter is codified in *Education Code (EC)* Section 54445 and contains statutory language which authorizes the adoption of rules and regulations necessary to implement the provisions of the program.

The purpose of the MEP is: 1) to support high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique needs of migratory children; 2) to ensure that migratory children are not penalized in any manner by disparities in curriculum, graduation requirements, and challenging academic standards; 3) to ensure that migratory children receive full and appropriate opportunities to meet the same challenging academic standards that all children are expected to meet; 4) to assist migratory children who drop out of school, have cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed; and 5) to help migratory children benefit from State and local systemic reforms.

In 2014, *California Code of Regulations*, title 5 (5 CCR), sections 12030-12044 were adopted governing the establishment and operation of the Statewide Parent Advisory Council (SPAC). The benefit of these regulations has been to promote the orderly, efficient, and fiscally prudent operation of the SPAC, ensuring the satisfaction of the council's obligations under state and federal law. Additionally, these regulations are designed to promote openness and ensure transparency, as well as

maximize the participation of parents of migrant children in providing advice to the SSPI.

EC Section 54444.2(a) requires the SSPI to take all necessary steps to ensure effective parental involvement throughout the state MEP, including the adoption of rules and regulations requiring all operating agencies receiving migrant education funds to solicit parental involvement through the establishment of and consultation with a parent advisory council, at least two-thirds of the members of which are parents of migrant children.

The successful outcome of implementation of the regulations governing the SPAC has served to highlight the challenges which surface in the maximization of parent engagement and the efficiency in meeting statutory obligations of Regional Parent Advisory Councils (RPACs).

The benefit of these regulations is to promote the orderly and efficient operation of the RPACs throughout the State. These regulations will address and rectify the areas where the RPACs may face challenges in meeting their obligations under state and federal law. Additionally, these regulations are designed to promote openness and ensure transparency, as well as maximize the participation of parents of migrant children in providing advice to the regional Migrant Education directors.

The CDE reviewed all state regulations relating to the MEP and found that none exist that are inconsistent or incompatible with these regulations regarding the operation of the migrant regional parent advisory councils.

DISCLOSURES REGARDING THE PROPOSED REGULATION/FISCAL IMPACT

The SBE 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 or class of regulations.

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

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: None.

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

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

Cost impacts on a representative private person or businesses: The SSPI 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: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations relate only to the MEP and not to small business practices.

Economic Impact Analysis

Adoption of these regulations will not: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

The benefits of these regulations will be to impact the welfare of California residents by providing an informative document about how the RPAC should lead an open and transparent meeting that maximizes parent participation. These regulations will not impact the health of California residents, worker safety, and the State's environment.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SSPI, 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 SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Alejandra Estrada, Education Programs Consultant
 English Learner Support Division
 California Department of Education
 1430 N Street, Room 2204
 Sacramento, CA 95814
 Telephone: 916-319-0394

Inquiries concerning the regulatory process may be directed by phone to the Regulations Coordinator or Hilary Wirick, Regulations Analyst, Administrative Support and Regulations Adoption Unit at 916-319-0860.

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation 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 Regulations Coordinator. These documents may also be viewed and downloaded from the CDE Proposed Rulemaking and Regulations Web page at <http://www.cde.ca.gov/re/lr/rr>.

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

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Alejandra Estrada, Education Programs Consultant, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0394. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

Telecommunication Safety Orders
Section 8615(g)

Fall Protection in Telecommunications

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to

adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **January 17, 2019** in the **Council Chambers of the Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **November 30, 2018** and closes at 5:00 p.m. on **January 17, 2019**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED
ACTION/ POLICY STATEMENT OVERVIEW

On November 18, 2016, Federal OSHA revised 29 Code of Federal Regulations (29 CFR), Part 1910, Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) including Section 1910.268, Telecommunications. Unlike Title 8, Section 8615(g), the revised Section 1910.268(g) does not contain an exception for point-to-point travel on poles, towers, or similar structures. To ensure equivalent safety to that contained in Section 1910.268(g)(1), Title 8, Telecommunication Safety Orders (TSO), Section 8615 is being amended to clarify that qualified telecom-

munication workers must use fall protection when traveling point-to-point on poles, towers, or similar structures, with the exception of when the employer demonstrates that fall protection is infeasible or creates a greater hazard, and provides fall injury risk control equivalent in effectiveness to that provided by Section 8615(g)(1).

Section 8615 also is being amended to include a cross reference to Section 1670 of the Construction Safety Orders (CSO) for applicable personal fall arrest, work positioning, and fall restraint system requirements, and Section 2940.6(c) of the Electrical Safety Orders (ESO) for linemen's body belts.

Anticipated Benefits

This proposal is expected to improve safety for employees who perform point-to-point travel or work at elevated locations on telecommunication poles, towers, and similar structures. The following specific benefits are anticipated:

- The reduction in employee fall risk, falls from elevations, and resulting injuries/fatalities in the telecommunication industry.
- The preservation of an exception recognizing that use of a personal fall protection system may not always be feasible during point-to-point travel, while expressly clarifying that equivalently effective fall injury risk control measures would be required.
- Clarity enhancing uniformity between certain personal fall protection terminology used in the TSO and that of the CSO.
- The use of linemen's body belts typically designed with two attachment points and regulated by the High-Voltage Electrical Safety Orders for climbing poles, towers and similar structures is recognized.

Section 8615. Overhead Lines.

Subsection (g). Fall Protection.

Existing Section 8615(g) provides requirements for fall protection when work is performed on poles, towers, or similar structures in the telecommunications industry. Section 8615(g) requires employee use of fall protection equipment when work is performed at positions more than 4 feet above ground, on poles, towers, or similar structures, if other methods of fall protection are not provided. Existing Section 8615(g) provides an exception for point-to-point travel by a qualified person without fall protection equipment, unless conditions such as ice, high winds, design of the structure, or other conditions prevent the employee from gaining a firm hand or foothold while traveling. This exception is not commensurate with 29 CFR 1910.268(g)(1), the newly revised federal standard for personal climbing

equipment in telecommunications since the federal standard does not provide an exception for point-to-point travel.

In addition, the revised federal standard adds a requirement for the personal fall arrest and positioning systems to meet the applicable requirements in 29 CFR 1910, Subpart I, the federal standard for personal protective equipment. A change to the counterpart state standard, Section 8615(g), would add a reference to equipment-specific Title 8 requirements for the fall arrest and work positioning systems.

This proposal renders Section 8615(g) more clearly commensurate with the federal standard, and provides the required protection to California employees who perform point-to-point travel on telecommunication poles, towers, or similar structures.

The specific changes are as follows:

- The deletion of the exception that allows for point-to-point travel without fall protection unless conditions are present that prevent the employee from gaining a firm hand or foothold while traveling.
- The addition of a new subsection (g)(2) that specifically requires the use of fall protection for qualified telecommunications workers climbing or changing locations on poles, towers, or similar structures.
- The addition of an exception that allows for fall injury risk control measures equivalent in effectiveness to fall protection. Recognizing that it is not always possible to use personal fall protection systems while climbing and descending, the proposed changes allow employers to take alternative measures as effective as conventional fall protection methodologies to control fall injury risk. Alternatives to conventional fall protection methods that control the fall risk include, but are not limited to: use of a pole/tower climbing fall protection plan approved by the Division of Occupational Safety and Health; positive control for safe access as provided by General Industry Safety Orders, Section 3270.1, Rope Access standards; use of linemen's body belts; installation and use of sufficient hand and footholds; use of aerial devices; or any combination thereof.
- The addition of requirements that personal fall protection systems meet the applicable requirements in Section 1670 of the CSO, and that linemen's body belts (typically designed with two attachment points) for climbing poles, towers and similar structures, meet the requirements of the ESO. Requiring that personal fall protection systems meet the existing state standards in CSO,

Section 1670 and ESO, Section 2940.6(c) ensures that only adequate and properly functioning personal fall protection systems and components are used by the employees. In addition, the labeling and inspection requirements in Section 1670 prevent the use of defective equipment. Use of adequate and properly functioning personal fall protection systems and components will result in improvement in fall safety and reduction in employee fall risk. This requirement will also make the California standard more clearly commensurate with the new federal standard.

- The use of the word “system” in place of the word “equipment”, and the use of the phrase “fall restraint system” in place of the phrase “travel restricting equipment”. This proposal makes the terminology used for means of fall protection consistent with those in the CSO and the new federal standard. Such consistency will enhance safety communication and improve safety by having employees use the same fall protection systems, and follow the similar practices in telecommunications or construction works.
- The relocation of the regulatory language prohibiting the use of body belts as part of a fall arrest system as a new subsection. This proposed relocation adds clarity to the requirement making it more easily understandable.

The Board evaluated the proposed regulation pursuant to Government Code Section 11346.5(a)(3)(D) and has determined that the regulation is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts: None.

Cost or Savings to State Agencies: None.

Cost to Any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

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

Cost or Savings in Federal Funding to the State: None.

Cost Impacts on a Representative Private Person or Business:

The U.S. Bureau of Labor Statistics (BLS) provides employment data for several telecommunication occupations; however, it does not specify exactly how many employees climb poles, towers, or similar structures in telecommunications. Board staff believes the following occupations employ the majority of the climbers in California:

- Telecommunications Line Installers and Repairers
- Telecommunications Equipment Installers and Repairers, Except Line Installers
- Radio, Cellular, and Tower Equipment Installers and Repairers

Board staff asked several stakeholders for information needed to calculate the total number of potential climbers who do not use personal fall protection systems, but complete data could not be obtained. Employment data specific to climbing on telecommunications poles, towers, or similar structures is also not available at the U.S. Bureau of Labor Statistics (BLS). Board staff is using available BLS data, the Federal Final Rule on Working/Walking Surfaces (Federal Register, Volume 81, No. 223, November 18, 2016), and stakeholder information to estimate the number of climbers and the cost of the proposed rulemaking.

Almost all of the telecommunications line installers and repairers, and the radio, cellular, and tower equipment installers and repairers, and a percentage of the telecommunications equipment installers and repairers perform jobs that involve climbing. Most of these climbers climb the telecommunication poles and a small portion of climbers climb the towers. The tower climbers usually have the equipment and training for climbing, whereas the pole climbers may not have all of the necessary fall protection equipment, particularly the fall restricting pole straps or similar fall protection equipment. As a result, the telecommunications climbers impacted by the proposed rulemaking are primarily the pole climbers. Since the number of pole climbers could not be determined from the BLS data, Board staff contacted the stakeholders for the data.

Three employers, AT&T, Frontier, and Consolidated, provided some employment data on the climbers. The Communications Workers of America (CWA) provided data for AT&T and Frontier and an estimate for the other California employers in telecommunications. According to CWA, AT&T has 11,500 climbers and 5,664 (49%) would still need to be provided with new fall protection training and equipment as a result of the proposed rulemaking. Frontier, another large employer, has over 1,300 climbers, and would need to provide

training and equipment for approximately 1,200 (91%) climbers. Consolidated has approximately 75 climbers and all of their climbers already have the necessary fall protection training and equipment. Board staff estimate these three largest employers have approximately 12,935 potential climbers in total, and out of these climbers 6,864 climbers would need to be provided with training and new equipment. Using these numbers, staff calculates the percent of climbers needing training and new equipment to be approximately 53% (6,864/12,935, rounded).

Board staff believes other California employers (e.g. Charter, CenturyLink, Verizon, and Comcast) will also have climbers who need additional training and new fall protection equipment due to the proposed requirement. Board staff requested climber data from several employers and CWA; however, complete data was not available. CWA estimates the other employers (contractors for AT&T and Frontier) to have 5–10% of climbers that may need training and new equipment. In absence of complete data, it is estimated that the other telecommunication employers may have approximately 1,294 (10% of 12,935 which is the total for AT&T, Frontier, and Consolidated combined) pole climbers in total. Assuming that 53% of these climbers may need the training and new equipment, the estimated number of climbers needing training and equipment is calculated to be 686 (53% of 1,294).

Staff learned from CWA that cable companies may also have pole climbers that may need to be provided with training and new equipment. The List of Occupations Employed in Cable and Other Programming provided on the California Employment Development Department (EDD) website shows the number of telecommunications line installers and repairers in California cable companies and other subscription industries to be around 300. Staff considers these employees as potential climbers, and assuming 53% of these climbers may need the training and new equipment, calculates the number of climbers needing training and new equipment to be 159 (53% of 300).

Using the above estimates and calculations, Board staff estimates the total number of pole climbers in California to be approximately 14,500 and those needing training and new equipment for climbing to be approximately 7,700 (6,864 for AT&T, Frontier and Consolidated + 686 for other telecommunications employers + 159 for cable companies = 7,700, rounded). As a result, staff uses 7,700 as the number of impacted employees for the calculation of the cost of compliance.

Line workers must be adept at climbing poles when necessary and training on the use of personal fall protection equipment during pole climbing is typically provided to all line workers. CWA and AT&T stated that training is required for all pole climbers and one set of

personal fall protection equipment needs to be provided to each climber. Due to changing job sites and conditions, individual fall protection equipment is provided to all employees who work on poles.

The cost of the rulemaking will be comprised of the costs for new equipment and training. Board staff estimates the cost of new equipment to be approximately \$2,849,000 (7,700 x \$370). The cost of training is estimated using information provided in the Federal Final Rule (FFR) on electric power generation, transmission, and distribution (Federal Register, Vol. 79, No. 70, Friday, April 2014, page 20591) because the hazards encountered during point-to-point travel on telecommunication poles and towers are similar to those encountered on electrical poles and towers. The FFR used \$52 per impacted employee as the cost of training for fall protection during point-to-point travel. Using the consumer price index (16.6% for 2009–2017), and an adjustment for higher California wages (106.065%), Board staff estimates the cost per employee for the new training to be approximately \$64 (\$52 x 116.6% x 106.065%). Thus, the total cost of training is estimated to be \$492,800 (7,700 x \$64), and the total cost of the proposed regulation is estimated to be \$3,341,800 (\$2,849,000 + \$492,800) for California employers.

The Federal Register containing the Final Rule on Working/Walking Surfaces and Personal Protective Equipment (Fall Protection Systems), Volume 81, No. 223, November 18, 2016, indicates on page 82873 that compliance is economically feasible in every affected industry sector and it is not expected to threaten viability, existence, or competitiveness of entities. As the telecommunication industry is within the scope of the Final Rule, Board staff expects this proposal to be economically feasible for California employers.

The Federal Register containing the Final Rule for Electric Power Generation, Transmission, and Distribution (Volume 79, No. 70, April 11, 2014) mentions on page 20582 that the estimated monetized benefit associated with the climbing fall protection part of the Final Rule is higher than the cost associated with it. As the workers performing point-to-point travel on electrical and telecommunications structures are exposed to similar hazards, Board staff estimates the monetized benefit and cost associated with the fall protection for point-to-point travel in telecommunications to follow a similar pattern; therefore, this proposal is not expected to have any negative economic/cost impact on California employers.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal will not result in a significant, statewide ad-

verse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

This proposal is expected to reduce serious injuries and fatalities by reducing falls of employees climbing poles, towers, or similar structures to perform telecommunication work and to bring California into compliance with the federal standards. The cost of compliance with the proposal for California employers is expected to be less than the monetized benefit due to the reduction in serious injuries and fatalities.

Significant Effect on Housing Costs: None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses. However, no negative economic/cost impact is anticipated.

Per Table of Small Business Size Standards published by the federal government at <https://www.sba.gov/sites/default/files/files/SizeStandardsTable.pdf>, only the employers having less than 1,500 employees may be considered small businesses among wired and wireless telecommunications carriers and telecommunications resellers. Employers engaged in satellite telecommunications and other telecommunications are considered small business if they have less than 1,000 employees. Therefore, the vast majority of telecommunications employers are small businesses. A report compiled by the California Public Utilities Commission (CPUC) shows only six employers having 750+ employees engaged in telephone and video media works. Based on this report and stakeholder input, Board staff believes the total number of large employers is approximately six. The United States Census Bureau shows that the total number of California telecommunication firms engaged in wired, wireless, and satellite communication works as 623; therefore, Board staff estimates the total number of small businesses engaged in similar works to be approximately 617. The cost of compliance for a small business, on average, is expected to be approximately \$1,625.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation is not expected to have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. This proposal is also not expected to impact the ability of California businesses to compete with businesses in other states. Additional-

ly, the changes proposed for Section 8615(g) are expected to be economically feasible and not result in any significant economic impact. (For specific details, refer to the Cost Impact on a Representative Private Person or Business.)

BENEFITS OF THE PROPOSED ACTION

This proposal is expected to reduce catastrophic falls of employees who climb poles, towers, or similar structures to perform telecommunication work. A reduction in falls leads to fewer serious injuries and fatalities among employees. When the employers ensure the use of properly functioning personal fall protection systems, or take measures to control employee fall risk when the personal fall protection system is not feasible or hazard creating, the employee fall risk is further reduced.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Lara Paskins (Staff Services Manager I), and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATION AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Paskins or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation 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 at least 15 days before the Board adopts the regulation as revised. Please request copies of any modified regulation by contacting Ms. Paskins or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulation for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Paskins or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held from

10 a.m.–12 p.m. on January 24, 2019 in the Sequoia Room at the Board's offices at 2420 Del Paso Road, Sacramento, California, 95834. 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 offices not later than 5:00 p.m. on January 24, 2019 or must be received by the Board at the hearing. The Board, upon its own motion or at the insistence 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 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 7312 of the Business and Professions Code, and to implement, interpret or make specific Section 7313 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Section 904 of the California Code of Regulations (CCR).

Business and Professions Code Section 7312 authorizes the Board to "make rules and regulations in aid or furtherance" of Chapter 10 of Division 3 of the Business and Professions Code, also known as the Barbering and Cosmetology Act. Business and Professions Code Section 7313 authorizes the Board and its representatives to inspect barbering and cosmetology establishments, mobile units, and schools. This amendment will more clearly define in regulation the meaning of the word "access" pursuant to Section 7313.

B. Policy Statement Overview/Anticipated Benefits of Proposal

By defining in greater detail what is meant by "access" pursuant to Section 7313, the Board expects to see fewer instances in which areas of an establishment or school cannot be inspected fully for compliance with Board rules because of locked rooms, drawers, and cabinets. Board inspectors often inspect shops in which the people working in the establishment have an "independent contractor" arrangement with the salon owner. The salon owners, however, typically the holders of the establishment license or mobile unit license, sometimes believe erroneously that they are not required to make an independent contractor's work space available for

inspection in those situations, even though it is within the licensed establishment or mobile unit. This leads to fines for the business owner and incomplete inspections that could lead to consumer harm.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and found it is not inconsistent or 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: There is no significant fiscal impact associated with this regulatory proposal, although fewer people may be fined for denying access. It's difficult to estimate how much less in fine receipts the Board might receive as a result of this regulatory change, but the Board currently collects an average of \$55,750 a year in fines for 223 violations of Business and Professions Code Section 7313. The Board believes this regulation might reduce the number of violations by as much as 20 percent, meaning it would collect approximately \$44,500 a year on 178 violations. That translates into a gross loss of fine revenue of \$11,250 a year on average. Because the Board historically only collects 63 percent of fines issued, the net loss of revenue would be \$7,087.50.

The Board estimates there will be a negligible savings in workload as a result of the reduction in the number violations of Business and Professions Code Section 7313.

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 made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board believes this action will affect businesses positively because the regulation will be clarified, leading to fewer businesses being fined for violations of Business and Professions Code Section 7313.

The Board believes it may lose \$7,087.50 in fine revenue on average annually should this rulemaking go into effect, as establishment licensees better understand the meaning of “access” and comply with Business and

Professions Code Section 7313, thereby collecting fewer fines. There may be additional violations revealed with increased access, but the Board is not able to determine how many additional violations or what those violations might be. Fines for violations can run from \$50 to \$1,000.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will not affect small businesses negatively because it only clarifies and defines the longstanding practice of interpreting inspection access to mean access to all areas of an establishment, including locked rooms, drawers, and cabinets. The Board believes this action will affect small businesses positively because the regulation will be clarified. This may help business owners avoid fines they might otherwise receive.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will help protect the health and safety of Californians by strengthening the Board's inspection program. There is no benefit to worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation 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 present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**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 at the hearing or prior to the hearing upon request from the Contact Person named below.

**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: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810
E-Mail Address: Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name: Patricia Garcia
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810
E-Mail Address: Patricia.Garcia@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml.

**TITLE 16. BOARD FOR
PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS**

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Hearing location: 2535 Capitol Oaks Drive
3rd Floor Conference Rm
Sacramento, CA 95833

Hearing Date: January 22, 2019

Hearing Time: 10:00 a.m. to 12:00 p.m.

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 5:00 p.m. on **January 14, 2019** or must be received by the Board at the hearing.

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 the Notice as 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 Citations: Pursuant to the authority vested by Section 7818 of the Business and Professions Code, and to implement, interpret, or make specific Sections 7841, 7841.1, 7841.2, 7842 and 7842.1 of said Code, the Board is considering changes to Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Adopt Title 16 CCR Sections 3022, 3022.1 and 3022.2. Repeal and amend various subsections of Title 16 CCR Section 3031.

Business and Professions Code Sections 7841, 7841.1, 7841.2, 7842 and 7842.1 describe the qualifications required for licensure as a geologist, licensure as a geophysicist, and for certification as a geologist in training or as a specialty geologist or geophysicist.

These include completing specified education requirements, work experience requirements, and passing a required examination(s). Additional explanation of these requirements is included in Title 16, California Code of Regulations Section 3031.

As it is currently written 16 CCR Section 3031 lacks important details, is inconsistent with other sections of the regulations, and needs to be amended to address three significant flaws which make it difficult to understand for potential licensees and the general public:

1. problems with the way this section of the regulations is organized,
2. lack of detail regarding specific licensure qualification requirements,
3. lack of consistency both within the regulations relating to the practices of geology and geophysics, and inconsistency between the regulations for the various professional disciplines (engineering, land surveying, and geology) regulated by the Board.

The Board has determined that to effectively address the problems identified above, it is necessary to move the subsections of §3031 that describe the education and experience requirements for geologists and geophysicists to California Code of Regulations, Title 16, Article 2, §3022, §3022.1, and §3022.2. The existing language regarding the education and experience requirements will be deleted from §3031, and the language will be updated in the newly adopted §3022, §3022.1, and §3022.2. The proposed amendments include:

Changes proposed to address clarity and readability:

- Adopting §3022, §3022.1, and §3022.2 to describe the geologist and geophysicist education and experience requirements. This allows the grouping of qualification requirements into regulation sections with common topics. It also allows for separation of the requirements for the Professional Geologist license and the Professional Geophysicist license.
- Deleting the outdated and misplaced language in the existing §3031 that describes education and experience requirements for geologists and geophysicists.
- Revising outdated language in §3031 that describes examination requirements for licensure and updating the numbering of the remaining language.
- Deleting language in §3031 that is no longer relevant.

Changes proposed to add missing detail:

- Adds specific standards for the educational qualifications required to obtain a Professional

Geologist license or certification as a Geologist-in-Training. These include specifying an ABET accredited baccalaureate degree, or alternatively, successfully completing coursework at an accredited institution to obtain the knowledge and skills expected for geology licensure.

- Requires that the educational requirements for a Professional Geophysicist license be fulfilled at a college or university accredited by a recognized national or regional accrediting commission.
- Clarifies in regulation who can serve as a valid responsible charge reference to document work experience for the Professional Geologist license, and Professional Geophysicist license.
- Clarifies in regulation the specific number of references required to document work experience for the Professional Geologist license and the Professional Geophysicist license.
- Clarifies in regulation how undergraduate or graduate education is credited toward work experience for the Professional Geologist license and Professional Geophysicist license.

Changes intended to improve consistency:

Whenever possible and appropriate, the proposed language suggested for adoption as part of this rulemaking was modeled on existing text within the Board rules and regulations relating to the practices of professional engineering and professional land surveying, and existing text within the regulations relating to the practices of geology and geophysics. This will improve consistency between the regulations for the various professional disciplines regulated by the Board, and further demonstrate the Board’s commitment to applying the statutes, regulations, policies and procedures for each of the regulated disciplines (engineering, land surveying and geology) in a clearly defined, consistently applied, and fair manner.

POLICY STATEMENT
OVERVIEW/ANTICIPATED BENEFITS
OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to ensure that the Board’s regulations are accurate and reflective of the qualifications that applicants must meet in order to become licensed as Professional Geologists or Professional Geophysicists, or to obtain a Geologist-in-Training certificate. These amendments will help to maintain the Board’s mission to “evaluate current laws and regulations and pursue changes where appropriate.”

The Board anticipates that the proposed regulatory action will benefit consumers, the geologic profession

and the Board. The clarification of licensure requirements promotes fairness and consistency in application, and increases transparency in government. Providing consistent and clear requirements ensures that minimum competency is met by licensed professionals in order to protect the public.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

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 proposed changes to the regulations including the adoption of Sections 3022, 3022.1 and 3022.2, as well as the changes to Section 3031, do not result in a fiscal impact to public or state agencies (with the exception of the Board) since it does not require any action, time, or fiscal adjustments. There is also no costs/savings impact to federal funding to the state.

The proposed amendments may result in a minor cost savings to the Board, by ensuring that the requirements for geology and geophysics licensure are clear and unambiguous. This will likely reduce or eliminate costs associated with unqualified candidates applying for licensure, and the court costs associated with the appeal of denied applications.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

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

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The Board has made an initial determination that this proposed regulatory action is unlikely to have significant statewide adverse economic impact directly affect-

ing business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action is unlikely to have an impact on the creation new businesses or the elimination of existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that this proposed regulatory action would not affect small businesses. The clarification of the qualification requirements for licensure or certification is administrative and has no economic or fiscal impact on agencies or individuals. The proposed action has a minimal effect on applicants, but will have no effect on small business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

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

These regulations will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public by ensuring that the requirements for licensure as a Professional Geologist or Professional Geophysicist are clearly defined, and applied consistently and fairly. It will improve consistency between the regulations for the various professional disciplines regulated by the Board. It will improve public confidence in the Board's ability to execute its mandate to promote appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation 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.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of 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 of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833. Materials regarding this proposal can also be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml

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: Kara Williams
Address: 2535 Capitol Oaks Drive, Suite 300

Sacramento, CA 95833
Telephone No.: (916) 263-5438
Fax No.: (916) 263-2246
E-Mail Address: Kara.Williams@dca.ca.gov

The back-up contact person is:

Name: Laurie Racca
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Telephone No.: (916) 263-2406
Fax No.: (916) 263-2246
E-Mail Address: Laurie.Racca@dca.ca.gov

WEBSITE ACCESS

The Board's website is: <http://www.bpelsg.ca.gov>. Materials regarding this proposal can be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

TITLE 16. PHYSICIAN ASSISTANT BOARD

The Physician Assistant Board (Board) proposes to amend section 1399.617 of Title 16 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 a.m. on January 28, 2019, in the Hearing Room located at 2005 Evergreen Street, Suite 1150A, Sacramento, California 95815. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov.

The written comment period closes at **5:00 p.m. on January 28, 2019**. The Board will consider only comments received at the Board's office by that time. Submit comments to:

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

AUTHORITY AND REFERENCE

Business and Professions Code section 3510 authorizes the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 3524.5 and 3527 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 3524.5 permits the Board to require a licensee to complete continuing education as a condition of license renewal. In 2010, the Board adopted Article 8 in Division 13.8 and Sections 1399.615 through 1399.619 in Title 16 of the California Code of Regulations, which set forth requirements for physician assistant licensees' continuing medical education. Under current Section 1399.615, physician assistant continuing medical education (CME) requirements may be met by completing 50 hours of continuing medical education every two years or demonstrating certification by the National Commission on Certification of Physician Assistants (NCCPA), which also requires CME to maintain the licensee's certification.

The Board is authorized by Title 16, California Code of Regulations section 1399.617 to audit a random sample of physician assistants who have reported compliance with CME. In the Board's 2012 Sunset Review response to issues raised by legislative staff in the Board's background paper, it was reported that the Board planned to conduct CME audits on a scheduled basis to ensure compliance.

The Board has since randomly selected licensees who self-certify CME compliance on their renewal applications. The Board has sent out contact letters asking the licensees to either send in their CME documentation or ask the NCCPA to send a verification that they have maintained their certification. However, in the most recent audits conducted, licensees have failed to respond to the audit inquiry or to provide complete or accurate information when requested, which is not expressly prohibited conduct under the current regulations. Pro-

posed amendments to subsection (a) of Section 1399.617 would expressly require a licensee to respond to any inquiry by the Board regarding compliance with the CME requirements contained in Article 8 or to provide copies of NCCPA certification records when the records cannot be obtained by the Board. Section 1399.617 also does not currently require licensees to respond to a board inquiry or provide NCCPA certification records within a certain time frame (65 days is proposed) or make it unprofessional to fail to provide accurate or complete information in response to a board inquiry. Proposed amendments to subsections (a) and (b) would implement those requirements.

In addition, the Board's staff reported that there appears to be licensee confusion over how to count hours earned to make up any deficiency uncovered by an audit when hours are earned in the next renewal cycle. Section 1399.617(c) specifies only what licensees must do if they have not completed the required amount of CMEs during their previous renewal cycle and directs them to "make up any deficiency during the next renewal period." It does not clarify that hours required to be earned to make up any deficiency in CME cannot be counted towards compliance with the next biennial renewal period. Proposed amendments to subsection (c) would expressly provide that hours earned to make up the CME deficiency shall not be counted towards compliance with the next renewal period.

Finally, Section 3527 states, in part, that the "board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license . . . for unprofessional conduct that includes, but is not limited to . . . a violation of the regulations adopted by the board. . ." Since a violation of Section 1399.617 would be grounds for discipline under Section 3527, the Board proposes to add Section 3527 to the "notes" section of this regulation.

Anticipated Benefits of the Proposed Regulation:

CME requirements help the Board in its mission of consumer protection by ensuring licensees maintain their professional competency. This regulatory proposal will help to strengthen CME compliance by requiring licensees to respond within specified time frames, provide accurate and complete information in response to CME audits conducted by the Board, and provide the Board with additional enforcement mechanisms for CME audits. Since Section 1399.571 of Title 16 of the California Code of Regulations already authorizes the Board's Executive Officer to issue citations for a violation of any of the Board's regulations, this proposal would allow the Executive Officer to issue a citation for those licensees who fail to respond to the audit inquiry

or provide incomplete or inaccurate information when requested, thus ensuring that the Board is better able to obtain CME compliance for the protection of the public. This regulatory proposal will also clear up any confusion for licensees over how to count hours earned to make up any deficiency uncovered by an audit and how those hours are accounted for in the next renewal cycle.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing cost: None.

Business Impact:

This 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 initial determination is based on the following facts: The Board has approximately 12,280 licensees for the current fiscal year. The Board only has authority to take administrative actions against a licensee and not a business. Accordingly, the initial or ongoing impact to a business at which a licensee works who is the subject of disciplinary or citation action for violating this regulation cannot be projected. Businesses employing licensees who are in compliance with the law will not incur any fiscal impact.

A licensee who is found to be non-compliant with CME regulations enforced by the Board may also be impacted through the assessment of a citation with an administrative fine pursuant to Section 1399.571,

which may not exceed \$5,000 for each inspection or each investigation made with respect to the violation in accordance with Section 125.9(b)(3) of the Business and Professions Code. Only individual licensees who fail to provide accurate, complete and timely information to the Board in response to an audit would be impacted by this regulation. CME audits began in May 2016. For the fiscal year 2016/2017, the Board issued approximately 540 audits. Of those audits there were twelve (12) licensees who did not respond to the audit. If this regulation were implemented, the Board would typically issue a citation and fine for any potential violation in the amount of \$250 and an order of abatement to comply with the audit. Also, these audits have indicated that five (5) licensees failed the audit (did not complete CME or provide NCCPA certification proof), and failed to provide accurate information to the CME response on their renewal application. If this regulation were implemented, it is anticipated that the Board would issue a citation and fine of \$500 (\$250 for failing to complete the CME requirement during the renewal cycle and \$250 for failing to provide accurate information on their renewal application) for these violations. Based upon past noncompliance statistics, it is estimated that this would generate \$5,500 annually in revenue for the Board if this regulation were implemented.

Effect on Small Business:

The Board has determined that the proposed regulation would not affect small businesses because the proposal imposes specific requirements only on a specific set of licensees who are subject to audit and who fail to comply with audit requirements. A business owned by a licensee who faces disciplinary action due to a violation may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the state of California because the proposal imposes specific requirements only on a specific set of licensees who are subject to audit and who fail to comply with audit requirements. A business owned by a licensee who faces

disciplinary action due to a violation may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected.

This regulatory proposal will benefit the health and welfare of California residents because verification that physician assistants have met the mandatory CME requirement ensures that the physician assistant has maintained, developed, or increased their knowledge, skills, and professional performance to provide services for the public, and the profession. This allows for the physician assistant to serve the public to the best of their abilities and live up to professional standards. CME requirements and related enforcement mechanisms help the Board in its mission of consumer protection by ensuring licensees maintain their professional competency.

This regulatory proposal will not affect worker safety because the proposal does not involve worker safety. The proposal only identifies the consequence for non-compliance to the CME audit and how the licensees would also have a clearer understanding of how to count hours earned to make up any deficiency uncovered by an audit and how those hours are accounted for in the next renewal cycle.

This regulatory proposal will not affect the state's environment because it does not involve environmental issues.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

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The backup contact person is:

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the initial statement of reasons, the Physician Assistant Board's January 23, 2017 meeting minutes, the Physician Assistant Board's April 24, 2017 meeting minutes, the Physician Assistant Board's August 11, 2017 meeting minutes, the Physician Assistant Board's October 30, 2017 meeting minutes, and Response From Physician Assistant Committee To Issues Raised By Committee Staff In The Background Paper For Sunset Review 2012.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications 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 regulation as revised. Please send requests for copies of any modified regulations to the attention of Anita Winslow at the address indicated

above. The Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Winslow at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 18. DEPARTMENT OF TAX AND FEE ADMINISTRATION

The California Department of Tax and Fee Administration Proposes to Adopt California Code of Regulations, Title 18, Division 5 and Amendments to California Code of Regulations, Title 18, Divisions 1, 2, and 2.1

NOTICE IS HEREBY GIVEN that the California Department of Tax and Fee Administration (CDTFA), pursuant to the authority vested in it by Government Code (GC) section 15570.40, proposes to adopt California Code of Regulations (CCR), title 18, division 5 (division 5) and amendments to CCR, title 18, divisions 1, 2, and 2.1 (divisions 1, 2, and 2.1). The proposed regulatory action implements, interprets, and makes specific the provisions of part 8.7 (commencing with section 15570) of division 3 of title 2 of the GC (part 8.7), which made several changes to state government, including establishing the CDTFA, transferring the duties, powers, and responsibilities of the State Board of Equalization (BOE) to administer and collect specified taxes and fees and administer the Cigarette and Tobacco Products Licensing Act of 2003 (Bus. & Prof. Code (BPC), § 22970 et seq.) (Licensing Act) to the CDTFA, operative July 1, 2017, and providing for appeals from the CDTFA to the Office of Tax Appeals (OTA) regarding the taxes and fees administered and collected by the CDTFA and the licensing Act administered by the CDTFA, operative January 1, 2018, as discussed in more detail below.

The CDTFA previously adopted and readopted division 5 and the amendments to divisions 1, 2, and 2.1 as emergency regulations and the CDTFA is now proposing to adopt readopted division 5 and the readopted amendments to divisions 1, 2, and 2.1 through the regular rulemaking process. The CDTFA is also proposing to amend the titles of division 1 and chapter 11 in division 1. Division 5 contains the CDTFA's appeals regulations, which are separate from the BOE's appeals regulations in division 2.1, generally incorporate the applicable appeals procedures that were in chapters 2 and 5 of division 2.1 to the extent that those procedures are consistent with current law and the organization of the CDTFA, and provide procedures that give taxpayers, other state agencies, and local jurisdictions or entities an opportunity to appeal to the OTA for an appeals hearing as provided by current law. Division 5 also contains the CDTFA's regulation that prescribes the procedures for the publication of the CDTFA's annotations, which generally mirrors the procedures in division 2.1 for the publication of the BOE's annotations. The amendments to divisions 1, 2, and 2.1 make those divisions consistent with the adoption of division 5, make division 2.1 consistent with the amendments to division 2, help readers more easily find the CDTFA's and BOE's regulations in divisions 1 and 2, and clarify that the BOE's appeals regulations and the BOE's regulation prescribing the procedures for the publication of the BOE's annotations in division 2.1 no longer apply to the CDTFA. (The CDTFA has prepared a cross-reference matrix between division 5 and the related regulations in divisions 1, 2, and 2.1, and included the matrix in the rulemaking file.)

AUTHORITY

GC section 15570.40 authorizes the CDTFA to adopt all of the regulations proposed to be included in division 5, make all of the proposed amendments to divisions 1, 2, and 2.1, and repeal the regulations in divisions 2 and 2.1 that the CDTFA is proposing to repeal. In addition, the following regulations are specifically proposed to be adopted, amended, or repealed in accordance with the CDTFA's authority in the statutes indicated below:

- Regulation 1032: Revenue and Taxation Code (RTC) section 38701
- Regulation 1124.1: RTC section 8251
- Regulation 1249: RTC section 50152
- Regulation 1336: RTC section 9251
- Regulation 1422.1: RTC section 60601
- Regulation 1705.1: RTC section 7051
- Regulation 1807: RTC section 7051
- Regulation 1828: RTC section 7051
- Regulation 2251: RTC section 46601
- Regulation 2303.1: RTC section 40171

- Regulation 2433: RTC section 41128
- Regulation 3022: RTC section 43501
- Regulation 3302.1: RTC section 45851
- Regulation 3502.1: RTC section 55301
- Regulation 4106: RTC section 30451
- Regulation 4508: BPC section 22971.2
- Regulation 4609: BPC section 22971.2
- Regulation 4700: BPC section 22971.2
- Regulation 4701: BPC section 22971.2
- Regulation 4702: BPC section 22971.2
- Regulation 4703: BPC section 22971.2
- Regulation 4903: RTC sections 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5200: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5201: Health and Safety Code (HSC) sections 105190 and 105310, RTC sections 7051, 7202, 7203, 7261, 7262, 7270, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 44003, 45851, 46601, 50152, 55301, and 60601, and Public Utilities Code (PUC) section 893.
- Regulation 5202: HSC sections 105190 and 105310, RTC sections 7051, 7202, 7203, 7261, 7262, 7270, 8251, 9251, 30451, 38701, 43501, 44003, 45851, 46601, 50152, 55301, and 60601, and PUC section 893
- Regulation 5210: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5210.5: GC section 15606 and RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5211: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5212: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5212.5: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5213: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5214: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5215: GC section 15606 and RTC section 43501
- Regulation 5215.4: GC section 15606 and RTC section 55301
- Regulation 5215.6: GC section 15606 and RTC section 55301
- Regulation 5216: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5217: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5218: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5219: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5220: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5220.4: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5220.6: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5221: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5222: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5222.4: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5222.6: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5223: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, 60601
- Regulation 5224: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
- Regulation 5225: RTC sections 6538.5, 7051, 7700.5, 8251, 8828.5, 9251, 30243.5, 30451, 38435, 38701, 40171, 41128, 43352, 45353, 43501, 45851, 46601, 50120.3, 50152, 55103, 55301, 60333, and 60601
- Regulation 5226: RTC sections 6538.5, 7051, 7700.5, 8251, 8828.5, 9251, 30243.5, 30451, 38435, 38701, 40171, 41128, 43352, 45353, 43501, 45851, 46601, 50120.3, 50152, 55103, 55301, 60333, and 60601
- Regulation 5227: RTC sections 6538.5, 7051, 7700.5, 8251, 8828.5, 9251, 30243.5, 30451, 38435, 38701, 40171, 41128, 43352, 45353, 43501, 45851, 46303, 46601, 50120.3, 50152, 55103, 55301, 60333, and 60601

9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35056: GC sections 15570.40 and 15606 and RTC sections 7051, 7202, 7203, 7261, and 7262

Regulation 35057: BPC section 22971.2 and GC sections 15570.40 and 15606

Regulation 35058: BPC section 22971.2, GC sections 15570.40 and 15606, and RTC section 30451

Regulation 35060: GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35061: BPC section 22971.2, GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35062: GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35063: GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35064: BPC section 22971.2, GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 7202, 7203, 7261, 7262, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35065: BPC section 22971.2, GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 7202, 7203, 7261, 7262, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35066: GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 7202, 7203, 7261, 7262, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35067: GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 35101: BPC section 22971.2, GC sections 15570.40 and 15606, HSC section 25215.74, and RTC sections 7051, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 45851, 46601, 50152, 55301, and 60601

REFERENCE

The following regulations are specifically proposed to be adopted, amended, or repealed in order to implement, interpret, and/or make specific the statutes indicated below:

Regulation 1032: RTC section 38454.5 and Family Code sections 297, 297.5, and 308

Regulation 1124.1: RTC section 7657.5 and Family Code sections 297, 297.5, and 308

Regulation 1249: RTC section 50112.6 and Family Code sections 297, 297.5, and 308

Regulation 1336: RTC section 8880 and Family Code sections 297, 297.5, and 308

Regulation 1422.1: RTC section 60210.5 and Family Code sections 297, 297.5, and 308

Regulation 1705.1: RTC section 6456 and Family Code sections 297 and 297.5

Regulation 1807: RTC sections 7209 and 7223

Regulation 1828: RTC section 7270

Regulation 2251: RTC section 46159 and Family Code sections 297, 297.5, and 308

Regulation 2303.1: RTC section 40105 and Family Code sections 297, 297.5, and 308

Regulation 2433: RTC section 41099 and Family Code sections 297, 297.5, and 308

Regulation 3022: RTC sections 43159.1 and 43159.2 and Family Code sections 297, 297.5, and 308

Regulation 3302.1: RTC section 45158 and Family Code sections 297, 297.5, and 308

Regulation 3502.1: RTC section 55045.1 and Family Code sections 297, 297.5, and 308

Regulation 4106: RTC section 30285 and Family Code sections 297, 297.5, and 308

Regulation 4508: BPC sections 22973.1, 22977.2, and 22979

Regulation 4609: BPC sections 22974.7, 22978.7, and 22979.7

Regulation 4700: BPC sections 22974.7, 22978.7, and 22979.7

Regulation 4701: BPC sections 22974.7, 22978.7, and 22979.7

Regulation 4702: BPC sections 22974.7, 22978.7, and 22979.7

Regulation 4703: BPC sections 22971, 22974.3, 22978.2, and 22980.2 and RTC sections 30102, 30102.5, 30103, 30103.5, 30104, 30105, 30105.5, 30106, 30109, 30163, 30431, 30435, 30436, 30438, 30473, and 30474.1

Regulation 4903: RTC sections 7657.5, 8101 through 8131, 8880, 9151 through 9156, 30285, 30361 through 30384, 38454.5, 38601 through 38607, 40105, 40111 through 40117, 41099, 41100 through 41106, 43159.1, 43159.2, 43451 through 43456, 45158, 45651 through 45656, 46159, 46501 through 46507, 50112.6, 50139 through 50142.2, 55045.1, 55221 through 55226, 60210.5, and 60501 through 60512

Regulation 5200: RTC sections 6561, 6814, 6902, 7710, 8128, 8851, 9152, 30261, 30362, 38441, 38602, 40091, 40112, 41085, 41101, 43301, 43452, 45301, 45652, 46351, 46502, 50114, 50140, 55081, 55222, 60350, and 60522

Regulation 5201: RTC sections 6561, 6814, 6902, 7710, 8128, 8851, 9152, 30261, 30362, 38441, 38602, 40091, 40112, 41085, 41101, 43301, 43452, 45301, 45652, 46351, 46502, 50114, 50140, 55081, 55222, 60350, and 60522

Regulation 5202: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38434, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 5210: RTC sections 6561, 7710, 8851, 30175, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 5210.5: RTC sections 6814, 9024, 38564, 46454, and 60474

Regulation 5211: RTC sections 6561, 7710, 8851, 30174, 30175, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 5212: RTC sections 6561.5, 7710.5, 8851.5, 30261.5, 38442, 40092, 41086, 43302, 45302, 46352, 50115, 55082, and 60351

Regulation 5212.5: RTC sections 6561.5, 7710.5, 8851.5, 30261.5, 38442, 40092, 41086, 43302, 45302, 46352, 50115, 55082, and 60351

Regulation 5213: RTC sections 6482, 6513, 7674, 7661, 8777, 8803, 30171, 30202, 30223, 38412, 38423, 40072, 40083, 41071, 41082, 43201, 45201, 46201, 46253, 50113, 55061, 60302, and 60314

Regulation 5214: RTC sections 7051, 8251, 9251, 30451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601

Regulation 5215: RTC section 43301 and HSC section 105310

Regulation 5215.4: Public Resources Code (PRC) section 42464.6

Regulation 5215.6: Water Code section 1537

Regulation 5216: RTC sections 6561, 6814, 7710, 8851, 30175, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 5217: RTC sections 6562, 7711, 8852, 30175, 30262, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352

Regulation 5218: RTC sections 6562, 7711, 8852, 30175, 30262, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352

Regulation 5219: RTC sections 6562, 7711, 8852, 30175, 30262, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352

Regulation 5220: RTC sections 6981, 8191, 9196, 30421, 38631, 40121, 41107, 43491, 45801, 46551, 50151, 55281, and 60581

Regulation 5220.4: RTC sections 6482, 6513, 7674, 7661, 8777, 8803, 30171, 30202, 30223, 38412, 38423, 40072, 40083, 41071, 41082, 43201, 45201, 46201, 46253, 50113, 55061, 60302, and 60314

Regulation 5220.6: RTC sections 6561, 7710, 8851, 30174, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 5221: RTC sections 6536, 7698, 8826, 30241, 38431, 43350, 45351, 46301, 50120.1, 55101, and 60330

Regulation 5222: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 5222.4: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 5222.6: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 5223: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 5224: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 5225: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 50120.3, 55103, and 60333

Regulation 5226: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 5227: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 5228: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 5229: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 5230: RTC sections 6901, 6902, 8101, 8101.1, 8101.6, 8101.7, 8102, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30361, 30362, 38601, 38602, 40111, 40112, 41100, 41101, 43451, 43452,

45651, 45652, 46501, 46502, 50139, 50140, 55221, 55222, 60501, 60502, 60507, 60521, and 60522 and Water Code section 1537.

Regulation 5231: RTC sections 6902, 6902.3, 6902.4, 8128, 8128.1, 9152, 9152.1, 30178, 30178.1, 30362, 30362.1, 38602, 38602.5, 40112, 40112.1, 41101, 41101.1, 43452, 43452.1, 45652, 45652.1, 50140, 50140.1, 55222 55222.1, 60507, 60522, and 60522.1

Regulation 5231.5: RTC sections 6905, 8128, 9152, 30178, 30178.1, 30364, 38604, 40114, 41103, 43453, 45653, 46504, 50141, 55223, 60507, and 60522

Regulation 5232: RTC sections 6904, 8129, 9153, 30176, 30176.1, 30176.2, 30177, 30363, 38603, 40113, 41102, 43452, 45652, 46503, 50140, 55222, 60501, 60502, 60505, 60505.5, and 60523

Regulation 5232.4: RTC sections 60501, 60502, 60505, 60505.5, and 60523

Regulation 5232.8: RTC sections 30176, 30176.1, 30176.2, 30177, and 30363

Regulation 5233: RTC sections 6902, 8128, 9152, 30178, 30178.1, 30362, 38602, 40112, 41101, 43452, 45652, 46502, 50140, 55222, 60501, 60502, 60507, 60521, and 60522

Regulation 5234: RTC sections 6901, 6902, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 38601, 38602, 40111, 40112, 41100, 41101, 43451, 43452, 45651, 45652, 46501, 46502, 50139, 50140, 55221, 55222, 60501, 60502, 60507, 60521, and 60522

Regulation 5234.5: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41101.1, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60506, 60507, 60521, and 60522

Regulation 5235: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41101.1, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60507, 60521, and 60522

Regulation 5236: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41101.1, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60507, 60521, and 60522

Regulation 5237: RTC sections 6901, 8126, 9151, 30361, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521

Regulation 5238: RTC sections 6483, 6512, 6901, 8126, 8778, 8802, 9151, 30176, 30176.1, 30176.2, 30177, 30203, 30222, 30361, 38413, 38422, 38601, 40073, 40082, 40111, 41072, 41081, 41100, 43201, 43451, 45201, 45651, 46201, 46252, 46501, 50113, 50139, 55001, 55221, and 60521

Regulation 5239: RTC sections 6814, 6904, and 6932

Regulation 5240: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5

Regulation 5241: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5

Regulation 5242: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5

Regulation 5243: RTC section 6814

Regulation 5244: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 8877, 8878, 8878.1, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, and 60212

Regulation 5245: RTC sections 6074, 6592, 7657, 8877, 30282, 38452, 40102, 41096, 43157, 45155, 46156, 50112.2, 55044, and 60209

Regulation 5246: RTC sections 6593.5, 7658.1, 8878.5, 30283.5, 38455, 40103.5, 41097.5, 43158.5, 45156.5, 46157.5, 50112.4, 55046, and 60212

Regulation 5247: RTC sections 6596, 7657.1, 8879, 30284, 38454, 40104, 41098, 43159, 45157, 46158, 50112.5, 55045, and 60210

Regulation 5248: RTC sections 6593, 7658, 8878, 30283, 38453, 40103, 41097, 43158, 45156, 46157, 50112.3, 55046.5, and 60211

Regulation 5249: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 8877, 8878, 8878.1, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, and 60212

Regulation 5249.4: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 8877, 8878, 8878.1, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, and 60212

Regulation 5249.6: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 8877, 8878, 8878.1, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, and 60212

Regulation 5250: RTC sections 7209 and 7223

Regulation 5255: BPC sections 22973.1, 22974.7, 22977.2, 22978.7, 22979, and 22979.7

Regulation 5256: BPC sections 22974.3, 22978.2, and 22980.2 and RTC section 30438

Regulation 5260: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5261: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6918, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38613, 340093, 40102, 40103, 40103.5, 40104, 40111, 40112,

40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5262: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5263: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211,

60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5264: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7081, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5265: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5266: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631,

40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5267: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 5268: RTC sections 6561, 6814, 6902, 7710, 8128, 8851, 9152, 30261, 30362, 38441, 38602, 40091, 40112, 41085, 41101, 43301, 43452, 45301, 45652, 46351, 46502, 50114, 50140, 55081, 55222, 60350, and 60522

Regulation 5700: RTC sections 6596, 7051, 7084, 8262, 9262, 30458.2, 40202, 41162, 43513, 45858, 46613, 50156.2, and 55323

Regulation 35001: BPC section 22970.2, GC sections 15570.22 and 15570.24, HSC sections 25215.45, 105190, and 105310, PRC sections 4629.5, 42464.2, 42882, and 71215, PUC section 893, RTC sections 20, 20.5, 7051, 7202, 7270, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 44003, 45851, 46601, 50152, 55301, and 60601, and Water Code section 1537

Regulation 35002: BPC section 11, GC sections 8, 6707, 15570, 15606, and 15671, RTC sections 8, 19, 20, 20.5, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6901, 6902, 6906, 6981, 7202, 7203, 7209, 7223,

7261, 7262, 7269, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9151, 9152, 9196, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581, and Water Code section 1537

Regulation 35003: BPC section 22970.2, GC sections 15570.22, 15570.24, and 15606, HSC sections 25215.45, 105190, and 105310, PRC sections 4629.5, 42464.2, 42882, and 71215, PUC section 893, RTC sections 7051, 7202, 7270, 8251, 9251, 30451, 34013, 38701, 40171, 41128, 42020, 42103, 43501, 44003, 45851, 46601, 50152, 55301, and 60601, and Water Code section 1537

Regulation 35004: BPC section 22971.5 and RTC sections 6486, 7202, 7203, 7261, 7262, 7671, 8781, 30206, 38416, 40076, 41075, 43201, 45201, 46202, 50113, 55061, and 60311

Regulation 35005: RTC sections 6561, 7710, 8851, 30175, 30261, 38441, 40091, 41033, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 35006: RTC sections 6814, 9024, 38564, 46454, and 60474

Regulation 35007: RTC sections 6561, 7710, 8851, 30174, 30175, 30261, 38441, 40091, 41033, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 35008: RTC sections 6561.5, 7710.5, 8851.5, 30261.5, 38442, 40092, 41033, 41086, 43302, 45302, 46352, 50115, 55082, and 60351

Regulation 35009: RTC sections 6561.5, 7710.5, 8851.5, 30261.5, 38442, 40092, 41033, 41086, 43302, 45302, 46352, 50115, 55082, and 60351

Regulation 35010: RTC sections 6482, 6513, 7674, 7661, 8777, 8803, 30174, 30202, 30223, 38412, 38423, 40072, 40083, 41033, 41071, 41082, 43201, 45201, 46201, 46253, 50113, 55061, 60302, and 60314

Regulation 35011: HSC section 105310 and RTC section 43301

Regulation 35012: PRC section 42464.6

Regulation 35013: Water Code section 1537

Regulation 35014: HSC section 25215.45

Regulation 35015: RTC sections 6561, 7710, 8851, 30175, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 35016: RTC sections 6562, 7711, 8852, 30175, 30262, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352

Regulation 35017: RTC sections 6562, 6981, 7711, 8191, 8852, 9196, 30175, 30262, 30421, 38443, 38631, 40093, 40121, 41087, 41107, 43303, 43491, 45303, 45801, 46353, 46551, 50116, 50151, 55083, 55281, 60352, and 60581

Regulation 35018: RTC sections 6562, 7711, 8852, 30175, 30262, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352

Regulation 35019: RTC sections 6981, 8191, 9196, 30421, 38631, 40121, 41107, 43491, 45801, 46551, 50151, 55281, and 60581

Regulation 35020: RTC sections 6482, 6513, 7674, 7661, 8777, 8803, 30174, 30202, 30223, 38412, 38423, 40072, 40083, 41033, 41071, 41082, 43201, 45201, 46201, 46253, 50113, 55061, 60302, and 60314

Regulation 35021: RTC sections 6561, 7710, 8851, 30174, 30261, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081, and 60350

Regulation 35022: RTC sections 6536, 6538, 7698, 7700, 8826, 8828, 30241, 30243, 38431, 38433, 43350, 43351, 45351, 45352, 46301, 46302, 50120.1, 50120.2, 55101, 55102, 60330, and 60332

Regulation 35023: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 35024: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 35025: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 35026: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 35027: RTC sections 6538, 7700, 8828, 30243, 38433, 43351, 45352, 46302, 50120.2, 55102, and 60332

Regulation 35028: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 50120.3, 55103, and 60333

Regulation 35029: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 35030: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 35031: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 35032: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 38435, 43352, 45353, 46303, 50120.3, 55103, and 60333

Regulation 35033: RTC sections 6901, 6902, 8101, 8101.1, 8101.6, 8101.7, 8102, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30361, 30362, 38601, 38602, 40111, 40112, 41100, 41101, 43451, 43452, 45651, 45652, 46501, 46502, 50139, 50140, 55221, 55222, 60501, 60502, 60507, 60521, and 60522 and Water Code section 1537

Regulation 35034: RTC sections 6902, 6902.3, 6902.4, 6902.6, 8128, 8128.1, 9152, 9152.1, 9152.2, 9152.3, 30178, 30178.1, 30178.3, 30362, 30362.1, 30362.2, 38602, 38602.5, 40112, 40112.1, 40112.2, 40112.3, 41101, 41101.1, 41101.2, 41101.3, 43452, 43452.1, 43452.2, 43452.3, 45652, 45652.1, 45652.2, 45652.3, 46502, 46502.1, 46502.2, 46502.3, 50140, 50140.1, 50140.2, 50140.3, 55222, 55222.1, 55222.2, 55222.3, 60507, 60522, 60522.1, 60522.2, and 60522.3

Regulation 35035: RTC sections 6905, 8128, 9152, 30178, 30178.1, 30364, 38604, 40114, 41103, 43453, 45653, 46504, 50141, 55223, 60507, and 60522

Regulation 35036: RTC sections 6904, 8129, 9153, 30176, 30176.1, 30176.2, 30177, 30363, 38603, 40113, 41102, 43452, 45652, 46503, 50140, 55222, 60501, 60502, 60505.5, and 60523

Regulation 35037: RTC sections 60501, 60502, 60505.5, and 60523

Regulation 35038: RTC sections 30176, 30176.1, 30176.2, 30177, and 30363

Regulation 35039: RTC sections 6902, 8128, 9152, 30178, 30178.1, 30362, 38602, 40112, 41101, 43452, 45652, 46502, 50140, 55222, 60501, 60502, 60507, and 60522

Regulation 35040: RTC sections 6901, 6902, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 38601, 38602, 40111, 40112, 41100, 41101, 43451, 43452, 45651, 45652, 46501, 46502, 50139, 50140, 55221, 55222, 60501, 60502, 60507, 60521, and 60522

Regulation 35041: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60506, 60507, 60521, and 60522

Regulation 35042: RTC sections 6901, 6902, 6906, 6933, 8126, 8128, 8148, 9151, 9152, 9173, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 30403, 38601, 38602, 38605, 38613,

40111, 40112, 40115, 40127, 41100, 41101, 41104, 41110, 43451, 43452, 43454, 43473, 45651, 45652, 45654, 45703, 46501, 46502, 46505, 46523, 50139, 50140, 50142, 50145, 55221, 55222, 55224, 55243, 60501, 60502, 60507, 60521, 60522, and 60543

Regulation 35043: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60507, 60521, and 60522

Regulation 35044: RTC sections 6483, 6512, 6901, 8126, 8778, 8802, 9151, 30176, 30176.1, 30176.2, 30177, 30203, 30222, 30361, 38413, 38422, 38601, 40073, 40082, 40111, 41072, 41081, 41100, 43201, 43451, 45201, 45651, 46201, 46252, 46501, 50113, 50139, 55061, 55221, 60508, 60508.3, and 60521

Regulation 35045: RTC sections 6904 and 6933

Regulation 35046: RTC section 6814

Regulation 35047: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 7726, 7727, 8877, 8878, 8878.5, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, and 60212

Regulation 35048: RTC sections 6074, 6592, 7657, 7726, 7727, 8877, 30282, 38452, 40102, 41096, 43157, 45155, 46156, 50112.2, 55044, 60209, 60361, and 60361.5

Regulation 35049: RTC sections 6593.5, 7658.1, 8878.5, 30283.5, 38455, 40103.5, 41097.5, 43158.5, 45156.5, 46157.5, 50112.4, 55046, and 60212

Regulation 35050: RTC sections 6596, 7657.1, 8879, 30284, 38454, 40104, 41098, 43159, 45157, 46158, 50112.5, 55045, and 60210

Regulation 35051: RTC sections 6593, 7658, 8878, 30283, 38453, 40103, 41097, 43158, 45156, 46157, 50112.3, 55046.5, and 60211

Regulation 35052: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 7726, 7727, 8877, 8878, 8878.5, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, 60212, 60361, and 60361.5

Regulation 35053: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 7726, 7727, 8877, 8878, 8878.5, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103,

40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, 60212, 60361, and 60361.5

Regulation 35054: RTC sections 6074, 6592, 6593, 6593.5, 6596, 7657, 7657.1, 7658, 7658.1, 7726, 7727, 8877, 8878, 8878.5, 8879, 30282, 30283, 30283.5, 30284, 38452, 38453, 38454, 38455, 40102, 40103, 40103.5, 40104, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 45155, 45156, 45156.5, 45157, 46156, 46157, 46157.5, 46158, 50112.2, 50112.3, 50112.4, 50112.5, 55044, 55045, 55046, 55046.5, 60209, 60210, 60211, 60212, 60361, and 60361.5

Regulation 35055: Family Code sections 297, 297.5, and 308, GC section 15570.54, and RTC sections 6456, 7202, 7203, 7261, 7262, 7657.5, 8880, 30285, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5

Regulation 35056: GC section 15570.54 and RTC sections 7209, 7223, 7269, and 7270

Regulation 35057: BPC sections 22973.1, 22974.7, 22977.2, 22977.8, 22979, and 2297.79 and GC section 15570.54

Regulation 35058: BPC sections 22974.3, 22978.2, and 22980.2, GC section 15570.54, and RTC sections 30436, 30437, 30438, 30439, and 30474.1

Regulation 35060: GC sections 15570.50 and 15570.52 and RTC sections 6074, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38245, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35061: BPC sections 22973.1, 22974.3, 22974.7, 22977.2, 22972.8, 22978.7, 22979, 22979.7,

and 22980.2, GC sections 15570.50 and 15570.52, and RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 30438, 30439, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55218, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35062: GC sections 15570.50 and 15570.52 and RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35063: GC sections 15570.50 and 15570.52 and RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906,

6981, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8800, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35064: BPC sections 22973.1, 22974.3, 22974.7, 22977.2, 22978.2, 22978.7, 22979, 22979.7, and 22980.2, GC sections 15570.50 and 15570.52, and RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7081, 7209, 7223, 7269, 7270, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 30438, 30439, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35065: BPC sections 22973.1, 22974.3, 22974.7, 22977.2, 22978.2, 22978.7, 22979, 22979.7, and 22980.2, GC sections 15570.50, 15570.52, and 15570.54, and RTC sections 6074, 6456, 6538, 6562,

6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7209, 7223, 7269, 7270, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 30438, 30439, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35066: GC sections 15570.50 and 15570.52 and RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7209, 7223, 7269, 7270, 7657, 7657.1, 7657.5, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.5, 8879, 8880, 9024, 9151, 9152, 9196, 30174, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30285, 30361, 30362, 30365, 30421, 38433, 38435, 38443, 38452, 38453, 38454, 38454.5, 38455, 38564, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40105, 40111, 40112, 40115, 40121, 41033, 41087, 41096, 41097, 41097.5, 41098, 41099, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43159.1, 43159.2, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45158, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46159, 46302, 46303, 46353, 46454, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50112.6, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55045.1, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60210.5, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581

Regulation 35067: RTC sections 6901, 6981, 8126, 8191, 9151, 9196, 30361, 30421, 38601, 38631, 40111, 40121, 41100, 41107, 43451, 43491, 45651, 45801,

46501, 46551, 50139, 50151, 55221, 55281, 60521, and 60581

Regulation 35101: BPC section 22970.2, GC sections 11340.9 and 15606, HSC sections 25215.45, 105190, and 105310, PRC sections 4629.5, 42464.2, 42882, and 71215, PUC section 893, RTC sections 6596, 7051, 7084, 7657.1, 8251, 8262, 8879, 9251, 9262, 30284, 30451, 30458.2, 34013, 38454, 38701, 40104, 40171, 40202, 41098, 41128, 41162, 42020, 42103, 43159, 43501, 43513, 44003, 45157, 45851, 45858, 46158, 46601, 46613, 50112.5, 50152, 50156.2, 55045, 55301, 55323, 60210, 60601, and 60623, and Water Code section 1537

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Development of Division 2.1

Prior to 2008, the BOE's tax and fee regulations were codified in divisions 1 and 2. The BOE's property tax regulations were generally codified in division 1, the BOE's business tax and fee regulations were generally codified in division 2, and the regulations prescribing the BOE's administrative and appellate review processes were generally codified in chapter 10 (commencing with reg. 5010) (chapter 10) in division 2. And, there were several issues with chapter 10. Therefore, during the summer of 2005 the BOE commenced a process to replace chapter 10 with more comprehensive regulations.

After a more than two-year review, drafting, and approval process, the BOE repealed chapter 10 in division 2 and adopted division 2.1 to provide comprehensive regulations governing the administrative and appellate review processes for all of the tax and fee programs administered by the BOE, effective February 6, 2008. As relevant here, chapter 2 (regs. 5200 through 5271) in division 2.1 codified the BOE's existing practices, at the time, for handling appeals involving the BOE's business tax and fee programs, which included the taxes and fees imposed or collected under the Sales and Use Tax Law (RTC, § 6001 et seq.) Motor Vehicle Fuel Tax Law (RTC, § 7301 et seq.), Use Fuel Tax Law (RTC, § 8601 et seq.), Cigarette and Tobacco Products Tax Law (RTC, § 30001 et seq.), Timber Yield Tax Law (RTC, § 38101 et seq.), Energy Resources Surcharge Law (RTC, § 40001 et seq.), Emergency Telephone Users Surcharge Act (RTC, § 41001 et seq.), Hazardous Substances Tax Law (RTC, § 43001 et seq.), Integrated Waste Management Fee Law (RTC, § 45001 et seq.), Oil Spill Response, Prevention and Administration Fees Law (RTC, § 46001 et seq.), Underground Storage Tank Maintenance Fee Law (RTC, § 50101 et seq.), Fee

Collection Procedures Law (RTC, § 55001 et seq.), and Diesel Fuel Tax Law (RTC, § 60001 et seq.); and also included the taxes on insurers imposed and collected under section 28 of article XIII of the California Constitution and part 7 (commencing with section 12001) of division 2 of the RTC and the alcoholic beverage taxes imposed and collected under section 22 of article XX of the California Constitution and the Alcoholic Beverage Tax Law (RTC, § 32001 et seq.).

Chapter 2 in division 2.1 generally provided three successive levels or stages of administrative review for a taxpayer's appeal (petition, claim for refund, request for relief, etc.). It generally provided for an appeal to be reviewed by staff in the BOE department that administered the relevant tax or fee under the procedures in articles 2A through 5 of chapter 2 (described below). It provided for an appeal to be reviewed by staff in the BOE's Appeals Division, under the appeals conference procedures in article 6 (regs. 5260 through 5268) of chapter 2, if the taxpayer disagreed with department staff's findings and requested an appeals conference or appeals hearing or confirmed a prior request for an appeals hearing. It also provided for an appeal to be reviewed by the BOE members, under the appeals hearing procedures in chapter 5 of division 2.1, if the taxpayer disagreed with Appeals Division staff's decision or supplemental decision and requested an appeals hearing or confirmed a prior request for an appeals hearing.

In addition, article 2A (regs. 5210 through 5219) in chapter 2 of division 2.1 provided comprehensive procedures for the timely filing of a complete petition for redetermination or a successor's petition for reconsideration of a successor liability, and the initial review of such a petition. Article 2B (regs. 5220, 5220.4, and 5220.6) in chapter 2 codified the BOE's policy of accepting untimely petitions for redetermination as administrative protests and provided comprehensive procedures for the review of administrative protests. Article 2C (regs. 5221 through 5229) in chapter 2 provided comprehensive procedures for the timely filing of a complete petition for redetermination of a jeopardy determination and the initial review of such a petition, and it also provided comprehensive procedures for the timely filing of a complete application for administrative hearing in response to a jeopardy determination and the conduct of an administrative hearing by the BOE's Appeals Division under the appeals conference procedures in article 6 of chapter 2. Article 3 (regs. 5230 through 5239) in chapter 2 provided comprehensive procedures for the timely filing of a complete claim for refund, including a claim for refund of sales and use tax filed on behalf of members of a class (class claim), and the initial review of such a claim. Article 4A (regs. 5240, 5241, and 5242) in chapter 2 codified procedures for the timely filing and initial review of a spouse's or regis-

tered domestic partner's requests for innocent spouse and other equitable relief from sales and use tax liabilities under regulation 1705.1 in division 2. Article 4B (reg. 5243) in chapter 2 codified procedures for the filing of a successor's request for relief of penalty under regulation 1702 in division 2. Article 4C (regs. 5244 through 5249.6) in chapter 2 prescribed the BOE's authority to grant relief from penalties for reasonable cause, grant relief of interest due to an unreasonable error or delay, grant relief from taxes and fees due to reasonable reliance on written advice, and grant relief of interest due to a disaster, and codified procedures for the filing and initial review of a request for such relief. Article 5 (reg. 5250) in chapter 2 codified procedures for the filing of a claim or inquiry, under regulation 1807 in division 2, regarding the incorrect or non-distribution of local sales and use taxes imposed in accordance with the Bradley-Burns Uniform Local Sales and Use Tax Law (RTC, § 7200 et seq.), and the filing of a claim or inquiry, under regulation 1828 in division 2, regarding the incorrect or non-distribution of district transactions (sales) and use taxes imposed in accordance with part 1.6 (commencing with section 7251) and part 1.7 (commencing with section 7280) of division 2 of the RTC.

Also, as relevant here, chapter 3 (regs. 5310 through 5345) in division 2.1 codified the BOE's existing practices, at the time, for handling property tax appeals, including appeals from denials of claims for organizational clearance certificates (OCCs) for the welfare exemption provided by RTC section 214 and veterans' organization exemption provided by RTC section 215.1 and appeals from the revocation of OCCs under RTC section 254.6, and appeals of denials of claims for supplement clearance certificates (SCCs) for the welfare exemption and appeals from the revocation of SCCs under regulation 140.2 in division 1. Chapter 5 (regs. 5510 through 5576) in division 2.1 restated and codified the Board's existing rules and practices, at the time, for the BOE members to conduct appeals hearings and decide appeals subject to chapters 2 and 3. Chapter 5 (regs. 5510 through 5576) in division 2.1 also defined terms for purposes of chapters 2, 3, and 5, and contained other provisions regarding the representation of taxpayers (reg. 5523), the use of power of attorney forms (reg. 5523.1), the burden of proof (reg. 5541), and the timeliness of documents filed with the BOE (reg. 5571).

In addition, as relevant here, the BOE previously adopted regulation 5200 in division 2, effective June 27, 2000, to govern its historical practice of publishing annotations derived from legal rulings of counsel. And, regulation 5200 was renumbered as regulation 5700 in chapter 6 in division 2.1, effective February 6, 2008.

GC section 11340.9, subdivision (b), expressly exempts a legal ruling of counsel issued by the Franchise Tax Board or BOE from the rulemaking requirements in

chapter 3.5 (commencing with section 11340) of part 1 of division 3 of title 2 of the GC. And, regulation 5700 in chapter 6 in division 2.1 clarifies that annotations "are summaries of the conclusions reached in selected legal rulings of counsel," "[a]nnotations provide notice of the existence of and conclusions reached in selected legal rulings of counsel," annotations "do not embellish or interpret the legal rulings of counsel which they summarize," and annotations "do not have the force and effect of law." (Reg. 5700, subs. (a)(1) and (c)(1).)

2014 Amendments to Division 2.1

The BOE subsequently adopted amendments to division 2.1, which became effective April 1, 2014. As relevant here, the 2014 amendments updated chapters 2 and 5 in division 2.1 to address historical clean-up and housekeeping issues that were identified by interested parties and BOE staff between 2008 and 2013. The amendments to chapter 2 in division 2.1 clarified the procedures in regulation 5217 for acknowledging petitions for redetermination. They clarified the process in regulation 5218 for referring petitions to another office for further investigation and comment. They clarified the requirements in regulations 5218 and 5219 for department staff to prepare a summary analysis of a petition and provide a copy of the analysis to the taxpayer before forwarding the taxpayer's appeal to the Appeals Division for the scheduling of an appeals conference. They clarified the procedures in regulations 5218 and 5235 so that a taxpayer who disagrees with department staff's findings would understand when the taxpayer is required to request an appeals conference or appeals hearing or confirm a prior request for an appeals conference or appeals hearing in order to obtain an appeals conference and continue to appeal department staff's findings. And, they clarified, in regulation 5220, that an untimely petition for redetermination may be treated as an administrative protest if the deputy director of the department that issued the notice being disputed by the taxpayer determines, in his or her discretion, that there is a reasonable basis to believe that there may be an error in the taxpayer's notice.

Also, the 2014 amendments to chapter 2 in division 2.1 revised Regulation 5240 in article 4A so that it provided for the filing of a spouse's or registered domestic partner's requests for innocent spouse and other equitable relief from a liability imposed under the Motor Vehicle Fuel Tax Law, Use Fuel Tax Law, Diesel Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, Timber Yield Tax Law, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Act, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention and Administration Fees Law, Underground Storage Tank Maintenance Fee Law, and Fee

Collection Procedures Law, in addition to a liability imposed under the Sales and Use Tax Law. And, they revised regulations 5240, 5241, and 5242 in article 4A to cross-reference the applicable provisions for the filing and review of such requests in regulations 1705.1 (sales and use tax) and 4903 (other taxes and fees) in division 2.

In addition, the 2014 amendments to chapter 2 in division 2.1 revised regulation 5250 in article 5 so that it simply cross-referenced the comprehensive procedures in regulation 1807 in division 2 (as amended effective March 8, 2012) for the filing and review of petitions for reallocation of local sales and use tax (local tax) and the comprehensive procedures in regulation 1828 in division 2 (as amended effective March 8, 2012) for the filing and review of petitions for reallocation of district transactions (sales) and use tax (district tax). And, they added article 5.5 (regs. 5255 and 5256) to chapter 2 in division 2.1 to clarify that appeals under the Licensing Act, including appeals of denials of licenses and the issuance of warning notices and notices of violation under the Licensing Act, and petitions for the recovery of cigarettes and tobacco products seized pursuant to the Licensing Act or the Cigarette and Tobacco Products Tax Law must be filed in accordance with chapter 9.5 (commencing with reg. 4500) in division 2 and shall be reviewed as provided therein.

Furthermore, the 2014 amendments to chapters 2 and 5 in division 2.1 clarified the procedures in regulations 5218, 5219, 5235, 5264, and 5266 in chapter 2 so that taxpayers could keep track of their appeals better and clearly understand when they are required to take additional actions to continue their appeals. They clarified the procedures in regulation 5264 in chapter 2 for taxpayers to submit additional arguments and evidence to the Appeals Division during the appeals conference process, and the procedures in regulation 5266 in chapter 2 for filing requests for reconsideration and requests for appeals hearings to continue to contest Appeals Division staff's decisions. They revised regulation 5266 in chapter 2 to require the Appeals Division to acknowledge the receipt of requests for reconsideration of a decision, and explain that the Appeals Division may request additional information from the parties that may be relevant to the preparation of a supplemental decision. They revised regulation 5266 to require the Appeals Division to notify the parties when the Appeals Division is required to or has decided to issue a supplemental decision, and require the Appeals Division to issue a supplemental decision within 90 days after the submission of any additional information the Appeals Division needs to prepare the document. They also added subdivision (a) to regulation 5511 in chapter 5 to define the term "appeal" to specifically include any petition, including, but not limited to, a petition for rede-

termination and petition for reconsideration of successor liability, administrative protest, claim, including a claim for refund, an application, including, but not limited to, an application for administrative hearing, and any other item that may be scheduled for an appeals hearing before the BOE members, under chapter 5, including, but not limited to, requests for relief of taxes, interest, or penalties.

2015 Amendments to Divisions 2 and 2.1

In 2015, the BOE adopted amendments to regulations 1705.1 and 4903 in division 2 and regulations 5240, 5241, and 5242 in article 4A in chapter 2 of division 2.1, which became effective January 1, 2016. The amendments made the BOE's administration of the statutory provisions for innocent spouse and other equitable relief more efficient by providing for the filing of one request for innocent spouse relief, the review of that request by the BOE's Offer in Compromise Section to determine if either innocent spouse relief or other equitable relief is warranted at the same time, and the ability to request reconsideration from the BOE members if an individual requesting relief is not granted either innocent spouse relief or other equitable relief from all the liabilities in his or her request.

2017 Legislation

On June 27, 2017, the Governor approved Assembly Bill No. (AB) 102 (Stats. 2017, ch. 16), *The Taxpayer Transparency and Fairness Act of 2017*, which added part 8.7 to division 3 of title 2 of the GC. (AB 102, § 5.) Part 8.7 established the CDTFA. (GC, § 15570.) Part 8.7 transferred the BOE's duties, powers, and responsibilities to administer and collect business taxes and fees to the CDTFA, operative July 1, 2017, except for the BOE's duties, powers, and responsibilities to administer and collect the taxes on insurers imposed pursuant to section 28 of article XIII of the California Constitution and part 7 of division 2 of the RTC, and the alcoholic beverage taxes imposed pursuant to section 22 of article XX of the California Constitution and the Alcoholic Beverage Tax Law, and the BOE's duty to adjust the rate of the motor vehicle fuel tax pursuant to RTC section 7360, subdivision (b), for the 2018–19 fiscal year. (GC, § 15570.22.) Part 8.7 transferred the BOE's duties, powers, and responsibilities to administer the Licensing Act to the CDTFA, operative July 1, 2017. (*Ibid.*) Part 8.7 also transferred the BOE's duties, powers, and responsibilities to administer the welfare exemption and the veterans' organization exemption, including the BOE's duties to review appeals from denials of claims for OCCs and SCCs and appeals from revocation of OCCs and SCCs, to the CDTFA, operative July 1, 2017. (*Ibid.*)

Also, AB 102 added part 9.5 (commencing with section 15670) to division 3 of title 2 of the GC (part 9.5).

(AB 102, § 13.) Part 9.5 established the OTA. (GC, § 15670). And, part 9.5 transferred the BOE's duties, powers, and responsibilities to the OTA that are necessary or appropriate for the OTA to conduct appeals hearings regarding "appeals" (as defined in GC, § 15671, which is substantially similar to reg. 5511, subd. (a), discussed above) related to all of the taxes and fees administered and collected by the CDTFA, the licensing program administered by the CDTFA, and the property tax functions performed by the CDTFA, operative January 1, 2018. (GC, §§ 15672, 15674.) (For an explanation of the reasons why these changes were made to state government, see AB 102, § 2.)

In addition, as relevant here, part 8.7, as added by AB 102, currently provides for all the laws prescribing the BOE's former duties, powers, and responsibilities that were transferred to the CDTFA, "together with all lawful rules and regulations established under those laws [to continue] in force, including, but not limited to, . . . appeals processes." (GC, § 15570.22.) And, part 8.7 provides that, "unless the context clearly requires otherwise, whenever any reference to the [BOE] appears in any statute or regulation . . . with respect to any of the functions transferred to the [CDTFA] . . . , it shall be deemed to refer to the [CDTFA]." (GC, § 15570.24.) Therefore, the appeals regulations in divisions 2 and 2.1 (discussed above) applied to appeals subject to the CDTFA's jurisdiction, effective July 1, 2017.

Furthermore, RTC section 20, as added by AB 102, provides that when the term BOE is used in the RTC, it "means the CDTFA," unless the context requires otherwise because the reference is "with respect to an appeal" to the OTA or the reference is to the BOE's "retained authority" under GC section 15600, subdivision (b) or (c). Also, part 8.7 authorizes the CDTFA to "adopt regulations as necessary or appropriate to carry out the purposes of [the] part," authorizes the CDTFA to adopt emergency regulations until January 1, 2019, and provides that the rulemaking requirements in "[c]hapter 3.5 (commencing with Section 11340) of Part 1 [of division 3 of title 2 of the GC] shall not apply to any standard, criterion, procedure, determination, rule, notice, or guideline established or issued by the [CDTFA]." (GC, § 15570.40.)

Moreover, on September 16, 2017, the Governor approved AB 131 (Stats. 2017, ch. 252). As relevant here, section 3 of AB 131 added chapter 4.5 (commencing with section 15570.50) to part 8.7 to expressly: (1) provide that the appeals conference regulations in article 6 of chapter 2 of division 2.1 (discussed above) "shall continue in force and shall apply to appeals conferences [conducted by the CDTFA with regard to appeals] within the [CDTFA's] jurisdiction" (GC, § 15570.52); (2) require the CDTFA's appeals conferences to "continue to be conducted in the same manner as before any of the

BOE's duties, powers, and responsibilities were transferred to the [CDTFA]" (GC, § 15570.50); (3) clarify that "[a] person requesting relief in an appeals conference [conducted by the CDTFA] may thereafter request a hearing before [the OTA] if the [CDTFA] denies the request for relief" (GC, § 15570.54); and (4) authorize the CDTFA to amend and repeal the appeals conference regulations and adopt new appeals conference regulations as necessary or appropriate to carry out the purposes of chapter 4.5 of part 8.7. (GC, § 15570.52.)

OTA Emergency Regulations

The OTA adopted CCR, title 18, division 4, chapter 2 (commencing with reg. 30800), effective January 5, 2018, which contains emergency regulations prescribing the manner in which a taxpayer, a state agency other than the CDTFA, or a local jurisdiction that is a party to a local or district tax appeal may appeal to the OTA from an unfavorable decision issued by the CDTFA's Appeals Bureau. As relevant here, regulation 30802 in chapter 2 of division 4 provides that "[w]here the Appeals Bureau decision is adverse to the taxpayer, in whole or in part, the taxpayer may file an appeal to OTA within 30 days of the date the Appeals Bureau decision is issued." Regulation 30803 in chapter 2 of division 4 provides that "[w]here a state agency other than CDTFA is a party to a taxpayer's appeal and the Appeals Bureau decision is adverse to that other state agency, the state agency may appeal that decision to OTA within 30 days of the date the Appeals Bureau decision is issued." Regulation 30804 in chapter 2 of division 4 provides that "[w]here a [local] jurisdiction . . . is a party to a petition for redistribution of local or district tax and the Appeals Bureau decision is adverse to that jurisdiction, in whole or in part, the jurisdiction may appeal to OTA within 60 days of the date the Appeals Bureau decision is issued." And, the OTA's appeals regulations in chapter 2 of division 4, including regulations 30802, 30803, and 30804, were readopted, as emergency regulations, operative July 6, 2018.

Also, on July 3, 2018, the OTA published a notice of proposed regulatory action regarding the proposed adoption of division 4.1 in title 18 of the CCR to replace division 4, effective January 1, 2019. As relevant here, subdivision (b) of proposed regulation 30203 in division 4.1 prescribes the same deadlines to appeal to the OTA from an unfavorable decision issued by the CDTFA's Appeals Bureau as prescribed by regulations 30802, 30803, and 30804 in division 4. Subdivision (b)(1) provides that "[w]here a decision of CDTFA Appeals Bureau is adverse to the taxpayer or to another state agency, in whole or in part, the taxpayer or other state agency may file an appeal to OTA no later than 30 days from the date the CDTFA Appeals Bureau decision is issued." Subdivision (b)(2) provides that

“[w]here a local entity is a party to a petition for redistribution of local or district tax and the CDTFA is adverse to that local entity, in whole or in part, the local entity may appeal to OTA no later than 60 days from the date the CDTFA Appeals Bureau decision is issued.” Subdivision (b)(3) extends the time to appeal when the CDTFA’s Appeals Bureau issues or decides to issue a supplemental decision during the period a timely appeal may be filed with the OTA. Subdivision (b)(4) extends the time to appeal when a party files a timely request for reconsideration of an Appeals Bureau decision with the CDTFA’s Appeals Bureau. Subdivision (b)(5) provides that “the CDTFA Appeals Bureau decision is issued on the date it is mailed to the parties, except where the decision remands the appeal for reaudit.”

CDTFA’s Initial Emergency Regulations

After AB 102 became effective on July 1, 2017, there were regulations in division 1 of title 18 of the CCR that implemented, interpreted, or made specific statutes that were administered by the CDTFA, including all of the timber yield tax regulations in chapter 11 (commencing with reg. 1020) in division 1, such as regulation 1032, which applies to a spouse’s or registered domestic partner’s request for innocent spouse relief from liability for the timber yield tax. And, after AB 102 became effective, all of the regulations in division 2 of title 18 of the CCR, other than the regulations in chapters 6 and 9.9, implemented, interpreted, or made specific statutes that were administered by the CDTFA. The regulations in chapter 6 of division 2 still implemented, interpreted, or made specific the statutes in the Alcoholic Beverage Tax Law administered by the BOE. The regulations in chapter 9.9 of division 2 implemented, interpreted, or made specific statutes that are now administered by the CDTFA and statutes that continued to be administered by the BOE, including regulation 4903 in chapter 9.9 (discussed above), which applied to a spouse’s or registered domestic partner’s request for innocent spouse relief from liability from specified taxes and fees administered by the CDTFA, and the taxes imposed under the Alcoholic Beverage Tax Law and Private Railroad Car Tax Law (RTC, § 11201 et seq.) administered by the BOE under GC section 15600.

Also, after AB 102 became effective on July 1, 2017, chapter 2 of division 2.1 contained appeals regulations that applied to appeals related to the business taxes and fees administered by the CDTFA, and the taxes on insurers and alcoholic beverage taxes administered by the BOE, prior to the conduct of an appeals hearing by the OTA or the BOE members, including the appeals conference regulations in article 6 of chapter 2 of division 2.1 (discussed above). Chapter 2 included appeals regulations that applied to appeals under both the CDTFA’s and BOE’s jurisdiction, such as regulation 5212, which

generally applied to petitions for redetermination filed with the CDTFA and BOE. And, chapter 2 included appeals regulations that only applied to appeals under the CDTFA’s or BOE’s jurisdiction, but not both. For example, regulation 5214 only applied and continues to only apply to petitions for redetermination of the taxes on insurers under the BOE’s jurisdiction, and regulation 5215.4 only applied to petitions for redetermination of the covered electronic waste recycling fee (PRC, § 42464 et seq.) under the CDTFA’s jurisdiction.

In addition, after AB 102 became effective on July 1, 2017, chapter 3 of division 2.1 contained appeals regulations that applied to appeals from the CDTFA’s denial of a claim for an OCC or SCC or revocation of an OCC or SCC under RTC section 254.6 and regulation 140.2 in division 1, and appeals related to the BOE’s property tax functions, prior to the conduct of an appeals hearing by the OTA or the BOE members. Chapter 3 also contained appeals regulations that applied to appeals under both the CDTFA’s and BOE’s jurisdictions, such as regulation 5336, which applied to the acceptance or rejection of applications for review, equalization, and adjustment of the assessment of publicly owned lands and improvements under the BOE’s jurisdiction and petitions objecting to the denial of a claim for an OCC or SCC or the revocation of an OCC or SCC under the CDTFA’s jurisdiction. And, chapter 3 contained appeals regulations that only applied to appeals under the CDTFA’s or BOE’s jurisdiction, but not both. For example, regulations 5332 through 5332.6 apply to applications for review, equalization, and adjustment of the assessment of publicly owned lands and improvements under the BOE’s jurisdiction, and regulations 5333 through 5333.6 applied to petitions objecting to the denial of a claim for an OCC or SCC or the revocation of an OCC or SCC under the CDTFA’s jurisdiction.

Furthermore, as a result of AB 102, GC section 11340.9, subdivision (b), exempts a legal ruling of counsel issued by the CDTFA from the rulemaking requirements in chapter 3.5 of part 1 of division 3 of title 2 of the GC. Also, after AB 102 became effective on July 1, 2017, regulation 5700 in chapter 6 of division 2.1 applied to the annotation of legal rulings of counsel issued by the CDTFA’s Chief Counsel or the Chief Counsel’s designees with regard to the tax laws administered by the CDTFA and the annotation of legal rulings of counsel issued by the BOE’s Chief Counsel or the Chief Counsel’s designees with regard to the tax laws administered by the BOE.

The CDTFA previously determined that there were issues (or problems within the meaning of GC, § 11346.2, subd. (b)(1)) with the procedures in the appeals regulations in divisions 2 and 2.1 that remained in full force and effect and applied to the CDTFA after July

1, 2017, because they were inconsistent with the enactment of parts 8.7 and 9.5 and the OTA's appeals regulations. This is because articles 4A and 4C in chapter 2 of division 2.1 did not clearly provide every person requesting relief with an opportunity to request an appeals conference conducted by the CDTFA's Appeals Bureau. (See regs. 5242 and 5249.6.) This is also because none of the appeals regulations in divisions 2 and 2.1 provided procedures for persons who have timely requested an appeals conference to request an appeals hearing before the OTA to appeal from an unfavorable decision by the CDTFA's Appeals Bureau, as provided by GC section 15570.54 and part 9.5.

The CDTFA also previously determined that the enactment of part 8.7 created several related issues (or problems within the meaning of Gov. Code, § 11346.2, subd. (b)(1)) regarding the organization of the regulations in divisions 2 and 2.1 that remained in full force and effect and applied to the CDTFA after July 1, 2017. Therefore, the CDTFA determined that it was reasonably necessary to adopt new division 5 in title 18 of the CCR and amend divisions 1, 2, and 2.1, as emergency regulations, to have the effect and accomplish the objective of addressing the issues (or problems) by adopting new CDTFA appeals regulations, which provide procedures that are substantially similar to the prior appeals procedures in divisions 1, 2, and 2.1 and are also consistent with the enactment of parts 8.7 and 9.5 and the OTA's appeals regulations, clarifying where the CDTFA's and BOE's regulations are located in division 2, separating the CDTFA's regulations from the BOE's regulations in division 2.1, and adopting a new CDTFA regulation regarding the annotation of the CDTFA's legal rulings of counsel, which is substantially similar to regulation 5700 in chapter 6 of division 2.1.

Specifically, the CDTFA determined that there were organizational issues (or problems) with the titles of division 2 and chapters 6 and 9.9 in division 2. This was because, at the time, division 2 was entitled "State Board of Equalization — Business Taxes," but division 2 only contained regulations that apply to CDTFA-administered taxes and fees and the CDTFA's licensing program, except for the regulations in chapters 6 and 9.9 (discussed above), and people may have had trouble locating the CDTFA's regulations in division 2 because the title of the division did not refer to the CDTFA. This was also because, at the time, the titles of chapters 6 and 9.9 did not indicate that the chapters contained BOE regulations, and people may have had trouble locating the BOE's regulations in chapters 6 and 9.9 if the CDTFA simply replaced the reference to the BOE with a reference to the CDTFA in the title of division 2. Therefore, the CDTFA determined that it was reasonably necessary to adopt emergency regulations to change the name of division 2 from "State Board of

Equalization — Business Taxes" to "California Department of Tax and Fee Administration — Business Taxes (State Board of Equalization — Business Taxes, see chapters 6 and 9.9)," change the title of chapter 6 in division 2 from "Alcoholic Beverage Tax" to "State Board of Equalization — Alcoholic Beverage Tax" and change the title of chapter 9.9 in division 2 from "Special Taxes Administration — Miscellaneous" to "California Department of Tax and Fee Administration and State Board of Equalization — Special Taxes Administration — Miscellaneous" to have the effect and accomplish the objective of addressing the organizational issues with the titles of division 2 and chapters 6 and 9.9 in division 2, and making it easier for people to locate the CDTFA's and BOE's regulations in division 2.

The CDTFA determined that there were organizational issues (or problems) with regard to articles 1 through 6 in chapter 2, articles 1 and 3 in chapter 3, and regulation 5700 in chapter 6 of division 2.1. This was because division 2.1 is entitled "State Board of Equalization — Rules for Tax Appeals." However, at the time, many of the regulations in articles 1 through 6 of chapter 2 applied to appeals that are subject to the CDTFA's jurisdiction, as well as appeals that are subject to the BOE's jurisdiction, some of the regulations in articles 1 through 6 of chapter 2 only applied to appeals subject to the CDTFA's or the BOE's jurisdiction, but not both, and, the regulations that applied to appeals subject to the CDTFA's jurisdiction were interspersed throughout articles 1 through 6 in chapter 2. At the time, some of the regulations in articles 1 and 3 of chapter 3 applied to appeals from denials of claims for OCCs and SCCs and the revocation of OCCs and SCCs that were subject to the CDTFA's jurisdiction and appeals subject to the BOE's jurisdiction, some of the regulations in articles 1 and 3 of chapter 3 only applied to appeals that were subject to the CDTFA's jurisdiction or the BOE's jurisdiction, but not both, and the regulations that applied to appeals that were subject to the CDTFA's jurisdiction were interspersed throughout articles 1 and 3 in chapter 3. Also, at the time, regulation 5700 in chapter 6 applied to the annotation of legal rulings of counsel issued by the CDTFA's Chief Counsel or the Chief Counsel's designees with regard to CDTFA-administered business taxes and fees and the CDTFA's property tax functions, and the annotation of legal rulings of counsel issued by the BOE's Chief Counsel or the Chief Counsel's designees with regard to the taxes on insurers and alcoholic beverage taxes administered by the BOE and the BOE's property tax functions. And, people may have had trouble locating the CDTFA's regulations in division 2.1 because the title of division 2.1 does not refer to the CDTFA. Therefore, the CDTFA determined that it was reasonably necessary to adopt emergency regulations to amend articles 1 through 6 in chapter 2 of

division 2.1 so that they no longer applied to appeals subject to the CDTFA's jurisdiction, amend articles 1 and 3 in chapter 3 of division 2.1 so that they no longer applied to appeals from denials of claims for OCCs and SCCs and the revocation of OCCs and SCCs that were subject to the CDTFA's jurisdiction, and amend regulation 5700 in chapter 6 of division 2.1 so that it did not apply to the annotation of legal rulings of counsel issued by the CDTFA's Chief Counsel or the Chief Counsel's designees to have the effect and accomplish the objective of addressing the organizational issues (or problems) with chapters 2 and 3 and regulation 5700 in division 2.1 and separating the CDTFA's regulations from the BOE's regulations in chapters 2 and 3 and separating the CDTFA from regulation 5700.

As a result, the CDTFA specifically determined that it was reasonably necessary to adopt emergency regulations that:

- Repealed regulations 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, and 5256 in articles 1 through 5 of chapter 2 of division 2.1 that only applied to appeals subject to the CDTFA's jurisdiction and were only subject to the CDTFA's rulemaking authority, including all of articles 4B, 5, and 5.5;
- Amended the title of chapter 2 in division 2.1 so it does not refer to the "Sales and Use Tax" and "Timber Yield Tax" administered by the CDTFA and amended the title of article 4A in chapter 2 so that it does not refer to the "Sales and Use Tax Law" administered by the CDTFA;
- Amended regulations 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, and 5268 in articles 1 through 6 in chapter 2 of division 2.1 so that they do not apply to appeals subject to the CDTFA's jurisdiction, they do not refer to taxes or laws administered by the CDTFA, regulation 5247 no longer refers to regulation 1705 in division 2, which only applies to CDTFA-administered taxes, and the regulations in articles 1 through 6 in chapter 2 of division 2.1 only continue to apply to appeals related to the taxes on insurers or alcoholic beverage taxes administered by the BOE, or both;
- Repealed subarticle 3 (regs. 5333, 5333.4, and 5333.6) of article 3 of chapter 3 of division 2.1, which only applied to appeals from denials of OCCs and SCCs and revocations of OCCs and

SCCs that were subject to the CDTFA's jurisdiction and was only subject to the CDTFA's rulemaking authority;

- Amended regulations 5310, 5311, 5312, 5331, 5335, 5335.4, 5335.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, and 5338.6 in articles 1 and 3 of chapter 3 of division 2.1 so that they no longer applied to appeals from denials of OCCs and SCCs and revocations of OCCs and SCCs and no longer referred to statutes regarding the welfare exemption or veterans' organization exemption; and
- Amended regulation 5700 in chapter 6 of division 2.1 so that it no longer applied to the annotation of legal rulings of counsel issued by the CDTFA's Chief Counsel or Chief Counsel's designees, and it cross-referenced the relevant provisions in BOE regulation 5247 in division 2.1 (as amended), instead of CDTFA regulation 1705 in division 2.

The CDTFA also specifically determined that it was reasonably necessary to adopt emergency regulations to have the effect and accomplish the objective of addressing the consistency and organizational issues (or problems) discussed above by:

- Adding new division 5 (commencing with reg. 35001) to title 18 of the CCR entitled "California Department of Tax and Fee Administration" to contain the CDTFA's new regulations;
- Adding new chapter 1 (commencing with reg. 35001), entitled "Appeals," to division 5 containing the CDTFA's new appeals regulations, which are applicable to appeals, as defined in GC section 15671, under the CDTFA's jurisdiction, including appeals under the CDTFA's licensing program and appeals from denials of claims for OCCs and SCCs and revocations of OCCs and SCCs, and provide procedures that give taxpayers, as defined in regulation 35002, other state agencies, and local jurisdictions or entities an opportunity to request an appeals conference provided by the Appeals Bureau in the CDTFA's Legal Division and then appeal to the OTA for an appeals hearing consistent with parts 8.7 and 9.5, and the OTA's appeals regulations; and
- Adding new chapter 2, entitled "Annotations," to division 5 containing regulation 35101, entitled "Annotations," which generally mirrors the provisions of regulation 5700 in division 2.1, including regulation 5700's procedures for publishing and depublishing annotations using a current legal digest, but regulation 35101 only applies to the annotation of the CDTFA's legal rulings of counsel, and it does not require the CDTFA's annotations to ultimately be published in

the BOE’s Business Taxes Law Guide or Property Tax Law Guide.

In addition, chapter 1 of new division 5 generally incorporated the appeals procedures that were in chapter 2 of division 2.1 or in chapter 5 of division 2.1 and applied to appeals subject to chapter 2 of division 2.1 to the extent that those procedures were consistent with the current organization of the CDTFA and current law requiring appeals to the OTA from decisions issued by the CDTFA’s Appeals Bureau. Therefore, the titles of the regulations in chapter 1 of division 5 generally correspond to the titles of regulations in chapter 2 or 5 in division 2.1 (see, e.g., regs. 5213 and 35010, which are both entitled “Accrual of Interest”) and chapter 1 of division 5 clearly provides two successive levels or stages of administrative review for an appeal before a taxpayer, a state agency other than the CDTFA, or a local jurisdiction may appeal to the OTA for an appeals hearing from an adverse decision of the CDTFA’s Appeals Bureau in accordance with the OTA’s regulations.

Article 1 (regs. 35001 through 35004) in chapter 1 of division 5 prescribed the application of chapter 1, defined important terms used throughout chapter 1, such as “appeal,” “representative,” and “taxpayer,” prescribed the burden of proof in appeals subject to chapter 1, and prescribed the requirements for giving notice under chapter 1. The provisions in article 1 are substantially similar to the provisions that are in regulations 5200 (application of chapter) and 5202 (notice requirements) in chapter 2 of division 2.1 and regulations 5511 (definitions), 5523 (representative), and 5541 (burden of proof) in chapter 5 of division 2.1. Also, regulation 35001 specifically clarified that chapter 1 in division 5 applies to appeals under all the following laws administered by the CDTFA:

- Sales and Use Tax Law;
- Uniform Local Sales and Use Tax Law;
- Transactions and Use Tax Law (RTC, § 7251 et seq.), and additional local taxes (RTC, § 7280 et seq.);
- Motor Vehicle Fuel Tax Law;
- Use Fuel Tax Law;
- Cigarette and Tobacco Products Tax Law;
- Cannabis Tax (RTC, § 34010 et seq.);
- Timber Yield Tax Law;
- Energy Resources Surcharge Law;
- Emergency Telephone Users Surcharge Act;
- Prepaid Mobile Telephony Services Surcharge Collection Act (RTC, § 42001 et seq.);
- Local Prepaid Mobile Telephony Services Collection Act (RTC, § 42100 et seq.);

- Hazardous Substances Tax Law, which is applicable to the Childhood Lead Poisoning Prevention Fee (Health & Saf. Code (HSC), § 105310) and Occupational Lead Poisoning Prevention Fee (HSC, § 105190);
- Marine Invasive Species Fee Collection Law (RTC, § 44000 et seq.);
- Integrated Waste Management Fee Law;
- Oil Spill Response, Prevention, and Administration Fees Law;
- Underground Storage Tank Maintenance Fee Law;
- Fee Collection Procedures Law;
- Diesel Fuel Tax Law;
- Licensing Act;
- Lead–Acid Battery Recycling Act of 2016 (HSC, § 25215 et seq.), which imposes lead–acid battery fees;
- Lumber Products Assessment (PRC, § 4629 et seq.);
- Covered Electronic Waste Recycling Fee;
- California Tire Recycling Act (PRC, § 42860 et seq.), which imposes the California Tire Fee;
- Marine Invasive Species Act (PRC, § 71200 et seq.), which imposes the Marine Invasive Species Fee;
- Natural Gas Surcharge (PUC, § 890 et seq.);
- Water Right Fees (Water Code, § 1525 et seq.); and
- Organizational Clearance Certificates for Welfare and Veterans’ Organization Exemptions (RTC, §§ 214–214.17, 215.1, 254.6, and 271).

Article 2A (regs. 35005 through 35018) in chapter 1 of division 5 prescribed the procedures for the timely filing of a complete petition in response to a notice of determination, including a successor’s petition for reconsideration of a successor liability, with the CDTFA, the initial review of such a petition by the assigned section in the CDTFA’s Business Tax and Fee Division (BTFD), and requesting an appeals conference provided by the Appeals Bureau in the CDTFA’s Legal Division to further appeal the findings of the assigned section. The regulations in article 2A in chapter 1 of division 5 are substantially similar to the provisions for the filing of a petition, the initial review of the petition, and requesting an appeals conference that were in article 2A (regs. 5210 through 5219) in chapter 2 of division 2.1 before the amendments discussed above, except that article 2A in chapter 1 of division 5 does not incorporate the provisions in regulation 5214 in division 2.1, which only apply to petitions filed with the BOE regarding the taxes on insurers, and regulation 35014 in article 2A in chapter 1 of division 5 contains new procedures that im-

plement the limitation in RTC section 25215.45, subdivision (a)(2)(A), on the CDTFA's authority to accept and review a petition regarding the lead-acid battery fees.

Article 2B (regs. 35019 through 35021) in chapter 1 of division 5 prescribed the procedures for BTFD's Deputy Director to accept an untimely petition for redetermination as an administrative protest, provided for administrative protests to be reviewed under the procedures for reviewing petitions in article 2A, except that the CDTFA has discretion to deny a request for an appeal conference, and clarified that the acceptance of an administrative protest does not stay actions to collect the final liability being appealed. The regulations in article 2B in chapter 1 of division 5 are substantially similar to the provisions for the acceptance of an untimely petition as an administrative protest and the review of an administrative protest in article 2B (regs. 5220, 5220.4, and 5220.6) in chapter 2 of division 2.1.

Article 2C (regs. 35022 through 35032) in chapter 1 of division 5 prescribed the procedures for the timely filing of a complete petition for redetermination and complete application for administrative hearing with the CDTFA in response to a notice of jeopardy determination. Article 2C prescribed the procedures for the initial review of such a petition or application by the assigned section in the CDTFA's BTFD under the procedures for reviewing petitions in article 2A. Article 2C also prescribed the procedures for requesting an appeals conference for a petition, the conduct of an administrative hearing by the CDTFA's Appeals Bureau under the appeal conference procedures in article 8 of chapter 1 of division 5, unless the taxpayer is satisfied with the assigned section's findings regarding its application for administrative hearing, and the consolidation of a taxpayer's petition and application for one administrative hearing. The regulations in article 2C in chapter 1 of division 5 are substantially similar to the provisions for the timely filing of a complete petition for redetermination and complete application for administrative hearing in response to a notice of jeopardy determination, the initial review of such a petition, requesting an appeals conference for a petition, the conduct of an administrative hearing, and the consolidation of a taxpayer's petition and application for one administrative hearing in article 2C (regs. 5221 through 5229) in chapter 2 of division 2.1. However, article 2C in chapter 2 of division 2.1 did not prescribe the procedures for the initial review of an application prior to the conduct of an administrative hearing, and article 2C in chapter 1 of division 5 clarifies that the assigned section in BTFD will initially review an application for administrative hearing under the procedures in article 2A of chapter 1 of division 5 prior to the conduct of an administrative

hearing, in accordance with the CDTFA's current procedures.

Article 3 (regs. 35033 through 35045) in chapter 1 of division 5 prescribed the procedures for the timely filing of a complete claim for refund, including a class claim, with the CDTFA, the initial review of such a claim by the assigned section in the CDTFA's BTFD, subject to the oversight of the Deputy Director of BTFD, and requesting an appeals conference to further appeal the findings of the assigned section. The regulations in article 3 in chapter 1 of division 5 are substantially similar to the provisions for the timely filing of a complete claim for refund, including a class claim, the initial review of such a claim, and requesting an appeals conference in article 3 (regs. 5230 through 5239) of chapter 2 of division 2.1 before the amendments discussed above, other than the provisions in regulation 5237 for the Deputy Director's approval of refunds in excess of \$100,000. The CDTFA determined that it was not necessary to incorporate similar approval provisions into article 3 in chapter 1 of division 5 because all of the assigned section's decisions to grant or deny refunds under article 3 in chapter 1 of division 5 are subject to the oversight of the Deputy Director. Also, subdivision (f) of regulation 35033 in article 3 in chapter 1 of division 5 contains new procedures that implement the limitation in RTC section 25215.45, subdivision (a)(2)(B), on the CDTFA's authority to accept and review a claim for refund regarding the lead-acid battery fees.

Article 4A (reg. 35046) in chapter 1 of division 5 prescribed the procedures for the filing of a successor's request for relief of penalty under regulation 1702 in division 2 with the CDTFA and required a successor's request for relief to be filed in accordance with the procedures for filing a petition for redetermination in article 2A in chapter 1 of division 5. The procedures in article 4A in chapter 1 of division 5 are substantially similar to the provisions for the filing of a successor's request for relief that were in article 4B (reg. 5243) in chapter 2 of division 2.1 before they were repealed (as discussed above).

Article 4B (regs. 35047 through 35054) in chapter 1 of division 5 prescribed the CDTFA's authority to grant relief from penalties for reasonable cause, grant relief of interest due to an unreasonable error or delay, grant relief from taxes and fees due to reasonable reliance on written advice, and grant relief of interest due to a disaster. Article 4B prescribed the procedures for filing complete requests for such relief with the CDTFA. Article 4B provided procedures for a request for relief included in or associated with a petition or claim for refund to be reviewed under the procedures applicable to the petition or claim. Article 4B also provided procedures for

the initial review of a complete request for relief that is not included in or associated with a petition or claim for refund by the assigned section or branch in the CDTFA's BTFD, requesting that the Deputy Director of BTFD reconsider the assigned section's findings (during the first level or stage of administrative review), and requesting an appeals conference to further appeal the findings of the Deputy Director. The provisions in article 4B in chapter 1 of division 5 are substantially similar to the provisions prescribing the authority to grant relief from taxes, fees, interest, and penalties and prescribing the procedures for the filing and review of a request for such relief, including the provisions for reconsideration by the Deputy Director, in article 4C (regs. 5244 through 5249.6) in chapter 2 of division 2.1 before the amendments discussed above, except that article 4B in chapter 1 of division 5 also provides clear procedures for a person requesting relief to request an appeals conference conducted by the CDTFA's Appeals Bureau.

Article 4C (reg. 35055) in chapter 1 of division 5 incorporated the substantive requirements from regulations 1705.1 and 4903 in division 2 for a spouse or registered domestic partner to obtain innocent spouse and other equitable relief from the taxes and fees administered by the CDTFA. Article 4C in chapter 1 of division 5 also prescribed the procedures for the filing of requests for such relief, the initial review of such requests by the CDTFA's Offer in Compromise Section, and requesting an appeals conference to further appeal the Offer in Compromise Section's findings. And, the procedures in article 4C in chapter 1 of division 5 are substantially similar to the provisions prescribing the procedures for the filing and initial review of such requests in article 4A (regs. 5240, 5241, and 5242) in chapter 2 of division 2.1, except that article 4C in chapter 1 of division 5 also provides clear procedures for a spouse or registered domestic partner requesting innocent spouse relief to request an appeals conference conducted by the CDTFA's Appeals Bureau. Also, the CDTFA determined that it was reasonably necessary to amend regulation 4903 in division 2 so that it no longer applies to a spouse's or registered domestic partner's request for relief from taxes or fees administered by the CDTFA, amend regulation 1032 in division 1 and regulations 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, and 4106 in division 2 so that they refer to the relevant provisions in regulation 35055 in article 4C in chapter 1 of division 5, and amend regulations 5240, 5241, and 5242 in division 2.1 so that they no longer refer to regulation 1705.1 and only continue to refer to regulation 4903 in division 2, to have the effect and accomplish the objective of ensuring that the regulations in divisions 1, 2, and 2.1 are consistent with the CDTFA's adoption of article 4C in chapter 1 of division 5.

Article 5 (reg. 35056) in chapter 1 of division 5 prescribed the procedures for the filing of petitions for redistribution of local and district tax with the CDTFA, the initial review of such a petition by either the Allocation Group in CDTFA's BTFD or Local Revenue Branch in CDTFA's Financial Management Bureau, and the subsequent review of such a petition by the CDTFA's Appeals Bureau if timely requested. The procedures in article 5 in chapter 1 of division 5 are substantially similar to the provisions prescribing the procedures for the filing and review of petitions for reallocation of local and district tax that were in regulations 1807 and 1828 in division 2 and cross-referenced in article 5 (reg. 5250) in division 2.1 prior to the repeal of article 5 in division 2.1 (discussed above). Therefore, the CDTFA determined that it was also reasonably necessary to repeal regulations 1807 and 1828 in division 2 because they are no longer necessary.

Article 6 (reg. 35057) in chapter 1 of division 5 prescribed the procedures for the filing of Licensing Act appeals with the CDTFA, the initial review of such an appeal by the Compliance Branch in CDTFA's BTFD, and the subsequent review of such an appeal by the CDTFA's Appeals Bureau if timely requested. Article 6 (reg. 35058) in chapter 1 of division 5 also prescribed the procedures for the filing of a petition for recovery of cigarettes or tobacco products that were seized under the Cigarette and Tobacco Products Tax Law or Licensing Act, the initial review of such a petition by the CDTFA's Investigations and Special Operations Bureau, and the subsequent review of such a petition by the CDTFA's Appeals Bureau if timely requested. The procedures in article 6 in chapter 1 of division 5 are substantially similar to the provisions prescribing the procedures for the filing and review of an appeal from the denial of a license under the Licensing Act in regulation 4508 in article 2, and the filing and review of Licensing Act appeals and petitions for recovery of seized cigarettes and tobacco products in regulations 4609, 4700, 4701, and 4702 in article 5 of chapter 9.5 of division 2, and cross-referenced in regulations 5255 and 5256 in division 2.1 prior to their repeal. Therefore, the CDTFA determines that it was reasonably necessary to repeal regulation 4508 in division 2 and all of article 5 (regs. 4609, 4700, 4701 and 4702) of chapter 9.5 of division 2 because those regulations were no longer necessary. And, the CDTFA determined that it was reasonably necessary to amend regulation 4703 in division 2 regarding the seizure of cigarettes and tobacco products to refer to the appeals procedures in article 6 of chapter 1 of division 5, instead of the repealed appeals procedures in article 5 of chapter 9.5 of division 2.

Article 7 (reg. 35059) in chapter 1 of division 5 prescribed the procedures for filing an appeal from the denial of a claim for an OCC or SCC or the revocation of

an OCC or SCC with the CDTFA, the initial review of such an appeal by CDTFA's Welfare Exemption Section, and the subsequent review of such an appeal by the CDTFA's Appeals Bureau if timely requested. And, the procedures in article 7 in chapter 1 of division 5 were substantially similar to the provisions prescribing the procedures for the filing and review of such appeals that were in articles 1 and 3 of chapter 3 of division 2.1 before those articles were amended (as described above), including the repeal of subarticle 3 (regs. 5333, 5333.4, and 5333.6) of article 3.

Also, article 8 (regs. 35060 through 35067) of chapter 1 of division 5 generally incorporated the appeals conference procedures from article 6 of chapter 2 of division 2.1 to ensure that the CDTFA's Appeals Bureau conducts appeals conferences in the same manner as they were conducted by the BOE's Appeals Division before the enactment of parts 8.7 and 9.5, in accordance with GC section 15570.50, and then updated those procedures as necessary to make them consistent with the provisions in parts 8.7 and 9.5 and the OTA's appeal regulations providing for appeals to the OTA, in accordance with GC sections 15570.52 and 15570.54. And, the procedures in article 8 of chapter 1 of division 5 are substantially similar to the provisions prescribing the procedures for the scheduling of an appeals conference, the conduct of an appeals conference, the issuance of a decision regarding an appeal, requesting reconsideration of the decision, and the issuance of a supplemental decision in article 6 (regs. 5260 through 5267) of chapter 2 of division 2.1, except that the procedures in article 8 in chapter 1 of division 5 provide for appeals to the OTA instead of requests for appeals hearings conducted by the BOE members and article 8 does not incorporate the provisions in regulation 5268 in article 6 of chapter 2 of division 2.1 regarding the procedures for appeals hearings conducted by the BOE members.

The CDTFA's initial emergency regulations amending divisions 1, 2, and 2.1, and adding new division 5 became effective on March 19, 2018.

Other Relevant Legislation

AB 1856 (Stats. 2016, ch. 98) added statutes to the Sales and Use Tax Law, Use Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Act, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention, and Administration Fees Law, Underground Storage Tank Maintenance Fee Law, Fee Collection Procedures Law, and Diesel Fuel Tax Law, which provide that a timely filed claim for refund, filed on or after January 1, 2017, "that is made in the case in which the amount of [tax, fee, or surcharge] determined has not been paid in full shall be deemed to be a timely filed claim for refund

with respect to all subsequent payments applied to that determination." Also, AB 1817 (Stats. 2018, ch. 37, § 27) amended GC section 15600 and transferred the CDTFA's duties, powers, and responsibilities to administer the welfare exemption and the veterans' organization exemption, including the duties to review claims for OCCs and SCCs and revoke OCCs and SCCs under RTC section 254.6 and regulation 140.2, back to the BOE, effective June 27, 2018.

Discussions with Interested Parties and BOE Staff

On May 15, 2018, CDTFA staff held an interested parties meeting to discuss the initial emergency regulations amending divisions 1, 2, and 2.1, and adding new division 5. CDTFA staff also received a letter dated June 15, 2018, from Mr. Jessie McClellan of McClellan Davis, LLC, regarding emergency regulations 35017, 35021, 35033, 35049, 35064, and 35101 in division 5, staff considered the comments in Mr. McClellan's letter, staff determined that it was necessary to clarify regulations 35017 and 35021 in response to the comments (as discussed below), and staff determined that it is not necessary to make changes to the other regulations at this time.

Also, during July 2018, CDTFA staff and BOE staff worked together to agree on the changes that needed to be made to the CDTFA's emergency regulations to make them consistent with AB 1817.

CDTFA's Amendments to and Readoption of the Emergency Regulations

On August 27, 2018, the CDTFA proposed to readopt the emergency regulations adding new division 5, effective September 17, 2018, because the CDTFA determined that the readoption of the emergency regulations was reasonably necessary to have the effect and accomplish the objective of addressing the same issues (or problems) as their initial adoption. However, there was a new issue (or problem within the meaning of GC, § 11346.2, subd. (b)(1)) with division 5 because it was not consistent with the amendments to GC section 15600 made by AB 1817, which transferred the CDTFA's duties, powers, and responsibilities to administer the welfare exemption and the veterans' organization exemption, including the duties to review claims for OCCs and SCCs and revoke OCCs and SCCs under RTC section 254.6 and regulation 140.2, back to the BOE. So, the CDTFA did not propose to readopt article 7 of division 5 because the procedures in article 7 were inconsistent with the amendments to GC section 15600 made by AB 1817. Also, the CDTFA proposed to delete subdivision (bb) from regulation 35001 so that the regulation no longer indicates that chapter 1 of division 5 applies to appeals related to OCCs for the welfare exemption and veterans' organization exemption, and amend the reference notes in regulations 35001 through 35004,

35060 through 35066, and 35101 in division 5 so that they no longer refer to RTC section 254.6, which no longer applies to the CDTFA, because the CDTFA determined that the amendments were reasonably necessary to have the effect and accomplish the objective of addressing the new issue (or problem) by making division 5 consistent with the amendments to GC section 15600 made by AB 1817.

In addition, the CDTFA proposed to readopt the emergency regulations adding new division 5 with minor amendments that the CDTFA determined were reasonably necessary to have the effect and accomplish the objective of addressing a few minor issues (or problems within the meaning of GC, § 11346.2, subd. (b)(1)) with the initial emergency regulations. The CDTFA proposed to add provisions to regulation 35002 in division 5, which are similar to provisions in regulation 5571 in division 2.1, and clarify that “[i]f the last day for filing a written submission falls on a Saturday, Sunday, or holiday, the time for filing such written submission is extended to the next business day” and “[i]n the absence of other evidence, the mailing date is the date of receipt for electronic submissions and the mailing date is the postmark date or the date of delivery to the carrier for all other submissions.” The CDTFA proposed to add provisions to regulation 35017, subdivision (h), to clarify that BTFD’s Deputy Director may exercise the Deputy Director’s discretion to reinstate a petition before a taxpayer’s notice of redetermination is issued if the taxpayer provides documentation to establish that the taxpayer was unavailable to make a timely reply to the letter requiring the taxpayer to request an appeals conference within 30 days and that the taxpayer made a written request for an appeals conference within 30 days of becoming available, after CDTFA staff reviewed the June 15, 2018, letter from Mr. McClellan (discussed further in the initial statement of reasons). The CDTFA proposed to add provisions to regulation 35021 to clarify that the CDTFA may stay efforts to collect a final liability in response to the June 15, 2018, letter from Mr. McClellan. The CDTFA proposed to add provisions to clarify regulation 35034 and make it consistent with the statutes AB 1856 added to the RTC regarding claims for refunds of overpayments made on determinations in the case in which the amount determined has not been paid in full. The CDTFA proposed to correct a typographical error to clarify that regulation 35036, subdivision (c), is referring to subdivision “(b).” The CDTFA proposed to reformat and add provisions to regulation 35039 to clarify how to file a claim for refund of tax paid to the Department of Motor Vehicles with CDTFA’s Consumer Use Tax Section. The CDTFA proposed to revise regulation 35065, subdivision (e), to clarify the parties’ options for submitting a request for reconsideration to the Appeals Bureau and submitting an appeal to the OTA.

The CDTFA proposed to replace “request review by” with “submit an appeal to” in regulation 35065, subdivision (f), and regulation 35066, subdivision (c). The CDTFA proposed to revise regulation 35065, subdivision (g), to clarify that it is referring to a “valid” request for reconsideration or “valid” appeal. The CDTFA also proposed to add a new subdivision (d) to regulation 35066 and renumber the original subdivision (d) as subdivision (e) to clarify the procedures that apply when the Appeals Bureau receives a timely, but incomplete request for reconsideration.

Also, the CDTFA proposed to readopt the emergency regulations amending divisions 1 and 2, chapter 2 in division 2.1, and regulation 5700 in division 2.1, effective September 17, 2018, because the CDTFA determined that their readoption was reasonably necessary to have the effect and accomplish the objective of addressing the same issues (or problems) as their initial adoption. However, the CDTFA did not propose to readopt the amendments to chapter 3 of division 2.1 because, as a result of the enactment of AB 1817, the BOE has the duty to review appeals from the denial of claims for OCCs and SCCs and the revocation of OCCs and SCCs, not the CDTFA, and the CDTFA no longer has the authority to amend chapter 3 of division 2.1.

In addition, the CDTFA proposed to repeal the title of article 5 of chapter 9.5 of division 2, as part of the readoption of the emergency regulations repealing all of the regulations in that article, because the CDTFA determined that the title is no longer necessary. The CDTFA inadvertently deleted the reference to the “Private Railroad Car Tax Law” administered by the BOE from regulation 4903, subdivision (a)(1)(A), deleted the reference to RTC section “11651” in the Private Railroad Car Tax Law from regulation 4903’s authority note, and deleted the references to RTC sections “11408.5” and “11551–11555” in the Private Railroad Car Tax Law from regulation 4903’s reference note as part of the original emergency regulations amending division 2. Therefore, the CDTFA proposed to add the references to the Private Railroad Car Tax Law and related RTC sections back to regulation 4903 as part of the readoption of the emergency regulations amending division 2 because the CDTFA determined that the addition of the references was reasonably necessary to have the effect and accomplish the objective of correcting the issue (or problem within the meaning of GC, § 11346.2, subd. (b)(1)) created by their inadvertent deletion. The CDTFA also proposed to insert the word “or” between the references to the Alcoholic Beverage Tax Law and Private Railroad Car Tax Law in regulation 4903, subdivision (a)(1)(A), to make the subdivision grammatically correct, and insert “and” between the references to RTC sections “11651” and “32451” in regulation 4903’s authority note and replace the comma with

“and” after the reference to RTC section “32258” in regulation 4903’s reference note to ensure that the authority and reference notes are properly formatted, as part of the readoption of the emergency regulations amending division 2.

Furthermore, the CDTFA proposed to readopt the emergency regulations amending chapter 2 in division 2.1 with minor amendments that were reasonably necessary to have the effect and accomplish the object of correcting inadvertent errors (or problems within the meaning of GC, § 11346.2, subd. (b)(1)) in the text of the original amendments. The CDTFA proposed to delete the word “Section” from before the previously deleted reference to section “7051” in regulation 5202’s authority note. The CDTFA proposed to add an inadvertently deleted reference to RTC section “32291” in the Alcoholic Beverage Tax Law back to regulation 5213’s reference note. The CDTFA proposed to delete an extra comma from before the word “Revenue” in regulations 5220.6’s and 5236’s reference notes. The CDTFA proposed to add back a previously deleted space after the word “the” in regulation 5246, subdivision (b). The CDTFA also proposed to add back the previously deleted word “section” to regulation 5247, subdivision (a)(3), and proposed to add back a previously deleted space after the word “the” in regulation 5247, subdivision (c).

Effects, Objectives, and Benefits of the Proposed Regulatory Action

The CDTFA now proposes to adopt the emergency regulations adding division 5 and amending divisions 1, 2, and 2.1, as readopted effective September 17, 2018, through the regular rulemaking process, as provided by GC section 11346.1, subdivision (e), because the CDTFA determined that their adoption is reasonably necessary to have the effect and accomplish the objective of addressing the same issues (or problems) as their initial adoption and readoption as emergency regulations.

The CDTFA also determined that there are additional organizational issues (or problems within the meaning of GC, § 11346.2, subd. (b)(1)) with the titles of division 1 and chapter 11 in division 1 related to the enactment of part 8.7 by AB 102. This is because part 8.7 transferred the BOE’s duties, powers, and responsibilities to administer and collect the timber yield tax to the CDTFA, operative July 1, 2017. (GC, § 15570.22.) However, division 1 is currently entitled “State Board of Equalization — Property Tax,” chapter 11 in division 1 is currently entitled “Timber Yield Tax,” and people may have trouble locating the CDTFA’s timber yield tax regulations in chapter 11 in division 1 because the titles of division 1 and chapter 11 in division 1 do not refer to the CDTFA. Therefore, the CDTFA now proposes to

add a parenthetical to the title of division 1 directing readers to see chapter 11 in division 1 for the CDTFA’s timber yield tax regulations and add a reference to the CDTFA to the title of chapter 11 in division 1, through the regular rulemaking process, to make it easier for people to locate the CDTFA’s timber yield tax regulations in chapter 11 in division 1. The amendments to the titles of division 1 and chapter 11 in division 1 are similar to the amendments made to the titles of division 2 and chapters 6 and 9.9 in division 2 by the emergency regulations discussed above to make it easier for people to locate the CDTFA’s and BOE’s regulations in division 2. And, the CDTFA has determined that the adoption of the amendments to the titles of division 1 and chapter 11 in division 1 through the regular rulemaking process is reasonably necessary to have the effect and accomplish the objective of addressing the organizational issues (or problems) with the titles of division 1 and chapter 11 in division 1 related to the enactment of part 8.7.

The CDTFA anticipates that the adoption of the emergency regulations described above and the amendments to the titles of division 1 and chapter 11 in division 1 through the regular rulemaking process will promote fairness, increase openness and transparency in government, and benefit the State of California, including the CDTFA, OTA, and BOE, and the public, including taxpayers with appeals subject to the CDTFA’s jurisdiction, by helping people locate the CDTFA regulations in divisions 1 and 2, providing new appeals regulations that clearly apply to appeals related to the CDTFA-administered taxes, fees, and licensing program and are consistent with parts 8.7 and 9.5 and the OTA’s appeals regulations, and eliminating the organizational issues created by having the appeals regulations in articles 1 through 6 of chapter 2 of division 2.1 continue to apply to appeals subject to the CDTFA’s jurisdiction and having regulation 5700 in chapter 6 of division 2.1 continue to apply to the CDTFA’s annotations after the enactment of parts 8.7 and 9.5.

The CDTFA has performed an evaluation of whether the proposed regulations are inconsistent or incompatible with existing state regulations and determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. This is because all of the appeals regulations that continued to apply to appeals subject to the CDTFA’s jurisdiction after the enactment of parts 8.7 and 9.5 were codified in divisions 1, 2, and 2.1, and the proposed regulatory action amends those divisions to ensure that they are not incompatible or inconsistent with the CDTFA’s adoption of new division 5. This is also because the CDTFA’s appeals conference regulations in article 8 of chapter 1 of division 5 are consistent with the OTA’s current and

proposed appeals regulations. In addition, the CDTFA has determined that there are no comparable federal regulations or statutes to the provisions in the proposed regulations amending divisions 1, 2, and 2.1, and adding new division 5.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The CDTFA has determined that the adoption of the proposed regulations will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the GC.

ONE-TIME COST TO THE CDTFA, BUT NO OTHER COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The CDTFA has determined that the adoption of the proposed regulatory action will result in an absorbable \$436 one-time cost for the CDTFA to update its website after the proposed regulatory action is completed. The CDTFA has determined that the adoption of the proposed regulatory action will result in no other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The CDTFA has made an initial determination that the adoption of the proposed regulatory 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.

The adoption of the proposed regulatory action may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The CDTFA is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GC SECTION 11346.3, SUBDIVISION (b)

The CDTFA assessed the economic impact of the proposed regulatory action on California businesses and individuals and determined that the proposed regulatory action is not a major regulation, as defined in GC section 11342.548 and CCR, title 1, section 2000. Therefore, the CDTFA has prepared the economic impact assessment (EIA) required by GC section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. In the EIA, the CDTFA determined that the adoption of the proposed regulatory action will neither create nor eliminate jobs in the State of California nor result in the creation of new businesses or the elimination of existing businesses in the state, and will not affect the expansion of businesses currently doing business in the State of California. Furthermore, the CDTFA determined the adoption of the regulatory action will not affect the benefits of the regulations to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed regulatory action will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The CDTFA must determine that no reasonable alternative considered by it 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 than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed regulations should be directed to Mr. Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@cdtfa.ca.gov, or by mail at California Department of Tax and Fee Administration, Attn: Bradley Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the CDTFA's consideration, written requests to hold a public hearing, notices of intent to present testimony or witnesses at the public hearing, and other inquiries concerning the proposed regulatory action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 322-2958, by e-mail at Richard.Bennion@cdtfa.ca.gov, or by mail at California Department of Tax and Fee Administration, Attn: Rick Bennion, MIC:50, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0050. Mr. Bennion is the designated backup contact person to Mr. Heller.

WRITTEN COMMENT PERIOD

The written comment period ends at 11:59 p.m. (PDT) on January 14, 2019. The CDTFA will consider the statements, arguments, and/or contentions contained in written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, before the CDTFA decides whether to adopt the proposed regulatory action. The CDTFA will only consider written comments received by that time.

However, if a public hearing is held, written comments may also be submitted at the public hearing and the CDTFA will consider the statements, arguments, and/or contentions contained in written comments submitted at the public hearing before the CDTFA decides whether to adopt the proposed regulatory action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CDTFA has prepared copies of the text of new division 5 and the proposed amendments to divisions 1 and 2, chapter 2 in division 2.1, and regulation 5700 in division 2.1. The regulations in division 5 are not illustrated in strikeout and underline because they are all new regulations that are still in the process of being added to the CCR. The amendments to divisions 1, 2, and 2.1 are all illustrated in strikeout and underline, including the changes made to the amendments when they were readopted effective September 17, 2018, and the amendments to the titles of division 1 and chapter 11 in division 1.

The CDTFA has also prepared an initial statement of reasons for the adoption of new division 5 and the proposed amendments to divisions 1 and 2, chapter 2 in division 2.1, and regulation 5700 in division 2.1, which

includes the EIA required by GC section 11346.3, subdivision (b)(1). And, the CDTFA has prepared a cross-reference matrix between division 5 and the related regulations in divisions 1, 2, and 2.1. These documents and all the information on which the proposed regulatory action is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of new division 5 and the proposed amendments to divisions 1 and 2, chapter 2 in division 2.1, and regulation 5700 in division 2.1 are also available on the CDTFA's website at www.cdtfa.ca.gov.

PUBLIC HEARING

The CDTFA has not scheduled a public hearing to discuss the proposed regulatory action. However, any interested person or his or her authorized representative may submit a written request for a public hearing no later than 15 days before the close of the written comment period, and the CDTFA will hold a public hearing if it receives a timely written request.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GC SECTION 11346.8

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the CDTFA adopts the proposed regulatory action, the CDTFA will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the CDTFA's website at www.cdtfa.ca.gov.

**TITLE 23. DELTA STEWARDSHIP
COUNCIL**

**Chapter 2. Consistency with Regulatory Policies
Contained in the Delta Plan**

**Article 2. Certifications of Consistency
Section 5002(b)(2)**

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (hereafter Council) proposes to amend the regulation described below after considering comments, objections, and recommendations regarding the proposed action to clarify that all mitigation measures adopted and incorporated into the Delta Plan apply to covered actions.

OPPORTUNITY FOR PUBLIC COMMENT

- **Written Comment Period.** Interested members of the public may provide comments by mail or by electronic submittal. The public comment period for this regulatory action will begin on November 30, 2018 and close on January 14, 2019. Any interested person, or her or his authorized representative, may submit written comments relevant to the proposed regulatory action. Submit written comments to:

Anthony Navasero
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-5471

- **Electronic Submittal of Comments.** Any interested person, or her or his authorized representative, may submit comments by electronic submittal on or before **January 14, 2019**. Electronic submittals of comments are preferred, and can be submitted to the following address:

OAL_amendGP1b2@deltacouncil.ca.gov

- **Public Hearing.** The Council will conduct a public hearing. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8. Interested members of the public may present comments verbally or in writing at the hearing.

Date: January 24–25, 2019

Time: The Council meeting is anticipated to convene and open to the public at 9:00 a.m. on January 24, 2019, and if necessary, will reconvene at 9:00 a.m. on January 25, 2019. This item may be

considered at any time during the regularly scheduled meeting of the Council. The public hearing item will remain open as long as attendees are presenting testimony. Please consult the agenda, which will be available at least ten (10) days before January 24, 2019, to confirm the date and time at which this item will be considered. The agenda will be posted at <http://deltacouncil.ca.gov>.

Location: Park Tower Plaza
3rd Floor Conference Room
980 Ninth Street
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Water Code section 85210(i) authorizes the Council to adopt regulations or guidelines as needed to carry out its powers and duties. This action is proposed to implement, interpret, and make specific one or more of the following: Sections 85225, 85225.10, 85020, 85054, 85302(g) and 85308 of the Water Code.

INFORMATIVE DIGEST

Policy Statement Overview Explaining the Broad Objectives of the Regulatory Amendment

This proposed rulemaking action implements, interprets, and makes specific the Sacramento–San Joaquin Delta Reform Act of 2009, Water Code section 85000 et seq. (Delta Reform Act). The Delta Reform Act requires the Council to adopt a legally enforceable long-term management plan for the Delta (Delta Plan) and further the “coequal goals” and objectives specified in Water Code sections 85054 and 85020 through 85023. The Delta Reform Act defines the term “coequal goals” to mean “providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.” The Delta Reform Act further requires that the coequal goals “shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.” (Water Code section 85054).

The Delta Plan is a comprehensive management plan guiding State of California (State) and local agency actions related to the Sacramento–San Joaquin Delta (Delta) to achieve the coequal goals. The Delta Plan functions as a strategic document because it provides guidance and recommendations to State, federal and local agencies to restore the Delta ecosystem and provide a more reliable water supply for California. (Water Code sections 85059 and 85300). The Delta Plan also contains several regulatory policies with which State and local public agencies are required to comply.

The Delta Reform Act requires specified State and local actions identified as “covered actions” to be consistent with the Delta Plan (Water Code sections 85022 and 85057.5) and establishes a certification process. Under this certification process, State and local public agencies that propose to carry out, approve, or fund a qualifying action or project, called a “covered action” in both the Delta Reform Act and the Delta Plan, must certify that this action or project is consistent with the Delta Plan and must file a certification of consistency with the Council.¹ The Delta Reform Act defines the term “covered action” to refer, in part, to a project that “[w]ill have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.” (Water Code section 85057.5(a)(4)).

One of the regulatory policies with which State and local public agencies are expected to comply is Delta Plan Policy G P1(b)(2) (set forth in California Code of Regulations, title 23, section 5002 (b)(2) [hereafter section 5002 (b)(2)]). Delta Plan Policy G P1(b)(2) requires public agencies, for covered actions not exempt from the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and CEQA Guidelines (California Code of Regulations, title 14, section 15000, et seq.), to include all applicable feasible mitigation measures identified in the Delta Plan’s Program Environmental Impact Report (EIR) (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

Delta Plan Policy G P1(b)(2) references mitigation measures identified in the Delta Plan’s Program EIR. The Council prepared the Delta Plan Program EIR in 2013 in accordance with the requirements of CEQA. The Delta Plan Program EIR evaluates the potentially significant environmental impacts of implementing the Delta Plan. The Delta Plan Program EIR concludes that implementation of the Delta Plan could result in significant adverse environmental effects or impacts, some of which may be significant and unavoidable. The Delta

¹ The Delta Reform Act also sets forth an appeal process that allows any person who claims that a proposed covered action is inconsistent with the Delta Plan to appeal the certification of consistency to the Council. (Water Code sections 85225.10–85225.30.) Following the hearing on the appeal, if the Council finds that the covered action is not consistent with the Delta Plan, the State or local public agency may either revise the project and submit a revised certificate of consistency (Water Code section 85225.25) or decide not to proceed with the covered action. The State or local public agency may not proceed with the covered action, however, unless it is consistent with the Delta Plan. (Water Code section 85022(a).)

Plan Program EIR identifies feasible mitigation designed to reduce significant impacts to less-than-significant levels. The Delta Plan’s Mitigation Monitoring and Reporting Program (MMRP) lists the mitigation measures adopted and incorporated into the Delta Plan, the timing for implementation, who is responsible for implementing them, and who is responsible for reporting on compliance. Implementation of the MMRP and the certification of consistency process ensure compliance with CEQA with regard to covered actions.

Currently, section 5002 (b)(2) applies only to mitigation measures identified in the 2013 Delta Plan Program EIR. However, at the April 26, 2018 Council meeting, the Council adopted Resolution 2018–1 certifying the Final Delta Plan Amendments Program EIR, adopting the Findings and Statement of Overriding Considerations, adopting and incorporating new Mitigation Measure 5.2–1 identified in the Delta Plan Amendments Program EIR into the Delta Plan, adopting the Delta Plan Amendments MMRP, and adopting the Delta Plan Amendments.² Mitigation Measure 5.2–1 calls for use of non-specular conductors for transmission lines and distribution lines to reduce glare both in and outside of the Delta. As part of adopting the amendments to the Delta Plan, the Council directed staff to amend Delta Plan Policy G P1(b)(2) to clarify that all mitigation measures adopted and incorporated into the Delta Plan apply to covered actions, which would make Mitigation Measure 5.2–1 enforceable as to covered actions.

Accordingly, the Council also directed staff to initiate rulemaking to amend section 5002 (b)(2) to clarify that all mitigation measures adopted and incorporated into the Delta Plan apply to covered actions, and to make any technical changes required by the Office of Administrative Law in order to achieve any of the forgoing. This proposed amendment would revise section 5002 (b)(2) to be consistent with the amended Delta Plan, 2018 Delta Plan Amendments Program EIR and its MMRP, and adopted Council Resolution 2018–1, which, among other actions taken, adopted and incorporated all mitigation measures identified in the Delta Plan Amendments Program EIR into the Delta Plan.

Summary of the Effect of the Proposed Amendment

The Council proposes to amend section 5002 (b)(2) to incorporate all mitigation measures adopted and incorporated into the Delta Plan through the MMRP, including Mitigation Measure 5.2–1 as identified in the 2018 Delta Plan Amendments Program EIR. New Mitigation Measure 5.2–1 calls for use of non-specular conductors for transmission lines and distribution lines to reduce glare both in and outside of the Delta. This will make Mitigation Measure 5.2–1 and all mitigation mea-

² Available at: http://deltacouncil.ca.gov/sites/default/files/2018/10/Resolution_post%20meeting_endorsed.pdf.

asures adopted and incorporated into the Delta Plan through the MMRP enforceable for covered actions per Delta Plan Policy G P1 and section 5002 (b)(2), which is important for compliance with the Delta Plan mitigation measures and Public Resources Code section 21081.6. For covered actions not exempt from CEQA, State and local public agencies would be required to implement Mitigation Measure 5.2–1 and all mitigation measures adopted and incorporated into the Delta Plan (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency that files the certification of consistency finds are equally or more effective.

The proposed amendment to section 5002 (b)(2) does not alter the consistency determination requirements for State and local public agencies proposing a covered action established during the rulemaking process for previous Delta Plan Policy G P1(b)(2) and its associated regulation, section 5002 (b)(2).

Policy Statement Overview Explaining the Specific Benefits Anticipated from the Proposed Action

The proposed amendment to section 5002 (b)(2) could provide economic benefits, but these benefits are not possible to quantify. The proposed amendment to section 5002 (b)(2) could increase the benefits created by implementation of Delta Plan Policy G P1 and other Delta Plan policies. As summarized in the Delta Reform Act, implementation of Delta Plan policies would provide the best means to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, all in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. Achieving the coequal goals is expected to result in benefits to State and local public agencies or private individuals and businesses in the State resulting from changes in water supply reliability, ecosystem restoration, flood risk, or land use policies, regardless of whether or not that particular agency, private individual, or business has proposed any covered actions. The proposed amendment to section 5002 (b)(2) would increase these benefits by ensuring that covered actions include all applicable feasible mitigation measures incorporated into the Delta Plan, or equally or more effective measures as determined by the agency.

It is not possible to quantify the benefits provided by the proposed amendment to section 5002 (b)(2) because future mitigation measures are not known at this time. As an example of the type of benefits that could be realized, the 2018 Delta Plan Amendments Program EIR identifies a new mitigation measure, Mitigation Measure 5.2–1, to offset visual impacts of covered actions.

Mitigation Measure 5.2–1 requires using non-specular (less reflective) conductors, which potentially reduce the impact to a less-than-significant level. More broadly, the benefits of an aesthetically pleasing landscape in the project area could include increased tourism, which could provide economic benefits to individuals and businesses in the area. In addition, requiring the use of less reflective materials could provide benefits to area residents and wildlife by reducing glare, which in turn, could encourage additional tourism, investment, and economic activity.

It is not possible to quantify the benefit of future mitigation measures because they are not known at this time. In general, the direct benefit of any specific mitigation measure is equal to the avoided cost of the impact that the mitigation measure is designed to offset.

Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

The proposed amendment would modify the existing section 5002 (b)(2) to incorporate all mitigation measures adopted and incorporated into the Delta Plan through its associated MMRP to be enforceable as to covered actions.

Consistency with Existing State Laws and Regulations

Pursuant to Government Code section 11346.5(a)(3)(D), the Council evaluated the proposed amendment to determine whether or not it is inconsistent or incompatible with existing State regulations and concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

The Council reviewed relevant laws and regulations in the process of making the evaluation. The proposed amendment to section 5002 (b)(2) is consistent with existing laws and regulations, including those that relate to mitigation measures and CEQA requirements.

The Council previously developed the Delta Plan consistent with Water Code sections 85302 through 85306 specifying required content of the Delta Plan. The Council also developed the 2018 Delta Plan Amendments and these related amendments to the Water Code consistent with existing laws and regulations, including:

- Water Code section 85032. The proposed amendment to section 5002 (b)(2), under the authority provided in the Delta Reform Act, does not affect CEQA.

In addition to the consistency of the regulatory policies with those listed above, the policies are also consistent with existing laws and regulations that relate to specific policies, as discussed below:

- Covered action is defined pursuant to Water Code section 85057.5. The definition of a “project” is as defined in Public Resources Code section 21065.

Exemptions to the covered action definition are consistent with Water Code section 85057.5(b) and Public Resources Code sections 21080(b) and 21002.1(c).

- Requiring mitigation measures is consistent with CEQA, as described in the Public Resources Code section 21002.1(b).

Substantial Differences from Existing, Comparable Federal Regulations or Statutes

There are no federal regulations or statutes that address the specific subject addressed by the proposed regulations.

Documents Incorporated by Reference

Consistent with the Delta Reform Act and Public Resources Code sections 21002.1(b), and 21081.6, the proposed amendment incorporates by reference the mitigation measures adopted and incorporated in the Delta Plan, as amended in April 2018.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed amendment to section 5002 (b)(2) is not mandated by federal law or regulations, although it complements their intents and furthers their implementation in the Delta.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE

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. Local agencies have 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. Government Code section 17556(d) provides that no mandate exists where “(t)he local agency or school district has the authority to levy assessments, rates, fees, or other charges sufficient to pay for the mandated program or increased level of service.” The associated Initial Statement of Reasons Attachment 1, Economic Impact Assessment of Proposed Amendments to Certifications of Consistency and Supporting Information for Form STD 399, provides general information on the authority and mechanisms by which local agencies in the Delta can recover any costs potentially resulting from the proposed regulation.

FISCAL IMPACT

The Delta Reform Act requires State or local public agencies that propose to undertake covered actions to certify with the Council, before acting, that their proposed plans, programs, or projects are consistent with the Delta Plan. The proposed amendment would modify the existing section 5002 (b)(2) to incorporate all mitigation measures adopted and incorporated into the Delta Plan through the MMRP, including Mitigation Measure 5.2–1 as identified in the 2018 Delta Plan Amendments Program EIR, to be enforceable as to covered actions. As discussed in the associated Initial Statement of Reasons Attachment 1, Economic Impact Assessment of Proposed Amendments to Certifications of Consistency and Supporting Information for Form STD 399, the proposed amendment to section 5002(b)(2) would cause some fiscal and economic costs by requiring the consistency review to include all applicable mitigation measures incorporated into the Delta Plan. Therefore, the direct economic and fiscal impact of the proposed regulation amendment is the incremental increase in Council, State, and local agency costs — as well as any indirect costs to businesses and individuals — required to demonstrate, review, appeal, and certify that the covered action is consistent with one or more additional mitigation measures incorporated into the Delta Plan. The proposed amendment to section 5002(b)(2) would result in fiscal impacts to State or local agencies or school districts of approximately \$970 to \$10,800 per year, but would not impose a mandate on local agencies or school districts that would require reimbursements.

The proposed amendment to section 5002 (b)(2) will not impose any other non–discretionary costs or savings upon local agencies, compared to the existing condition.

The proposed amendment to section 5002 (b)(2) will not result in costs or savings in federal funding to the State.

HOUSING COSTS

The proposed amendment to section 5002 (b)(2) would not have a significant effect on housing costs.

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

The proposed amendment to section 5002 (b)(2) would not have a significant statewide adverse economic impact directly affecting businesses, including ability to compete.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

Based on the associated Initial Statement of Reasons Attachment 1, Economic Impact Assessment of Proposed Amendments to Certifications of Consistency and Supporting Information for Form STD 399, the Council makes the following initial determinations:

- The proposed amendment would not affect the creation or elimination of jobs within California because the net effect of a change in \$970 to \$10,800 in State and local agency costs would be negligible.
- The proposed amendment would not affect the creation of new businesses or elimination of existing businesses within California.
- The proposed amendment would not affect the expansion of businesses currently doing business within the State.
- The proposed amendment may benefit the health and welfare of California residents, worker safety, and the State's environment through requiring future covered actions to be consistent with feasible mitigation measures.

Cost Impacts on Representative Person or Business

The Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendment to section 5002 (b)(2). Furthermore, the requirements of the amended regulations do not apply to representative persons or businesses.

Business Reporting Requirements

The amended regulations require State and local public agencies undertaking a covered action to include new mitigation measures adopted and incorporated into the Delta Plan and associated MMRP to be enforceable as to covered actions as required under CEQA. Furthermore, the administrative requirements of the amended regulations do not apply to businesses.

Small Business

The proposed amendment to section 5002 (b)(2) would not affect small businesses.

The direct cost of the proposed amendment to section 5002 (b)(2) falls on State and local public agencies, not on businesses. Businesses could be affected by costs passed on by a local agency through assessments or other fees. Costs passed on by a local agency would fall broadly on all customers or would be charged as fees or assessments to identified businesses that would benefit from the covered action.

The total cost of the proposed amendment is estimated to equal \$10,800 (\$7,800 to the Council and \$3,000 to other State and local public agencies). This is a small

(less than 2 percent) share of the overall cost of a consistency determination (\$477,100) that is already required under the existing G P1 and associated section 5002 regulation. Using the sensitivity analysis lower cost estimate, the total cost of the proposed amendment is estimated to equal \$970 (\$720 Council and \$250 other State and local public agencies), and this represents an even smaller share (less than 1 percent) of the overall cost of a consistency determination. Therefore, the additional cost that could be passed on to businesses, if any, would be negligible. Since the effect on businesses in general is negligible, it follows that there is no evidence that small businesses would be disproportionately affected or overly burdened by the proposed amendment.

CONSIDERATION OF ALTERNATIVES

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

The Council believes that, in this case, there are no reasonable alternatives to the proposed amendment to section 5002 (b)(2) as the amendment to the regulation is consistent with the amended Delta Plan, 2018 Delta Plan Amendments Program EIR, the MMRP associated with the Delta Plan, Council adopted Resolution 2018-1, and CEQA. However, the Council invites and will consider public comments on alternatives to the regulation.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Anthony Navasero
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-5471
anthony.navasero@deltacouncil.ca.gov

Erin Mullin
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
(916) 445-5459
erin.mullin@deltacouncil.ca.gov

AVAILABILITY STATEMENTS

The following materials are available for public review throughout the public comment period:

- Text of Proposed Amendment to Existing Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Attachment 1 to Initial Statement of Reasons — Economic Impact Assessment of Proposed Amendments to Certifications of Consistency and Supporting Information for Form STD 399
- Form 400
- Form 399
- Information upon which proposed amendment is based, including
 - Delta Plan (<http://deltacouncil.ca.gov/delta-plan-0>),
 - 2013 Delta Plan Program EIR (<http://deltacouncil.ca.gov/delta-plan-programmatic-eir>),
 - 2018 Delta Plan Amendments (<http://deltacouncil.ca.gov/delta-plan-amendments>),
 - 2018 Delta Plan Amendments Program EIR (<http://deltacouncil.ca.gov/delta-plan-amendments-programmatic-eir>),
 - 2018 Delta Plan Amendments Mitigation Monitoring and Reporting Program (<http://deltacouncil.ca.gov/docs/meeting-documents/delta-stewardship-council-april-26-27-2018-item-3-delta-plan-amendments-0>), and
 - Resolution adopting 2018 Delta Plan Amendments (http://deltacouncil.ca.gov/sites/default/files/2018/10/Resolution_post%20meeting_endorsed.pdf).

- Final Statement of Reasons (upon completion)
 - Final Text of Regulation (upon completion)
- These materials may be viewed in two ways:
- Visiting the Council’s website (<http://deltacouncil.ca.gov/>)
 - Arranging an in-person review. Please contact Anthony Navasero (contact information provided above)

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed amendment as described in this notice. If the Council 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 Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Anthony Navasero at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

The Final Statement of Reasons will be posted on <http://deltacouncil.ca.gov/GP1b2-0>.

If the amendment is approved by the Office of Administrative Law, the date the regulation is filed with the Secretary of State and the effective date of the regulations will also be posted on the Council’s website.

INTERNET ACCESS

All materials published or distributed by the Council are available at its internet website at <http://deltacouncil.ca.gov/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**Porcelain Metals Corporation
(formerly CAMEO) Site
Proposed Consent Decree**

**PUBLIC COMMENT PERIOD EXTENDED
THROUGH December 17, 2018**

Para información en español por favor comuníquese con Amanda Domínguez al número (818) 717-6581.

With this republication and extension, the Department of Toxic Substances Control (DTSC) invites you to review and comment on a proposed Consent Decree regarding the former CAMEO facility located at 6840 and 6904 East Slauson Avenue in Commerce, California (Site). In 2016, DTSC filed suit against Porcelain Metals Corporation under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq., to recover costs of investigating and cleaning up releases of hazardous substances at the Site. The proposed Consent Decree resolves DTSC’s claims against Porcelain Metals Corporation, a dissolved Kentucky corporation, for its liability for con-

tamination at the Site. Porcelain Metals Corporation is the current owner of the Site and the corporate successor to the former operator of the Site. The proposed Consent Decree also resolves DTSC’s potential claims against Federal Insurance Company in its capacity as the insurer of the former operator of the Site. Under the Consent Decree, Porcelain Metals will pay DTSC \$1,865,258.61 and the net sale proceeds from the sale of 6904 East Slauson Avenue, Commerce, California to reimburse DTSC for a portion of its cleanup and oversights costs, subject to certain conditions and reservations.

You may view documents at the following locations: The Consent Decree and background documents are available for review on the Activities and Summary tabs, respectively, on the DTSC EnviroStor website at: https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=19390043.

You may also review documents in the File Room at DTSC’s Chatsworth office by appointment: 9211 Oakdale Avenue, Chatsworth, California 91311, call (818) 717-6500 for an appointment.

WHERE DO I SUBMIT MY COMMENTS: DTSC will consider comments that are postmarked on or before December 17, 2018, or received electronically by 11:59 p.m. on that date. Please submit comments with **“CAMEO CD Comment” in the subject line** to:

Tajinder Gill, DTSC Project Manager
 9211 Oakdale Avenue
 Chatsworth, California 91311
 (818) 717-6586
 or by e-mail to:
tajinder.gill@dtsc.ca.gov

For more information, contact:

Amanda Dominguez,
 Public Participation Specialist
 (818) 717-6581
Amanda.Dominguez@dtsc.ca.gov

DTSC will consider comments received during the public comment period on the Consent Decree and file with the Court any written comments received and DTSC’s responses thereto. The Court may then enter or approve the Consent Decree. DTSC also reserves the right to withdraw or withhold its consent to entry (approval) of the Consent Decree if such comments disclose facts or considerations that indicate the Consent Decree is inappropriate, improper, or inadequate.

**RULEMAKING PETITION
 DECISION**

BUREAU OF AUTOMOTIVE REPAIR

**DECISION ON REQUEST FOR
 RECONSIDERATION OF THE DENIAL OF A
 PETITION TO AMEND MOTOR VEHICLE
 INSPECTION PROGRAM REGULATIONS**

On October 15, 2018, the Bureau of Automotive Repair (“BAR”) received a Petition to Adopt, Amend, or Repeal a Regulation, pursuant to Government Code sections 11340.6 and 11340.7, from Edward Turner (“Petitioner”). Petitioner requested that California Code of Regulations title 16, section 3340.15, subdivision (a) be amended to permit mobile Smog Check testing using a Bureau of Automotive Repair On-board Diagnostic Inspection System (BAR-OIS) installed in a van or other vehicle. Petitioner’s requested amendment would also require revision of BAR’s Smog Check Manual, section 1.8.3, Required Equipment Location, incorporated by reference into California Code of Regulations title 16, section 3340.45.

BAR considered the merits of Petitioner’s request to amend the Motor Vehicle Program Inspection regulations. On October 22, 2018, in accordance with Government Code section 11340.7, subdivision (a), BAR provided Petitioner with its written decision denying his petition. On November 2, 2018, in accordance with Government Code section 11340.7, subdivision (d), BAR’s written decision was published in the California Regulatory Notice Register 2018, number 44-Z, pages 1957-58.

On October 23, 2018, BAR received from Petitioner a request for reconsideration of the decision to deny his petition to amend the Motor Vehicle Program Inspection regulations.

In accordance with Government Code section 11340.7, subdivisions (a) and (c), this document serves as BAR’s response to Petitioner’s reconsideration request.

PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED: California Code of Regulations title 16, section 3340.15, subdivision (a) and Smog Check Manual, section 1.8.3, incorporated by reference into California Code of Regulations title 16, section 3340.45.

REFERENCE TO AUTHORITY TO TAKE THE REQUESTED ACTION: None provided by the Petitioner. The statutory authority applicable to California Code of Regulations title 16, section 3340.15, subdivision (a) is as follows:

Authority cited: Sections 44002 and 44030, Health and Safety Code; and Sections 9882 and 9884.9(b), Business and Professions Code.

The statutory authority applicable to BAR's Smog Check Manual, incorporated by reference into California Code of Regulations title 16, section 3340.45 is as follows:

Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code.

AGENCY DETERMINATION: The reconsideration request is **denied**.

REASONS SUPPORTING THE AGENCY DETERMINATION: Petitioner requests reconsideration of BAR's denial of his petition to amend regulations to allow for installation of a BAR-OIS in a van or other vehicle and permit the performance of mobile Smog Checks.

California Code of Regulations title 16, section 3340.15, subdivision (a) requires emissions inspection systems to be located and used within a work area located in a building. This regulatory requirement was promulgated by BAR to effectuate California Health and Safety Code section 44001, subdivision (b)(5)(E), which requires that BAR's administration of the Motor Vehicle Inspection Program include a vigorous and effective enforcement program utilizing performance monitoring of Smog Check stations and technicians.

The issues raised in Petitioner's reconsideration request are not sufficient to warrant a reversal of BAR's denial of the petition. The ability to conduct unannounced inspections and surveillance is critical to BAR's enforcement of the Smog Check program. In comparison to fixed locations, the itinerant nature of mobile Smog Check inspections would make it more difficult for BAR to locate and effectively monitor the performance of Smog Check stations and technicians. BAR does not have the authority to surreptitiously access vehicle location information. Obtaining real-time location information would likely require the knowledge and consent of the vehicle's owner, making it very difficult or impossible to conduct effective unannounced inspections and surveillance activities. Mobile Smog Checks likely would reduce the efficacy of BAR's enforcement program by making the program more difficult, costly and time consuming to administer.

Although Petitioner asserts that he has applied for a patent and will be the only mobile Smog Check business in operation, the patent review and approval process could take years to complete and the Petitioner has not yet been granted a patent or obtained any exclusive right to operate his proposed business. There is no guarantee that others will be excluded from operating a mobile Smog Check business and there remains the possibility that any patented invention or right to business exclusivity could be sold, licensed or franchised to third parties. BAR must ensure that Smog Check standards are being met by all, not just by the Petitioner.

Although Petitioner asserts that mobile Smog Checks would be more convenient for consumers, BAR must weigh such convenience against the environmental and consumer protections embodied in the Motor Vehicle Inspection Program and its statutory obligation to administer vigorous and effective enforcement of the Smog Check program. BAR finds that the negative impact mobile inspections would likely have on Smog Check program compliance outweighs the potential convenience associated with not having to travel to a fixed Smog Check facility. The likely increase in fraudulent activities and difficulty in conducting effective inspection, surveillance and enforcement activities is too great to warrant amending the Motor Vehicle Inspection Program regulations at this time. Petitioner's reconsideration request is denied.

AGENCY CONTACT PERSON:

Brian Clark
 Bureau of Automotive Repair
 10949 North Mather Blvd.
 Rancho Cordova, California, 95670
 Telephone: (916) 403-8560
 Fax: (916) 464-3424
 E-mail: Brian.Clark@dca.ca.gov

NOTICE TO INTERESTED PERSONS: Any interested persons have the right to obtain a copy of the reconsideration request that is the subject of this decision by sending a request to the above-referenced agency contact person.

DATE OF DECISION: November 16, 2018.

DISAPPROVAL DECISION

DEPARTMENT OF SOCIAL SERVICES

**State of California
Office of Administrative Law**

In re: Department of Social Services

**Regulatory Action:
Title: Manual of Policies and Procedures (MPP)
Adopt section: 30-778**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-1001-01

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

This action by the Department of Social Services (Department) proposed to adopt procedures and criteria in the Manual of Policies and Procedures (MPP) for general exception requests for persons who have been found ineligible to provide In-Home Supportive Services on the basis of specified convictions as provided in Welfare and Institutions Code section 12305.87.

DECISION

On October 1, 2018, the Department submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On November 13, 2018, OAL notified the Department of the disapproval of this regulatory action. The reason for the disapproval was failure to comply with the “clarity” standard of Government Code section 11349.1. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Department may resubmit this rulemaking action within 120 days of its

receipt of this Decision of Disapproval. A copy of this Decision will be emailed to the Department on the date indicated below.

Any changes made to the regulation text to address the clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR, prior to resubmission of this regulatory action.

If you have any questions, please contact me at (916) 323-8916.

Date: November 20, 2018

/s/
Kevin D. Hull
Senior Attorney

For: Debra M. Cornez, Director

Original: Will Lightbourne, Director
Copy: Everardo Vaca

**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# 2018-1002-02
BOARD OF STATE AND COMMUNITY
CORRECTIONS
Minimum Standards for Juvenile Facilities

The Board of State and Community Corrections is adopting and revising definitions to reflect current practices; changing regulatory requirements on the reporting of use of force incidents; limiting the use of chemical agents to be used only after sufficient attempts at de-escalation of potentially violent situations; use of trauma-informed care considerations, where appropriate; ensuring transition and aftercare plans; adding standards for room confinement that reflect current law; and ensuring that youth will be allowed to have their own underwear throughout their stay.

Title 15
 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5
 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511
 REPEAL: 1378
 Filed 11/14/2018
 Effective 01/01/2019
 Agency Contact: Ginger Wolfe (916) 621-2886

File# 2018-1108-02
CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
 Lifeline Grant Program

The California Health Facilities Financing Authority submitted this emergency readoption action to keep in effect emergency regulations that provide eligibility and evaluation criteria and an application procedure and related procedures for specified small and rural health facilities to receive grants through the Lifeline Grant Program, which implements the Clinic Lifeline Act of 2017, enacted in Government Code section 15438.11.

Title 4
 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
 Filed 11/19/2018
 Effective 11/21/2018
 Agency Contact: Rosalind Brewer (916) 653-8243

File# 2018-1010-06
CALIFORNIA HORSE RACING BOARD
 Jockey's Riding Fee

In this regular rulemaking, the California Horse Racing Board amends the jockey's riding fees for 2nd place, 3rd place, and losing mounts.

Title 4
 AMEND: 1632
 Filed 11/20/2018
 Effective 01/01/2019
 Agency Contact: Harold Coburn (916) 263-6026

File# 2018-1010-07
CALIFORNIA HORSE RACING BOARD
 Penalties for Medication Violations

In this regular rulemaking action, the California Horse Racing Board amends the Licensed Trainer phenylbutazone levels in the Category "C" penalty chart.

Title 4
 AMEND: 1843.3
 Filed 11/20/2018
 Effective 01/01/2019
 Agency Contact: Harold Coburn (916) 263-6026

File# 2018-1109-01
CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
 Cal/CAP/Seismic Safety and CalCAP/EVCS Program

This section 100 action amends provisions of the California Seismic Safety Capital Access Loan Program (CalCAP/Seismic Safety) and the California Electrical Vehicle Charging Station Financing Program (CalCAP/ EVCS) to align the regulations with the underlying statutes. The changes are without regulatory effect.

Title 4
 AMEND: 8078.3, 8078.15
 Filed 11/20/2018
 Agency Contact: Bianca Smith (916) 653-5408

File# 2018-1108-04
CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS INVESTMENT BOARD
 CalSavers Retirement Savings Program

This emergency rulemaking action by the California Secure Choice Retirement Savings Investment Board adopts sections to establish the CalSavers Retirement Savings Program (Program) in response to Government Code section 100000 et seq. (Stats. 2012, ch. 734, SB 1234; Stats. 2012, ch. 737, SB 923; and Stats. 2016, ch. 804, SB 1234). This action will: 1) define employer eligibility in the Program, 2) establish employer registration and employee enrollment requirements, 3) define employer duties, and 4) establish default account settings and alternative election options.

Title 10
 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007
 Filed 11/19/2018
 Effective 11/19/2018
 Agency Contact: Eric Lawyer (916) 653-1748

File# 2018-1009-02
COURT REPORTERS BOARD OF CALIFORNIA
 Fee Increase

In this regular rulemaking, the Court Reporters Board of California (the "Board") is increasing the following fees: (1) the fee for an initial certificate; (2) the fee for an initial certificate issued less than 180 days before the

date on which it will expire; (3) the fee for the annual renewal of a certificate; and (4) the delinquency fee for the renewal of a certificate. The Board has withdrawn the proposed increase of the fee for the administration of each separate written and practical part of the examination and plans to resubmit this proposed fee increase at a later date.

Title 16
AMEND: 2450
Filed 11/20/2018
Effective 01/01/2019
Agency Contact: Yvonne Fenner (916) 263-4081

File# 2018-1010-01
DEPARTMENT OF FISH AND WILDLIFE
Fees for Lake and Streambed Alteration Agreements

This Section 100 action amends fees for lake and streambed alteration agreements as required by Fish and Game Code section 1609, applying the mandatory inflationary fee formula in Fish and Game Code section 713, without regulatory effect.

Title 14
AMEND: 699.5
Filed 11/20/2018
Agency Contact: Stephen Puccini (916) 653-6590

File# 2018-1005-02
DEPARTMENT OF SOCIAL SERVICES
Multiethnic Placement Act and Interethnic Placement Act Adoption Provision

The Department of Social Services filed this action to amend regulations concerning the placement of foster and adopted children and the recruitment of foster and adoptive individuals for compliance with the federal Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996.

Title 22, MPP
AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425
Filed 11/15/2018
Effective 01/01/2019
Agency Contact: Everardo Vaca (916) 657-2363

File# 2018-1004-01
FISH AND GAME COMMISSION
Marine Protected Areas: Tribal Take and Boundary Changes

This rulemaking action modifies the boundaries for Stewarts Point State Marine Conservation Area and Stewarts Point State Marine Reserve to address the inadvertent prohibition of fishing and gathering for subsistence and ceremonial purposes by members of the

Kashia Band of Pomo Indians that resulted from implementation of the Stewarts Point State Marine Reserve. The action also authorizes tribal take of marine resources by members of the Santa Ynez Band of Chumash Indians in four State Marine Conservation Areas along three southern California counties as a result of submission by the tribe of documentation of ancestral use.

Title 14
AMEND: 632
Filed 11/15/2018
Effective 01/01/2019
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2018-1008-01
FISH AND GAME COMMISSION
Marine Protected Areas: Rockport Rocks Special Closure

This regular rulemaking by the Fish and Game Commission repeals the Rockport Rocks Special Closure.

Title 14
AMEND: 632
Filed 11/15/2018
Effective 01/01/2019
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2018-1010-02
FISH AND GAME COMMISSION
Form DFW-120.7 (REV. 12/08/17), Commercial Dive Fishing Log

In these changes without regulatory effect, the Fish and Game Commission updates its Commercial Dive Fishing Log form, for the taking of Sea Urchins, to reflect the name change of the Department of Fish and Game to the Department of Fish and Wildlife, and to update an address and telephone number, and to provide a more precise format of longitude and latitude on northern and southern California fishery charts, among other changes without regulatory effect.

Title 14
AMEND: Subsection 120.7(m)
REPEAL: Appendix A Form DFG-120.7 (10/87)
Filed 11/15/2018
Agency Contact: Anthony Shiao (805) 560-6056

File# 2018-1010-05
FRANCHISE TAX BOARD
Apportionment and Allocation of Partnership Income

This action amends regulations to the apportionment and allocation rules for partnership income and nonresident individuals receiving partnership income. The amendments alter the scope of existing regulations to apply to lower-tier partnerships, clarify the applicability of regulations with respect to sourcing income from

unitary partnerships, and repeal provisions related to long-term contracts that exist in other sections, among other things.

Title 18
 AMEND: 25137-1, 17951-4
 Filed 11/20/2018
 Effective 01/01/2019
 Agency Contact: Christy Keith (916) 845-6080

File# 2018-1016-05
 GOVERNOR'S OFFICE OF BUSINESS AND
 ECONOMIC DEVELOPMENT
 California Competes Tax Credit

The Governor's Office of Business and Economic Development (Office) filed this action to amend regulations pertaining to the California Competes Tax Credit. The amendments add two factors that the Office must consider in awarding the tax credit to applicants and remove the definition of and references to small business that are the result of amendments to the legislation governing the tax credit.

Title 10
 AMEND: 8000, 8030
 Filed 11/20/2018
 Effective 01/01/2019
 Agency Contact: Van Nguyen (916) 591-9744

File# 2018-1108-01
 OCCUPATIONAL SAFETY AND HEALTH
 (CAL-OSHA) DIVISION
 Pressure Vessel Fees

This is an emergency request by the Division of Occupational Safety (Division) for filing with the Secretary of State and printing in the California Code of Regulations the Division's adjustments to its inspection and permit fees for the inspection and testing of tanks, pressure vessels, and boilers which are not specifically exempted by Labor Code sections 7624 and 7625. Pursuant to Labor Code section 7721(e), this action must be taken as an emergency and is not subject to review and approval by the Office of Administrative Law.

Title 8
 AMEND: 344, 344.1, 344.2
 Filed 11/15/2018
 Effective 11/15/2018
 Agency Contact:
 Denise M. Cardoso (510) 286-7348

File# 2018-1002-01
 STATE WATER RESOURCES CONTROL BOARD
 Water Quality Control Plan for Enclosed Bays and Estuaries

The State Water Resources Control Board proposed this action to amend the Water Quality Control Plan for Enclosed Bays and Estuaries of California to revise approaches for determining whether sediment quality objectives are met in protecting the aquatic life/benthic community and in protecting human consumption of specified fish from specified chemicals that may exist in sediment and fish tissues of enclosed bays and estuaries in California.

Title 23
 AMEND: 3006
 Filed 11/14/2018
 Agency Contact: Chris Beegan (916) 341-5912

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN June 20, 2018 TO
 November 21, 2018**

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

- Title 2**
- 11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17
 - 10/29/18 AMEND: 1896.99.100, 1896.99.120
 - 10/22/18 ADOPT: 18215.4
 - 10/11/18 AMEND: 1859.51(e)
 - 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

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06/21/18 AMEND: 1859.190, 1859.194,
1859.195, 1859.198

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11/06/18 AMEND: 3435(b)
10/08/18 AMEND: 3591.12
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

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11/20/18 AMEND: 1632
11/20/18 AMEND: 1843.3
11/20/18 AMEND: 8078.3, 8078.15
11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218,
7219, 7220, 7221, 7222, 7223, 7224,
7225, 7227, 7228, 7229
11/02/18 AMEND: 8078.8, 8078.10
10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063,
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10/18/18 AMEND: 1843.2
10/18/18 AMEND: 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.8,
10170.9, 10170.10, 10170.14
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:
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09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063,
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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,
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10/22/18 ADOPT: 20236 AMEND: 20101, 20105,
20107, 20116, 20118, 20122, 20123,
20124, 20125, 20127, 20130, 20134,
20135, 20136, 20140, 20180, 20185,
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20119, 20158, 20125, 20216, 20217,
20251, 20251, 20255, 20251, 20260,
20265
10/17/18 AMEND: 18600
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

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11/15/18 AMEND: 344, 344.1, 344.2
11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1,
9789.12.2, 9789.12.6, 9789.12.8,
9789.12.12, 9789.12.13, 9789.13.2,
9789.16.1, 9789.16.7, 9789.18.1,
9789.18.2, 9789.18.3, 9789.18.11,
9789.19
11/01/18 AMEND: 14300.35, 14300.41
10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22
10/10/18 AMEND: 344.18
10/08/18 ADOPT: 13850, 13851, 13853, 13855,
13856, 13857, 13858, 13859, 13860,
13861, 13862, 13863, 13864, 13865,
13866, 13867, 13868, 13870, 13871,
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10/04/18 AMEND: 4350
08/20/18 ADOPT: 4020, 4020.1
06/21/18 AMEND: 4350

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11/20/18 AMEND: 8000, 8030
 11/19/18 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007
 09/25/18 AMEND: 2498.4.9
 09/25/18 AMEND: 2498.5
 09/25/18 AMEND: 2498.6
 09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
 08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83

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10/24/18 AMEND: 1953, 1955
 09/26/18 AMEND: 44.2
 08/23/18 AMEND: 1004, 1005, 1081
 08/15/18 AMEND: 1005, 1015
 08/02/18 AMEND: 4002
 07/31/18 AMEND: 49.18
 06/21/18 AMEND: 1005

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11/07/18 AMEND: 505.2
 09/27/18 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)
 09/25/18 AMEND: 600
 07/05/18 AMEND: 451, 452, 453, 454, 455

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10/22/18 AMEND: 551.14, 551.24, 555.1, 584
 10/18/18 AMEND: 551.12
 10/10/18 AMEND: Appendix (Article 2.0)
 09/24/18 AMEND: 2222
 09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4

08/30/18 AMEND: 1213
 08/30/18 AMEND: 1239
 08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16
 07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1

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11/20/18 AMEND: 699.5
 11/15/18 AMEND: 632
 11/15/18 AMEND: 632
 11/15/18 AMEND: Subsection 120.7(m)
 REPEAL: Appendix A Form DFG-120.7 (10/87)
 11/13/18 AMEND: 1038, 1038.1, 1038.2
 11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015
 11/05/18 ADOPT: 29.11
 10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3
 10/30/18 AMEND: 11600
 10/29/18 AMEND: 17041, 17042, 17043, 17044, 17045, 17046
 10/29/18 AMEND: 1038
 10/16/18 AMEND: 890
 10/16/18 AMEND: 1038
 10/15/18 AMEND: 895, 895.1, 912.9, 932.9, 952.9
 09/17/18 ADOPT: 18660.44, 18660.45, 18660.46
 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23
 09/06/18 AMEND: 1104.1
 08/13/18 AMEND: 7.50
 08/09/18 AMEND: 13055
 07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
 07/30/18 ADOPT: 820.02
 07/30/18 ADOPT: 817.04 AMEND: 790
 07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
 07/19/18 AMEND: 3805.1
 07/05/18 AMEND: 1038
 07/02/18 AMEND: 916.9, 936.9, 956.9
 06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10
 REPEAL: 1724.9

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06/28/18 AMEND: 18660.25, 18660.34
 06/28/18 AMEND: 502
 06/25/18 AMEND: 7.50

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11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378

11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299

11/01/18 ADOPT: 3999.25
 10/30/18 ADOPT: 3329.5
 10/29/18 REPEAL: 3999.20
 10/22/18 ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
 10/17/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
 10/08/18 AMEND: 3352.2, 3352.3, 3354, 3355.1
 10/03/18 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

10/03/18 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

09/13/18 AMEND: 1006, 1029, 1041, 1050, 1069, 1206
 08/20/18 AMEND: 3294.5
 08/13/18 AMEND: 3000, 3190, 3213

08/06/18 ADOPT: 3999.98, 3999.99, 3999.320 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as 3999.227, 3087.3 renumbered as 3999.228, 3087.4 renumbered as 3999.229, 3087.5 renumbered as 3999.230, 3087.6 renumbered as 3999.231, 3087.7 renumbered as 3999.232, 3087.8 renumbered as 3999.233, 3087.9 renumbered as 3999.234, 3087.10 renumbered as 3999.235, 3087.11 renumbered as 3999.236, 3087.12 renumbered as 3999.237, 3350 renumbered as 3999.200(a), 3350.1 renumbered as 3999.200(b), (c), and (d), 3350.2 renumbered as 3999.200(f), (g), and (h), 3351 renumbered as 3999.210, 3353 renumbered as 3999.202, 3353.1 renumbered as 3999.203, 3354.2 renumbered as 3999.206, 3356 renumbered as 3999.410, 3357 renumbered as 3999.440, 3358 renumbered as 3999.375, 3359 renumbered as 3999.411, 3359.8 renumbered as 3999.200(e)

08/01/18 AMEND: 3350, 3350.1
 06/28/18 AMEND: 3043.3

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11/20/18 AMEND: 2450
 10/25/18 AMEND: 1300.1, 1300.2, 1300.4, 1355, 1355.1, 1355.3 REPEAL: 1333, 1333.1, 1333.2, 1333.3, 1362, 1362.1
 10/16/18 AMEND: 2070, 2071
 10/15/18 AMEND: 1417
 10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430
 09/17/18 AMEND: 1735.2
 09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355
 08/30/18 AMEND: 1399.573
 08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886
 08/08/18 REPEAL: 1399.531, 1399.532
 08/02/18 AMEND: 3340.17, 3340.41, 3340.45
 08/01/18 AMEND: 2070, 2071

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10/10/18 AMEND: 35095

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10/09/18	ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196	30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4	
09/24/18	AMEND: 60201, 60205, 60210	
09/05/18	ADOPT: 100650	
08/29/18	AMEND: 60065.18, 60075.17	
08/21/18	AMEND: 35083, 35087	08/28/18 AMEND: 2460, 2461, 2462
07/24/18	AMEND: 100000	08/20/18 AMEND: 301
07/19/18	AMEND: 30305	08/20/18 AMEND: 469
07/19/18	AMEND: 6508	07/02/18 AMEND: 283

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11/20/18 AMEND: 25137-1, 17951-4
 10/23/18 ADOPT: 35201
 09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5
 09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256
 09/10/18 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606,

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09/26/18 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609
 07/19/18 AMEND: 1602, 1604, 1605.3, 1606, 1607

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10/31/18 ADOPT: 66264.121, 66265.121, 66270.28 AMEND: 66264.90, 66264.110, 66265.90, 66265.110, 66270.1, 66270.14
 10/31/18 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248
 10/24/18 ADOPT: 66270.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147
 10/22/18 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101
 09/04/18 ADOPT: 68400.5, 69020, 69021, 69022
 09/04/18 AMEND: 51490.1
 08/20/18 ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53,

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66262.54, 66262.55, 66262.56,
 66262.57, 66262.58, 66262.60,
 66262.83, 66262.84, 66262.85,
 66262.86, 66262.87, 66262.88, 66262.89

08/16/18 AMEND: 5200

08/07/18 ADOPT: 60301.120, 60301.850.5,
 60301.851, 60301.852, 60301.853,
 60320.300, 60320.301, 60320.302,
 60320.304, 60320.306, 60320.308,
 60320.312, 60320.320, 60320.322,
 60320.326, 60320.328, 60320.330,
 64668.05, 64668.10, 64668.20, 64668.30
 AMEND: 60301.450

07/25/18 REPEAL: 98300, 98301, 98302, 98303,
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 98340, 98341, 98342, 98343, 98344,
 98345, 98346, 98347, 98348, 98349,
 98360, 98361, 98362, 98363, 98364,
 98365, 98366, 98370, 98380, 98381,
 98382, 98400, 98410, 98411, 98412,
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07/05/18 AMEND: 66272.62

06/29/18 ADOPT: 72329.2

06/20/18 AMEND: 97174, 97177.25

06/20/18 ADOPT: 130000, 130001, 130003,
 130004, 130006, 130007, 130008,
 130009, 130020, 130021, 130022,
 130023, 130024, 130025, 130026,
 130027, 130028, 130030, 130040,
 130041, 130042, 130043, 130044,
 130045, 130048, 130050, 130051,
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 130063, 130064, 130065, 130066,
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 130080, 130081, 130082, 130083,
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 130093, 130094, 130095, 130100,

130110, 130200, 130201, 130202,
 130203, 130210, 130211

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11/15/18 AMEND: 35000, 35011, 31-005,
 31-405, 31-420, 31-425

08/24/18 ADOPT: 87468.1, 87468.2 AMEND:
 87101, 87102, 87109, 87309, 87468,
 87506, 87612, 87615, 87631

08/22/18 ADOPT: 89600, 89601, 89602, 89632,
 89633, 89637, 89662, 89667

07/12/18 AMEND: 87211

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11/14/18 AMEND: 3006

11/05/18 AMEND: 2200, 2200.4, 2200.6

11/01/18 AMEND: 1062, 1063, 1064, 1066, 1068

09/24/18 ADOPT: 3979.10

09/20/18 AMEND: 315, 316

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