



# California Regulatory Notice Register

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*Time-  
Dated  
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# PROPOSITION 65

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Chemicals Listed Effective September 13, 2019 as Known to the State of California to Cause Cancer: 2-Amino-4-Chlorophenol; 2-Chloronitrobenzene; 1,4-Dichloro-2-Nitrobenzene;*

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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 (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 17, 2019**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 15, 2019**.

#### BACKGROUND/OVERVIEW

A recipient committee receives contributions to use for political purposes, such as making contributions or independent expenditures to support or oppose candidates and ballot measures, or making contributions to political parties and other state and local campaign committees. All recipient committees are required to file semi-annual statements for each half of the year, whether or not they have received any contributions or made any expenditures during the six-month period covered by the statement.

The Act provides that every recipient committee must file a statement of organization. (Section 84101.) The statement of organization must include, among other things, the name of the committee. If the committee is a “sponsored committee,” the committee’s name must include the name of its sponsor. (Section 84102(a).)

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Regulation 18419 contains certain requirements for sponsored committees. These requirements are three-fold. First, the sponsored committee must include the sponsor’s name in its name. Second, the sponsored committee must indicate on its statement of organization the industry group or affiliation of the sponsor. Third, the sponsor must itself file as a committee unless it fits within an exception created by the regulation. (Section 18419(c)(1)–(3).)

#### *Qualification as a “Sponsor”*

A sponsored committee is a committee, other than a controlled committee, that has a sponsoring organization. (Section 82048.7(a) and Regulation 18419(a)(1).) A sponsoring organization is an entity, such as a business entity, or an organization, such as a trade association or labor organization, that does one of the following:

- Provides 80 percent or more of the contributions received by the committee, either directly or from the entity or organization’s members, officers, employees, or shareholders;
- Collects contributions for the committee through payroll deductions or dues;
- Provides all or nearly all the administrative services for the committee;
- Sets the policies for soliciting contributions or making expenditures of committee funds. (Section 82048.7 and Regulation 18419.)

#### *Naming Requirements*

A committee’s name is one of the first pieces of information about a political committee that the public sees or hears. A committee’s name appears on all the committee’s mass mailings, and most advertisements including television, radio, telephone, print, and email advertisements, informing the public who sent or paid for a communication as required by the Act’s sender identification and advertisement disclosure provisions. Additionally, other electronic advertisements must also include a hyperlink to an Internet Web site containing the committee’s name. (Sections 84305, 84501–84510.)

Section 84102 sets forth basic information that committee names must contain. It requires that a sponsored committee name include the name of the sponsor. One purpose of these provisions is to provide the public with clear indication of who is responsible for a committee and prevent entities, which sponsor political committees, from obscuring their identity behind the committee name.

When more than one organization meets the definition of “sponsor,” Section 84102(a) provides that:

Whenever a committee has more than one sponsor, and the sponsors are members of an industry or other

identifiable group, a term identifying that industry or group shall be included in the name of the committee.

The Act does not provide guidance regarding the appropriate “terms” which should be used to describe the industry or group affiliation of multiple sponsors. However, the multiple sponsor provision is an exception to this general rule that the specific name of the sponsor must be included. For this reason, the identifying terms used for multiple sponsors should be as specific as possible. A term that is broader than necessary would not be consistent with the purpose of Section 84102(a).

The statute permits use of a term identifying the industry or group. Which to choose depends upon the nature of the sponsor and whether a group name or an industry name more specifically identifies the sponsor.

### REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18419; subdivision (a)(2)(A) by adding language for purpose of determining when a committee reached the 80 percent threshold for qualification as a sponsored committee, that threshold is determined based on all contributions received by a committee in the 24 months preceding. The proposed amendments also state that a committee must determine if it qualified as a sponsored committee, or if a sponsor changed, at the time of filing each campaign statement. This includes semi-annual, pre-election, and quarterly campaign statements.

Amend subdivision (b)(1) to provide additional guidance regarding the appropriate terms which should be used to describe the industry or group affiliation of multiple sponsors. As proposed, the amendment defines the phrase “other identifiable group” as “members of the same business or trade; or non-profit organizations with a common purpose,” to make it clear that any name used to describe multiple sponsors must accurately characterize the common business or nonprofit purpose of the sponsors. Additionally, non-exhaustive examples have been provided of both sufficient and insufficient identification of multiple sponsors (subdivisions (b)(1)(A) and (B)), and conforming changes have been made to subdivision (b)(2).

Amend subdivisions (a) (3) and (5), to omit obsolete language, and shorten various references from “Government Code section” to “Section” and from “2 Cal. Code Regs. Section” to “Regulation.”

### SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any

related issues. The Commission must determine that no alternative considered by the agency 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.

### FISCAL IMPACT STATEMENT

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

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

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

The adoption of the proposed amendments: (1) will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (2) will not result in any nondiscretionary cost or savings to local agencies; (3) will not result in any cost or savings in federal funding to the state; (4) will not impose a mandate on local agencies or school districts; and (5) will not have any potential cost impact on private persons or businesses including small businesses.

### AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

### REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 82048.7.

### CONTACT:

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

## TITLE 4. CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

The California Health Facilities Financing Authority (“Authority”) proposes to adopt the regulations de-

scribed below after considering all comments, objections and recommendations regarding the proposed action.

### PUBLIC HEARING

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

### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Authority. Comments may also be submitted by facsimile (FAX) at (916) 654-5362 or email at [chffa@treasurer.ca.gov](mailto:chffa@treasurer.ca.gov). The written comment period closes on October 28, 2019. The Authority will consider only comments received by the Authority office by October 28, 2019. Please submit comments to:

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

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

Copies of the proposed regulations and the Initial Statement of Reasons are available at the address listed below. This notice, the enacting statute, the Initial Statement of Reasons, and the text of the proposed regulations are available on the internet at <https://www.treasurer.ca.gov/chffa/hospital.asp> and is also available to the public as is all information that the Authority considered as the basis for these proposed regulations, at the address listed below.

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

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

### AUTHORITY AND REFERENCE CITATIONS

The Authority adopts these regulations under the authority granted in Sections 1179.85, 1179.87, and 1179.91, Health and Safety Code, and cites the following references: Sections 1179.81, 1179.82, 1179.84, 1179.85, 1179.86, 1179.87, 1179.89, and 1179.98, Health and Safety Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Children's Hospital Bond Act of 2018, as codified in the Health and Safety Code, Division 1, Part 6.3, commencing with Section 1179.81, was passed by California voters via Proposition 4, on November 6, 2018. The passage of this Proposition enables the State of California to fund the Children's Hospital Program of 2018. The purpose of the program is to improve the health and welfare of California's critically ill children by providing a stable and ready source of funds for capital improvement projects for children's hospitals. Health and Safety Code Section 1179.84 provides:

The purpose of the Children's Hospital Program is to improve the health and welfare of California's critically ill children by providing a stable and ready source of funds for capital improvement projects for children's hospitals. The program provided for in this part is in the public interest, serves a public purpose, and will promote the health, welfare, and safety of the citizens of the state.

These regulations will directly benefit 13 Children's Hospitals that operate throughout California as well as an undetermined number of hospitals "that provide pediatric services to children eligible for the California Children's Services program that are either (1) a public hospital as defined in Welfare and Institutions Code section 14105.98(a)(25), or (2) a general acute care hospital licensed pursuant to Section 1250 of this code [Health and Safety Code] that is, or is an operating entity of, a California nonprofit corporation." (Hereinafter referred to as "Eligible Hospital(s).") (Health and Safety Code Section 1179.86, subdivision (c)). These hospitals provide specialized and comprehensive pediatric services to a high volume of children eligible for governmental programs and to children with special health



care needs eligible for the California Children’s Services program. The regulations provide the mechanism to implement the Children’s Hospital Bond Act of 2018 whereby funds may be disbursed to the 13 Children’s Hospitals and Eligible Hospitals to fund the purchase of equipment for use in the treatment of these children or to fund other capital projects to expand bed capacity or upgrade the facility as needed to better serve these children and their families. The five UC Children’s Hospitals are identified by name in statute, while the eight non UC Children’s Hospitals are identified as general acute care hospitals that are, or are an operating entity of, a California nonprofit corporation that received a Grant or Grants from the Children’s Hospital Bond Acts of 2004 and 2008. In addition to the 13 Children’s Hospitals eligible for Grant funds, the Children’s Hospital Bond Act of 2018 extends to a public hospital, a private nonprofit hospital, or an operating entity of a private nonprofit corporation, (“Eligible Hospitals”).

As stated above, there are two previous Children’s Hospital Bond Act Programs that were passed by the voters in 2004 and 2008. The regulations governing these two programs are nearly identical. The regulations for both of the earlier programs were effective in facilitating the review, awarding of grants, and disbursement processes for eligible projects in multiple funding rounds causing almost all Grant funds to be dedicated towards projects that have or will improve access to health care or improve pediatric patient outcomes for the critically ill children of California. The 2018 Children’s Hospital Program is similar to the earlier programs and, therefore, the regulations are the same, to the extent possible. Additional requirements and processes have been incorporated into these regulations as the 2018 Program provides funds to a new sector of hospitals, as mentioned in the above paragraph, which are being designated as “Eligible Hospitals” for purposes of the regulations.

Note: The Grant funds available to the Eligible Hospitals are 10 percent of the total funds available for grants, and approximately 160 hospitals are eligible for these Grant funds. Due to the limited amount of Grant funds available to these hospitals, awarding of Grant funds will be on a competitive basis. The Eligible Hospitals will be scored based on the Evaluation Criteria from the highest to the lowest scoring application. The number of Grant awards that will be made is contingent on the amount of Grant funds requested by the individual hospitals. The total amount of Grant funds available to Eligible Hospitals is \$150 million, with a maximum per hospital of \$15 million. The Grant funds available to “Eligible Hospitals” shall be used solely for “. . . constructing, expanding, remodeling, renovating, furnishing, or equipping the pediatric program of an eligible hospital”. (Health and Safety Code Section 1179.86,

subdivision (c)). Again, the focus is on improvement of the health and welfare of California’s critically ill children.

The regulations were submitted to the Office of Administrative Law (“OAL”) as emergency regulations. The OAL approved the emergency regulatory action that became effective on April 12, 2019 and will expire on October 10, 2019, during which time the Authority must file the Certificate of Compliance. (The Certificate of Compliance is the process by which these regulations become permanent.)

DOCUMENTS INCORPORATED BY REFERENCE

Two distinct Application forms have been developed: One for the Children’s Hospitals and one for the Eligible Hospitals. The Applications acknowledge that each is specific to a different hospital type through the Application title and form number. In addition to the Applications, the Grantee certifies to the Authority that the Project is complete by submitting a “Completion Certificate and Final Report” form described in section 7015.

- (a) Grant Application for Children’s Hospitals, Form Number CHFFA 10 CHP18–CH (10/2019)
- (b) Grant Application for Eligible Hospitals, Form Number CHFFA 10 CHP18–EH (10/2019)
- (c) Completion Certificate and Final Report, Form Number CHFFA 10 CHP18–CCFR (10/2019)

DUPLICATION OF REGULATIONS

The following is a list of the sections within the Grant Application for Children’s Hospitals, the Grant Application for Eligible Hospitals, and the Certificate of Completion and Final Report, if applicable, where a section of the Children’s Hospital Program of 2018 regulations are duplicated.

The Authority has included the regulatory language in the Application and the Certificate of Completion and Final Report for purposes of satisfying the requirement for clarity of regulations and forms incorporated by reference.

**Grant Application for Children’s Hospitals, Form Number CHFFA 10 CHP18–CH (10/2019)**

Application Submission Instructions — Page (i)

Paraphrased

Financial Information, Section 7005, Contents of Application, subdivision (a)(1)

Organizational Information, Section 7005, Contents of Application, subdivisions (a)(2)(A)(i) through (a)(2)(A)(iii), and (a)(2)(B)

Project Description — Page 4

Verbatim

Regulations, Section 7007, Evaluation Criteria, subdivisions (a)(1) and (a)(2) and subdivisions (b)(1), (b)(2) and (b)(3)

Project Readiness and Feasibility — Page 5

Paraphrased

Regulations, Section 7007, Evaluation Criteria, subdivisions (c)(1)(A) through (c)(1)(C)

Verbatim

Regulations, Section 7007, subdivisions (c)(2)(A) through (c)(2)(D)

Project Readiness and Feasibility (cont.) and Financial Capacity— Page 6

Paraphrased

Regulations, Section 7007, Evaluation Criteria, subdivisions (c)(3)(A) through (c)(3)(C), and (c)(4)

Financial Capacity

Paraphrased

Regulations, Section 7007, Evaluation Criteria, subdivision (c)(5)

**Grant Application for Eligible Hospitals, Form Number CHFFA 10 CHP18–EH (10/2019)**

Application Submission Instructions — Page (i)

Paraphrased

Financial Information, Section 7005, Contents of Application, subdivision (a)(1)

Organizational Information, Section 7005, Contents of Application, subdivisions (a)(2)(A)(i) through (a)(2)(A)(iii), (a)(2)(B), and (a)(2)(C)

Project Description — Page 4–7

Verbatim

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (a)(1)(A) through (a)(1)(v) and subdivision (a)(2)(A) and (a)(2)(B)

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (b)(2)(A)(i) through (b)(2)(A)(vi) and (b)(3)(A)(i) through (b)(3)(A)(iv)

Paraphrased

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (b)(1)(A) through (b)(1)(A)(ii) and subdivision (b)(1)(B)

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (c)(1) through (c)(1)(C)

Paraphrased

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (c)(2)(A) through (c)(2)(B)(i)

Verbatim

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (c)(2)(C) and (c)(2)(D), and subdivision (c)(4)

Project Readiness and Feasibility — Page 8

Paraphrased

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (c)(3)(A) and (c)(3)(B)

Financial Capacity — Page 9

Paraphrased

Regulations, Section 7007.1, Evaluation Criteria, subdivision (c)(5)

**Completion Certificate and Final Report Form Number CHFFA 10 CHP18–CCFR (10/2019)**

Part I: Narrative Questions, Results of the Project — Page 1

Verbatim

Regulations, Section 7007, Evaluation Criteria, subdivisions (a)(1) and (a)(2)

Regulations, Section 7007.1, Evaluation Criteria, subdivisions (a)(1) and (a)(2)

Part I: Narrative Questions, Supporting Documentation — Page 1

Paraphrased

Regulations, Section 7015, Completion of Grant Funded Project, subdivisions (a)(1) and (a)(2)

STATEMENT OF NECESSITY

**Section 7000, Definitions**

This section provides definitions for terms:

- (a) Where the definition may differ from that found in a dictionary. For example, “Authority”, as defined within these regulations, refers specifically to the California Health Facilities Financing Authority.
- (b) That may be unfamiliar to the users of the regulations. For example, “Audited Financial Statements” means an examination and report of the financial activities of the Applicant or the California nonprofit corporation of which the Applicant is an operating entity, for its fiscal year, performed by an independent accounting firm under generally accepted accounting principles. Users of the regulations may be unfamiliar with this accounting term.
- (c) That are unique to the California Health Facilities Financing Authority and the process for awarding of Grant funds. For example, an “Initial Allocation” is the Grant amount that is recommended to the Authority for Final Allocation. “Final Allocation” is the Grant amount that is approved by the Authority.

**Section 7001, Eligibility**

This section places into regulation specifics as to the entities that may apply for Grants under the Children’s Hospital Program of 2018. In addition to the eligibility requirements contained in the enacting legislation, other requirements are listed, including, but not limited to, submission of a completed Application form. Appli-

cants not meeting all the conditions as contained in this regulation are deemed ineligible, but are informed that they may apply again at a time when the Applicant meets all applicable eligible requirements.

**Section 7002, Eligible Project Costs**

This section provides information as to the specific costs that are eligible for funding under the Children’s Hospital Program of 2018. Two distinct subsections are provided, as the eligible costs and the timeline for costs that are reimbursable differ between those hospitals defined as Children’s Hospitals in Health and Safety Code Section 1179.82, subdivision (b) and the Eligible Hospitals as described in Health and Safety Code Section 1179.86, subdivision (c).

**Section 7003, Maximum Grant Amount for Children’s Hospitals and 7003.1, Maximum Grant Amount for Eligible Hospitals**

Two sections on Maximum Grant Amounts were required as there are distinct differences between the Grant amounts for Children’s Hospitals and Eligible Hospitals. The distinction between the two entity types is based primarily on the amount of Grant funds allocated in the statute for the differing hospital types with a specific amount of Grant funds allocated to the Children’s Hospitals as opposed to Eligible Hospitals that will be competing for the Grant funds available.

**Section 7004, Grant Applications for Children’s Hospitals, and Section 7004.1, Grant Applications for Eligible Hospitals**

Section 7004 provides Children’s Hospitals with information as to the availability of the Application, and statements as to number of copies of an Application to submit to the Authority when requesting Grant funds, and that each Applicant may apply for more than one Grant for differing Projects until the specific Children’s Hospital reaches its maximum Grant for the first Funding Round.

Section 7004.1 was necessary as the Grant Application for Eligible Hospitals differs from the Children’s Hospitals Application as the awarding of funds will be determined on a competitive basis. This requires a specific date and time to be set for the receipt of Applications by the Authority. All hospitals competing for Grant funds must adhere to this date and time. Additionally, incomplete Applications and/or Applications received after the specified date will not be accepted for that funding round, and the Authority will not accept or consider any information or documents after the specified date.

**Section 7005, Contents of Application**

This section is necessary to inform Applicants of financial, organizational, and legal information that is to be provided to the Authority as part of a completed Application. This information is also specified in the In-

struction portion of the applicable Application to provide clarity to the regulations.

(Note: See Duplication of Regulations section above)

**Section 7006, Children’s Hospitals Application Evaluation, and 7006.1, Eligible Hospitals Application Evaluation**

These sections are necessary as Children’s Hospitals may submit Applications on a continuous basis; therefore, the Children’s Hospitals are informed that their Applications will be reviewed and evaluated within 60 days of receipt by the Authority staff. As the Children’s Hospitals are eligible for Grant amounts, as specified in the law, there is no need to score the Applications to determine which hospitals will receive Grant funds nor the amount of Grant funds to award. In contrast, the Eligible Hospitals have a set final filing date for Applications as the process is competitive. These Applications will be scored, and Grant funds will be awarded on a sliding scale until all available funds have been allocated.

**Section 7007, Evaluation Criteria for Children’s Hospitals, and 7007.1, Evaluation Criteria for Eligible Hospitals**

These sections are necessary to inform Applicants of the criteria on which their specific Applications will be evaluated. The criteria for Children’s Hospitals includes the information to be provided when real property is being acquired.

The Evaluation Criteria for the Eligible Hospitals is more expansive as the hospitals will be competing for the allocated Grant funds. Since limited Grant funds are available to the Eligible Hospitals, more detailed information about the proposed Projects is needed for evaluation and scoring by Authority staff. The purchase of property is specifically excluded, by law, as an activity for which Eligible Hospitals may use Grant funds.

The Evaluation Criteria Section for Eligible Hospitals has three primary areas on which the hospitals will be evaluated. Each section is weighted differently based on the following:

Section (a) focuses on the specific Project to be funded with the Grant funds. Since this section is the primary focus of the Children’s Hospital Bond Act, it carries the greatest weight.

Section (b) focuses on the Applicants’ (“Eligible Hospital”) ability to implement the intent of the Children’s Hospital Bond Act, which is the hospital’s ability to serve the targeted populations as described in the statute. This section is weighted less than Section (a) as all hospitals perform these services and the emphasis, therefore, is on “how well” they perform these services.

Section (c) focuses on the successful implementation of the Project. This section emphasizes the ability of the Project to be “ready”, “feasible” and “sustainable” as



required in Health and Safety Code Section 1179.87, subdivision (a)(6)

**Section 7008, Notification and Initial Allocation for Children’s Hospitals, and 7008.1, Notification and Initial Allocation for Eligible Hospitals**

Initial Allocation is a term defined in Section 7000. The use of the term Initial Allocation is unique to the Grant process as used by the California Health Facilities Financing Authority. The Initial Allocation is the recommendation by the Authority staff to the Authority for a specific Application submitted for Grant funds. It is necessary for users of the regulations to understand that the Initial Allocation is a “recommendation” and does not guarantee that Grant funds will be awarded or that the amount of the Grant funds will be what was requested on the Application. The Authority makes the final determinations based on staff recommendations. The process for arriving at the Initial Allocation is outlined in this section.

The amount of the Grant to each Children’s Hospitals is specified in the law; therefore, it is only necessary for the Authority staff to notify the Children’s Hospital Applicant of the awarded Grant amount. In contrast, Eligible Hospitals are competing for the Grant funds available to them. Therefore, it is necessary to score the Applications based on the Evaluation Criteria in Section 7007.1 and recommend Initial Allocations based on the final score of each Application. Minimum scores for Initial Allocations are set to (1) fund Projects that focus, with a greater degree, on the provision of care to the targeted populations and (2) increase the awarding Grant funds to Projects that have a greater likelihood of successful implementation. Users of the regulations are also notified that, while minimum scores are required for an Initial Allocation, Applications with less than the required minimum score may be considered for an Initial Allocation to achieve the statewide objective of improving the health and welfare of California’s critically ill children. Initial Allocations may be less than the amount requested in the Application in order to control Project costs and achieve the statewide objective of improving the health and welfare of California’s critically ill children. For example, Initial Allocations to Eligible Hospitals may be reduced in order to provide Grant funds to an Eligible Hospital in need of specific equipment, the availability of which is critical for the health, welfare, and safety of the children being served.

**Section 7009, Appeals**

This section provides an appeal process for those entities that submitted an Application, which the Authority staff determined not to recommend for a Grant, or an appeal of the amount of the Initial Allocation recommended by the Authority staff. This section provides information on the timeline of appeals, the review process, and the decisions of such appeals.

**Section 7010, Approval of Grant and Notification of Grantee**

This section informs those hospitals receiving a Grant that, in the case of Children’s Hospitals Applying Jointly, the Grant will be awarded to the hospital designated as Lead Grantee. Additionally, Applicants approved for a Final Allocation will receive a Grant award letter that includes specific information, as delineated in the regulations.

**Section 7011, Approval of Grant Use Change**

This section informs Grantees that, on a case-by-case basis, a change in the use of the Grant may be allowed if the Grantee demonstrates to the Authority that the change is consistent with the Act and the regulations.

**Section 7012, Grant Agreements**

This section provides, in regulation, the terms and conditions of the Grant that will be specified in the Grant Agreement. Grant funds cannot be disbursed until the Grant Agreement is executed by the Authority and the Grantee.

**Section 7013, Release of Funds for Non University of California Children’s Hospitals, Section 7013.1, Release of Funds for Eligible Hospitals, and Section 7013.2, Release of Funds for University of California Children’s Hospitals**

These sections inform Grantees of the requirements and documentation that shall be completed before the Grant funds may be released. The documentation required varies depending on what the Grant funds will be/were used for. In the case of Eligible Hospitals, required documentation for the purchase of property is not included as the use of Grant funds to purchase property is not an allowable expenditure. However, Eligible Hospitals may use Grant funds for architect, design and engineering fees on property already owned by the Eligible Hospital or on property leased to the Eligible Hospital if said leased property satisfies the requirements in Section 7014. The University of California Children’s Hospitals may only receive Grant funds on a reimbursement basis due to Federal tax laws. Therefore, the regulations require additional documentation for the release of Grant funds.

**Section 7014, Requirements for Construction Projects on Leased Property**

This section informs Grantees that Grant funds may be used for construction or renovation of property on leased property. This section is necessary as the Grant funds may be used for payment of the construction and/or improvement of the leased property. It is the responsibility of the Authority, as a governmental agency, to protect the use of Grant funds for the intended purpose. Specific requirements must be satisfied in order for Grant funds to be used on property leased to the Grantee.

**Section 7015, Completion of Grant Funded Project**

This section informs Grantees that once the Project funded with Grant funds is completed, the Grantee shall submit a Completion Certificate and Final Report Form to the Authority. The Grantee is to ensure that the required documentation, dependent on the specific Project for which the Grant funds were used, is provided to the Authority prior to submission of this Completion Certification.

**Section 7016, Recovery of Funds for Non-Performance and Unused Funds**

This section specifies circumstances under which the Authority may require remedies, including the forfeiture and return of the Grant funds. Provisions are also made for the return to the Authority of any unused Grant funds and any unused interest earnings.

**Section 7017, Records Retention, Inspections and Audits**

This section informs Grantees of the timeframe for records retention and also notifies Grantees that the Authority may perform site visits during the Grant Period and for three years after the certification of Project completion has been submitted.

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

These regulations will directly benefit the 13 Children’s Hospitals (eight non-profit Children’s Hospitals and five University of California Children’s Hospitals) and an unspecified number of hospitals that provide pediatric services to children eligible for the California Children’s Services program as defined in Health and Safety Code Section 1179.86, subdivision (c), that operate throughout California. These hospitals provide comprehensive pediatric services to a high volume of children eligible for governmental programs and indigent, underserved, and uninsured children. These regulations provide the mechanism for Grant funds to be disbursed to the designated Children’s Hospitals and Eligible Hospitals as described above in order to purchase critically needed equipment for use in the treatment of these children and/or to fund other capital projects to either expand bed capacity or update facilities as needed to better serve these children and their families.

EVALUATION OF WHETHER OR NOT THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Authority evaluated whether or not there were any other regulations concerning the awarding of Grants to Children’s Hospitals and Eligible Hospitals. There are two other programs, also under the auspice of the California Health Facilities Financing Authority that are similar to these proposed regulations; specifically, the Children’s Hospital Program of 2004 (California Code of Regulations, Title 4, Chapter 2) and the Children’s Hospital Program of 2008 (California Code of Regulations, Title 4, Chapter 2.5).

These proposed regulations are neither inconsistent nor incompatible with these existing regulations. The Authority is not aware of any other state programs that disburse Grant funds to Children’s Hospitals.

COST ESTIMATE

1. Cost or Savings to State Agencies: No impact. The California voters passed Proposition 4 on November 6, 2018, enabling the State of California to issue \$1.5 billion in general obligation bonds to fund the Children’s Hospital Program of 2018.
2. Cost to Local Agencies or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No impact.
4. Cost or Savings in Federal Funding to State Agencies: No impact.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

FISCAL IMPACT

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

savings to be imposed upon local agencies, or costs or savings in federal funding to the state.

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

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

**RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT**

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

These regulations will directly impact the health and welfare of California residents, specifically children in need of acute care. The monies awarded to the Children's Hospitals and Eligible Hospitals through this Grant program will benefit the quality of children's health care through the purchase of additional needed and updated equipment, and fund other capital projects to either expand bed capacity or update the facility as needed to better serve these children and their families.

**COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS**

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

**BUSINESS REPORT**

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

**SMALL BUSINESS**

The regulations will not affect small businesses as these regulations are specific to the 13 Children's Hos-

pitals specified in Health and Safety Code Section 1179.82 and the undetermined number of hospitals described in Health and Safety Code Section 1179.86 that provide pediatric services to children eligible for the California Children's Services program.

**CONSIDERATION OF ALTERNATIVES**

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

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

**AUTHORITY AND REFERENCE CITATIONS**

The Authority adopts these regulations under the authority granted in Sections 1179.82, 1179.85, and 1179.87, Health and Safety Code, and cites the following references: Sections 1179.82, 1179.84, 1179.85, 1179.86, 1179.87, Health and Safety Code.

**TECHNICAL, THEORETICAL, AND  
EMPIRICAL STUDY, REPORT OR  
SIMILAR DOCUMENTS ON  
WHICH THE AGENCY RELIES**

No technical, theoretical, or empirical study, report or similar documents were relied upon by the Authority in the development of these regulations.

**CHFFA REPRESENTATIVE  
REGARDING THE RULEMAKING  
PROCESS OF THE PROPOSED REGULATIONS**

Contact Person:  
Yuanyuan Wei  
(916) 653-3839

Backup:  
Carolyn Aboubechara  
(916) 653-3213

## TITLE 13. DEPARTMENT OF MOTOR VEHICLES

### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Section 17.00 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to REAL ID–compliant driver’s licenses and identification cards.

### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

### DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **October 28, 2019**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 681, 12800.7 and 12801.5, and Section 37.11, Title 6 of the Code of Federal Regulations.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department adopted regulations, under the authority of Part 37, Title 6, of the Code of Federal Regulations (CFR), in 2017 to establish the process by which an applicant may apply to the department for issuance of a REAL ID–compliant driver’s license or identification card. Included in that adoption was Section 17.00

establishing the requirements for obtaining a driver’s license or identification card compliant with the REAL ID Act. Section 17.00, as initially adopted, required an applicant to submit one document that establishes their residency, which did not directly align with 6 CFR section 37.11(f), which specifies that a person must present at least two residency documents. However, the department felt that the approach proposed in Section 17.00 would be less burdensome on all applicants and consulted with the Department of Homeland Security (DHS) on whether California could mirror Wisconsin which implemented a similar procedure.

While DHS initially informed the department in June 2017 that this would be acceptable, in November 2018, they rescinded that approval. The DHS informed the department that not only would two residency documents be required of new applicants on a day forward basis but the department would need to collect additional documents from customers issued a REAL ID driver’s license or identification card who only provided one document.

The department has since amended Section 17.00 to require two residency documents and comply with the federal rules. However, between the time that the regulations were initially adopted and the time that the department began requiring two residency documents, a large number of Californians applied for and received a REAL ID–compliant driver’s license or identification card with only having provided one residency document.

On April 8, 2019, DHS granted California a temporary “grace period” to allow time for the department to come into compliance with the REAL ID Act. Effective April 29, 2019, the department began requiring all REAL ID applicants to submit two proofs of California residency. Additionally, to enable the department to come into compliance with the REAL ID Act, beginning on May 20, 2019, the department began mailing letters to existing REAL ID cardholders who applied for a REAL ID–compliant driver’s license or identification card prior to April 29, 2019, and who only submitted one document from the list of documents set forth in Section 15.01. The letter that the department is sending to existing REAL ID cardholders allows the cardholder to confirm their current California residency or provide additional proof of California residency. The cardholder may mail the letter or the additional proofs of California residency back to the department in a pre–paid envelope to satisfy their two proofs of California residency. This process will be the least burdensome to cardholders and will prevent them from having to visit a field office, however, to ensure compliance, this process must be established in regulation. On May 22, 2019, California was deemed REAL ID compliant by DHS.



ANTICIPATED BENEFITS OF THIS  
PROPOSED ACTION

This action may benefit the welfare of California residents as compliance with the federal REAL ID rules will allow Californians continued access to commercial airlines and federal buildings.

CONSISTENCY AND COMPATIBILITY WITH  
STATE REGULATIONS

The department conducted a review of other regulations and has determined there are no other regulations related to the issuance of REAL ID-compliant driver's licenses or identification cards. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR  
STATE REGULATIONS

Part 37 in Title 6 of the Code of Federal Regulations identifies documentation required for a person to apply for and receive a REAL ID-compliant driver's license or identification card. The department adopted rules to clarify the identity and residency requirements in the federal rules.

DOCUMENTS INCORPORATED  
BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT  
DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact 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. This action

ensures affected license holders are able to provide sufficient proof of residency while eliminating the need for the transaction to require a visit to a field office.

- *Small Business Impact:* This proposed action is unlikely to impact small business as this action only addresses license and identification card holders.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The proposed regulatory action is not anticipated to have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposed action relates only to license and identification card holders.

RESULTS OF THE  
ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action may benefit the welfare of California residents as compliance with the federal REAL ID rules will allow Californians continued access to commercial airlines and federal buildings.

PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department 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 effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
PO Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-6243  
E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff  
Department of Motor Vehicles  
Telephone: (916) 657-6469

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

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other

materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

### TITLE 13. NEW MOTOR VEHICLE BOARD

**NOTICE IS HEREBY GIVEN** that the California New Motor Vehicle Board ("Board"), pursuant to the authority vested in the Board by subdivision (a) of Vehicle Code section 3050 proposes to adopt the proposed regulations as described below, after considering all comments, objections, and recommendations regarding the proposed regulatory action.

### PROPOSED REGULATORY ACTION

The Board proposes to amend sections 550 and 551.12 of Title 13 of the California Code of Regulations pertaining to peremptory challenges.

### PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered and adopted the proposed regulations at a noticed General Meeting held on April 10, 2019. Thirteen (13) days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to all individuals and entities on the Board's Public Mailing list, Electronic Public Mailing list, and website subscription list. The agenda was also posted on the Board's website.

No comments by the public were received at the April 10, 2019, General Meeting, and no further public discussion was held prior to publication of the notice.

### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hear-

ing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board by e-mail at [danielle.phomsopha@nmvb.ca.gov](mailto:danielle.phomsopha@nmvb.ca.gov) or [nmvb@nmvb.ca.gov](mailto:nmvb@nmvb.ca.gov) or by facsimile (FAX) at (916) 323-1632. The written comment period closes on October 28, 2019. The Board will only consider comments received at the Board's offices by that time. Submit comments to:

Danielle R. Phomsopha, Staff Counsel  
 New Motor Vehicle Board  
 1507 21<sup>st</sup> Street, Suite 330  
 Sacramento, CA 95811  
 (916) 327-3129 direct line  
 (916) 445-1888 main line  
 (916) 323-1632 fax  
[danielle.phomsopha@nmvb.ca.gov](mailto:danielle.phomsopha@nmvb.ca.gov)

**AUTHORITY AND REFERENCE**

Vehicle Code section 3050, subdivision (a), authorizes the Board to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Section 11425.40 of the California Government Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The adopted mission of the Board is to:

... enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner. The adopted vision statement provides that the Board safeguard for its "constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and develop methods that further improve the delivery of Board services in a timely and cost-effective manner . . .

The Board proposes to amend Sections 550 and 551.12 to clarify that only a protestant/petitioner or respondent in a protest or petition may file a peremptory challenge to an Administrative Law Judge. An intervenor would not be considered a party for purposes of

filing a peremptory challenge. An intervenor would still be able to file a challenge "for cause" requesting disqualification of an Administrative Law Judge (per Section 551.1).

Section 550 defines a "party" or "parties" to include an intervenor. Additional language would be added to clarify that for purposes of a peremptory challenge, an intervenor is not a party. Section 551.12 describes who may file a peremptory challenge and the mechanism for doing so. Language would be added to Section 551.12(b) to clarify that each party, excluding an intervenor, is entitled to a peremptory challenge.

**OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATION**

The broad objective of the regulations is to clarify for litigants that appear before the Board the information necessary to effectively represent themselves or their clients.

The specific benefit anticipated from the regulations is promoting the expeditious and economical resolution of statutorily enumerated disputes between new motor vehicle dealers (franchisees) and their manufacturers or distributors (franchisors). The Board keeps these types of cases from further clogging our already congested courts. It provides a uniformity of decisions across the state, allowing franchisors and their dealers to conduct their business in compliance with California law. The regulatory amendments ensure that if a peremptory challenge is filed by the protestant/petitioner and respondent in a matter, the Board still has Administrative Law Judges available to preside over the merits hearing without the need to use judges from the Office of Administrative Hearings. These amendments are consistent with the Board's Mission and Vision Statements.

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

The Board conducted an evaluation of the proposed regulations' potential inconsistency or incompatibility with existing state regulations and has found that they are neither inconsistent nor incompatible with existing state regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.

- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business:  
The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California business to compete with businesses in other states: None.
- Significant effect on housing costs: None.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

The Board concludes that the proposed regulations will not (1) create any jobs within the State of California, (2) eliminate any jobs within the State of California, (3) create any new businesses within the State of California, (4) eliminate any existing businesses within the State of California, or (5) cause the expansion of businesses currently doing business within the State of California.

**BENEFITS OF THE REGULATION**

The proposed regulations will promote the expeditious and economical resolution of disputes between new motor vehicle dealers and their manufacturers or distributors. The proposed regulations will also ensure the Board's hearing process remains cost effective.

**SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed regulations will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulations, are legally required to enforce the regulations, or derive a benefit from or incur an obligation from the enforcement of the regulations. The proposed regulations merely clarify case management for franchised new motor vehicle dealers and their franchisors (new vehi-

cle manufacturers or distributors) who choose to file a protest or petition with the Board.

**CONSIDERATION OF ALTERNATIVES**

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

The Board invites interested persons to present comments, statements or arguments with respect to alternatives to the proposed regulation, during the written comment period or at the public hearing, if one is requested.

**CONTACT PERSONS**

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Phomsopha at the following address:

Danielle R. Phomsopha, Staff Counsel  
New Motor Vehicle Board  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, CA 95811  
(916) 327-3129 direct line  
(916) 445-1888 main line  
(916) 323-1632 fax  
[danielle.phomsopha@nmvb.ca.gov](mailto:danielle.phomsopha@nmvb.ca.gov)

The backup contact person for these inquiries is:

Robin P. Parker, Senior Staff Counsel  
New Motor Vehicle Board  
1507 21<sup>st</sup> Street, Suite 330  
Sacramento, CA 95811  
(916) 323-1536 direct line  
(916) 445-1888 main line  
(916) 323-1632 fax  
[robin.parker@nmvb.ca.gov](mailto:robin.parker@nmvb.ca.gov)

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

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



making process at its offices 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, the Economic and Fiscal Impact Statement, and all the information upon which the proposal is based. Copies may be obtained by contacting the contact persons identified above.

AVAILABILITY OF CHANGED OR  
MODIFIED 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. Requests for copies of any modified regulations should be addressed to the Board contact person or back-up contact person at the addresses indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, copies thereof may be obtained by contacting Ms. Phomsopha or Ms. Parker at the above address.

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout font can be accessed through the Board's website at [www.nmrvb.ca.gov](http://www.nmrvb.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION  
NUMBER 2080-2019-008-01**

**Project:** Green Diamond Resource Company — Forest Habitat Conservation Plan for California Timberlands

**Location:** Del Norte and Humboldt Counties, California

**Applicant:** Green Diamond Resource Company

**Background**

Green Diamond Resources Company (Green Diamond) has developed an approved fifty-year Forest Habitat Conservation Plan (FHCP)(Project) that supports the issuance of authorizations from the United States Fish and Wildlife Service (USFWS) that will enable Green Diamond to continue its forest management activities on commercial timberlands. The FHCP initially covers 357,412 acres within Humboldt and Del Norte counties in California. The FHCP analysis includes an adjustment area of 339,667 acres of which up to 15 percent can be added without requiring a major amendment to the FHCP. Green Diamond's current ownership upon notification for a consistency determination is 357,860 acres. A significant element worth noting is the designation of 44 productive and distributed Dynamic Core Areas representing approximately 10,252 acres that can be replaced for biological or economic purposes.

Green Diamond's FHCP covers timber operations and related management activities including, but not limited to: felling and bucking timber, yarding timber, loading and other landing operations, salvaging timber products, transporting timber and rock products for forest constructing and maintaining forest roads, constructing and operating rock pits, water drafting for dust abatement and fire suppression, maintaining equipment, site preparation (prescribed burning, blasting and other slash treatment), early season continuous operations, planting, pre-commercial thinning and pruning, commercial thinning, and collecting and transporting minor forest products such as burls, stumps, boughs, and Christmas trees.

The Project activities described above are expected to incidentally take<sup>1</sup> northern spotted owl (*Strix occidentalis caurina*; hereafter NSO). In particular, NSO could be incidentally taken as a result of the Project activities that cause direct mortality from operations within or near occupied NSO nest sites or activity centers. The NSO is a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. section 1531 *et seq.*) and the California Endangered Species Act (CESA) (Fish and G. Code, section 2050 *et seq.*). (See Cal. Code Regs., tit. 14, section 670.5, subd. (b)(5)(G).)

NSO individuals occupy the Project area and other unoccupied but suitable NSO habitat exists within the Project area. Because of the presence of NSO, dispersal and other movement patterns of the species, and the presence of other suitable habitat within the Project site, the USFWS determined that Project activities are expected to result in the incidental take of NSO.

Because the Project is expected to result in take of a species designated as threatened under the ESA, Green Diamond prepared a FHCP in support of an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the ESA. The ITP requires full implementation of, and compliance with, all conservation measures listed in the FHCP for avoidance, minimization, and mitigation for impacts to NSO, all of which the USFWS incorporated by reference as conditions of the ITP. In 2019 the USFWS issued a Biological Opinion (BO, Ref. Number AFWO-19B0005-19F0017). The BO describes the Project, requires Green Diamond to comply with terms of the BO and its associated incidental take permit (ITP), and incorporates additional measures.

The ITP requires Green Diamond to conduct timber harvesting and related operations in accordance with existing State and Federal regulations, including the California Forest Practice Rules, the Green Diamond Aquatic FHCP/Candidate Conservation Agreement, other operational and policy management actions currently being implemented by Green Diamond, as well as the FHCP and ITP.

Under the FHCP and as described in the BO, the USFWS is authorizing incidental take through habitat modification (harm) of three NSO sites for every 100 active NSO sites per year, or two NSO sites for every 75-99 active NSO sites per year, or one NSO site for every 48-74 active NSO sites per year. If the number of

known active NSO sites is 47 or less, then no incidental take is authorized. Take calculations will be measured by and confirmed through demographic and occupancy modeling, occupancy surveys, site monitoring, and habitat model validation.

On July 31, 2019, the Director of the California Department of Fish and Wildlife (CDFW) received notification from Green Diamond requesting a determination pursuant to Fish and Game Code section 2080.1, that the ITS and the ITP, which requires implementation of and compliance with the BO and the FHCP, are consistent with CESA for purposes of the Project and the anticipated incidental take of NSO. (Cal. Reg. Notice Register 2019, Number 33-Z, p. 1154.)

**Determination**

CDFW has determined that the ITP and the BO, including the ITS, are consistent with CESA as to the Project and NSO because the mitigation measures contained in the ITP and BO, including the ITS, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of NSO will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITP and BO, including the ITS, will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of NSO. The mitigation measures in the ITP and BO, including the ITS, include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

All conservation measures described in the FHCP with minor modifications approved on August 20, 2019, are incorporated by reference as conditions in the ITP and BO, including the ITS, pursuant to part 402.14(i) of the Endangered Species Act regulations (50 C.F.R. (1986). Such terms are non-discretionary, must be undertaken to be consistent with CESA, and are as follows:

- Green Diamond shall establish 44 NSO sites designated as Dynamic Core Areas, distributed among 11 owl management units as evenly as possible as described in the FHCP. Green Diamond shall retain, monitor, and protect an additional 12 productive NSO sites to accommodate potential adaptive management scenarios for the first five years of the FHCP; and one Dynamic Core Area will be added for every net 8,000 acres added from the adjustment lands area.
- Green Diamond will conduct a series of barred owl removal experiments. The barred owl

<sup>1</sup> Pursuant to Fish and Game Code section 86, “ ‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “ ‘take’ . . . means to catch, capture or kill”).

management and removal program is mutually accepted by the USFWS and CDFW as a necessary conservation action for NSO and is the primary mitigation for direct take of NSO in the FHCP area. The barred owl experiments include removal, invasion, and co-existence elements, and will be vetted, authorized, and permitted through the CDFW scientific collection permit process (Fish and G. Code, section 1002) and Migratory Bird Treaty Act (16 U.S.C. sections 703–712).

- Green Diamond shall conduct pre-harvest NSO surveys in all harvest units planned for harvest during the period when NSO may be initiating nesting, incubating eggs, brooding nestlings, or caring for recently fledged juveniles from February 21 through August 31. Known NSO nest sites will be protected with a 0.25-mile buffer.
- Green Diamond will detect, discourage, remove, and restore illegal cannabis cultivation and associated pesticide use.
- Green Diamond will retain and recruit targeted habitat elements using a scorecard for residual trees and retention of aggregate retention areas through their TREE Program. Known NSO nest trees will also be retained regardless of management or nesting history in the area.
- Green Diamond will ensure compliance with and effectiveness of the FHCP through a monitoring, reporting, and adaptive management program that includes review and approval by USFWS and CDFW. For the life of the FHCP, the adaptive management program includes early warning and critical warning triggers, accommodates demographic modeling or occupancy modeling scenarios, review and approval of habitat model validation, review and approval of barred owl experimental phases, and incorporates full participation by CDFW including selection of a scientific review panel if necessary.
- Green Diamond shall update a geodatabase of master owl information on NSO sites and habitat, and barred owl occurrences on the lands covered by the permit. The geodatabase is submitted to CDFW as a current condition of its scientific collection permits.
- Green Diamond will provide access to the USFWS and CDFW, upon notification and justification, and access to project-level and NSO activity center information. The intent is not to compel a standard regulatory requirement for individual timber harvesting plans. Instead the intent is to clarify any incorrect or misunderstood information relative to NSO site management.

Green Diamond will also provide notification to the USFWS and CDFW of all proposed timber harvesting plans that may affect NSO on the covered lands.

#### Monitoring and Reporting Measures

Green Diamond will prepare and submit an annual report to the USFWS (see FHCP Implementation Commitment 3, Objective 5A) and CDFW by March 1 following the first full year after this FHCP's effective date and every year thereafter during this FHCP term. This reports will summarize Operating Conservation Program compliance, results of the Effectiveness Monitoring Measures and any scheduled field reviews conducted in the prior year. The annual report will also include the post-harvest completion forms. Each annual report shall also disclose necessary Green Diamond expenditures for implementing the FHCP Operating Conservation Program during the prior calendar year and Green Diamond's current-year budget for implementing the Operating Conservation Program.

The report will also include a list of protocols used, NSO detection probabilities, results of NSO THP surveys, recolonization of abandoned NSO sites, and a crosswalk list of all Green Diamond NSO sites by name and California Natural Diversity Database Master Owl number, site status, and barred owl influence. For a complete list of expected annual report items please refer to Implementation Commitment Three, Objective 5A of Section 5 of the FHCP. In addition, Green Diamond will submit an annual geodatabase to CDFW to manage the NSO database as a condition of its scientific collection permits.

#### Financial Assurances

Green Diamond will provide CDFW with a letter of credit in the sum of \$800,000 as financial assurance for full implementation of the FHCP. The significant investment in time and money by Green Diamond while implementing its 1992 Northern Spotted Owl Habitat Conservation Plan demonstrates the company's commitment to implement the terms and conditions of the FHCP. This investment includes the barred owl experiments, adaptive management, demographic and occupancy modeling, occupancy surveys, project level surveys, monitoring programs, model validation and annual reporting.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of NSO, provided Green Diamond implements the Project as described in the ITP and the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITP and the BO, including the ITS. If there are any substantive changes to the Project, including changes to the mitiga-



tion measures, or if the USFWS amends or replaces the ITP or the BO, including the ITS, Green Diamond shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish and G. Code, sections 2080.1, 2081, subs. (b) and (c)).

In making this determination, CDFW acknowledges that the ITP and BO, including the ITS, addresses NSO, a species designated as threatened under the ESA and CESA. (See Cal. Code Regs., tit. 14, section 670.5, subd. (b)(5)(G).) This species is known to occur within the Project site. The USFWS determined in the ITP and BO, including the ITS, that, for purposes of the ESA, mortality or injury to individual NSO is unlikely but that take in the form of harm could occur. The USFWS authorized such take under the ESA, requiring Green Diamond to implement various avoidance and minimization measures for the species. Green Diamond is aware that, for purposes of CESA, take of NSO as defined by state law is prohibited, except as authorized by the Fish and Game Code. (See generally Fish and G. Code, sections 86, 2080.) CDFW's determination that the USFWS ITP and BO, including the ITS, are consistent with CESA is limited to NSO.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**PROPOSED RESEARCH ON  
FULLY PROTECTED SPECIES  
Salvage of Peregrine Falcon**

The Department of Fish and Wildlife (Department) received a study proposal from David Lentink, on behalf of Stanford University, Palo Alto, California, requesting authorization to take Peregrine Falcon (*Falco peregrinus*), a Fully Protected bird, for scientific research purposes, consistent with conservation and recovery of the species.

Mr. Lentink is planning to conduct studies throughout the range of the species in California, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The research activities include salvage of peregrine carcasses, measuring bone and feather using advanced 3D motion capture, high resolution scanning electron microscopy, structured light scanning, and acoustic measurements. The purpose of the study is to study morphological adaptations that enable peregrine falcons to stoop at record speeds. No adverse effects on individuals or populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize Mr. Lentink, as the Principal Investigator, to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species 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 October 13, 2019, for an initial and renewable term of up to, but not to exceed two years. Contact: Carie Battistone, [Carie.Battistone@wildlife.ca.gov](mailto:Carie.Battistone@wildlife.ca.gov), 916-445-3615.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**CHEMICALS LISTED EFFECTIVE  
SEPTEMBER 13, 2019 AS KNOWN TO THE  
STATE OF CALIFORNIA TO CAUSE CANCER:  
2-AMINO-4-CHLOROPHENOL;  
2-CHLORONITROBENZENE;  
1,4-DICHLORO-2-NITROBENZENE;  
2,4-DICHLORO-1-NITROBENZENE;  
N,N-DIMETHYLACETAMIDE, AND  
PARA-NITROANISOLE**

Effective September 13, 2019, the Office of Environmental Health Hazard Assessment (OEHHA) is adding 2-amino-4-chlorophenol (CAS Number 95-85-2), 2-chloronitrobenzene (CAS Number 88-73-3), 1,4-dichloro-2-nitrobenzene (CAS Number 89-61-2), 2,4-dichloro-1-nitrobenzene (CAS Number 611-06-3), *N,N*-dimethylacetamide (CAS Number 127-19-5), and *para*-nitroanisole (CAS Number 100-17-4) to the list of chemicals known to the State of California to cause cancer for purposes of Proposition



65.<sup>1</sup> The listing of these chemicals is pursuant to the “Labor Code” listing mechanism.<sup>2</sup>

The basis for the listings was described in a public notice published in the July 12, 2019, issue of the California Regulatory Notice Register (Register 2019, Number 28–Z). The title of the notice was “Notice of Intent to List: 2–Amino–4–chlorophenol, 2–Chloronitrobenzene, 1,4–Dichloro–2–nitrobenzene, 2,4–Dichloro–1–nitrobenzene, *N,N*–Dimethylacetamide, and *para*–Nitroanisole.” The publication of the notice initiated a 30–day public comment period. We received no comments on the notice of intent to list.

A complete, updated Proposition 65 chemical list is available on the OEHHA website at <https://oehha.ca.gov/proposition-65/proposition-65-list>.

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**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# 2019–0723–03  
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION  
Cannabis Excise and Cultivation Taxes

This file and print repeals and adopts cannabis excise and cultivation taxes.

Title 18  
ADOPT: 3700  
REPEAL: 3700  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Richard Bennion (916) 455–2130

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, et seq.

<sup>2</sup> Health and Safety Code section 25249.8(a) and Title 27 Cal. Code of Regs. section 25904.

File# 2019–0802–03  
CALIFORNIA ENERGY COMMISSION  
Qualified Departing Load CRS Exemptions

As changes without regulatory effect, the California Energy Commission is repealing regulations pertaining to the mechanism and process for reporting information by Departing Load customers requesting Cost Responsibility Surcharge exemptions.

Title 20  
REPEAL: 1395, 1395.1, 1395.2, 1395.3, 1395.4, 1395.5, 1395.6  
Filed 09/03/2019  
Agency Contact: Caryn Holmes (916) 653–1643

File# 2019–0827–01  
CALIFORNIA HORSE RACING BOARD  
Suspension of License to Conduct a Race Meeting

This emergency rulemaking action establishes the process under which the California Horse Racing Board may suspend or impose conditions upon a license to conduct a racing meeting when necessary to protect the health and safety of horses or riders, including the process for a hearing on the license suspension or imposition of conditions and for review of a hearing decision suspending or imposing conditions on a license.

Title 4  
ADOPT: 1435  
Filed 08/29/2019  
Effective 08/29/2019  
Agency Contact: Robert Brodnik (916) 263–6025

File# 2019–0730–01  
CALIFORNIA STATE AUDITOR’S OFFICE  
Alternative Whistleblower System

This file and print action by the California State Auditor’s Office (Office) adopts an alternative whistleblower system for the investigation of allegations of improper governmental activity engaged in or participated in by employees of the Office in accordance with Government Code section 8547.5, subdivision (c). This filing is exempt from OAL review pursuant to Government Code section 8546, subdivision (g).

Title 2  
ADOPT: 61300, 61301, 61302, 61303, 61304, 61305, 61306, 61307, 61308, 61309, 61310, 61311, 61312, 61313, 61314, 61315, 61316, 61317, 61318, 61319, 61320  
Filed 08/30/2019  
Effective 10/01/2019  
Agency Contact: Brianna Behnoud (916) 445–0255

File# 2019-0729-01  
CALIFORNIA STATE UNIVERSITY  
Catastrophic Leave Donation Program

This action by the Board of Trustees of the California State University, submitted to OAL for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends a regulation concerning the Catastrophic Leave Donation Program. This action is exempt from the Administrative Procedure Act under Education Code section 89030 and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5  
AMEND: 42930  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Jason Taylor (562) 951-4500

File# 2019-0729-02  
CALIFORNIA STATE UNIVERSITY  
Application Fees

This action by the Board of Trustees of the California State University, submitted to OAL for a courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends a regulation regarding application fees. This action is exempt from the Administrative Procedure Act under Education Code section 89030 and takes effect upon filing with the Secretary of State under Education Code section 89030.1.

Title 5  
AMEND: 41800.1  
Filed 09/04/2019  
Effective 09/04/2019  
Agency Contact: Jason Taylor (562) 951-4500

File# 2019-0718-02  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
County Payments

In this regular rulemaking, the Department of Corrections and Rehabilitation (“CDCR”) amends regulations regarding county payments to CDCR’s Division of Juvenile Facilities.

Title 15  
AMEND: 4143.1, 4143.2, 4143.3, 4143.4, 4143.5, 4143.6  
REPEAL: 4144.1, 4144.2, 4144.3, 4144.4, 4144.5, 4144.6, 4144.7, 4144.8  
Filed 08/29/2019  
Effective 10/01/2019  
Agency Contact: Shelly Jones (916) 683-7473

File# 2019-0719-03  
DEPARTMENT OF FISH AND WILDLIFE  
Drift Gill Net Transition Program Implementation

This action establishes the Drift Gill Net Transition Program in accordance with Fish and Game Code section 8583.

Title 14  
ADOPT: 106.5  
AMEND: 106, 107  
Filed 08/29/2019  
Effective 09/15/2019  
Agency Contact: Michelle Selmon (916) 653-4674

File# 2019-0722-03  
DEPARTMENT OF PARKS AND RECREATION  
Removal of Duplicative Title 26 Toxics Regulations

This action by the Department of Parks and Recreation removes regulations contained in title 26 of the California Code of Regulations that are duplicative or outdated versions of regulations contained in title 14.

Title 26  
REPEAL: 14-4324, 14-4330, 14-4661  
Filed 08/29/2019  
Agency Contact: Parveen Kasraee (916) 653-9905

File# 2019-0724-01  
DEPARTMENT OF SOCIAL SERVICES  
Homeless Assistance Special Needs

This change without regulatory effect conforms the Manual of Policies and Procedures, as it relates to homeless assistance special needs benefits, to Welfare and Institutions Code section 11450, as amended by Statutes 2018, chapter 35, section 23.

Title MPP  
AMEND: 44-211  
Filed 09/03/2019  
Agency Contact: Kenneth Jennings (916) 657-2586

File# 2019-0718-04  
DEPARTMENT OF TRANSPORTATION  
Removal of Title 26 Toxics Regulations

This action by the California Department of Transportation removes regulations contained in title 26 of the California Code of Regulations that are duplicative to regulations contained in title 21.

Title 26  
REPEAL: 21-1401.2, 21-1401.4  
Filed 08/28/2019  
Agency Contact: Jeanne Scherer (916) 654-2630

File# 2019-0719-05  
 DIVISION OF WORKERS' COMPENSATION  
 Medical Treatment Utilization Schedule (MTUS)

This file-and-print action makes evidence-based updates to the medical treatment utilization schedule (MTUS). This action is exempt from the rulemaking provisions of the Administrative Procedure Act and OAL review pursuant to Labor Code section 5307.27(a).

Title 8  
 AMEND: 9792.23.5, 9792.23.8  
 Filed 08/28/2019  
 Effective 08/11/2019  
 Agency Contact: John Cortes (510) 286-0519

File# 2019-0719-02  
 PODIATRIC MEDICAL BOARD OF CALIFORNIA  
 Title Change for Board of Podiatric Medicine

The Podiatric Medical Board of California (Board) submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to change the Board's name from Board of Podiatric Medicine to Podiatric Medical Board of California in the Board's regulations. The Board's name was changed by the Legislature in A.B. 2457 (Stats.2018, c. 102), effective July 1, 2019.

Title 16  
 AMEND: 1399.651, 1399.653, 1399.663,  
 1399.667, 1399.679, 1399.681, 1399.700,  
 1399.703, 1399.720  
 Filed 08/28/2019  
 Agency Contact: Kathleen Cooper (916) 263-0315

File# 2019-0717-02  
 STATE WATER RESOURCES CONTROL BOARD  
 State Wetland Definition, Procedures for Discharges of Dredge or Fill

This action by the State Water Resources Control Board adopts the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State for inclusion in the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California.

Title 23  
 ADOPT: 3013  
 Filed 08/28/2019  
 Effective 05/28/2020  
 Agency Contact: Elizabeth Payne (916) 341-5579

File# 2019-0821-01  
 STATE WATER RESOURCES CONTROL BOARD  
 Emergency Regulation Amending Environmental Laboratory Accreditation Program (ELAP) Fee Schedule

This emergency rulemaking by the State Water Resources Control Board (Board) amends the schedule of fees for environmental laboratories applying for an initial, amendment, or renewal Environmental Laboratory Accreditation Program certification. Pursuant to Health and Safety Code section 100829, this action is a deemed emergency, not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the Board.

Title 22  
 AMEND: 64806  
 Filed 08/29/2019  
 Effective 08/29/2019  
 Agency Contact: John Weir (916) 341-5135

**PRIOR REGULATORY  
 DECISIONS AND CCR  
 CHANGES FILED WITH THE  
 SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [www.oal.ca.gov](http://www.oal.ca.gov).