



California Regulatory Notice Register

REGISTER 2019, NO. 16-Z

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APRIL 19, 2019

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: State Compensation Insurance Fund

ADOPTION

MULTI-COUNTY: Sunol Smart Carpool Lane JPA

A written comment period has been established commencing on April 19, 2019, and closing on June 3, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than June 3, 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 Amanda Apostol, 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 Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. GOVERNMENT OPERATIONS AGENCY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE GOVERNMENT OPERATIONS AGENCY

NOTICE IS HEREBY GIVEN that the Government Operations Agency, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code (COI). A comment period has been established commencing on April 5, 2019, and closing on May 28, 2019. All inquiries should be directed to the contact listed below.

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

Changes to the COI include adding the Director of Performance Improvement and Attorney positions required to file a disclosure statement with the Government Operations Agency, and removing the Chief Data Officer position.

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than June 3, 2019, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than May 18, 2019.

The Government Operations Agency has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Joy Lavin-Jones, Staff Services Manager, (916) 651-9039, Joy.LavinJones@GovOps.ca.gov

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "the Department") is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning April 19, 2019 and ending at 5:00 p.m. on June 3, 2019.** Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to the authority vested by sections 407, 24012, and 24013, Food and Agricultural Code, and to implement, interpret or make specific section 24012 of said Code, the Department is proposing to make changes to section 1280.2 of Chapter 6, Division 2, of

Title 3 of the California Code of Regulations, to read as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Existing law, Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code authorizes the Department of Food and Agriculture (Department) to ensure the integrity of public horse shows, horse competitions, and horse sales through the control of performance and disposition enhancing medications while limiting their permitted therapeutic usage. The Department's Animal Health Branch, Equine Medication Monitoring Program (EMMP) enforces the requirements of these sections of law.

Existing law, section 24012 of the Food and Agricultural Code requires an event manager to charge, collect, and remit fees to the Department for events registered with the Department, and establishes the authority to set the applicable fees by regulation, in consultation with the advisory committee appointed pursuant to section 24013.5.

Fees are collected for each equine being entered in a public show/competition or being consigned to a public sale; fees collected are used to fund the EMMP.

Existing section 1280.2 of Title 3 of the California Code of Regulations specifies the fees for each horse entered per event at horse shows and competitions are \$5.00. This proposal amends section 1280.2 to increase the applicable fees from \$5.00 to \$8.00 for each horse entered in public events, competitions, and sales. As amended, this section also specifies the effective date of the fee increase to begin January 1, 2020.

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with existing State regulations. The Department is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

Anticipated Benefits of the Proposal:

The California equine industry produces goods and services valued at approximately \$8.3 billion and includes approximately 550,000 horses. California horses are mostly used for recreation, the largest sector of the horse industry having nearly 40% of the horse population; sporting which consists of competitions, shows, and racing; and those used for therapeutic purposes. This proposal benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales by preventing any potential misuse of drugs or medications that could fraudulently

mask a disease, condition, or injury of the horse which could place the rider and/or the horse in jeopardy. This proposal is necessary to increase fees to ensure continuity of program services which serve to ensure the Department of Food and Agriculture fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Consistency and Compatibility with Existing State Regulations:

The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations regarding public equine events and sales. There are other State regulations dealing with the proper use of drugs and medications in equines under the California Horse Racing Board (Board) [Division 4 (commencing with section 1400) of Title 4 of the California Code of Regulations], which is separate and distinct from the Department's Equine Medication Monitoring Program. The Department has no jurisdiction over horse racing in the State, yet works together with veterinarians of the Board to ensure consistency of the programs within the State.

Documents Incorporated by Reference:

None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents:

1. Minutes from the September 27, 2018 Equine Medication Monitoring Program Advisory Committee Meeting
2. Minutes from the September 27, 2017 Equine Medication Monitoring Program Advisory Committee Meeting
3. United States Equestrian Federation, 2018 USEF Guidelines & Rules for Drugs and Medications. https://www.usef.org/forms-pubs/2Zp2C_YKs4s/drugs-medications-guidelines
4. Example #1 — Fund Condition Statement W/O Fee Increase
5. Example #2 — Fund Condition Statement W/ Fee Increase
6. Excerpts from the American Horse Council Foundation, Economic Impact of the Horse Industry in California, 2018
7. Brochure dated January 2019, Equine Medication Monitoring Program, Information for Exhibitors and Consignors
8. Brochure dated January 2019, Equine Medication Monitoring Program, Event Registration Instructions and Guidelines

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 et seq. Require Reimbursement:

None.

Business Impact:

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

The Department has made an initial determination that the proposed regulatory action will not have any significant, statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will impact the equine industry in California; will impact persons required to register with the Department any public horse event and sales held in California, and affect persons choosing to participate in public horse events and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015. The Department's proposal affects small businesses.

This proposal affects individuals and businesses choosing to participate in equine events and public sales throughout California.

Cost Impacts on Representative Private Persons or Businesses:

The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulation affects individual and businesses choosing to participate in various equine events held throughout California.

The anticipated compliance requirements as a result of this proposal are as follows:

Paperwork/Reporting Requirement: This proposal increases testing fees collected from persons choosing to participate in equine events and competitions, and equine sales held in California. Current testing fees are \$5 per horse at events; this proposal increases those fees collected to \$8. Existing regulations require the use of

various application, registration and reporting forms for participants and hosts of public equine events and sales in the State.

Effect on Housing Costs:

None.

Effect on Small Business:

The Department's proposal affects small equine businesses choosing to participate in equine events and public sales throughout California.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

Impact on Jobs/New Businesses:

The Department of Food and Agriculture (Department) has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Persons/Businesses Affected by this Proposal:

- California's equine industry — The California horse industry is valued at approximately 8.3 billion dollars with approximately 550,000 horses in California. California horses are mostly used for recreation, the largest sector of the horse industry having nearly 40% of the horse population; sporting which consists of competitions, shows, and racing; and those used for therapeutic purposes.
- Persons required to register equine events — California hosts approximately 1,300 registered equine events annually, ranging from small backyard schooling (practice) shows to internationally recognized endurance events, as well as other types of competition and public horse sales. This proposal will impact persons required to register with the Department any public horse event and sales held in California in accordance with Food and Agricultural Code sections 24001, 24012, and 24015.
- Persons choosing to participate in equine events — This proposed regulation increases drug testing fees collected by event managers of equine events and public horse sales from persons entering horses in their events. The event manager remits these fees to the Department and they are deposited into the Department of Food and Agricultural Fund. The fees are exclusive of any other fees charged by the industry for the administration and management of equine events. Equine events registered with the Department represent approximately 100,000 horse entries into competitions annually. The Department is

proposing a fee increase from \$5 to \$8. This proposal will impact persons choosing to participate in public horse shows and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015.

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

The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State's environment.

The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected equine industry. This regulatory proposal increases testing fees collected and remitted by event managers for horses entered at public shows and sales. The Department believes these changes are necessary to adjust the program's funding source to maintain current program operations and to stabilize the program's reserve account.

The above determinations are based on the fact that the proposed regulations serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Occupations/Businesses Impacted:

This proposal will impact the equine industry in California; will impact persons required to register with the Department any public horse event and sales held in California; and will affect persons choosing to participate in public horse events and sales in accordance with Food and Agricultural Code sections 24001, 24012, and 24015. The Department's proposal affects small businesses.

Business Reporting Requirement:

Paperwork/Reporting Requirement:

There are no new reporting requirements as a result of this proposal. This proposal increases drug testing fees collected from persons choosing to participate in equine events and competitions, and equine sales held in California. Current testing fees are \$5 per horse at events; this proposal increases those fees collected to \$8. Existing regulations require the use of various application, registration and reporting forms for participants and hosts of public equine events and sales in the State.

Comparable Federal Regulations:

This proposal does not duplicate or conflict with federal regulations because there are no federal regulations governing public equine events or sales. The Department of Food and Agriculture is the sole State authority over specified public equine events and sales pursuant

to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal is necessary to increase fees to ensure continuity of program services which serve to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

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 persons named below.

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

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Katie Flynn, BVMS, MRCVS
Equine Staff Veterinarian
Department of Food and Agriculture
Animal Health & Food Safety Services
Division/Administration
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900-5039
E-mail: Katherine.flynn@cdfa.ca.gov

The backup contact person is:

Thamarah Rodgers, Analyst
Department of Food and Agriculture
Animal Health & Food Safety Services
Division/Administration
1220 N Street, Sacramento, CA 95814
Telephone: (916) 698-3276
E-mail: thamarah.rodgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**TITLE 5. EDUCATION AUDIT
APPEALS PANEL**

*Supplement to Audits of K-12
Local Education Agencies
Fiscal Year 2018-19 as of March 1, 2019*

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2018-19, as well as the Guide's incorporating regulation, as described below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Mary Kelly.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes on **Monday, June 3, 2019**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Mary Kelly
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814

Fax: (916) 445-7626
e-mail: mkelly@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.
Reference: Sections 14501, 14502.1, 14503, 42010, and 46146(h) of the Education Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

This rulemaking amends title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language and make reference to the audit guide. It also adopts the Audit Guide for 2018-19, Supplemented as of March 1, 2019, which makes technical revisions and addresses legislative changes that will affect audits and possibly the conditions of apportionment of school funding.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP, and the additional laws and Constitutional provision listed under "Authority cited" below the proposed amended text of Section 19810 as shown below. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K-12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed supplemental changes to the 2018-19 audit guide to be reflected in the 2018-19 audit guide. The proposed changes derive from the Controller's proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in

openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements, and that educational funds are being properly utilized, which would ultimately affect the quality of students' educational experiences. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

Title 5, Division 1.5
Chapter 3. Audits of California K–12 Local
Education Agencies
Article 1. General Provisions

§ 19810. Annual Audit Guides.

The “2018–19 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (July 1, 2018 ~~March 1, 2019~~), adopted by the Education Audit Appeals Panel, is incorporated by reference. The guide provides the audit steps, reporting requirements, and other guidance, for the required annual financial and compliance audits, subject to auditor judgment where alternative or additional audit steps may be appropriate. The annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide and any applicable supplement are available on www.eaap.ca.gov/audit-guide, with paper or electronic copies available on request.

Note: Authority cited: Sections 14502.1 and 47612, Education Code; California Constitution, Article XIII, Section 36, subdiv. (e), subpara 7, and Article XIII A, Section 1, subdiv. (b), subparas 3(C) and 3(D). Reference: California Constitution Article XIII B, Section 1.5; and Sections 2574(b)(3)(C), 8482.3(f)(5), 14501, 14502.1, 14503, 14509, 15286, 41020, 41024, 42238.02(b)(3)(B), 47612.5, 47634.2 and 48000, Education Code.

AUDIT GUIDE AMENDMENTS

The proposed supplemental 2018–19 Audit Guide includes the following changes:

- *Auditing Standards Item 4, Tables 1 and 2* makes a technical change to delete “(Step 6)” from the heading of each table. This heading was used in a different document and copied to the audit guide.

There is no “Step 6” that this heading refers to. To avoid confusion, a technical change should be made to remove these words.

- *Auditing Standards Item 4, Table 2* adds a note to specify that for populations between 52 and 250 items, the auditors may test a sample size of approximately 10% of the population. This is standard practice in auditing, and this technical amendment avoids confusion to assure auditors that they can continue this method of sampling.
- *Report Components Section, Item 6. Findings and Recommendations* makes a technical change to add a finding code, 43000, to the Apprenticeship audit findings. The new code categorizes the findings related to the Chancellor of the California Community Colleges.
- *Sections A Attendance, D Independent Study, E Continuation, M Juvenile Court Schools, Y Independent Study–Course Based, AA Attendance, CC NonClassroom–Based Instruction/Independent Study, DD Determination of Funding for NonClassroom–Based Instruction*, deletes reference to ungraded units of ADA, since LEAs no longer report any ungraded units of ADA. This phrase throughout the audit guide is obsolete.
- *Section D Independent Study*, deletes the reference to Education Code Section 46300.4, which applies to the old adult education program, making the reference obsolete.
- *Section P Transportation Maintenance of Effort Item 2* makes technical amendments to make clearer the steps auditors can follow to access the exhibit on California Department of Education’s website, which details revenue received by the LEA.
- *Section R Comprehensive School Safety Plan* makes a technical amendment to procedure 1 to clarify that the school safety plan was approved by the school district or county office of education, rather than the LEA.
- *Section W Unduplicated LCFF Pupil Counts* makes a technical amendment to reflect that the California Department of Education transitioned from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC), in 2018.

NOTE: The changes described above, with the exception of the deletion of words in Auditing Standards Item 4, Tables 1 and 2, are in effect on an emergency basis.

DISCLOSURES REGARDING
THE PROPOSED ACTION

1. Mandate on local agencies and school districts: None.
2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non-discretionary cost or savings imposed upon local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. The Economic Impact Assessment found that adoption of these regulations will not:
 - create or eliminate jobs within California;
 - create new businesses or eliminate existing businesses within California; or,
 - affect the expansion of businesses currently doing business within California.

As stated in the Informative Digest/Policy Statement Overview above, EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements, and that educational funds are being properly utilized, which would ultimately affect the quality of students' educational experiences.
9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the EAAP's 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.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney III, at (916) 445-7745 or by e-mail: tmorgan@eaap.ca.gov, or Mary C. Kelly, Executive Officer, at (916) 445-7745.

AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's 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 regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in under-

line and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: www.eaap.ca.gov.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once it has been prepared, the Final Statement of Reasons will be available by either contacting Mr. Morgan above or accessible through the EAAP website: www.eaap.ca.gov.

TITLE 15. BOARD OF PAROLE HEARINGS

BPH RN 19–02: NOTICE OF PROPOSED ACTION

Enactment of:

CHAPTER 2.5. ADVANCING PAROLE CONSIDERATION HEARING DATES

To include:

ARTICLE 1. PETITION TO ADVANCE THE DATE OF AN INMATE’S NEXT PAROLE CONSIDERATION HEARING

ARTICLE 2. ADMINISTRATIVE REVIEW TO ADVANCE THE DATE OF AN INMATE’S NEXT PAROLE CONSIDERATION HEARING

ARTICLE 3. REVIEW ON THE MERITS

ARTICLE 4. DECISION REVIEW

Enactment of Sections 2150–2157, governing advancing parole consideration hearing dates

NOTICE IS HEREBY GIVEN that the Executive Officer of the Board of Parole Hearings (Board), under the authority granted by Government Code section 12838.4 and Penal Code sections 3052 and 5076.2, authorizes the Board to adopt the proposed added Sections 2150 through 2157 of the California Code of Regulations, Title 15, Division 2, concerning Advancing Parole Consideration Hearing Dates.

AUTHORITY AND REFERENCE

Government Code section 12838.4 vests the Board with all the powers, duties, responsibilities, obligations,

liabilities, and jurisdiction of the Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code section 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code section 5076.2 requires the Board promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

Penal Code section 3041.5 establishes the requirements and conditions concerning parole denial. It also authorizes the Board to advance an inmate’s parole consideration hearing on its own motion or based on an inmate’s written petition to the Board for an earlier hearing.

Penal Code section 3043 requires the Board to provide proper notice to victims regarding an inmate’s parole consideration hearing.

Penal Code section 3055 establishes the Board’s Elderly Parole Program for reviewing the parole suitability of any inmate who is 60 years of age or older and has served a minimum of 25 years of continuous incarceration on his or her current sentence.

Penal Code section 4801 requires the Board to give great weight to certain factors when considering the parole suitability of an inmate who committed his or her controlling offense at the age of 25 years of age or younger.

The Ninth Circuit Court of Appeals in *Gilman v. Schwarzenegger* (9th Cir. 2011) 638 F.3d 1101 (*Gilman I*), held that increased parole denial lengths under the California Victim’s Bill of Rights Act of 2008 (also known as “Marsy’s Law”) did not violate ex post facto laws on its face because it did not create a significant risk of prolonging an inmate’s incarceration. The court specifically pointed to the Board’s discretionary authority to advance parole hearings under Penal Code section 3041.5, subdivision (b)(4) and the inmate’s right to submit a Petition to Advance (PTA) under subdivision (d)(1), and found that the availability of advanced hearings removed any possibility of harm to the inmate. (*Id.* at p. 1109.) The same court in February 2016 held that no ex post facto violation had occurred as applied to the plaintiff class because there was insufficient evidence “demonstrating that the PTA process failed to afford relief from the classwide risk of lengthened incarceration posed by [Marsy’s Law].” (*Gilman v. Brown* (9th Cir. 2016) 814 F.3d 1007, 1021 (*Gilman II*).)

The California Supreme Court in *In re Vicks* (2013) 56 Cal.4th 274 held that increased parole denial lengths under Marsy’s Law did not violate ex post facto laws

because of the Board’s discretionary authority to advance hearings under Penal Code section 3041.5 subdivision (b)(4), and an inmate’s ability to submit a written request for an advanced hearing under subdivision (d)(1). (*Id.* at pp. 304–305, 317.)

PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON FRIDAY, APRIL 19, 2019, AND WILL CLOSE ON MONDAY, JUNE 3, 2019.** For comments to be considered by the Board, they must be submitted in writing to the Board’s Contact Person identified in this Notice no later than the close of the comment period.

CONTACT PERSON

Please direct requests for copies of the Initial Statement of Reasons, the Proposed Text of the Regulation, or other information upon which the rulemaking is based to:

Mina Y. Choi, Staff Attorney
 Board of Parole Hearings
 P.O. Box 4036
 Sacramento, CA 95812–4036
 Phone: (916) 322–6729
 Facsimile: (916) 322–3475
 E–mail: BPH.Regulations@cdcr.ca.gov

If Mina Choi is unavailable, please contact Assistant Chief Counsel, Heather L. McCray at Heather.McCray@cdcr.ca.gov. In any such inquiries, please identify the action by using the Board’s regulation control number **BPH RN 19–02**.

NO PUBLIC HEARING SCHEDULED

The Board has not scheduled a public hearing on this proposed regulatory action. The Board, however, 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 or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

If scheduled, the purpose of a public hearing would be to receive oral comments about the proposed regulations. It would not be a forum to debate the proposed regulations, and no decision regarding the permanent

adoption of the proposed regulations would be rendered at a public hearing. The members of the Board would not necessarily be present at a public hearing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to add California Code of Regulations, title 15, chapter 2.5 regarding the Board’s processes of advancing parole consideration hearings under Penal Code section 3041.5, subdivisions (b)(4) and (d)(1). These regulations memorialize the Board’s longstanding PTA and administrative review processes to advance hearings in the appropriate circumstances. The regulations identify the timing of a valid PTA submission, information that must be included in a PTA, and criteria for the Board when reviewing a PTA. The regulations also identify when the Board will conduct an ad hoc administrative review or an administrative review of a three–year denial, and the criteria used by the Board when reviewing a case. Additionally, the regulations describe the notification requirements and the decision review process for PTAs and administrative reviews.

These regulations are necessary to allow the Board to continue to comply with court decisions and to protect Marsy’s Law. Section 3041.5 of the Penal Code previously required the Board to conduct annual parole consideration hearings, which could be deferred under certain circumstances for up to five years for murderers and up to two years for non–murderers. In 2008, the People of California passed Marsy’s Law, which amended Penal Code section 3041.5 and increased denial periods to a minimum of three years and a maximum of 15 years. Therefore, the shortest denial length an inmate can receive after Marsy’s Law has increased from one to three years.

Following these changes, inmates potentially faced longer periods of incarceration after a denial of parole by the Board, which raised the question of whether the amendments prolonged an inmate’s incarceration in violation of ex post facto laws. However, section 3041.5, subdivisions (b)(4) and (d)(1), also gave the Board discretion to advance an inmate’s parole consideration hearing to an earlier date under its own authority or based upon a written request by an inmate.

The courts in *Gilman II* and *In re Vicks* found no ex post facto violations in the increased denial lengths specifically because of the Board’s discretionary authority to advance hearings under section 3041.5, subdivisions (b)(4) and (d)(1). Additionally, the courts clarified their expectation for the Board to implement a meaningful mechanism to exercise this discretion to advance hearings. The Board subsequently exercised its discretion under section 3041.5, subdivision (b)(4) to

conduct a structured administrative review process whereby deputy commissioners review cases to determine whether, in accordance with statutory requirements, new information or a change in circumstances established a reasonable likelihood that consideration of public safety does not require the additional period of incarceration.

Recent litigation challenged the Board’s ability to advance hearings under the PTA and advanced review processes, based mainly on the lack of regulations formally memorializing these processes in the Board’s regulations. (*Tony Rackauckas, et al. v. State of California, et al.*, Orange County Superior Court, Case No. 30–2018–00985610–CU–WM–CJC.) Thus, on September 17, 2018, a majority of the Board voted to approve the Board’s parole hearing date advancement processes as reflected in the text of the original emergency regulations filed by the Board on October 12, 2018, and approved by the Office of Administrative Law on October 22, 2018.

Since then, the Board has met with various stakeholders regarding the emergency regulations, and, on March 18, 2019, a majority of the Board voted to approve amendments to the emergency regulations as reflected in the current text of the Board’s proposed regulations on the hearing advancement processes that are the subject of this notice. This proposed regulation will make permanent the emergency regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations benefit the public by upholding the validity of Marsy’s Law, which protects the safety and rights of victims of serious crimes. Penal Code section 3041.5, subdivisions (b) and (d) give the Board broad discretion to consider and advance the date of an inmate’s next parole hearing; however, courts have been clear that the Board is expected to create and implement processes that meaningfully effectuate this statutory authority. These regulations accomplish this by creating a meaningful process for the Board to consider and advance parole hearing dates under Marsy’s Law.

The proposed regulations also benefit inmates by protecting their liberty interests by providing a meaningful opportunity for them to be considered for parole at similar intervals they may have been considered for parole prior to Marsy’s Law, thus eliminating the potential of prolonged incarceration as a result of Marsy’s Law. It also provides inmates with clear direction on how to petition to advance their next hearing date and when the Board will exercise its discretionary authority to advance an inmate’s next hearing date.

The proposed regulations further benefit all stakeholders by providing transparency and clarity regarding the parole hearing advancement process. The proposed regulations also identify clear timelines and administrative processes that best ensure the timely and comprehensive consideration of advancing inmates’ parole hearing dates. This promotes transparency and reduces confusion that may arise without such clear guidelines.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board’s requirements in advancing parole consideration hearings.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandates: The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

Fiscal Impact Statement: The Board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: **None.**
- Cost or savings to any state agency: **None:** There are no specific costs or savings anticipated for the fiscal year 2018–2019. These regulations codify the Board’s current processes, and the Board has already absorbed the costs with its existing budget. In fiscal year 2015–2016, the Board requested an increase in staffing. However, this was for position authority only and had no impact on funding. In fiscal years 2016–2017 and 2017–2018, the Board requested an increase in staffing, but the workload justifications were not specifically attributed to individualized workloads, such as PTAs and administrative reviews.
- Other non–discretionary cost or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**

Significant Statewide Adverse Economic Impact on Business: The Board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

Assessment of Effects on Job and/or Business Creation, Elimination or Expansion: This rulemaking action will not have a significant adverse economic impact directly affecting the expansion of businesses in California or on existing businesses within the State of California, because it is highly unlikely that private businesses will be affected by the Board’s continued implementation of parole hearing date advancement processes. These proposed regulations may lead to expansion of businesses in California to the extent more inmates may need legal assistance and representation and to the extent more victims may need support and assistance from entities during the parole hearing advancement process and any hearing held as a result of the advancement. However, expansion of this nature is speculative and not possible to predict with accuracy due to the myriad factors that impact whether inmates or victims will seek legal or other assistance. Moreover, since legal representation for inmates and other assistance for victims is already provided by the Board and Department within their existing budgets, it is also possible that these regulations will have no impact on expansion of these types of businesses. These proposed regulations will have no additional effect on business expansion in California.

Effect on Housing Costs: The Board has made an initial determination that the proposed action will have no significant effect on housing costs because housing costs are not affected by the Board’s processes in advancing hearings under Penal Code section 3041.5, subdivisions (b)(4) and (d)(1).

Small Business Determination: The Board has determined that the proposed regulations do not have a significant adverse economic impact on small business because small businesses are not affected by the Board’s processes in advancing hearings under Penal Code section 3041.5, subdivisions (b)(4) and (d)(1).

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

In accordance with Government Code section 11346.3, subdivision (b), the Board has made the following assessments regarding the proposed regulations:

I. Creation or Elimination of Jobs Within the State of California

The rulemaking action memorializes the parole hearing advancement processes already being implemented

by the Board in accordance with statutes and case law. The Board has determined the proposed action will have minimal impact on the creation or elimination of jobs within the State of California, primarily because the impact on Board staffing has already been absorbed by current staff positions and any projection on the impact to inmate attorneys, victims, and entities assisting victims are speculative.

Specifically, the proposed regulations provide for the possible advancement of parole hearings through a petition to advance, an ad hoc administrative review initiated by the Board, and an administrative review of three-year denials. These three processes have been in place for a number of years. Petitions to advance were explicitly written into Marsy’s Law, which became effective on January 1, 2009, and the Board has been reviewing these petitions to advance since that time. Ad hoc administrative reviews simply reflect the Board’s broad discretionary authority to review a case for a possible hearing advancement, which again, was written into Marsy’s Law. Administrative reviews of three-year denials have been implemented by the Board following the *Vicks* decision in 2013, which stated the Board should have a meaningful way to effectuate the parole hearing advancement process. When first implementing the administrative reviews of three-year denials, the Board augmented its staff to conduct screening and review of these cases. However, the increase in staffing and resources has already been absorbed by the Board’s current staff positions. Therefore, the proposed rulemaking action does not create or eliminate any new jobs for the Board.

Due to various statutes enacted over the past few years affecting the timing and eligibility of certain inmates for parole consideration, the Board projects an increase in the number of parole consideration hearings. Therefore, in addition to more grants of parole, the Board expects more denials of parole, which could result in more inmates submitting petitions to advance and the Board conducting more administrative reviews of three-year denials. This, in turn, could create more jobs for inmate attorneys and entities assisting victims. However, as mentioned earlier, any prediction concerning the creation or elimination of jobs is highly speculative, as the Board has no control over which inmates petition to advance a hearing, or which victims choose to participate in the parole hearing advancement process. Additionally, the Board presently anticipates absorbing any increases through current staffing or additional staffing already requested for other unrelated purposes.

Based on the foregoing reasons, the Board’s adoption of this regulation does not result in the creation or elimination of any new jobs for the Board. The adoption of this regulation may have some impact on the creation or elimination of jobs for inmate attorneys and entities as-

sisting victims, but as explained above, this prediction is highly speculative.

II. Creation of New or Elimination of Existing Businesses Currently Doing Business Within the State of California

This rulemaking action will not have a significant adverse economic impact on existing businesses within the State of California, including the ability of California businesses to compete with businesses in other states, because it is highly unlikely that private businesses will be affected by the Board’s continued implementation of parole hearing date advancement processes. No businesses are expected to be eliminated. As previously noted, these proposed regulations may lead to the creation of new businesses both within California and outside of California to the extent more inmates may need legal assistance and representation, and to the extent more victims may need support and assistance from entities during the parole hearing advancement process and any hearing held as a result of the advancement. However, the creation of these businesses is speculative and the Board has no current knowledge of any impacts to California businesses.

III. Expansion of Businesses within the State of California

This rulemaking action will not have a significant adverse economic impact directly affecting the expansion of businesses in California, because it is highly unlikely that private businesses will be affected by the Board’s continued implementation of parole hearing date advancement processes. Again, these proposed regulations may lead to expansion of businesses in California to the extent more inmates may need legal assistance and representation and to the extent more victims may need support and assistance from entities during the parole hearing advancement process and any hearing held as a result of the advancement, but this expansion is speculative. These proposed regulations will have no additional effect on business expansion in California.

IV. Anticipated Benefits of the Regulations

As explained above in greater detail in the “Anticipated Benefits of the Regulations” section, these proposed regulations will benefit both public safety and the general welfare of all stakeholders by providing greater clarity on the Board’s parole hearing advancement process, preserving the constitutional rights of both inmates and victims, and implementing the will of the People of California in passing Marsy’s Law.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered, or that has otherwise been identified

and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the proposed changes during the public comment period.

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

The Board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 K Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law’s Notice Register, the rulemaking file consists of this Notice, the Form 400 (Notice of Submission of Regulation), the Proposed Text of the Regulation, the Initial Statement of Reasons, and the Form 399 Fiscal and Economic Impact Statement. Copies of any of these documents may be obtained by contacting the Board’s Contact Person identified in this notice at the mailing address, fax number, or email address listed above or by visiting the Board’s website at: http://www.cdcr.ca.gov/BOPH/reg_revisions.html.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the Board’s website at http://www.cdcr.ca.gov/BOPH/reg_revisions.html. If the Board makes modifications, the Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Board’s

Contact Person identified in this notice at the mailing address, phone number, fax number, or email address listed above or by visiting the Board’s website at: http://www.cdcr.ca.gov/BOPH/reg_revisions.html.

CONTACT PERSONS

Primary Contact

L. Lomonaco
Telephone: (916) 445-2217
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend sections 3490 and 3491 of Title 15, Division 3, Subchapter 5.5, Article 1, and adopt sections 3495, 3496 and 3497 into Title 15, Division 3, Subchapter 5.5, Article 2, as well as amend section 2449.1 of Title 15, Division 2, Chapter 3, Article 15 and adopt sections 2449.30, 2449.31, 2449.32, 2449.33, and 2449.34 into Title 15, Division 2, Chapter 3, Article 16 regarding Supplemental Reforms to Parole Consideration.

AUTHORITY AND REFERENCE

In California, adopting, amending, or repealing a regulation requires an express grant of authority in law. As stated in subdivision (b) of section 11349 of the Government Code, “‘Authority’ means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation.”

Ordinarily, the authority to adopt, amend, or repeal regulations in Division 3 of Title 15 is found in subdivision (a) of section 5058 of the Penal Code, which states: “The [Secretary] may prescribe and amend rules and regulations for the administration of the prisons” Authority to do the same in Division 2 of Title 15 is found in section 3052 of the Penal Code, which states: “The Board of Parole Hearings shall have the power to establish and enforce rules and regulations under which inmates committed to state prisons may be allowed to go upon parole outside the prison buildings and enclosures when eligible for parole.” Furthermore, pursuant to section 5058.3 of the Penal Code, the Department is authorized to promulgate emergency regulations, as it proposes to do here, “to expedite the exercise of its power to implement regulations as its unique organizational circumstances require.”

Additional authority: Penal Code sections 2700 and 2701.

Reference: Cal. Const., art. 1, sec. 32(a); Penal Code sections 667, 667.5, 1170.1(c), 1170.2, 2900.1, 2900.5, 2930, 2932, 2933, 2933.05, 2933.1, 2933.3, 2933.6, 2935, 3041, 4019, 5054 and 5068; *In re Edwards* (Sept. 7, 2018, B288086) _Cal.App.4th_ [237 Cal.Rptr.3d 673]; *In re Reeves* (2005) 35 Cal.4th 765; *In re Tate* (2006) 135 Cal.App.4th 756; *In re Monigold* (1988) 205 Cal.App.3d 1224; *In re Thompson* (1985) 172 Cal.App.3d 256.

PUBLIC HEARING

Date and Time: **June 6, 2019 — 10:30 a.m. to 11:30 a.m.**
Place: Department of Corrections and Rehabilitation
Conference Room 100N
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **April 19, 2019** and closes on **June 6, 2019 at 5:00 p.m.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by e-mail to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished. **PC Section 5054** provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

This proposed rulemaking action amends existing regulations concerning parole consideration which were promulgated after the passage of The Public Safety and Rehabilitation Act of 2016 (Proposition 57). Existing regulations exclude inmates incarcerated for a term of life with the possibility of parole from the non-violent parole consideration process. This exclusion was challenged in the Court of Appeal of the State of California Second Appellate District, Division Five. On September 7, 2018, in the matter of *In re Edwards*, the court ordered the Department to amend its regulations to allow nonviolent inmates who are incarcerated for a term of life with the possibility of parole to be eligible for parole consideration by the Board of Parole Hearings.

This action will:

Allow inmates who are incarcerated for a term of life with the possibility of parole for a nonviolent offense to be eligible for parole consideration by the Board of Parole Hearings, thus bringing the Department into compliance with the court order in the matter of *In re Edwards*.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The establishment of the nonviolent offender parole consideration process will make prisons and communities safer by encouraging and motivating indeterminate sentenced nonviolent offenders to participate in rehabilitative programs and service opportunities that create skills and employability. The proposed regulations establish rigorous screening criteria for inmates and notification procedures for registered victims and prosecuting agencies. Establishing screening criteria benefits public safety by excluding inmates who are more likely to pose a risk to the public and provides nonviolent offenders with substantial motivation to avoid prison misconduct and focus on their rehabilitation. Establishing notification processes benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board’s consideration. Under the proposed regulations, the Board will review all relevant and reliable evidence, including an inmate’s full criminal history, institutional behavior, rehabilitative efforts, and statements from interested parties to determine whether the inmate poses a current unreasonable risk to public safety. This process will enhance public safety by motivating eligible inmates to take responsibility for their own rehabilitation and work to prepare them to be productive members of the community upon their release.

EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS AND REGULATIONS

The Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation and because the Act authorizes the Department to adopt regulations “notwithstanding anything in this article or any other provision of law” (Cal. Const., art. 1, § 32, subd. (a)), it has determined these proposed regulations are not inconsistent or incompatible with any existing laws or regulations within CCR, Title 15, Division 2 and Division 3.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency:
 - **Cost: Fiscal Year 2019–20 = \$8.2 Million**
 - **Cost: Fiscal Year 2020–21 = \$8.2 Million**
 - **Cost: Fiscal Year 2021–22 = \$2.9 Million**
- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because private businesses are not significantly affected by the management of correctional facilities or the Board of Parole Hearings.

EFFECT ON SMALL BUSINESSES

The Department has made an initial determination that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because the proposed regulations affect the internal management of the Department and the Board of Parole Hearings only, and place no requirements or restrictions on businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

This proposed rulemaking action is designed to implement the will of California voters when they enacted the nonviolent parole consideration under The Public Safety and Rehabilitation Act of 2016, as interpreted by the Court of Appeals in *In re Edwards*. As for job creation, the nonviolent parole consideration process will necessarily create jobs at the Board due to the additional parole reviews required by the Act. These proposed regulations may also lead to the creation of new businesses and the expansion of existing businesses in California to fill the need for increased rehabilitative programming mandated by The Public Safety and Rehabilitation Act of 2016.

No jobs in California have been eliminated as a result of these changes. No businesses are expected to be eliminated.

These regulations may benefit the Health and Welfare of California residents, worker safety, and the State’s environment by providing inmates with incentives to participate in rehabilitative and educational programming which will assist in preparing inmates to find employment upon release, which may eventually reduce recidivism and overcrowding in California prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternatives considered, or that have otherwise been identified and brought to the attention of the Department and the Board, 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 action proposed, or would be more cost-effective to affected private persons and equally effective in implementing and equally effective in implementing The Public Safety and Rehabilitation Act of 2016. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The

proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

CERTIFICATION OF PUBLIC SAFETY COMPLIANCE

[Per California Constitution, Article I, Section 32]

This rulemaking action amends existing regulations concerning the nonviolent parole consideration process which was promulgated after the passage of The Public Safety and Rehabilitation Act of 2016 (hereafter referred to as Proposition 57 or the Act). Proposition 57 provided that the “Department of Corrections and Rehabilitation adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” (Cal. Const., art. 1, § 32(b).)

Accordingly, in my role as the Secretary of the Department, I have been granted broad rulemaking authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act (notwithstanding other provisions of law) and I hereby invoke that constitutional grant of authority in support of this rulemaking action.

Regulations adopted by the Department in 2018 excluded inmates incarcerated for a term of life with the possibility of parole from the nonviolent parole consideration process. This exclusion was challenged in the

Court of Appeal of the State of California, Second Appellate District, Division Five. On September 7, 2018, in the matter of *In re Edwards*, the court ordered the Department to amend its regulations to allow nonviolent inmates who are incarcerated for a term of life with the possibility of parole to be eligible for parole consideration by the Board of Parole Hearings.

The Department proposes amendments to the Supplemental Reforms to Parole Consideration regulations with the goal to comply with the court’s order while protecting and enhancing public safety. To that end, nonviolent inmates who have been sentenced to a term of life with the possibility of parole are now eligible for parole consideration following an in-person hearing conducted by the Board of Parole Hearings.

I, Ralph M. Diaz, Secretary of the Department, do certify that these regulations protect and enhance public safety for all Californians in compliance with the courts order and Section 32 of Article I of the California Constitution.

/s/	<u>4-11-19</u>
RALPH M. DIAZ	Date
Secretary	
Department of Corrections and Rehabilitation	

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Photovoltaic Modules (PV Modules) — Universal Waste Management

**Department Reference Number: R-2017-04
Office of Administrative Law Notice File Number: Z-2019-0409-04**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to adopt amended California Code of Regulations, Title 22, Division 4.5, Chapters 10, 11, and 23, sections 66260.10, 66261.9, 66273.1, 66273.7.1, 66273.9, 66273.31, 66273.32, 66273.33.6, 66273.34, 66273.39, 66273.51, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77.

PUBLIC HEARING

DTSC will hold one public hearing on the proposed regulation at the following time and location:

DATE: June 10, 2019
 TIME: 1:00 p.m.–3:00 p.m. (PDT)
 LOCATION: Sacramento Regional Office
 Board Rooms 1 and 2
 8800 Cal Center Drive
 Sacramento, California 95826

At the time and location listed above, any person(s) may present statements or arguments orally or in writing relevant to this proposal. The public hearing will convene at 1:00 p.m. and will remain open until 3:00 p.m. or until no attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Prehearing registration is conducted at the location of the hearing from 12:00 p.m. PDT until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in prior to attending any meeting at the security desk, located just inside the building's public entrance. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

All documents related to this regulation can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact **Tara Barnes** at **(916) 327-4500** or **Tara.Barnes@dtsc.ca.gov** as soon as possible, but no later than 10 business days prior to the scheduled hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

WRITTEN COMMENT PERIOD

Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to DTSC in either electronic or hard-copy formats.

Written comments may be submitted electronically through the DTSC regulations email address at **regs@dtsc.ca.gov**; or please direct hard-copy written comments to:

Ms. Jackie Buttle, Regulations Coordinator
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

The written comment period will close at 11:59 p.m. PDT on June 10, 2019. Only comments received at the DTSC office by that date and time will be considered.

AUTHORITY AND REFERENCE

Authority

These regulations are being proposed under the following authorities:

Health and Safety Code section **25141**. This section grants DTSC authority to adopt regulations to develop criteria and guidelines for the identification of hazardous wastes.

Health and Safety Code section **25150**. This section grants DTSC authority to adopt standards and regulations related to the management of hazardous waste.

Health and Safety Code section **25201**. This section grants DTSC the authority to require hazardous waste facilities that store, treat, transfer, recover resources from, or dispose of hazardous waste to obtain a hazardous waste facility permit or other grant of authorization.

Health and Safety Code section **25259**. This section grants DTSC authority to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject them to universal waste management.

Health and Safety Code section **58012**. This section grants DTSC authority to adopt and enforce rules and regulations to execute its duties. Added by Governor's Reorganization Plan No. 1, §146, eff. July 17, 1991. See http://www.dtsc.ca.gov/LawsRegsPolicies/upload/OEARA_REG_GRP1.pdf.

Reference

These regulations implement, interpret, or make specific the following statute:

Health and Safety Code section **25141**. This section grants DTSC authority to adopt regulations to develop criteria and guidelines for the identification of hazardous wastes.

Health and Safety Code section **25141.5**. This section grants DTSC authority to make determination if wastes are hazardous by following criteria and procedures specified for identification and regulation of a hazardous waste.

Health and Safety Code section **25150**. This section grants DTSC authority to adopt standards and regulations related to the management of hazardous waste.

Health and Safety Code section **25159.5**. This section specifies that DTSC shall, insofar as practicable, make the standards and regulations conform to corresponding federal regulations. This section does not prohibit DTSC from adopting standards or regulations that are more stringent than federal regulations.

Health and Safety Code section **25201**. This section grants DTSC the authority to require hazardous waste facilities that store, treat, transfer, recover resources from, or dispose of hazardous waste, to obtain a hazardous waste facility permit or other grant of authorization.

Health and Safety Code section **25259**. This section grants DTSC authority to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject them to universal waste management.

Health and Safety Code section **58012**. This section grants DTSC authority to adopt and enforce rules and regulations to execute its duties. Added by Governor's Reorganization Plan No. 1, §146, eff. July 17, 1991. See http://www.dtsc.ca.gov/LawsRegsPolicies/upload/OEARA_REG_GRP1.pdf.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

As demands for alternative forms of electricity grow in California, photovoltaic modules (PV modules, also referred to as solar panels) become more widely used by utilities, businesses, and households. When PV modules are discarded as waste, it is important that they are managed in a safe and effective manner. In 2015, Senate Bill 489, Monning, chapter 419, statutes of 2015 added article 17 (section 25259 et seq.) to chapter 6.5 of the California Health and Safety Code, authorizing DTSC to adopt regulations to designate end-of-life PV modules that are hazardous wastes as a universal waste. This proposed regulation package allows PV modules that are determined by generators to be hazardous waste to be managed according to universal waste management standards in California Code of Regulations, title 22, division 4.5, chapter 23.

Background

PV modules consist of an array of semiconducting photovoltaic cells (PV cells) that convert solar energy into electrical energy. PV cells are made of mostly silicon materials and connected via electrical contacts. The electrical contacts are made of metals such as palladium, silver, nickel, copper, or cadmium. Some PV cells, referred to as "thin-film" cells, consist of non-siliceous materials such as copper indium diselenide, cadmium telluride, or gallium arsenide. PV cells are encased in a transparent laminate, such as tempered glass, to protect the cells from environmental damage. The term PV modules in this proposed regulation also includes the metal frames that are used to support the panels, junction boxes, batteries, inverters, and cables.

Some PV modules exhibit the hazardous waste characteristic of toxicity due to the presence of metals. Many households and businesses are unaware of the potential hazards associated with PV modules, resulting in these wastes being illegally and improperly handled and disposed of as municipal solid waste.

PV modules have an expected service life of 30 years and are designed to maintain their performance and functionality under varying environmental conditions. However, PV modules could become a waste at various stages, including manufacturing, installation, or replacement. In the absence of government intervention, businesses that generate waste PV modules would likely send them for disposal at municipal solid waste landfills. Municipal solid waste landfills provide less protection to human health and the environment against the hazards that PV modules contain than a permitted hazardous waste disposal facility.

While full hazardous waste regulations reduce the risks associated with PV modules, businesses that generate PV modules do not always manage these wastes in compliance with hazardous waste management regulations. For those generators that know or suspect that PV modules are hazardous waste, complying with lawful management requirements may be complex and costly. These burdens serve as a disincentive for generators to make a hazardous waste determination and manage this waste stream. Additionally, the low risks posed by PV modules are not commensurate with the level of regulatory oversight and protection provided by full hazardous waste regulation.

Proposed Regulation

Health and Safety Code section 25259 specifies that DTSC is authorized to add PV modules to universal waste regulations, which will apply to those businesses that generate, transport, handle, and treat or dispose of PV modules in California. These regulations establish alternatives to full hazardous waste management for PV modules, similar to existing standards for electronic waste. This will decrease the mismanagement of hazardous waste PV modules.

The proposed regulation affects how waste PV modules are contained, transported, and treated through the following standards:

- Applying the same transportation standards as all other universal wastes (*i.e.*, a business may only transport the wastes to a destination facility or to another universal waste handler);
- Allowing treatment methods for PV modules that primarily change only the physical shape of the waste (*e.g.*, breaking, shredding, crushing, compacting) and that separate processed material by its physical properties (*e.g.*, size, color, density); and

- Specifying the appropriate management standards for the different levels of treatment to ensure that treatment is performed safely by handlers that do not have a hazardous waste facility permit that they would otherwise be required to obtain. DTSC establishes this form of self-implementing authorization because a full or standardized hazardous waste facility permit is not commensurate with the hazards posed by treating PV modules.

A universal waste handler that does not follow the universal waste standards and disposes of the PV modules becomes a hazardous waste generator and must comply with all the hazardous waste management requirements outlined in California Code of Regulations, title 22, division 4.5, chapters 12 through 16, 18, 20, and 22.

Anticipated Benefits

DTSC determined that the proposed regulation increases protection to public health and the environment by creating a regulatory framework to manage these hazardous wastes in a way that is commensurate with their low risks. DTSC witnessed similar improved waste management practices with the addition of electronic waste to California’s universal waste program. DTSC estimates¹ that the proposed regulation reduces costs for PV module waste management compared to the costs for having to manage PV modules as a fully regulated hazardous waste.

The proposed regulation allows generators to send their waste PV modules to a universal waste handler to manage the hazardous waste PV modules without a hazardous waste facility permit. Incorporating PV modules as a universal waste into the existing universal waste standards will streamline the collection, transportation, and treatment of PV modules and deter the abandonment of hazardous waste PV modules in California.

Summary of Existing Statutes and Regulations

Health and Safety Code section 25259 authorizes DTSC to adopt regulations to designate end-of-life PV modules that are identified as hazardous waste as universal waste and subject them to universal waste management. That provision is discussed in the Policy Statement Overview section of this document. In addition, California Code of Regulations, title 22, division 4.5, chapter 23, governs management standards for universal waste. Universal waste handlers (including those authorized to treat universal wastes), universal waste transporters, and destination facilities are subject to universal waste regulations.

Finally, Health and Safety Code sets out a basic framework and requirements for hazardous waste management in California. Those provisions are set out in the Health and Safety Code, division 20, chapter 6.5. Specifically, Health and Safety Code section 25150 grants DTSC authority to adopt standards and regulations related to the management of hazardous waste and governs all aspects of the generation, management, treatment, storage, and disposal of hazardous waste in California.

Relation to Existing Federal Regulations

PV modules that meet the criteria of a characteristic hazardous waste under 40 Code of Federal Regulations, subpart B must be managed as a Resource Conservation Recovery Act (RCRA) hazardous waste. Likewise, in California, PV modules that meet the criteria of a hazardous waste as outlined in California Code of Regulations, title 22, division 4.5, chapter 11, article 3 must be managed as a California hazardous waste. DTSC is proposing to add PV modules to its universal waste regulations, which is commensurate with the low risks posed by these wastes.

DTSC currently seeks authorization from the U.S. Environmental Protection Agency for its universal waste management program. Once authorized, a state can designate additional waste streams as universal waste at the same time that it creates its own universal waste rule. DTSC analyzed PV modules under the criteria found in California Code of Regulations, title 22 section 66260.23, which is analogous to the criteria in 40 Code of Federal Regulations section 273.81. The reasons for including RCRA regulated PV modules as universal waste under California’s universal waste regulations are explained in the Initial Statement of Reasons for these proposed regulations.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

DTSC has evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations regarding the management of hazardous waste PV modules as universal waste. DTSC is the only state agency that regulates and governs hazardous waste management in general and the alternative management standards for certain categories of hazardous waste under universal waste regulations in particular. The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations amend existing regulations in California Code of Regulations, title 22, division 4.5, chapter 23, Standards for Universal Waste Management to include PV modules.

Incorporated by Reference

The regulations do not include any items incorporated by reference.

¹ Economic and Fiscal Impact Statement — Form 399 — PV modules — Universal Waste Management.

DISCLOSURE REGARDING
THE PROPOSED ACTIONMandates on Local Agencies or School Districts

DTSC determined that the proposed regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

Cost or Savings to State or Local Agencies or School Districts Subject to Reimbursement

DTSC determined that the proposed regulations will not result in costs or savings for any state or local agency or school district that is required to be reimbursed pursuant to part 7 of division 4, commencing with section 17500 of the Government Code. The proposed regulations are not anticipated to result in any other nondiscretionary costs or savings imposed on local agencies or to change any federal funding to the state.

Cost or Savings in Federal Funding to the State

DTSC determined that the proposed regulations will not result in any changes to federal funds that the state of California receives.

Determination of No Significant Statewide Economic Impact

DTSC made an initial determination and found through the economic analysis assessment that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses

DTSC conducted an economic impact assessment of the proposed regulations for generators and universal waste handlers of waste PV modules.² DTSC estimates annual cost savings of \$11,735,928 for PV modules waste generators in California under the proposed regulation, since the generators do not need to use a manifest or fulfill certain transportation requirements when shipping these wastes to a universal waste handler.

As for the universal waste handlers that manage waste PV modules, DTSC estimates additional annual costs of \$154,770 (spread among 10 handlers) for complying with the proposed regulation, due to having added a new waste stream under universal waste management. DTSC anticipates that the rates that universal waste handlers will charge to handle PV modules will be adjusted to account for all variable costs and will be

passed back to the generators. Under the proposed universal waste regulations, the universal waste handlers do not have to obtain a permit to store and treat PV modules. Once the universal waste handler decides to dispose of the PV modules, the universal waste handler becomes the hazardous waste generator and must comply with full hazardous waste requirements.

Effect on Small Businesses

The proposed regulation may affect small businesses. DTSC determined that small businesses may experience cost savings by managing PV modules as universal waste. Although the proposed regulations would require small businesses to incur some costs pertaining to requirements such as universal waste rule familiarization, notification, recordkeeping, reporting, and employee training, costs associated with obtaining a permit to accept, store, treat, and dispose of PV modules as hazardous waste will be avoided.

Effect on Housing Costs

DTSC has determined that the proposed regulations do not impact housing costs.

Results of the Economic Impact Analysis

DTSC conducted an economic impact assessment, as required by Government Code section 11346.3(b), and found that no businesses or jobs would be eliminated in California as a result of the proposed regulation. The number of businesses or jobs that could be created or expanded is not known. DTSC determined that proposed regulation creates a regulatory framework that streamlines for the proper management and disposal of hazardous waste PV modules, which would be of benefit to California's public health and the environment. DTSC also estimated that the proposed regulation would reduce waste management costs for generators of hazardous waste PV modules under universal waste management, compared to costs associated with fully regulated hazardous waste management requirements. The proposed regulation also ensures the safety and well-being of workers that manage waste PV modules by requiring universal waste handlers of PV modules to comply with all applicable health and safety laws and regulations.

CONSIDERATION OF ALTERNATIVES

DTSC held two public workshops in Sacramento to present the regulatory concepts under consideration and solicit comments from stakeholders and the public on the draft regulations to allow PV modules to be managed as a universal waste. Multiple stakeholder comments were received on the draft regulations. DTSC has since revised the draft regulation text reflecting the stakeholder feedback. Additionally, DTSC held an informational seminar to educate stakeholders on

² Economic and Fiscal Impact Statement — Form 399 — PV Modules — Universal Waste Management.

DTSC’s universal waste program and the proposed regulations prior to public notice, although revisions were not made to the regulation.

A detailed discussion of the proposed regulations, including the Consideration of Alternatives, is presented in the Initial Statement of Reasons for these regulations — Photovoltaic (PV) Modules — Universal Waste Management.

Pursuant to Government Code section 11346.5(a)(13), DTSC 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 businesses and equally effective in implementing the statutory policy or other provision of law.

OTHER APPLICABLE REQUIREMENTS
PRESCRIBED BY STATUTE

California Environmental Quality Act (CEQA)
Compliance

DTSC has found this rulemaking project to be exempt under CEQA (Pub. Resources Code, sec. 21000 et seq.). This rulemaking meets the Categorical exemption (CEQA Guidelines, California Code of Regulations, tit. 14, sec. 15308). A draft Notice of Exemption is available for review with the rulemaking file and will be filed with the State Clearinghouse when the regulations are adopted.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation may be directed to Dr. Chosu Khin of DTSC at (916) 324-2428. If Dr. Khin is unavailable, you may contact the regulations coordinator, Jackie Buttle, at (916) 324-8286. However, such oral inquiries are not part of the official rulemaking record.

A 52-day public comment period for this rulemaking file, as described above, will commence on April 19, 2019 and close on June 10, 2019 at 11:59 p.m. PDT. During this time, DTSC will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

AVAILABILITY OF TEXT OF PROPOSED
REGULATIONS AND INITIAL
STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which its proposal is based, and the express terms of the proposed regulation are posted to DTSC’s Internet site at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> or may be obtained from Ms. Jackie Buttle of DTSC as specified below.

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial changes are made, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulation, attend the hearing, or provide written or oral comments on this specific regulation will be sent a copy of the modified text if substantive changes are made.

Once the regulation has been adopted, DTSC prepares a Final Statement of Reasons which includes an update the Initial Statement of Reasons, DTSC’s summaries and responses to all timely public comments, and includes other materials required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Jackie Buttle at the address listed below. A copy of the Final Statement of Reasons, along with the date the rulemaking, is filed with the Secretary of State and the effective date of the regulation will also be posted on DTSC’s Internet site at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

To be included in this regulation package’s mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the Photovoltaic modules (solar panels) Regulations E-List, or email: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries, and requests for documents by mail, email, or fax to:

Ms. Jackie Buttle
Regulations Coordinator
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806
Email address: regs@dtsc.ca.gov
Phone number: (916) 324-8286

If Ms. Buttle is unavailable, please call Dr. Chosu Khin at (916) 324-2428.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH
AND WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Lower Moffett Creek Scour — BDES
2080–2019–005–01
Siskiyou County

The California Department of Fish and Wildlife (CDFW) received a notice on April 5, 2019 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves replacement of bridge that is showing corrosion and deck deterioration. The proposed project will occur approximately six miles north of Fort Jones, from 0.3 mile south to 0.3 mile north of Lower Moffett Creek Road, in Siskiyou County.

The National Marine Fisheries Service issued a federal biological opinion (Ref. No. 2013–9731) in a memorandum to the United States Army Corps of Engineers and Caltrans October 18, 2013, which considered the effects of the proposed project on state and federally threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

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

**DEPARTMENT OF FISH
AND WILDLIFE**

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring and Research at California Least Tern
Nesting Colonies

The Department of Fish and Wildlife (“Department”) received a proposal on April 3, 2019 from Jennifer S.

Jackson, Biological Consultant affiliated with San Diego Audubon, requesting authorization to take California Least Tern (*Sternula antillarum browni*; tern), for research purposes, consistent with the protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Jackson is planning to conduct research and monitoring on the tern in San Diego County at the following properties owned by the City of San Diego: Mariner’s Point, FAA Island, North Fiesta Island, Stony Point, and Dog Beach, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (Recovery Permit TE02478D–0 or later amendments).

The following research activities are proposed: a) harass by survey and locate, mark, and monitor nests; b) capture, handle, band, and release chicks; c) determine egg viability by tilting eggs; d) mark eggs if nest identification cannot be accomplished by using a numbered stake; and e) salvage carcasses of chicks or adults.

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after a 30–day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after May 19, 2019, for an initial and renewable term of up to five years. Contact: Hans Sin, Hans.Sin@wildlife.ca.gov, Phone (858) 467–4217.

**DIVISION OF LABOR
STANDARDS ENFORCEMENT**

NOTICE OF CORRECTION

This amendment is to correct the address listed for the public hearing in the Notice of Proposed Action concerning Janitorial Employer Registration as published in the California Regulatory Notice Register 2019, No. 14–Z, April 5, 2019, p. 521 (OAL Notice File No. Z2019–0326–06).

The address listed for the place of the public hearing on May 21, 2019 is Junipero Serra State Office Building, Carmel Room, 1st Floor, 107 South Broadway, Los Angeles, CA 90012, which is incorrect. The correct address for the location of the public hearing is Junipero Serra State Office Building, Carmel Room, 1st Floor, **320 West 4th Street**, Los Angeles, CA **90013**.

If you have any questions; please contact Laura Moskowitz at (415) 703-5252 or lmoskowitz@dir.ca.gov.

**DIVISION OF LABOR
STANDARDS ENFORCEMENT**

NOTICE OF CORRECTION

This amendment is to correct the address listed for the public hearing in the Notice of Proposed Action concerning Property Service Sexual Harassment Training as published in the California Regulatory Notice Register 2019, No. 14-Z, April 5, 2019, p. 526 (OAL Notice File No. Z2019-0326-05).

The address listed for the place of the public hearing on May 20, 2019 is Junipero Serra State Office Building, Carmel Room, 1st Floor, 107 South Broadway, Los Angeles, CA 90012, which is incorrect. The correct address for the location of the public hearing is Junipero Serra State Office Building, Carmel Room, 1st Floor, **320 West 4th Street**, Los Angeles, CA **90013**.

If you have any questions, please contact Laura Moskowitz at (415) 703-5252 or lmoskowitz@dir.ca.gov.

DECISION NOT TO PROCEED

DEPARTMENT OF VETERANS AFFAIRS

**NOTICE OF DECISION NOT TO PROCEED
Pursuant to Government Code section 11347**

Pursuant to Government Code Section 11347, the California Department of Veterans Affairs hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR) October 26, 2018. The proposed rulemaking concerned the California State Approving Agency for Veterans Education (CSAAVE). (OAL Notice Z-2018-1016-05.)

Any interested person with questions concerning this rulemaking should Phil McAllister at either 916-653-1961 or by e-mail at: Phil.McAllister@calvet.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website.

The decision to withdraw this file is based on the Department's desire to increase transparency and public participation in the rulemaking process. The Department intends to reintroduce the file immediately.

**SUSPENSION OF ACTION
REGARDING
UNDERGROUND REGULATIONS**

**EMERGENCY MEDICAL
SERVICES AUTHORITY**

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the California
Code of Regulations)**

On February 4, 2019, the Office of Administrative Law (OAL) received a petition (CTU2019-0204-03) challenging guidelines and criteria issued by the Emergency Medical Services Authority concerning cities' and fire districts' reorganization under the LAFCO Act as alleged underground regulations.

On April 4, 2019, the Emergency Medical Services Authority certified that they would not issue, utilize, enforce or attempt to enforce the alleged underground regulations in the following documents:

- (1) **EMSA guidelines #141, "Competitive Process for Creating Exclusive Operating Areas", referenced in matter no. CTU2019-0204-01;**
- (2) **Draft EMSA guidelines #141-B, "Review Criteria and Policy for Transportation and Exclusive Operating Components of the EMS Plan", referenced in matter nos. CTU2019-0204-01 and CTU2019-0204-03;**
- (3) **EMSA 310-01 "EMS System Coordination and HS 1797.201 in 2010", referenced in matter nos. CTU2019-0204-02 and CTU2019-0204-03.**

Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

EMERGENCY MEDICAL SERVICES AUTHORITY

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

(Pursuant to Title 1, section 280, of the California Code of Regulations)

On February 4, 2019, the Office of Administrative Law (OAL) received a petition (CTU2019-0204-02) challenging guidelines and criteria issued by the Emergency Medical Services Authority concerning the continued administration of EMS systems pursuant to Health & Safety Code section 1797.201 as alleged underground regulations.

On April 4, 2019, the Emergency Medical Services Authority certified that they would not issue, utilize, enforce or attempt to enforce the alleged underground regulations in the following documents:

- (1) EMSA guidelines #141, “Competitive Process for Creating Exclusive Operating Areas”, referenced in matter no. CTU2019-0204-01;
- (2) Draft EMSA guidelines #141-B, “Review Criteria and Policy for Transportation and Exclusive Operating Components of the EMS Plan”, referenced in matter nos. CTU2019-0204-01 and CTU2019-0204-03;
- (3) EMSA 310-01 “EMS System Coordination and HS 1797.201 in 2010”, referenced in matter nos. CTU2019-0204-02 and CTU2019-0204-03.

Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

EMERGENCY MEDICAL SERVICES AUTHORITY

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

(Pursuant to Title 1, section 280, of the California Code of Regulations)

On February 4, 2019, the Office of Administrative Law (OAL) received a petition (CTU2019-0204-01)

challenging guidelines and criteria issued by the Emergency Medical Services Authority concerning exclusive operating areas for emergency ambulance services under Health and Safety Code sections 1797.6, 1797.85, and 1797.224 as alleged underground regulations.

On April 4, 2019, the Emergency Medical Services Authority certified that they would not issue, utilize, enforce or attempt to enforce the alleged underground regulations in the following documents:

1. EMSA guidelines #141, “Competitive Process for Creating Exclusive Operating Areas”, referenced in matter no. CT2019-0204-01; and
2. Draft EMSA guidelines #141-B, “Review Criteria and Policy for Transportation and Exclusive Operating Components of the EMS Plan”, referenced in matter nos. CTU 2019-0204-01 and CTU2019-0204-03.

Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

DISAPPROVAL DECISION

FAIR EMPLOYMENT AND HOUSING COUNCIL

State of California
Office of Administrative Law

In re:
Fair Employment and Housing Council

Regulatory Action:

Title 2, California Code of Regulations

Adopt sections: 12005, 12010, 12060, 12061, 12062, 12063, 12100, 12120, 12130, 12155, 12161, 12162, 12176, 12177, 12178, 12179, 12180, 12185, 12264, 12265, 12266, 12267, 12268, 12269, 12270, 12271

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2019-0214-01

OAL Matter Type: Regular Resubmittal (SR)

SUMMARY OF REGULATORY ACTION

On February 14, 2019, the Fair Employment and Housing Council (Council) submitted to the Office of Administrative Law (OAL) this proposed regulatory action to adopt in Title 2 of the California Code of Regulations (CCR) regulations that relate to the protection against discrimination in the context of fair housing. The proposed regulations provide definitions. They also deal with liability for discriminatory housing practices, discriminatory effects and the burden of proof in establishing discriminatory effects, legally sufficient justifications for practices that have discriminatory effects, harassment, retaliation, real estate transactions practices, discrimination in land use practices, reasonable accommodations, assistance animals, and consideration of criminal history information in housing.

DECISION

On March 29, 2019, OAL notified the Council that OAL disapproved the proposed regulations because the regulations failed to comply with the necessity and clarity standards of Government Code section 11349.1 and the Council failed to follow procedural requirements of the California Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

CONCLUSION

For these reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Council may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this Disapproval Decision will be emailed to the Council on the date indicated below.

Any changes made to the regulation text to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption. Additionally, any document relied upon and any supplement to the ISR or other document the Council may create or otherwise propose to add to the record in order to address the necessity issue discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption. The Council must document in the rulemaking file its approval of the final text after consideration of all public comments and relevant information, as well as resolve all other issues

raised in this Decision of Disapproval, before resubmitting to OAL.

If you have any questions, please do not hesitate to contact me at (916) 323-6824.

Date: April 5, 2019

/s/

Thanh Huynh
Senior Attorney

Original: Kevin Kish, Director

Copy: Jacob Barak

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**CALIFORNIA STATE TEACHERS'
RETIREMENT SYSTEM**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL
DECISIONS AND DECISION INDEX**

Notice is hereby given that the California State Teachers' Retirement System, pursuant to subdivision (c) of Section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public at calstrs.com/precedential-decisions.

To subscribe to receive notification when the index is updated, email LegalServices@CalSTRS.com. For additional information, contact:

Office of the General Counsel
CalSTRS P. O. Box 15275
Sacramento, CA 95851-0275
Telephone: (916) 414-1724
Email: LegalServices@CalSTRS.com

**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# 2019-0219-06
BOARD OF EDUCATION
 Statewide Testing of Pupils and Evaluation Process

This change without regulatory effect filing by the Board of Education repeals sixteen sections to remove regulations related to award programs linked to the Academic Performance Index (API) pursuant to the repeal of the API requirements in Education Code section 52052 and 50252.1 (Assembly Bill 1808, Stats. 2018, ch. 32).

Title 5
 REPEAL: 1030.5, 1030.6, 1030.7, 1030.8, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039.1, 1039.2, 1039.3
 Filed 04/03/2019
 Agency Contact: Hillary Wirick (916) 319-0860

File# 2019-0403-02
BOARD OF GOVERNORS, CALIFORNIA COMMUNITY COLLEGES
 Report on District's Financial Condition

The Board of Governors of the California Community Colleges submitted to OAL this action dealing with the report on a district's financial condition as a print only file. Pursuant to Education Code section 70901.5, this action was filed with the Secretary of State by the Board on April 3, 2019, is exempt from the Administrative Procedure Act and OAL review, and was submitted to OAL only for the purpose of publishing the regulation in the California Code of Regulations.

Title 5
 AMEND: 58310
 Filed 04/03/2019
 Effective 05/03/2019
 Agency Contact: Tanya Bosch (916) 445-4826

File# 2019-0313-02
CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY
 Commercial Energy Efficiency Financing Program

These changes without regulatory effect conform the California Alternative Energy and Advanced Transportation Financing Authority's (CAEATFA's) Article 6 regulations (Commercial Energy Efficiency Financing Program) to the subdivision hierarchy numbering system used by CAEATFA in all of its other regulations.

Title 4
 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12
 Filed 04/04/2019
 Agency Contact: David Gibbs (916) 653-2212

File# 2019-0327-01
CALIFORNIA STATE UNIVERSITY RISK MANAGEMENT AUTHORITY
 Conflict-of-Interest Code

This is an amendment to a Conflict-of-Interest Code that has been approved by the Fair Political Practices Commission, and submitted for filing with the Secretary of State and printing in the California Code of Regulation only.

Title 2
 Filed 04/10/2019
 Effective 04/10/2019
 Agency Contact: Tevea Him (415) 403-1416

File# 2019-0225-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Flash Incarceration of Parolees

This action adopts and amends regulations interpreting and implementing flash incarcerations of parolees pursuant to Penal Code section 3000.08.

Title 15
 ADOPT: 3767
 AMEND: 3075.2, 3620, 3761.1, 3763, 3764, 3768.3
 Filed 04/09/2019
 Effective 07/01/2019
 Agency Contact: Josh Jugum (916) 445-2266

File# 2019-0227-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Automatic Restoration of Forfeited Credits

This Certificate of Compliance by the Department of Corrections and Rehabilitation (the "Department") adopts an alternative Good Conduct Credit restoration process for certain Division "D", "E", and "F" offenses discovered by Department staff on or after May 1, 2017.

Title 15
 ADOPT: 3329.5
 Filed 04/03/2019
 Effective 04/03/2019
 Agency Contact: Sarah Pollock (916) 445-2308

File# 2019-0305-03
DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Non-Clinical Activity Tracking

This action by the Department of Corrections and Rehabilitation adopts section 3999.26 as a pilot program for non-clinical activity tracking. This filing is exempt from chapter 3.5 of part 1 of division 3 of title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Ad-

ministrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

Title 15
ADOPT: 3999.26
Filed 04/09/2019
Agency Contact: Jon Struckmann (916) 445-2276

File# 2019-0311-02
DEPARTMENT OF HUMAN RESOURCES
Annual Paid Leave Board and Commission Members

The Department of Human Resources submitted this file and print action to add “panels” and the Cannabis Control Appeals Panel to a regulation that provides for annual paid leave for nonelected members of state boards and commissions whose annual salaries are fixed by law.

Title 2
AMEND: 599.752.1
Filed 04/10/2019
Effective 04/10/2019
Agency Contact: Jodi LeFebre (916) 323-8490

File# 2019-0219-05
DEPARTMENT OF SOCIAL SERVICES
Temporary Management of Adult Community Care Facilities and Residential Care Facilities for the Elderly (RCFEs)

In this certificate of compliance, the Department of Social Services makes permanent regulations that address the qualifications of a temporary manager, the application and selection process for a temporary manager, and the budget restrictions when the manager temporarily operates Adult Community Care Facilities and Residential Care Facilities for the Elderly.

Title 22, MPP
ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
Filed 04/03/2019
Effective 04/03/2019
Agency Contact: Everardo Vaca (916) 657-2363

File# 2019-0325-01
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Determining the Initial Penalty for Each Violation

This is a second emergency readoption of an increase in the minimum-to-maximum initial penalty amount ranges for violations of laws related to hazardous waste control and disposal.

Title 22
AMEND: 66272.62
Filed 04/03/2019
Effective 04/03/2019
Agency Contact: Shawn Cox (916) 322-7527

File# 2019-0222-02
STATE WATER RESOURCES CONTROL BOARD
Recycled Water Policy Amendment

This action, submitted pursuant to Government Code section 11353, amends the Water Quality Control Policy for Recycled Water to remove statewide mandates, set narrative goals, establish reporting requirements, clarify compliance with wastewater change petitions, update requirements for salt and nutrient management planning, update permitting guidelines, and update monitoring requirements for constituents of emerging concern. This amendment was approved by the State Water Resources Control Board on December 11, 2018, in Resolution 2018-0057.

Title 23
AMEND: 2920
Filed 04/08/2019
Effective 04/08/2019
Agency Contact: Laura McLellan (916) 319-8288

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 7, 2018 TO
April 10, 2019**

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

Title 2
04/10/19 AMEND: 599.752.1
03/21/19 ADOPT: 579.9
03/07/19 AMEND: 35101
02/27/19 AMEND: 80225
02/27/19 AMEND: 11087, 11095, 11097
02/25/19 ADOPT: 18360.1, 18360.2
02/21/19 ADOPT: 574
02/20/19 AMEND: 18702.2
02/13/19 AMEND: 54700
01/31/19 ADOPT: 59840
01/24/19 AMEND: 1859.194, 1859.196
01/22/19 AMEND: 1859.51(e)
01/14/19 AMEND: 18756

01/07/19 AMEND: 60802, 60803, 60807, 60808, 60824, 60825, 60827, 60831, 60832, 60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120

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

12/12/18 AMEND: 2970

12/12/18 AMEND: 18545, 18700, 18730, 18940.2

12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445

12/04/18 AMEND: 1897

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

11/27/18 AMEND: 1897

11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17

Title 3

03/21/19 AMEND: 3591.13

03/13/19 AMEND: 3591.2

03/06/19 AMEND: 3601

02/28/19 ADOPT: 4920

02/21/19 AMEND: 3591.2

02/20/19 AMEND: 3591.2

02/04/19 AMEND: 1180.3.1

01/30/19 AMEND: 6860

01/17/19 REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12

01/16/19 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609

01/07/19 AMEND: 3439

12/18/18 ADOPT: 4921

11/29/18 AMEND: 3899

Title 4

04/04/19 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12

03/14/19 AMEND: 10325

03/12/19 ADOPT: 1842.1 AMEND: 1588

02/20/19 AMEND: 1843.2

02/07/19 AMEND: 10315, 10317, 10322, 10325, 10326, 10327, 10328, 10335, 10337

01/22/19 AMEND: 1374, 1374.3

01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590

01/02/19 AMEND: 12200, 12201, 12220, 12221

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

12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7

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

11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429

11/20/18 AMEND: 1632

11/20/18 AMEND: 1843.3

11/20/18 AMEND: 8078.3, 8078.15

11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

Title 4, 16

03/19/19 AMEND: title 4: 1101, 1126, 1373.2, 1374, 1374.3, 1379; title 16: 2721, 2723, 2775

Title 5

04/03/19 AMEND: 58310

04/03/19 REPEAL: 1030.5, 1030.6, 1030.7, 1030.8, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039.1, 1039.2, 1039.3

03/19/19 AMEND: 71398

03/07/19 AMEND: 80048.8, 80048.8.1, 80413, 80523
 02/21/19 AMEND: 19810
 02/19/19 REPEAL: 1200, 1202, 1203, 1204, 1204.5, 1205, 1206, 1207, 1207.1, 1207.5, 1208, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1216.1, 1217, 1218, 1218.6, 1219, 1220, 1225
 02/15/19 AMEND: 55200, 55202, 55204, 55206, 55208
 02/15/19 AMEND: 55800
 01/31/19 AMEND: 850, 854.1, 854.2, 854.3, 854.4, 859, 862, 863
 12/31/18 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
 12/05/18 AMEND: 19810

Title 8

03/05/19 AMEND: 3999(b)
 02/28/19 AMEND: 3295
 02/14/19 AMEND: 9789.39
 02/06/19 AMEND: 3389
 01/07/19 AMEND: 11140
 01/03/19 AMEND: 336
 12/26/18 AMEND: 9789.19
 11/26/18 AMEND: 9789.25
 11/15/18 AMEND: 344, 344.1, 344.2

Title 9

02/05/19 AMEND: 4350
 01/15/19 ADOPT: 4011, 4012, 4013, 4014, 4014.1, 4015

Title 10

03/28/19 AMEND: 2773
 03/28/19 ADOPT: 2032, 2032.5, 2033, 2033.5, 2034, 2034.5, 2035, 2035.5, 2036, 2036.5, 2037, 2037.5, 2038, 2038.5, 2039, 2039.5, 2040, 2040.5, 2041, 2041.5, 2042, 2042.5, 2043, 2043.5, 2044, 2044.5
 03/27/19 AMEND: 2498.5
 03/26/19 AMEND: 2498.4.9
 03/25/19 AMEND: 2498.6
 03/07/19 ADOPT: 2915
 02/20/19 AMEND: 3500, 3576, 3577, 3721
 01/14/19 AMEND: 2318.6, 2353.1, 2354
 01/14/19 AMEND: 2318.6
 12/31/18 AMEND: 2632.5, 2632.11
 12/26/18 ADOPT: 2238.10, 2238.11, 2238.12
 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

Title 11

03/25/19 AMEND: 1005
 02/06/19 AMEND: 1008
 02/04/19 AMEND: 1009
 01/25/19 AMEND: 999.12 REPEAL: 999.13
 01/08/19 ADOPT: 5460
 12/31/18 AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2107
 12/28/18 AMEND: 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517

Title 12

03/19/19 ADOPT: 515, 515.1, 515.2, 515.3, 515.4, 515.5
 01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)
 01/03/19 AMEND: 553.70
 11/07/18 AMEND: 505.2

Title 13

03/25/19 ADOPT: 1070, 1071, 1072, 1073, 1074 AMEND: Article 13 (in Division 2, Chapter 4)
 03/06/19 AMEND: 1152.3
 02/21/19 AMEND: 17.02
 01/28/19 AMEND: 20.05
 01/16/19 AMEND: 550, 551.8, 551.12, 590
 01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)
 01/03/19 AMEND: 553.70
 12/26/18 AMEND: 2025
 12/26/18 AMEND: 1152.7, 1152.7.1
 12/20/18 ADOPT: 1217.2, 1263.2
 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

Title 13, 17

02/25/19 AMEND: title 13: 2452, 2461.1; title 17: 93116.3
 02/07/19 AMEND: Title 13: 1956.8, 1961.2, 1965, 2036, 2037, 2065, 2112, 2141, Title 17: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95311, 95662, 95663
 01/04/19 ADOPT: title 17: 95483.2, 95483.3, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95500, 95501, 95502, 95503 AMEND: title 13: 2293.6; title 17: 95481, 95482, 95483, 95483.1, 95484, 95485, 95486, 95487, 95489, 95491, 95492, 95493, 95494, 95495 REPEAL: title 17: 95483.2, 95488, 95496

Title 14

04/02/19 ADOPT: 2750, 2752, 2754, 2756, 2758, 2760, 2762, 2764, 2766, 2768, 2770, 2772, 2774, 2776, 2778

03/29/19 AMEND: 1038.5

03/28/19 AMEND: 27.65

03/20/19 ADOPT: 1752, 1772, 1772.1, 1772.1.1, 1772.1.2, 1772.1.3, 1772.1.4, 1772.2, 1772.3, 1772.4, 1772.5, 1772.6, 1772.7 AMEND: 1723.9, 1760

03/18/19 AMEND: 670.5

03/07/19 ADOPT: 29.06

03/05/19 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20

02/28/19 AMEND: 7.50

02/26/19 AMEND: 670.2

02/26/19 AMEND: 107, 174, 176, Appendix A (Div. 1, Subd. 1, Ch. 9)

02/26/19 AMEND: 29.15

02/25/19 AMEND: 1.53, 1.74, 5.00

02/19/19 ADOPT: 1038.6

02/19/19 ADOPT: 1038.1, 1038.2, 1038.3, 1038.4, 1038.5 AMEND: 1038, 1038.3 [renumbered to 1038.9] REPEAL: 1038.1, 1038.2

02/15/19 AMEND: 1094, 1094.2, 1094.6, 1094.8, 1094.17, 1094.23

02/07/19 ADOPT: 13008 AMEND: 13012, 13015, 13018, 13019, 13040, 13050, 13071, 13104, 13105, 13113, 13116, 13136, 13137, 13138, 13144, 13158, 13173, 13204, 13205, 13214.7, 13216, 13217, 13218, 13219, 13221, 13222, 13223, 13224, 13231, 13234, 13238.1, 13241, 13242, 13243, 13244, 13245, 13247, 13300, 13302, 13315, 13328.1, 13328.8, 13328.9, 13331, 13336, 13342, 13343, 13356, 13358, 13371, 13500, 13518, 13530, 13536, 13545, 13546, 13548, 13554, 13576, 13577, 13600, 13610, 13625, 13626, 13635, 13645, 13647, 13648, REPEAL: 13214, 13214.1, 13214.2, 13214.3, 13214.4, 13214.5, 13214.8.

02/06/19 ADOPT: 1720.1, 1724.5, 1724.7.1, 1724.7.2, 1724.8, 1724.10.1, 1724.10.2, 1724.10.3, 1724.10.4, 1724.11, 1724.12, 1724.13 AMEND: 1724.6, 1724.7, 1724.10, 1748, REPEAL: 1724.8, 1748.2, 1748.3

01/02/19 AMEND: 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10, 150.16

12/28/18 ADOPT: 15064.3, 15234 AMEND: 15004, 15051, 15061, 15062, 15063,

15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, Appendix G, Appendix M, Appendix N

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

12/17/18 ADOPT: 817.04 AMEND: 790

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

12/13/18 AMEND: 2975

12/10/18 ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]

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: Subsection 120.7(m) REPEAL: Appendix A Form DFG-120.7 (10/87)

11/13/18 AMEND: 1038, 1038.1, 1038.2

Title 14, 27

03/05/19 ADOPT: title 14: 18815.1, 18815.2, 18815.3, 18815.4, 18815.5, 18815.6, 18815.7, 18815.8, 18815.9, 18815.10, 18815.11, 18815.12, 18815.13 AMEND: title 14: 17365, 17370.2, 17379.0, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17388.4, 17388.5, 17389, 17414, 17869, 17896.45, 18794.0, 18794.1, 18794.2, 18800; title 27: 20510, 20686, 20690

Title 15

04/09/19 ADOPT: 3767 AMEND: 3075.2, 3620, 3761.1, 3763, 3764, 3768.3

04/09/19 ADOPT: 3999.26

04/03/19 ADOPT: 3329.5

03/22/19 ADOPT: 4199

03/21/19 AMEND: 4900, 4927, 4935, 4936, 4937, 4938, 4939 REPEAL: 4939.5, 4961.1, 4972, 4975, 4977, 4977.5, 4977.6, 4977.7, 4978, 4979, 4980, 4981, 4982, 4983, 4983.5

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- 03/18/19 ADOPT: 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748
 - 03/18/19 REPEAL: 3349, 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9
 - 03/12/19 AMEND: 3355.1 (renumbered to 3999.367), 39999.99, 3999.206, 3999.234, 3999.237, 3999.375 (renumbered to 3999.395)
 - 03/05/19 AMEND: 3269.1, 3315
 - 02/26/19 AMEND: 3294.5
 - 02/25/19 AMEND: 3075.2
 - 01/28/19 AMEND: 8004.1
 - 01/23/19 AMEND: 3043.3
 - 01/15/19 AMEND: 3177, 3315
 - 01/09/19 AMEND: 3043, 3043.3, 3043.4, 3043.5
 - 01/07/19 AMEND: 3999.98, 3999.200
 - 01/07/19 AMEND: 8000
 - 12/26/18 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491
 - 11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378
 - 11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299
 - 01/16/19 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5007.1, 5007.2, 5008, 5009, 5010, 5010.1, 5010.2, 5010.3, 5011, 5012, 5013, 5014, 5015 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5024.1, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5040.1, 5041, 5041.1, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5052.1, 5053, 5054, 5300, 5301, 5302, 5303, 5303.1, 5304, 5305, 5305.1, 5306, 5307, 5307.1, 5307.2, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5402, 5403, 5403.1, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5415.1, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5506.1, 5507, 5600, 5601, 5602, 5603, 5604, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5900, 5901, 5902, 5903, 5904, 5905
 - 01/15/19 ADOPT: 1483.1, 1483.2, 1486 AMEND: 1480, 1481, 1482, 1483, 1484
 - 12/21/18 ADOPT: 1399.515
 - 12/05/18 AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71
 - 12/03/18 AMEND: 18
 - 11/28/18 AMEND: 1399.514
 - 11/20/18 AMEND: 2450
- Title 16**
- 03/26/19 AMEND: 1887.4.1
 - 03/06/19 AMEND: 20
 - 02/25/19 AMEND: 1399.515
 - 02/05/19 REPEAL: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
 - 01/31/19 REPEAL: 2624, 2624.1
 - 01/30/19 AMEND: 1735.1, 1735.2, 1735.6, 1751.1, 1751.4
 - 01/29/19 ADOPT: 6020
- Title 17**
- 03/29/19 AMEND: 95101, 95102, 95103, 95111, 95115, 95118, 95152, 95153

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03/29/19	ADOPT: 95915, 95989 AMEND: 95802, 95812, 95813, 95820, 95830, 95831, 95833, 95834, 95841, 95841.1, 95851, 95852, 95854, 95856, 95870, 95871, 95890, 95891, 95892, 95893, 95894, 95911, 95912, 95913, 95914, 95920, 95921, 95942, 95943, 95973, 95974, 95976, 95977.1, 95979, 95981, 95981.1, 95982, 95983, 95984, 95985, 95987, 95990, 96011, 96014, 96021, 96022, Appendix B and Appendix E	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
03/25/19	ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022	
03/18/19	ADOPT: 30220 AMEND: 30108.1, 30192.6, 30194, 30210, 30257, 30293, 30295, 30373 REPEAL: 30210.1,	
03/07/19	AMEND: 30335.5, 30440, 30444, 30451, 30455.1, 30456.2, 30466	
02/28/19	AMEND: 6508	
02/26/19	ADOPT: 30197, 30197.1, 30197.2, 30197.3, 30197.4, 30197.5, 30197.6, 30197.7 AMEND: 30195.1	
01/16/19	ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500, 40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570	01/03/19 AMEND: 1533.2, 1598
01/10/19	AMEND: 3030	01/02/19 ADOPT: 30000, 30101, 30102, 30103, 30104, 30105, 30106, 30201, 30202, 30203, 30204, 30205, 30206, 30207, 30208, 30209, 30210, 30211, 30200.5, 30212, 30213, 30213.5, 30214, 30214.5, 30215, 30216, 30217, 30218, 30219, 30220, 30221, 30222, 30223, 30224, 30301, 30302, 30303, 30304, 30310, 30311, 30312, 30313, 30314, 30315, 30316, 30401, 30402, 30403, 30404, 30405, 30410, 30411, 30412, 30420, 30421, 30430, 30431, 30432, 30433, 30501, 30502, 30503, 30504, 30505, 30601, 30602, 30603, 30604, 30605, 30606, 30607, 30701, 30702, 30703, 30704, 30705, 30706, 30707
12/31/18	AMEND: 94506, 94509, 94513, 94515	12/27/18 ADOPT: 3702
12/27/18	ADOPT: 95371, 95372, 95373, 95374, 95375, 95376, 95377	12/17/18 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,
Title 18		
03/19/19	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,	

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	130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211
11/20/18 AMEND: 25137-1, 17951-4	12/31/18 AMEND: 66272.62
Title 19	12/19/18 AMEND: 66262.41
11/30/18 ADOPT: 4010	12/19/18 AMEND: 72329.2
Title 20	12/13/18 ADOPT: 51002.5 AMEND: 51003.1
03/18/19 AMEND: 1602, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	12/04/18 ADOPT: 69511.3 AMEND: 69511
03/18/19 AMEND: 1602, 1605, 1605.1, 1605.2, 1605.3, 1606, 1608	12/04/18 AMEND: 20100.5
12/05/18 ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309	11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087
Title 22	Title 22, MPP
04/03/19 AMEND: 66272.62	04/03/19 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
03/27/19 ADOPT: 71900, 719001	01/15/19 ADOPT: 35064 AMEND: 31-002, 35000, 35001, 35129, 35129.1, 35152.1, 35152.2, 35177, 35179, 35181, 35183, 35211, 35215, 35315
03/22/19 ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, 64420.8	01/08/19 AMEND: 87224, 87412
03/21/19 AMEND: 75021	01/02/19 ADOPT: 85175, 85318, 85320, 85340, 85342, 85364, 85368.1, 85368.4, 85370, 85387, 85390, 85102, 85161, 85168, 85168.3, 85169 AMEND: 85000, 85068.2, 85375, 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190, 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369
03/20/19 AMEND: 7127	11/15/18 AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425
03/05/19 AMEND: 66250, 66250.1, 66250.2	Title 23
02/27/19 AMEND: 72329.2	04/08/19 AMEND: 2920
02/14/19 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022,	03/04/19 ADOPT: 3929.17
	02/25/19 ADOPT: 3002.1 AMEND: 3002
	02/19/19 ADOPT: 3949.15
	01/15/19 AMEND: 597
	12/19/18 AMEND: 315, 316
	12/13/18 ADOPT: 3939.56
	12/13/18 ADOPT: 3939.55
	11/29/18 ADOPT: 335, 335.2, 335.4, 335.6 [renumbered to 335.16], 335.8

	[renumbered from 335.12(a)], 335.10	02/21/19	ADOPT: 432a, 800, 801, 802, 803
	[renumbered to 335.12], 335.12		AMEND: 8, 421, 430, 439, 440
	[335.12(a) renumbered to 335.8;	02/05/19	AMEND: 25705
	335.12(b)–(c) renumbered to 335.6],	12/27/18	AMEND: 27001
	335.14 [renumbered to 335.10], 335.16	11/27/18	AMEND: 25603
	[renumbered to 335.14], 335.18, 335.20		
	AMEND: 310	Title 28	
11/29/18	ADOPT: 3919.18	03/05/19	ADOPT: 1300.49
11/14/18	AMEND: 3006	Title MPP	
Title 25		02/06/19	AMEND: 41–440, 42–711, 42–716, 42–717, 44–207
02/28/19	REPEAL: 6200, 6201, 6202, 6203	01/09/19	AMEND: 42–207, 42–213, 42–215, 42–221, 80–310
Title 27		12/20/18	AMEND: 40–105, 40–171, 80–301 REPEAL: 40–026
03/12/19	ADOPT: 25607.34, 25607.35		
03/11/19	AMEND: 25805		

