



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

**MULTI-COUNTY:** Delta Conveyance Design and Construction Authority  
Cuyama Basin Groundwater Sustainability Agency

A written comment period has been established commencing on December 28, 2018, and closing on February 11, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brienne 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 February 11, 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 Brienne 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 5. SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

**AMENDMENT TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 5, REGARDING  
12-Month Eligibility and CalWORKs**

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 8:30 a.m. on February 11, 2019, at 1430 N Street, Room 1103, 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 public 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 Unit  
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](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on February 11, 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 all modified regulations 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 the regulations, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

**AUTHORITY AND REFERENCE**

Authority: Sections 8261, 8261.5, 8262, 8263, 8263.1, 8265 and 8269, Education Code.

References: Sections 8202, 8203, 8206, 8208, 8235, 8237, 8261, 8261.5, 8263, 8263.1, 8269, 8273, 8273.1, 8350, 8350.5, 8351, 8353, 8354 and 8358.5, Education Code; Sections 16500.5 and 16506, Welfare and Institutions Code; 45 Code of Federal Regulations, Section 98.21; and Title 22 California Code of Regulations Sections 101220.1 and 102418

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Early Learning and Care programs in California are supported by both federal and state funding. Federal funding comes in the form of the Child Care and Development Block Grant ("CCDBG"). Federal requirements, for use of this funding, are set forth at Title 45 of the Code of Federal Regulations, Section 98 et seq.

At the state level, the Child Care and Development Services Act (the "Act"), starting at Education Code (EC) Section 8200 et seq., requires families to meet specified requirements to be eligible for subsidized child development services. In 2014, CCDBG was reauthorized and, in 2016, final regulations were adopted by the Federal Office of Child Care, a division of the U.S. Health and Human Services agency. The new fed-

eral regulations provided, among other things, that all families certified to receive child care services should receive those services for no less than 12 months, notwithstanding temporary or interim changes to their status.

In 2017, in an attempt to conform with federal requirements, the California Legislature enacted Assembly Bill (AB) 99, which changed some of the current *EC* requirements, most notably, by adding *EC* subsections (h) and (i) to Section 8263 and amending Section 8263.1. Some of the changes included in AB 99 are:

- An update to the definition of a homeless child or youth.
- Addition of subdivision (h) to Section 8263 to provide that a family, upon establishing initial eligibility or ongoing eligibility for services under the Act, shall be considered to meet all eligibility and need requirements for those services for not less than 12 months, shall receive those services for not less than 12 months before having its eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 12 months, except as provided.
- Provides that when a family is initially certified for services, or recertified later for services, and the need for services is based on seeking employment, services shall be provided for no less than six months
- Allows families to seek to make changes that might benefit them, such as requesting decreased family fees or increased services, without those changes impacting other aspects of their services
- Revises the definition of “income eligible” for purposes of establishing initial income eligibility for services under the Act, and adds a definition of “ongoing income eligible” for purposes of establishing ongoing income eligibility for services under the Act and requires calculations to be adjusted for family size, as provided.
- Requires the CDE to convene a workgroup of parents, advocates, CDE staff, child development program representatives, and other stakeholders to develop recommendations regarding implementing the 12-month eligibility provision.
- Allows the CDE, in the interim, to implement the new changes via Management Bulletin or other informal guidance
- Requires the CDE, pursuant to subsection (j) of *EC* 8263, to initiate a rulemaking action to implement these provisions on or before December 31, 2018.

In 2018, AB 2626 was enacted into law, which amended *EC* Section 8263.1 so that the initial income eligibility level for families to receive child care ser-

vices, which was previously set at 70 percent of the State Median Income, would be raised to 85 percent, the same as it was for families seeking ongoing services at recertification.

These amendments require changes to sections of the following current regulations:

- Chapter 19 Child Development Programs, Subchapter 3. General Child Care, Article 1. General Provisions
- Chapter 19 Child Development Programs, Subchapter 3. General Child Care, Article 2. Family Data Files
- Chapter 19 Child Development Programs, Subchapter 3. General Child Care, Article 3. Enrollment
- Chapter 19.5 CalWORKs and Child Care and Development Programs, Subchapter 2. CalWORKs Stage 2 Child Care Programs, Article 2. Requirements and Procedures for Receiving CalWORKs Stage 2 Services
- Chapter 19.5 CalWORKs and Child Care and Development Programs, Subchapter 3. CalWORKs Stage 3 Child Care Programs, Article 2. Requirements and Procedures for Receiving CalWORKs Stage 3 Services

Prior to these changes, on June 24, 2015, the Governor signed AB 104, the Education Omnibus Trailer Bill, which required the CDE to convene stakeholder groups, by September 2015, to provide recommendations to streamline data and other reporting requirements for early learning and care providers that contract with the CDE with the purpose of identifying redundancies and efficiencies in program implementation and reducing the workload in program administration. Finalized recommendations were submitted to the Legislature, the Department of Finance, and the State Board of Education on April 1, 2016. These recommendations included: 1) for the best interest of the child, increase the duration and continuity of early learning and care services for the child; 2) reduce barriers to accessing early learning and care services by reducing the number of changes the parent is required to report for the continuation of services thereby increasing the family’s duration and continuity in early learning and care services; 3) align, clarify, and revise regulatory and monitoring requirements across funding streams to allow greater flexibility and decrease administrative burdens that support child and family well-being; and 4) implement regulations and policies to deliver equitable outcomes for all children, including children with exceptional needs.

The CDE also solicited informal on-going input on-line, at conferences and other stakeholders meetings, to provide statewide recommendations for CDE’s consid-



eration and response. Many of the recommendations from the stakeholders, input received at various fall CDE Field Conferences, and staff have been considered in the development of these proposed regulations.

In summary, the objectives of these proposed regulations include: 1) meeting the requirements of *EC* Section 8263(j), as amended by AB 99, by instituting rule-making provisions to implement 12-month eligibility as established in *EC* Section 8263(h); 2) incorporating some of the recommendations of the AB 104 work group and other input sessions to ensure contractors are provided with clear direction and ensure implementation of the regulations are consistent throughout the State; and 3) ensuring that the regulations align with federal and state laws and regulations, including changes prompted by amendments to the CCDBG Act and the enactment of AB 2626.

#### *Anticipated Benefits of the Proposed Regulation*

The benefit of enacting the proposed regulations is to align the Title 5 regulations with the CCDBG Act and the amendments to the *EC* adopted as a result of AB 99 and AB 2626 and to incorporate several key recommendations made by the AB 104 stakeholder groups. When regulations do not align with the federal and state law because current regulations were adopted under a different set of laws, the contracting agencies charged with implementing these programs have a difficult time responding to families and determining whether or not they are eligible for services. When regulations are out-of-date and do not meet the current needs of stakeholders, including families and children receiving the services, they make the provision of quality services in an effective and efficient manner close to impossible. The early learning community will benefit by having up-to-date regulations that align with current law and meet the needs of those that participate in the process.

#### *Determination of Inconsistency/Incompatibility with Existing State Regulations*

The CDE reviewed all state regulations relating to Child Care and Development Programs and found that none exist that are inconsistent or incompatible with these proposed regulations.

### DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

*The SSPI 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 agencies, including 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 they are only relevant to the contractors of subsidized programs contracted through the Department of Education.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SSPI concludes that it is unlikely that these proposed regulations will: 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.

Benefits of the Proposed Action: The proposed regulations will benefit children and families in California as they take advantage of high quality early learning and care programs guided by these proposed regulations. With the right to continuity of care ensured by 12-month eligibility, families can work, participate in training or educational programs, seek permanent housing, seek employment as they work towards being gainfully employed in the workforce.

### 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 these proposed regulations should be directed to:

Becky Halligan, Consultant  
Early Learning and Care Division  
California Department of Education  
1430 N Street, Suite 3410  
Sacramento, CA 95814  
Telephone: 916-322-6248  
Email: [bhalligan@cde.ca.gov](mailto:bhalligan@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, 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's Web site at <https://www.cde.ca.gov/re/lr/rr/>.

#### 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 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 Becky Halligan, Early Learning and Care Division, 1430 N Street, Suite 3410, Sacramento, CA, 95814; telephone, 916-322-6248. It is recommended that assistance be requested at least two weeks prior to the hearing.

#### TITLE 9. DEPARTMENT OF REHABILITATION

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation (hereafter "Department") proposes to repeal Section 7334 and amend Sections 7334.1, 7334.2, 7334.3, 7334.4, 7334.5, 7334.6, 7334.7, 7334.8, and 7335 of Title 9 of the California Code of Regulations, described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

The Department will hold a public hearing at 2:00 p.m. on February 11, 2019, at 721 Capitol Mall, Room 242, Sacramento, California 95814. The hearing will adjourn at 3:00 p.m. Members of the public may attend the hearing in person or may participate via phone. To participate via phone, members of the public must call (877) 917-5782 at the time of the hearing and enter participant passcode 1888385 when prompted.

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 Department requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Oral comments will be limited to three minutes per commenter. 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:

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

Comments may also be submitted by facsimile to (916) 558-5826 or by email to [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov). Comments must be received by the Regulations Analyst by 5:00 p.m. on February 11, 2019. All written comments received by the Department during the public comment period are subject to disclosure under the California Public Records Act (Gov. Code § 6250 through 6276.48).

#### ACCESSIBILITY

The public hearing room accessible to individuals with disabilities. Any person with a disability who is in need of reasonable accommodations, should contact Michele Welz, Regulations Analyst, at (916) 558-5825 or [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov) at least two weeks in advance of the date of the hearing.

#### AUTHORITY AND REFERENCE

**Authority:**

34 CFR 76.50; Welfare and Institutions Code sections 19006 and 19016.

**Reference:**

29 USC 796-796l and 3003; 31 USC 7501; 2 CFR part 200; Appendix II to 2 CFR Part 200; 34 CFR 76.400 and 76.770; Sections 11180 and 12419, Government Code; Sections 4357-4359 and 19750-19755, Welfare and Institutions Code; Cal. Code Regs. tit. 2, section 18700.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department has authority to grant federal and state funds to entities that serve individuals with disabilities in accordance with Welfare and Institutions Code 19000 et seq. and the Rehabilitation Act, as amended (29 USC 701 et seq.). The Department awards grant funds through a competitive solicitation process based on its evaluation of applications.

The Department seeks to promulgate regulations to govern the competitive grant solicitation process. The Department's goals are to ensure that the solicitation process is responsive to the needs of the public, grant recipients, and those who receive services under the funded grant, and to ensure that the grant award process is fair and transparent to all stakeholders, including the public and interested parties.

#### DOCUMENTS INCORPORATED BY REFERENCE

None.

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

The Department considered other possible related regulations to this proposed action and determined that these regulations are the only ones that relate to the subject matter. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state or federal regulations.

#### ANTICIPATED BENEFITS

The benefits of repealing California Code of Regulations, title 9, section 7334 and amending sections 7334.1, 7334.2, 7334.3, 7334.4, 7334.5, 7334.6, 7334.7, 7334.8, and 7335 include making the Department's grant solicitation process more consistent across its grant programs and providing a centralized resource for applicants seeking information about the Department's grant solicitation process.

Currently, each of the Department's grant programs engages in its own process for evaluating applications and awarding grant funds. To solicit applications, programs issue requests for applications (RFAs) with instructions for applicants and descriptions of the evaluation process. RFAs can vary based on the Program and source of funding. These regulations provide for consistency across the Department's programs.

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

The DOR has made the following initial determinations:

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

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

Costs 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.



SIGNIFICANT, STATEWIDE  
ADVERSE ECONOMIC IMPACT  
DIRECTLY AFFECTING BUSINESS

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

COST IMPACT ASSESSMENT

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed changes do not impose any costs on private businesses that would not be imposed under the Department's current regulations and current grant solicitation process.

RESULTS OF ECONOMIC  
IMPACT ASSESSMENT

Creation or Elimination of Jobs within the State of California.

The proposed regulations are designed to clarify and make specific the Department's existing grant solicitation process. Therefore, no jobs in California will be created or eliminated.

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

The proposed regulations are designed to clarify and make specific the Department's existing grant solicitation process. Therefore, no businesses in California will be created or eliminated.

Expansion of Businesses Currently Doing Business within the State of California.

The proposed regulations are designed to clarify and make specific the Department's existing grant solicitation process. Therefore, no businesses in California will be expanded or eliminated.

Benefits of the Regulations

The proposed regulations will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. However, the proposed regulations will promote equity and transparency between the Department and grant applicants by clarifying the Department's existing competitive grant solicitation process.

BUSINESS REPORTS

Business Reporting Requirement: None.

HOUSING COSTS

Significant effect on housing costs: None.

DETERMINATION OF  
EFFECT ON SMALL BUSINESS

The Department has determined that these proposed regulations will not affect small businesses because they do not impose new obligations on any grant applicants; they merely clarify existing terms.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Michele Welz, Regulations Analyst  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814  
Telephone: (916) 558-5825  
Facsimile: (916) 558-5826  
Email: [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov)

The backup contact person for these inquiries is Anisha Asher, Attorney, at (916) 558-5825 or [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov).

Please direct requests for copies of the Notice of Proposed Rulemaking, Proposed Text of the Regulations, Initial Statement of Reasons, Modified Proposed Text of Regulations, if any, or other information upon which the rulemaking is based to Michele Welz at the address above. The Department will also provide copies of the

regulation proposal in large print, Braille, on audiotape, compact disk, or transmit copies of the regulation proposal electronically, upon request.

The Department shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Government Code section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

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

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

**AVAILABILITY OF  
CHANGED OR MODIFIED TEXT**

After the public hearing and written comment period has ended and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications 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 calendar days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Michele Welz at the address indicated above. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they were made available.

**AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Michele Welz at the address above or on the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, Proposed Text of the Regulations with underline and strikeout, and Proposed Text of Regulations with word cues indicating strikeout and underline, can be accessed through the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

**TITLE 9. DEPARTMENT OF  
REHABILITATION**

**NOTICE OF INTENTION TO  
AMEND THE CONFLICT-OF-INTEREST  
CODE OF CALIFORNIA  
DEPARTMENT OF REHABILITATION**

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation (DOR), pursuant to the authority vested in it by section 87306 of the Government Code, and in conjunction with the Fair Political Practices Commission, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The DOR proposes to amend its Conflict-of-Interest Code to update information regarding 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 and in compliance with the Fair Political Practices Commission. The DOR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

This amendment changes executive titles, some professional titles, and adds positions that deal with contracts and financial responsibilities, consistent with the current organizational structure of the Department. There are also some positions that have been deleted as they have been eliminated from the Department's organizational structure for now. Changes made in the professional title names were to make the Appendix more consistent and easier to read.

Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Regulations Analyst set forth below. At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than January 28, 2019, by contacting the Regulations Analyst set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than February 11, 2019, or at the conclusion of the public hearing, if requested, whichever comes later, to the Regulations Analyst set forth below.

The DOR 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.

In making these proposed amendments, the DOR did determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to any affected persons than the proposed amendments.

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

Michele M. Welz  
 Department of Rehabilitation Office of  
 Legal Affairs and Regulations  
 721 Capitol Mall 3rd floor  
 Sacramento, CA 95814  
 916-558-5833  
[Michele.Welz@dor.ca.gov](mailto:Michele.Welz@dor.ca.gov)

**TITLE 10. CALIFORNIA HEALTH  
 BENEFIT EXCHANGE**

**CALIFORNIA CODE OF REGULATIONS,  
 TITLE 10, CHAPTER 12, ARTICLE 11  
 ADOPT SECTIONS 6850, 6852, 6854, 6856, 6858,  
 6860, 6862, 6864, 6866, and 6868**

The Board of Directors for the California Health Benefit Exchange (hereinafter referred to as the “Exchange”) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at **02/11/2019**. The Exchange will consider only comments received at the Exchange’s office by that time. Submit written comments to:

**ANNALISA FRANCO**  
 California Health Benefit Exchange  
 (Covered California)  
 1601 Exposition Blvd.  
 Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916-228-8321 or by e-mail to [regulations@covered.ca.gov](mailto:regulations@covered.ca.gov).

**AUTHORITY AND REFERENCE**

Government Code Section 100504(a)(6) authorizes the Board of Directors for the Exchange to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific Government Code Sections 100502 and 100503; and Title 45 of the Code of Federal Regulations, Sections 155.205, 156.225, and 156.260.

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

**Documents to be incorporated by reference:**

None.

**Summary of Existing Laws**

In March 2010, President Obama signed federal health reform legislation called the Patient Protection and Affordable Care Act (ACA). It created the opportunity for each state to establish a state-based health insurance exchange to implement the ACA. California chose to operate an exchange that is commonly known as known as “Covered California.” For purposes of this Notice, Covered California will be referred to as the “Exchange.” The Exchange’s mission is to increase the number of insured Californians, improve health care

quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose their health plan.

State law also specifies the powers and duties of the executive board of the Exchange. Government Code Section 100504(a)(6) authorizes the Exchange’s Board of Directors to adopt rules and regulations, as necessary. The Exchange proposes this permanent rulemaking in furtherance of its rulemaking authority to implement, interpret and make specific state and federal laws.

Currently, there are emergency regulations that establish and regulate the Certified Application Counselor Program. Those regulations include definitions, application procedures, eligibility requirements, roles and responsibilities, standards for suspension, and appeal procedures.

**Summary of the Effect of the Proposed Regulation**

The broad purpose of this proposed regulatory action is to: (1) complete Certificate of Compliance requirements for Sections 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, and 6868; and (2) make minor edits that ensure clarity and address stakeholder requests. The proposed regulations will make permanent the regulations in Article 11 governing Certified Application Entities and Counselors. The proposed permanent regulations include definitions, application procedures, eligibility requirements, roles and responsibilities, standards for suspension, and appeal procedures. If approved, these regulations will assist the Exchange with the implementation of the Certified Application Counselor program on an indefinite basis.

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations**

After an evaluation of current regulations, the Exchange determined that these proposed regulations are not inconsistent or incompatible with any existing regulations. In Articles 8, 9, and 12, there are a number of regulations pertaining to the roles and responsibilities of Certified Enrollers, such as Certified Enrollment Counselors, Medi-Cal Managed Care Plan Enrollers, and Plan-Based Enrollers. The proposed regulations do not conflict with any other regulations governing other Certified Enrollers.

**Anticipated Benefits of the Proposed Regulation**

The anticipated benefits of this proposed regulation include:

- Complete the Certificate of Compliance requirement for emergency regulations;
- Provide clear standards for participants in the Certified Application Counselor program to perform their duties and ensure that consumers

receive assistance to address their health and financial needs

- Make minor clarifying edits to remove some ambiguity and accommodate stakeholder requests; and
- Ensure compliance with federal auditing requirements.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Exchange has made the following initial determinations:

**Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations**

None.

**Mandate on Local Agencies and School Districts**

None. The Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

**Cost To Any Local Agency or School District Which Must Be Reimbursed In Accordance With Government Code Sections 17500 Through 17630**

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**Costs or Savings to State Agencies**

The proposal results in additional costs to the Exchange but will have no impact on other agencies or the State General Fund. The Exchange is currently completely funded by assessments on premiums charged by Qualified Health Plans.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Other Nondiscretionary or Savings Imposed on Local Agencies**

None. This proposal does not impose other nondiscretionary costs or savings on local agencies.

**Significant Effect on Housing Costs**

None.

**Effect on Small Business**

This proposed regulation is not expected to create or expand small business within the State of California. The current CAE/CAC program has been operating since 2012. Considering that many regulations in this package currently exist as emergency regulations, there are no anticipated effects on small businesses.



**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 Business**

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

**Results of the Economic Impact Assessment/Analysis**

The Exchange concludes regarding the proposed regulations that it is:

- (1) **unlikely** that the proposal will create or eliminate any jobs in the State;
- (2) **unlikely** that the proposal will create or eliminate businesses within the State;
- (3) **unlikely** that the proposal will impact the expansion of businesses currently doing business in California; and
- (4) **likely** that the health and welfare of consumers will benefit from the proposed regulation.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the Exchange must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Exchange would be more effective in carrying out the purpose for which this 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 effectuating the purpose of the statute and applicable federal regulations. This proposed action is the most effective in effectuating the purpose of the statute and applicable federal regulations.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

**ANNALISA FRANCO**  
 Regulations Analyst  
 California Health Benefit Exchange  
 (Covered California)  
 1601 Exposition Blvd.  
 Sacramento, CA 95815  
 Telephone: (916) 228-8754

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Brian Kearns  
 Attorney  
 California Health Benefit Exchange  
 (Covered California)  
 1601 Exposition Blvd.  
 Sacramento, CA 95815  
 Telephone: (916) 228-8843

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to **ANNALISA FRANCO** at the above contact information.

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

The Exchange 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 and the Initial Statement of Reasons. Copies may be obtained by contacting **ANNALISA FRANCO** at the address or (916) 228-8754 listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of **ANNALISA FRANCO** at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting **Annalisa Franco** at the above address.

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline can be accessed through our website <https://hbex.coveredca.com/regulations>.

Teresa DePaz, Legal Secretary  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Email: [Teresa.DePaz@doj.ca.gov](mailto:Teresa.DePaz@doj.ca.gov)

**TITLE 11. DEPARTMENT OF JUSTICE**

The Office of the Attorney General, Department of Justice (“DOJ”), proposes to amend sections 300, 301, 303, 305, 306, and 308, and related forms incorporated by reference, add sections 300.1, 300.2, and 309 and delete section 307, of Title 11, Division 1, Chapter 4, of the California Code of Regulations, regarding reporting by organizations holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers over which the Attorney General has enforcement and supervisory powers. DOJ also proposes to amend sections 411, 415, 416 and 420, and related forms incorporated by reference, of Title 11, Division 1, Chapter 4.6, of the California Code of Regulations, regarding reporting by organizations conducting raffles.

**PUBLIC HEARING**

DOJ has not scheduled a public hearing on this proposed action. However, DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period pursuant to Government Code section 11346.8.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DOJ. The written comment period closes at 5:00 p.m. on February 11, 2019. DOJ will consider only written comments received at the California Department of Justice, Charitable Trusts Section, 300 S. Spring St., Suite 1702, Los Angeles, CA 90013, by that time. Submit comments to:

James Toma, Supervising Deputy Attorney General  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Email: [James.Toma@doj.ca.gov](mailto:James.Toma@doj.ca.gov)

**AUTHORITY AND REFERENCE**

DOJ proposes to amend sections 300, 301, 303, 305, 306, and 308, and related forms incorporated by reference, add sections 300.1, 300.2, and 309, and delete section 307, of the California Code of Regulations Title 11, Division 1, Chapter 4. DOJ also proposes to amend sections 411, 415, 416 and 420, and related forms incorporated by reference, of the California Code of Regulations, Title 11, Division 1, Chapter 4.6. DOJ is authorized to adopt these regulations pursuant to Government Code section 12586, subdivision (b), and to implement, interpret, and make specific the provisions of section 12580, et seq., of the Government Code (the Supervision of Trustees and Fundraisers for Charitable Purposes Act), and pursuant to Penal Code section 320.5.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**Summary of Existing Laws and Regulations:**

The Supervision of Trustees and Fundraisers for Charitable Purposes Act, Government Code section 12580, et seq. (“the Act”), provides enforcement and supervisory powers over all charitable corporations, unincorporated associations, trustees and other legal entities holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers. The Act establishes the Registry of Charitable Trusts, which is administered by DOJ. (Gov. Code, § 12587.1.) Organizations subject to the Act are required to file periodic reports with the Attorney General. (Gov. Code, §§ 12585, subd. (a) & 12586, subd. (a) [requiring registration and filing of periodic reports]; § 12599, subds. (b) & (c) [requiring commercial fundraisers to register and report]; § 12599.1(c) & (d) [requiring fundraising counsel to register and report]; 12599.2 [requiring specified coventurers to register and report].) The Attorney General is authorized to make rules and regulations regarding the time for filing reports, the content of such reports, and the manner of executing and filing them. (Gov. Code, § 12586, subd. (b).) Sections 300, 301, 303, 305, 306, 308, and 311 of Title 11, Division 1, Chapter 4, and the reporting forms incorporated by reference, implement, interpret, and

make specific the requirements of the above sections of the Government Code.

Penal Code section 320.5 requires annual registration and reporting to conduct lawful raffles, and requires DOJ to furnish registration and reporting forms to collect information required of registered organizations. (Penal Code §320.5, subd. (h)(1), (6) & (7).) DOJ is authorized to adopt regulations necessary to effectuate the Nonprofit raffle program. (Penal Code §320.5, subd. (h)(4).)

**Effect of the Proposed Rulemaking:**

The proposed amendments to sections 300, 301, 303, 305, 306, and 308, the addition of sections 300.1, 300.2, and 309, and the repeal of 307 of Title 11, Division 1, Chapter 4, and amendments to sections 411, 415, 416 and 420 of Chapter 4.6, clarify and make technical changes to the text of the regulations and their related forms and instructions used for registration and periodic reporting.

Additionally, the proposed amendments to section 300, and the related Form CT-1 initial registration form and instructions incorporated by reference, seek additional information from charitable organizations including:

- All names the organization uses or has used (e.g., doing business as);
- All states in which the organization does business and/or solicits donations;
- All non-profit organizations with which the organization shares revenue or governance;
- The circumstances concerning any denial, revocation, or modification of the organization’s IRS or FTB tax-exempt status;
- The circumstances concerning any suspension or revocation of the organization’s corporate status by the Secretary of State;
- All officers, directors, trustees, or employees related by blood, marriage or adoption;
- The circumstances concerning any court or administrative proceedings in any state regarding solicitation or registration by the organization or any of its officers, directors, or trustees; and
- All officers, directors, or trustees convicted of any crime involving the misuse or misappropriation of funds or any crime involving deception in the operation of a charity.

Because Form CT-1 and instructions are now incorporated by reference, the amendments delete the superfluous numbered items (1) through (20) under 300(b) that specify the information required by Form CT-1.

Proposed section 300.1 defines the term “educational institution” for purposes of such organizations that are

exempt from the registration and reporting requirements of the Act.

Proposed section 300.2 defines the required elements for purposes of government-related organizations that are exempt from the registration and reporting requirements of the Act.

The proposed amendments to section 301, and related forms and instructions, provide that those organizations required to register and file annual reports with the DOJ Registry of Charitable Trusts (“Registry”), whose revenue exempts them from filing IRS Form 990, 990-PF or 990-EZ, must file an annual treasurer’s report with the Registry (Form CT-TR-1). The proposed treasurer’s report makes section 307 irrelevant, and that section is therefore proposed for deletion. The treasurer’s report enhances transparency and provides basic information that the public can use to make donation decisions, and additionally provides DOJ with basic information to assess any problems with the organization or the need for further investigation by DOJ.

The amendments to the regulations and forms also include:

- Addition of a question to the Form RRF-1 regarding charitable organizations holding restricted net assets while reporting negative unrestricted net assets, required pursuant to Government Code section 12599.8;
- Addition of requests for information on Form RRF-1 regarding total and program expenses, as well as noncash contributions;
- Minor changes to the fee schedule, in favor of charitable organizations, as a result of not requiring rounding up revenue figures that would then require a higher fee;
- Attachment of privacy notices to applicable forms;
- Addition of provisions that forms that are statutorily required to be “signed under oath” be filed under penalty of perjury;
- Clarification of which completed annual Internal Revenue Service forms must be filed with the Registry;
- Requirement of an email address on forms as an additional method of contact;
- Clarification that commercial fundraisers must report national revenue, not just California revenue;
- Addition of a question to the commercial fundraiser report form regarding written contracts to ensure that commercial fundraisers are in compliance with the applicable statute; and
- Miscellaneous technical and non-substantive amendments.

Proposed section 309 clarifies that the Attorney General may require all filings under the Act to be made electronically and with the use of electronic transfers.

The proposed amendments to section 420 and raffle Form CT–NRP–2 include:

- Request whether direct costs of raffle exceed 10% of gross receipts received from ticket sales and if organization used funds from sources other than ticket sales to offset costs; and
- Confirmation that raffle funds were not used for any purpose outside of California.

Clarifying the forms and instructions that charitable entities and fundraising professionals file with the Registry benefits registrants, DOJ, and the public. Registrants will understand what information must be provided without assistance from the Registry. Forms that are complete when filed and contain accurate information help DOJ fulfill its oversight responsibilities. Registry staff saves time and resources by not having to answer unnecessary questions, allowing forms to be processed more efficiently. The public benefits from receiving information quickly by which they may assess the performance of charities who file forms and reports with the Registry.

**Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to the proposed regulations.

**Determination of Inconsistency/Incompatibility with Existing State Regulations:**

DOJ has evaluated the proposal and finds that it is not inconsistent or incompatible with existing state regulations.

**Forms Incorporated by Reference — Title 11, Div. 1, Ch. 4, sections 300–316, California Code of Regulations.**

- Form CT–1 Initial Registration Form and Instructions thereto (Orig. 09/2017)
- Form CT–TR–1 Annual Treasurer’s Report and Instructions thereto (Orig. 09/2017)
- Form RRF–1 Annual Registration Renewal Fee Report and Instructions thereto (Rev. 09/2017)
- Form CT–1CF Commercial Fundraiser for Charitable Purposes Annual Registration Form and Instructions thereto (Rev. 09/2017)
- Form CT–2CF Commercial Fundraiser for Charitable Purposes Annual Financial Report and Instructions thereto (Rev. 09/2017)
- Form CT–2TCF Commercial Fundraiser for Charitable Purposes Thrift Store Annual Financial Report and Instructions thereto (Rev. 09/2017)
- Form CT–2VCF Vehicle Donation Program Annual Financial Report and Instructions thereto (Rev. 09/2017)

- Form CT–3CF Registration Fundraising Counsel and Instructions thereto (Rev. 09/2017)
- Form CT–4CF Bond Form and Instructions thereto (Rev. 09/2017)
- Form CT–5CF Registration Commercial Coventurer and Instructions thereto (Rev. 09/2017)
- Form CT–6CF Annual Financial Report Commercial Coventurer and Instructions thereto (Rev. 09/2017)
- Form CT–8CF Deposit by Assignment and Instructions thereto (Rev. 09/2017)
- Form CT–9CF Receipt for Notice of Assignment Commercial Fundraiser and Instructions thereto (Rev. 09/2017)
- Form CT–10CF Notice of Intent to Solicit for Charitable Purposes Commercial Fundraiser (Rev. 09/2017)
- Form CT–11CF Notice of Intent to Provide Services Fundraising Counsel (Rev. 09/2017)

**Forms Incorporated by Reference — Title 11, Div. 1, Ch. 4.6, sections 410–426, California Code of Regulations**

- Form CT–NRP–1 Nonprofit Raffle Registration Form and Instructions thereto (Rev. 09/2017)
- Form CT–NRP–2 Nonprofit Raffle Report and Instructions thereto (Rev. 09/2017)

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*DOJ has made the following initial determinations:*

Mandate by federal law or regulation: None.

Other statutory requirements: None.

Mandate on local agencies and school districts: None.

Cost or savings to any State agency: No cost, and will allow DOJ to make early assessments in the initial stage of investigation and to process reporting more efficiently.

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.

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 business: None. Every charitable entity is required by law to maintain books and records sufficient to account for its assets, including revenue and disbursements. DOJ is not aware of any cost impacts.



Significant effect on housing costs: None.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations will not create or eliminate jobs in California or create, eliminate or affect the expansion of California businesses. The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the State's environment. The proposed regulations will assist DOJ in assuring charitable assets donated by California residents are used for the intended purpose and for the benefit of California beneficiaries of charity.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

DOJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. In some circumstances, the amendments may save charitable organizations \$25 to \$75 in fees by not requiring them to round up their annual revenue.

#### BUSINESS REPORT

The DOJ has determined that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses. Existing law already requires commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers to register and report to the Registry of Charitable Trusts. The proposed amendments do not change these requirements and, instead, clarify the information provided by registrants to the Registry. These amendments will benefit the public who will receive more accurate information, registrants who will understand what information is required without needing to contact Registry staff, and DOJ who will receive more accurate information and save resources by not having to answer individual registrant questions.

#### SMALL BUSINESS DETERMINATION

Pursuant to Government Code section 11342.610, subdivision (b)(6), a "small business" does not include an entity organized as a nonprofit corporation. Therefore, the proposed amendment to Section 301 adding the treasurer's report does not affect small businesses. Furthermore, the additional proposed amendments to the regulations only clarify reporting requirements or make other non-significant changes to regulations and

reports that impose no adverse economic impacts on charitable entities or fundraising professionals. There is no adverse economic impact on small businesses.

#### CONSIDERATION OF ALTERNATIVES

DOJ 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. DOJ invites interested persons to present statements or comments with respect to alternatives to the proposed amendments during the written comment period.

#### CONTACT PERSON

General or substantive comments concerning this proposed rulemaking, including requests for copies of documents associated with this action such as the text of the proposed amendments and related forms, should be directed to:

James Toma, Supervising Deputy Attorney General  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6549  
Fax: (213) 897-7605  
Email: [James.Toma@doj.ca.gov](mailto:James.Toma@doj.ca.gov)

Teresa DePaz, Legal Secretary  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6561  
Fax: (213) 897-7605  
Email: [Teresa.DePaz@doj.ca.gov](mailto:Teresa.DePaz@doj.ca.gov)

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED AMENDMENTS, AND RULEMAKING FILE

DOJ will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at California Department of Justice, Charitable Trusts Section, 300 S. Spring St., Suite 1702, Los Angeles, CA 90013, and on the DOJ website at [www.oag.ca.gov/charities](http://www.oag.ca.gov/charities). The rulemaking

file consists of this notice, the text of proposed amendments, the initial statement of reasons, and any information upon which the DOJ is basing this proposal. Copies of these documents are also available upon request by contacting James Toma or Teresa DePaz at the above listed address.

**AVAILABILITY OF  
CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ 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 it adopts the regulation amendments as revised. Please send requests for copies of any modified regulations to James Toma or Teresa DePaz at the contact information above (Contact Person). DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Teresa DePaz, Legal Secretary, at the above contact information.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed amendments and related forms will be posted and available for downloading on our website: [www.oag.ca.gov/charities](http://www.oag.ca.gov/charities).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR  
Los Padres Dam Gravel Augmentation Project  
(Tracking Number: 1653-2018-030-001-R4)  
Monterey County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on December 17, 2018 that the Monterey Peninsula Water Management District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the removal of an old fish ladder that is no longer serviceable and the periodic placement of gravel to increase the amount of available spawning and rearing habitat downstream of the dam. The proposed project will be carried out on the Carmel River, located immediately downstream of the Los Padres Dam plunge pool at river mile 24.8, Monterey County, California.

On September 13, 2018, the Central Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Los Padres Dam Gravel Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 32718WQ18) for coverage under the General 401 Order on September 28, 2018.

The Monterey Peninsula Water Management District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake

or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Monterey Peninsula Water Management District will have the opportunity to submit under Fish and Game Code section 1652.

**FISH AND GAME COMMISSION**

**Section 27.65, Filleting of California Sheephead on Vessels.**  
 (OAL Notice Number Z-2018-1106-09)  
 and  
**Section 29.06, Recreational Take of Purple Sea Urchin**  
 (OAL Notice Number Z-2018-1113-10)

On November 16, 2018, the Fish and Game Commission (Commission) provided notice of its intent to amend Section 27.65, Title 14, California Code of Regulations (CCR), concerning filleting of California sheephead on vessels. And on November 23, 2018, the Commission provided notice of its intent to adopt Section 29.06, Title 14, CCR, concerning the recreational take of purple sea urchins. The notices were published in California Regulatory Notice Registers 2018, No. 46-Z and 2018, No. 47-Z, respectively.

At the time the notices were published, the location for the adoption hearing was not yet determined. In addition, at its December 13, 2018 meeting, the Commission changed the adoption hearing from February 7, 2019 to February 6, 2019.

The Commission will consider adoption of the proposed regulations at a public hearing to be held in the **Resources Building Auditorium, 1416 Ninth Street, First Floor, Sacramento, California, on Wednesday, February 6, 2019, at 8:00 a.m.**, or as soon thereafter as the matter may be heard. Any person interested may present statements, orally or in writing, relevant to these actions at the hearing.

The original notices, initial statements of reasons, and proposed regulatory language, are posted on the Commission’s website at <http://www.fgc.ca.gov>.

**OAL REGULATORY DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or [mmolina@oal.ca.gov](mailto:mmolina@oal.ca.gov).

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW**

**2018 OAL DETERMINATION NO. 7 (OAL MATTER NO. CTU2018-0601-01)**

**REQUESTED BY:** Andrea Cardosa  
**CONCERNING:** Memorandum dated January 2, 2018; Milestone Completion Credits and Education Credits, issued by the California Department of Corrections and Rehabilitation

**DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.**

**SCOPE OF REVIEW**

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regula-

tions. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

### CHALLENGED RULE

The challenged rule was issued by the Department of Corrections and Rehabilitation (Department) and is contained in a memorandum dated January 2, 2018, with the subject “Milestone Completion Credits and Education Merit Credits.” The January 2, 2018, “Milestone Completion Credits and Education Merit Credits” memorandum details policies and procedures for the awarding of Milestone Completion and Education Credits to inmates who participate in approved rehabilitative programs. It is attached as Exhibit A, and hereafter referred to as the “Memorandum.”

### DETERMINATION

OAL determines that the Memorandum meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. The Memorandum is, therefore, an underground regulation.

### FACTUAL BACKGROUND

On June 1, 2018, Andrea Cardosa (Petitioner) submitted a petition to OAL challenging the Memorandum as an underground regulation. The Memorandum was issued by Shannon M. Swain, Superintendent, Office of Correctional Education for the Department. It was issued on January 2, 2018, directed to “Principals,” and copied to many others in the Department.

OAL accepted the petition for consideration on July 31, 2018. The petition was published in the California Regulatory Notice Register on August 17, 2018. Comments from the public were solicited until September 17, 2018. OAL received three comments from the public, all supportive of Ms. Cardosa’s petition. A response to the petition from the Department was due no later than October 1, 2018. No response was received from the Department.

The Memorandum is directed to facility Principals and the staff of the Department and contains instructions on how “inmates may be eligible to receive credit for satisfactory attendance and participation in approved rehabilitative programs.” It is a seven page memo that is to be used by education supervisors to evaluate whether an inmate may be awarded Milestone Completion Credit. OAL’s review and analysis is limited to the criteria specifically challenged by Petitioner under the subject “College” on page four of the Memorandum, which lists the following:

For MCC [Milestone Completion Credit], the college must be accredited by an agency recognized by the United States Department of Education (USDOE) at the time of course completion. EMC [Education Merit Credit] may only be issued for regionally accredited colleges and universities.

- One MCC may be awarded per qualifying course
- Inmate–students must have a verified HSD/HSE [High School Diploma/High School Equivalency] to enroll in college courses for MCC
- Each qualifying course must be transferable to an AA/AS or BA/BS degree and provide a minimum of three (3) semester units or four (4)/five (5) quarter units
- Units earned above or below these amounts may not be “banked” or combined with other units
- Career (e.g., Paralegal) and certificate programs (e.g. Servsafe) do not qualify for College MCC
- College courses approved for MCC must lead to a degree
- OCE CTE [Office of Correctional Education Career Technical Education] courses which are articulated with a college are not eligible for college MCC
- College courses that replicate OCE curriculum are not eligible for college MCC, in accordance with the Memorandum of Understanding between the Community College Chancellors Office and the California Department of Corrections and Rehabilitation and amendment of Education Code Section 84810.5, which states: *The courses for inmates (provided by community college) in a state correctional facility developed as a result of this*

<sup>1</sup> As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.



*agreement will serve to supplement, but not duplicate or supplant, any adult education course opportunities at that facility by the Office of Correctional Education of the Department of Corrections and Rehabilitation.*

## UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

## ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law

enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, §11342, subd. (g)).<sup>2</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>3</sup>

The Memorandum indicates that it is directed to “Principals” and “Department staff” throughout the state and applies to all inmates who seek to obtain Milestone Completion Credit. As such, the rule applies generally to all inmates.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

Penal Code section 5054 specifically provides that the care and custody of inmates, as well as the management and control of state prisons, is vested in the Secretary of the Department. It states:

Commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation.

Penal Code section 2933.05(b) provides that inmates “shall have a reasonable opportunity to participate in program credit qualifying assignments in a manner consistent with institutional security and available resources.”

The Secretary, through the Department’s Superintendent, Office of Correctional Education, is implementing, interpreting and making specific the duties delegat-

<sup>2</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>3</sup> See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

ed to the Secretary pursuant to sections 2933.05(b) and 5054 of the Penal Code when deciding how and when inmates will receive Milestone Completion Credit in the Memorandum.

The Memorandum specifically states that its purpose is to provide Principals and “Department staff with information regarding the new Milestone Completion Credits (MCC) and Education Merit Credits (EMC).” It further states: “Proposition 57 regulations stipulate that inmates may be eligible to receive credit for satisfactory attendance and participation in approved rehabilitative programs.” The Proposition 57 regulations the Memorandum is referring to are, among others, sections 3043 and 3043.3 of the California Code of Regulations (CCR). The Memorandum indicates that section 3043 of title 15, of the CCR “identifies the criteria necessary for a program to qualify for MCC” and then sets forth further requirements implementing sections 3043 and 3043.3, which specifically addresses Milestone Completion Credit.

Two examples of where the Memorandum goes beyond what is in Title 15, section 3043.3, of the CCR are as follows:

First, the Memorandum states that “[u]nits earned above or below [a minimum of three (3) semester units or four (4)/five (5) quarter units] may not be ‘banked’ or combined with other units.” However, Title 15 of the CCR, subdivision 3043.3(c) seems to state the contrary. It states, in relevant part, that “Milestone Completion Credit shall be awarded in increments of not less than one week, but no more than twelve weeks in a twelve-month period. Milestone Completion Credit earned in excess of this limit shall be awarded to the inmate on his or her next credit anniversary, defined as one year after the inmate completes his or her first Milestone Completion Credit program, and each year thereafter.” In other words, the regulation seems to allow credits earned to be “banked” and used the following year, while the Memorandum prohibits this.

Second, the Memorandum states that “[c]ollege courses approved for MCC must lead to a degree.” However, Title 15 of the CCR, subdivision 3043.3(d), does not impose such a requirement. It states, in relevant part:

(d) A Milestone Completion Credit Schedule (REV 07/18) is hereby incorporated by reference. The schedule identifies all of the approved Milestone Completion Credit programs, the corresponding credit reduction for successful completion of each program, and whether credit for repeating the program is authorized. The department may authorize a program be repeated for credit if there are significant rehabilitative

benefits to be gained by those inmates who retake the program.

Page 2 of the Milestone Completion Credit Schedule shows that a college course of 3 semester units or 4–5 quarter units provides a credit of 3 weeks, but it does not specify that the college course must lead to a degree. The Memorandum further interprets and makes specific the regulation by requiring the college course to lead to a degree.

The Memorandum does not merely restate section 3043.3 of title 15, but goes beyond what is in section 3043.3 of title 15 of the CCR by further implementing, interpreting and making it more specific.

The Memorandum contains generally applicable rules that further implement, interpret and make more specific sections 3043 and 3043.3 of title 15 of the CCR, as well as Penal Code sections 5054 and 2933.05(b) and Proposition 57. It therefore meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the Memorandum falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department has not identified an express statutory exemption from the APA that would apply to the Memorandum, nor did OAL find such an exemption.

## CONCLUSION

In accordance with the above analysis, OAL determines that the Memorandum meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. The Memorandum, therefore, is an underground regulation.

Date: December 17, 2018

/s/

Debra M. Cornez

Director

/s/

Thanh Huynh

Senior Attorney

Cc: Ralph Diaz, Secretary (A)  
Ying Sun, Acting Chief RPMB

**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# 2018-1114-03  
AIR RESOURCES BOARD  
Amendments to Low-Emission Vehicle III GHG Regulation

The California Air Resources Board is amending regulations to make clear that the “deemed to comply” option for the 2017 through 2025 model years is only applicable if the currently adopted federal regulations, as they existed as of the date the 2017 Final Determination was released (incorporated in the Code of Federal Regulations and last amended in October 25, 2016), is in effect. The “deemed to comply” option is the acceptance of federal program compliance as providing equivalent or better overall greenhouse gas reductions in the state compared to California’s program.

Title 13  
AMEND: 1961.2, 1961.3  
Filed 12/12/2018  
Effective 12/12/2018  
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-1207-02  
CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING  
AUTHORITY  
Commercial Energy Efficiency Financing Program

This emergency rulemaking by the California Alternative Energy and Advanced Transportation Financing Authority (Authority) adopts sections to establish the Commercial Energy Efficiency Financing Program. This is one of several pilot programs authorized under the CPUC-approved Decision Implementing 2013-14 Energy Efficiency Financing Pilot Programs and establishes affordable financing to small business owners undertaking emergency efficiency retrofit projects.

Title 4  
ADOPT: 10092.1, 10092.2, 10092.3 10092.4,  
10092.5, 10092.6, 10092.7, 10092.8, 10092.9,  
10092.10, 10092.11, 10092.12, 10092.13, 10092.14  
Filed 12/17/2018  
Effective 12/17/2018  
Agency Contact: David Gibbs (916) 653-2212

File# 2018-1205-01  
CALIFORNIA DEPARTMENT OF TAX AND FEE  
ADMINISTRATION  
Regulations Implementing Part 8.7 of Division 3 of Title 2 of the Government Code

This action is a second readopt of prior emergency regulations (file nos. 2018-0308-01, 2018-0906-01) that govern appeal procedures for various taxes and fees administered by the Department of Tax and Fee Administration. Pursuant to Government Code section 15570.40, this action is deemed an emergency and exempt from OAL review.

Title 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,  
5626, 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

Filed 12/17/2018  
Effective 12/17/2018  
Agency Contact: Richard Bennion (916) 455-2130

File# 2018-1030-05  
CALIFORNIA SCHOOL FINANCE AUTHORITY  
Project Acceleration Notes and Credit Enhancement  
Alternative Program

In 2017, the U.S. Department of Education awarded a grant to the California School Finance Authority (Authority). The funds from this grant will be disbursed

through the Authority’s Project Acceleration Notes and Credit Enhancement Alternatives (PANACEA) Program to provide credit enhancement to facilitate the financing of the purchase, construction, and/or renovation of facilities for California Public Charter Schools. In this resubmitted regulatory action, the Authority adopts regulations to implement the Authority’s administration of these funds. The regulations address eligibility criteria for the program, award allocation and eligible use of program funds, application review and evaluation criteria, content of applications, audits and conflicts of interest, and funding contingency.

Title 4  
 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7  
 Filed 12/12/2018  
 Effective 12/12/2018  
 Agency Contact:  
 Katrina Johantgen (213) 620–2305

File# 2018–1130–02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Industrial Hemp Cultivation, List of Approved Seed Cultivars

The California Department of Food and Agriculture (CDCA) is adopting methodology and procedures to add, amend, or remove an industrial hemp seed cultivar from the list of approved seed cultivars. The adoption of the methodology and procedures is exempt from the Administrative Procedure Act and review by the Office of Administrative Law pursuant to Food and Agricultural Code section 81002(c)(1) and (c)(3).

Title 3  
 ADOPT: 4921  
 Filed 12/18/2018  
 Effective 12/18/2018  
 Agency Contact: Dean Kelch (916) 403–6650

File# 2018–1030–02  
 DEPARTMENT OF HEALTH CARE SERVICES  
 eTAR Mandate

This action establishes processes for submission of electronic Treatment Authorization Requests (eTARs) under the Medi–Cal program.

Title 22  
 ADOPT: 51002.5  
 AMEND: 51003.1  
 Filed 12/13/2018  
 Effective 04/01/2019  
 Agency Contact: David Kim (916) 345–8399

File# 2018–1207–03  
 DEPARTMENT OF PARKS AND RECREATION  
 Grants and Cooperative Agreement Program

This rulemaking action updates existing regulations that govern administration of grants to eligible agencies and organizations to develop, maintain, expand, and manage Off–Highway Motor Vehicle (OHV) recreation areas.

Title 14  
 ADOPT: 4970.17.1  
 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2  
 Filed 12/14/2018  
 Effective 01/01/2019  
 Agency Contact: Jessica Terry (916) 319–8540

File# 2018–1210–01  
 DEPARTMENT OF PUBLIC HEALTH  
 Skilled Nursing Facilities 3.5 Direct Care Hours

This emergency rulemaking action by the Department of Public Health readopts and amends regulations originally adopted in emergency action 2018–0619–02 that implement minimum staffing requirements for skilled nursing facilities as established by statutes 2017, chapter 52 (SB 97).

Title 22  
 AMEND: 72329.2  
 Filed 12/19/2018  
 Effective 12/29/2018  
 Agency Contact: Anita Shumaker (916) 440–7718

File# 2018–1204–03  
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
 Processing Payments

This emergency rulemaking by the Department of Resources Recycling and Recovery establishes fixed, reasonable financial returns for urban and rural recycling centers for the 2019 calendar year.

Title 14  
 AMEND: 2975  
 Filed 12/13/2018  
 Effective 12/13/2018  
 Agency Contact: Thomas Vallance (916) 322–4256

File# 2018–1107–03  
 DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
 Non–Substantive Correction to Import/Export Rule Revisions



This action makes non-substantive corrections to the recently adopted Import/Export regulations in title 22.

Title 22  
 AMEND: 66262.41  
 Filed 12/19/2018  
 Effective  
 Agency Contact: Victoria Rouse (916) 323-3388

File# 2018-1213-01  
 DEPARTMENT OF WATER RESOURCES  
 Annual Fees — Dam Safety Program

In this emergency action, the Department of Water Resources (Department) readopts the method for determining the fee schedule to cover the Department's reasonable budgetary costs to carry out the Department's Dam Safety Program.

Title 23  
 AMEND: 315, 316  
 Filed 12/19/2018  
 Effective 12/25/2018  
 Agency Contact:  
 Marcelino Alcantar (916) 227-4640

File# 2018-1119-02  
 FAIR POLITICAL PRACTICES COMMISSION  
 Gift Limit, Cost of Living Adjustments (COLA)

The Fair Political Practices Commission submitted this action to amend regulations addressing campaign contribution limits, voluntary expenditure ceilings, and gift limit amounts.

Title 2  
 AMEND: 18545, 18700, 18730, 18940.2  
 Filed 12/12/2018  
 Effective 01/11/2019  
 Agency Contact: Ginny Lambing (916) 322-5560

File# 2018-1031-01  
 OFFICE OF SPILL PREVENTION AND RESPONSE  
 Financial Responsibility

This certificate of compliance action makes permanent the prior emergency actions to implement changes regarding financial responsibility for oil spills pursuant to Senate Bill 861 (Stats. 2014, ch. 35). (See OAL File Nos. 2015-0825-03; 2016-0822-02; 2017-0727-03; 2018-0720-01.)

Title 14  
 ADOPT: 798  
 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 Filed 12/17/2018  
 Effective 01/01/2019  
 Agency Contact: Christine Kluge (916) 327-0910

File# 2018-1031-02  
 OFFICE OF SPILL PREVENTION AND RESPONSE  
 Oil Spill Response Organization Ratings

This certificate of compliance action by the Office of Spill Prevention and Response makes permanent the prior emergency actions (OAL File Nos. 2015-1002-05EFP, 2016-0927-03EFP, 2017-0727-06EFP, and 2018-0720-04EFP) that implement changes regarding oil spill response organization ratings for oil spills in accordance with recent amendments to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Stats. 2014, ch. 35, SB 861).

Title 14  
 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 Filed 12/17/2018  
 Effective 01/01/2019  
 Agency Contact: Christine Kluge (916) 327-0910

File# 2018-1031-03  
 OFFICE OF SPILL PREVENTION AND RESPONSE  
 Drills and Exercises — Inland Facilities

This certificate of compliance resubmittal action makes permanent the readopted emergency file and print regulations for drills and exercises to be performed at inland facilities. (See OAL Matter No. 2018-0720-02EFP.)

Title 14  
 ADOPT: 820.02  
 Filed 12/17/2018  
 Effective 01/01/2019  
 Agency Contact: Christine Kluge (916) 327-0910

File# 2018-1031-04  
 OFFICE OF SPILL PREVENTION AND RESPONSE  
 Oil Spill Contingency Plans (Inland facilities) & Definitions and Abbreviations

In this resubmitted certificate of compliance, the Office of Spill Prevention and Response makes permanent the prior emergency actions (OAL File Nos. 2015-0825-05EFP, 2016-0822-03EFP, 2017-0727-04EFP). The regulations amend a section to modify existing definitions and abbreviations. It also adopts a new section to establish contingency plan requirements for "Inland Facilities."

Title 14  
 ADOPT: 817.04  
 AMEND: 790  
 Filed 12/17/2018  
 Effective 01/01/2019  
 Agency Contact: Christine Kluge (916) 327-0910

File# 2018-1204-08  
 STATE ALLOCATION BOARD  
 Full-Day Kindergarten Facilities Grant Program

This emergency rulemaking action implements the Full-Day Kindergarten Facilities Grant Program created through Assembly Bill 1808, Chapter 32, Statutes of 2018, which appropriated \$100,000,000 from the General Fund to the State Allocation Board to provide one-time grants to school districts to construct new or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms.

Title 2

ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21

Filed 12/14/2018

Effective 12/14/2018

Agency Contact: Lisa Jones (916) 376-1753

File# 2018-1211-02

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; GSD for 5 Years

This rulemaking action by the State Allocation Board extends, from January 1, 2019 to January 1, 2024, the sunset date for the additional General Site Development Grant that school districts may be eligible for under the School Facility Program (SFP). This grant program helps school districts cover the extra costs involved when they build new schools or add additions to existing schools requiring the development of new acreage. These extra costs include: landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields.

Title 2

AMEND: 1859.76

Filed 12/18/2018

Effective 12/18/2018

Agency Contact: Lisa Jones (916) 376-1753

File# 2018-1119-01

STATE LANDS COMMISSION

Conflict-of-Interest Code

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

Title 2

AMEND: 2970

Filed 12/12/2018

Effective 01/11/2019

Agency Contact: Anne Kerri (916) 574-1912

File# 2018-1030-03

State Water Resources Control Board

Los Angeles (LA) Region Basin Plan Salt and Nutrient Management for Raymond Groundwater (GW) Basin

This action by the State Water Resources Control Board amends the Los Angeles Region's Basin Plan by adding salt and nutrient management measures to the Raymond Groundwater Basin in Los Angeles County into Chapter 8 titled "Groundwater Quality Management — Sustainability and Basin-Specific Protection of Groundwater."

Title 23

ADOPT: 3939.56

Filed 12/13/2018

Effective

Agency Contact: Ginachi Amah (213) 576-6685

File# 2018-1030-04

STATE WATER RESOURCES CONTROL BOARD

LA Region Basin Plan Salt and Nutrient Management for San Gabriel Groundwater Basin

This action by the State Water Resources Control Board amends the Los Angeles Region's Basin Plan by incorporating salt and nutrient management measures, contained in the Salt and Nutrient Management Plan for the Main San Gabriel Groundwater Basin in Los Angeles County, into Chapter 8 titled "Groundwater Quality Management — Sustainability and Basin-Specific Protection of Groundwater."

Title 23

ADOPT: 3939.55

Filed 12/13/2018

Effective 12/13/2018

Agency Contact: Ginachi Amah (213) 576-6685

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN July 18, 2018 TO  
December 19, 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**

12/18/18 AMEND: 1859.76

12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8,

	1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21	08/02/18 AMEND: 3591.2 07/31/18 AMEND: 3 07/19/18 AMEND: 3591.2
12/12/18	AMEND: 2970	<b>Title 4</b>
12/12/18	AMEND: 18545, 18700, 18730, 18940.2	12/17/18 ADOPT: 10092.1, 10092.2, 10092.3 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
12/05/18	REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445	12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7
12/04/18	AMEND: 1897	11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329
11/29/18	ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97	11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429
11/27/18	AMEND: 1897	11/20/18 AMEND: 1632
11/08/18	ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17	11/20/18 AMEND: 1843.3
10/29/18	AMEND: 1896.99.100, 1896.99.120	11/20/18 AMEND: 8078.3, 8078.15
10/22/18	ADOPT: 18215.4	11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
10/11/18	AMEND: 1859.51(e)	11/02/18 AMEND: 8078.8, 8078.10
09/27/18	AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009	10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
09/26/18	AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1	10/18/18 AMEND: 1843.2
09/26/18	AMEND: 59760	10/18/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14
09/24/18	AMEND: 18700.2	09/26/18 AMEND: 12205.1
09/20/18	AMEND: 559.885	09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
09/20/18	ADOPT: 211.2 AMEND: 211	09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
09/13/18	ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5	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
09/11/18	AMEND: 1859.77.3	08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
08/02/18	ADOPT: 59830	07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190
08/01/18	AMEND: 58200	07/18/18 AMEND: 2050
<b>Title 3</b>		<b>Title 5</b>
12/18/18	ADOPT: 4921	12/05/18 AMEND: 19810
11/29/18	AMEND: 3899	
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	

10/22/18 ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 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

**Title 8**

11/26/18 AMEND: 9789.25  
 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, 13872, 13873, 13874

**Title 9**

10/04/18 AMEND: 4350  
 08/20/18 ADOPT: 4020, 4020.1

**Title 10**

11/29/18 ADOPT: 2509.80, 2509.81, 2509.82  
 11/27/18 AMEND: 3704  
 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

**Title 11**

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

**Title 12**

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

**Title 13**

12/12/18 AMEND: 1961.2, 1961.3  
 12/04/18 ADOPT: 425.01  
 11/29/18 AMEND: 17.00  
 11/27/18 AMEND: 1157.21  
 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

**Title 14**

12/17/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 12/17/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 12/17/18 ADOPT: 820.02



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12/17/18	ADOPT: 817.04 AMEND: 790	<b>Title 15</b>	
12/14/18	ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2	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
12/13/18	AMEND: 2975		
12/10/18	ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]	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
11/28/18	ADOPT: 716 AMEND: 300		
11/28/18	ADOPT: 42 AMEND: 43, 651, 703		
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	11/01/18	ADOPT: 3999.25
10/30/18	AMEND: 11600	10/30/18	ADOPT: 3329.5
10/29/18	AMEND: 17041, 17042, 17043, 17044, 17045, 17046	10/29/18	REPEAL: 3999.20
10/29/18	AMEND: 1038	10/22/18	ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
10/16/18	AMEND: 890	10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
10/16/18	AMEND: 1038	10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1
10/15/18	AMEND: 895, 895.1, 912.9, 932.9, 952.9	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
09/17/18	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	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
09/06/18	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	09/13/18	AMEND: 1006, 1029, 1041, 1050, 1069, 1206
07/30/18	ADOPT: 820.02	08/20/18	AMEND: 3294.5
07/30/18	ADOPT: 817.04 AMEND: 790	08/13/18	AMEND: 3000, 3190, 3213
07/30/18	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07	08/06/18	ADOPT: 3999.98, 3999.99, 3999.320 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as
07/19/18	AMEND: 3805.1		

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3999.226,	3087.2	renumbered	as	08/29/18	AMEND: 1805.01, 1816, 1816.1, 1820,
3999.227,	3087.3	renumbered	as		1820.5, 1820.7, 1821, 1822, 1822.51,
3999.228,	3087.4	renumbered	as		1822.52, 1829.2, 1829.3, 1833, 1833.1,
3999.229,	3087.5	renumbered	as		1845, 1846, 1870, 1874, 1886
3999.230,	3087.6	renumbered	as	08/08/18	REPEAL: 1399.531, 1399.532
3999.231,	3087.7	renumbered	as	08/02/18	AMEND: 3340.17, 3340.41, 3340.45
3999.232,	3087.8	renumbered	as	08/01/18	AMEND: 2070, 2071
3999.233,	3087.9	renumbered	as	<b>Title 17</b>	
3999.234,	3087.10	renumbered	as	10/10/18	AMEND: 35095
3999.235,	3087.11	renumbered	as	10/09/18	ADOPT: 40127, 40132, 40190, 40191,
3999.236,	3087.12	renumbered	as		40192, 40194, 40196
3999.237,	3350	renumbered	as	09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451,
3999.200(a),	3350.1	renumbered	as		2452, 2453, 2455, 2456, 2458, 2459,
3999.200(b),	(c), and (d),	3350.2	renumbered as		2460, 2461, 2462, 2464, 93116.1,
3999.200(f),	(g), and (h),	3351	renumbered as		93116.2, 93116.3, 93116.4
3999.210,	3353	renumbered	as	09/24/18	AMEND: 60201, 60205, 60210
3999.202,	3353.1	renumbered	as	09/05/18	ADOPT: 100650
3999.203,	3354.2	renumbered	as	08/29/18	AMEND: 60065.18, 60075.17
3999.206,	3356	renumbered	as	08/21/18	AMEND: 35083, 35087
3999.410,	3357	renumbered	as	07/24/18	AMEND: 100000
3999.440,	3358	renumbered	as	07/19/18	AMEND: 30305
3999.375,	3359	renumbered	as	07/19/18	AMEND: 6508
3999.411,	3359.8	renumbered	as	<b>Title 18</b>	
3999.200(e)				12/17/18	ADOPT: 35001, 35002, 35003, 35004,
08/01/18	AMEND: 3350, 3350.1				35005, 35006, 35007, 35008, 35009,
<b>Title 16</b>					35010, 35011, 35012, 35013, 35014,
12/05/18	AMEND: 1380.3, 1380.6, 1381, 1381.1,				35015, 35016, 35017, 35018, 35019,
	1381.4, 1381.5, 1381.7, 1382, 1382.3,				35020, 35021, 35022, 35023, 35024,
	1382.4, 1382.5, 1382.6, 1386, 1387.3,				35025, 35026, 35027, 35028, 35029,
	1387.4, 1387.5, 1387.7, 1388, 1389.1,				35030, 35031, 35032, 35033, 35034,
	1390.1, 1390.3, 1391.3, 1391.4, 1391.5,				35035, 35036, 35037, 35038, 35039,
	1391.6, 1391.7, 1391.11, 1393, 1394,				35040, 35041, 35042, 35043, 35044,
	1395, 1395.1, 1396.5, 1397, 1397.35,				35045, 35046, 35047, 35048, 35049,
	1397.50, 1397.51, 1397.53, 1397.54,				35050, 35051, 35052, 35053, 35054,
	1397.55, 1397.60, 1397.61, 1397.62,				35055, 35056, 35057, 35058, 35060,
	1397.67, 1397.69, 1397.70 REPEAL:				35061, 35062, 35063, 35064, 35065,
	1381.6, 1397.63, 1397.64, 1397.65,				35066, 35067, 35101 AMEND: 1032,
	1397.66, 1397.68, 1397.71				1124.1, 1249, 1336, 1422.1, 1705.1,
12/03/18	AMEND: 18				2251, 2303.1, 2433, 3022, 3302.1,
11/28/18	AMEND: 1399.514				3502.1, 4106, 4703, 4903, 5200, 5202,
11/20/18	AMEND: 2450				5210, 5211, 5212, 5212.5, 5213, 5214,
10/25/18	AMEND: 1300.1, 1300.2, 1300.4, 1355,				5216, 5217, 5218, 5219, 5220, 5220.4,
	1355.1, 1355.3 REPEAL: 1333, 1333.1,				5220.6, 5221, 5222, 5222.4, 5222.6,
	1333.2, 1333.3, 1362, 1362.1				5223, 5224, 5225, 5226, 5227, 5228,
10/16/18	AMEND: 2070, 2071				5229, 5230, 5231, 5231.5, 5232, 5233,
10/15/18	AMEND: 1417				5234, 5234.5, 5235, 5236, 5237, 5238,
10/08/18	ADOPT: 1423.1, 1423.2 AMEND: 1418,				5240, 5241, 5242, 5244, 5245, 5246,
	1424, 1426, 1430				5247, 5248, 5249, 5249.4, 5249.6, 5260,
09/17/18	AMEND: 1735.2				5261, 5262, 5263, 5264, 5265, 5266,
09/13/18	ADOPT: 3353.1, 3353.2, 3354, 3355,				5267, 5268, 5700 REPEAL: 1807, 1828,
	3357 AMEND: 3303, 3352, 3353, 3356,				4508, 4609, 4700, 4701, 4702, 5201,
	3358, 3371 REPEAL: 3356.1, 3359,				5210.5, 5215, 5215.4, 5215.6, 5232.4,
	3355				5232.8, 5239, 5243, 5250, 5255, 5256
08/30/18	AMEND: 1399.573			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  
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 08/20/18 AMEND: 301  
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11/30/18 ADOPT: 4010

**Title 20**

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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  
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 12/19/18 AMEND: 72329.2  
 12/13/18 ADOPT: 51002.5 AMEND: 51003.1  
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 12/04/18 AMEND: 20100.5  
 11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087  
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 10/31/18 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248  
 10/24/18 ADOPT: 66720.14, 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  
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 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,

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	66263.10,	66263.20,	66264.12,	12/13/18	ADOPT: 3939.56
	66264.71,	66265.12,	66265.71,	12/13/18	ADOPT: 3939.55
	66273.39,	66273.40,	66273.41,	11/29/18	ADOPT: 335, 335.2, 335.4, 335.6
	66273.56,	66273.62,	67450.25,		[renumbered to 335.16], 335.8
	67450.44, Article 8 Appendix	REPEAL:			[renumbered from 335.12(a)], 335.10
	66262.50,	66262.52,	66262.53,		[renumbered to 335.12], 335.12
	66262.54,	66262.55,	66262.56,		[335.12(a) renumbered to 335.8;
	66262.57,	66262.58,	66262.60,		335.12(b)–(c) renumbered to 335.6],
	66262.83,	66262.84,	66262.85,		335.14 [renumbered to 335.10], 335.16
	66262.86, 66262.87, 66262.88, 66262.89				[renumbered to 335.14], 335.18, 335.20
08/16/18	AMEND: 5200				AMEND: 310
08/07/18	ADOPT: 60301.120,	60301.850.5,		11/29/18	ADOPT: 3919.18
	60301.851,	60301.852,	60301.853,	11/14/18	AMEND: 3006
	60320.300,	60320.301,	60320.302,	11/05/18	AMEND: 2200, 2200.4, 2200.6
	60320.304,	60320.306,	60320.308,	11/01/18	AMEND: 1062, 1063, 1064, 1066, 1068
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08/24/18	ADOPT: 87468.1, 87468.2	AMEND:			25604.1, 25604.2, 25605, 25605.1,
	87101, 87102, 87109, 87309, 87468,				25605.2.
	87506, 87612, 87615, 87631			08/02/18	ADOPT: 25501.1
08/22/18	ADOPT: 89600, 89601, 89602, 89632,			<b>Title MPP</b>	
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