



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: San Luis and Delta-Mendota Water Authority

A written comment period has been established commencing on November 22, 2019 and closing on January 6, 2020. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than January 6, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

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

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

PUBLIC COMMENTS DUE BY JANUARY 6, 2020

Any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to [Raymund Nanadiego](mailto:Raymund.Nanadiego@lawenforcement.com), Law Enforcement Consultant, or by letter to:

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

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

POST maintains training records of individuals who attend POST-certified courses, regardless of successful completion. Pursuant to Regulation 1055(g), presenters are required to submit a completed course roster to POST no later than 10 calendar days following the ending date of a presentation. Historically, some presenters only provide documentation for individuals completing a course. POST is now mandating accurate hourly reflection of all individuals beginning and ending any POST-certified course.

Regulation 1055 currently uses the term, "trainee" and is defined by Regulation 1001 as, "an employee of a department who attends a POST-certified course." However, this term does not encompass non-affiliated individuals who attend a POST-certified course, such as self-sponsored academy recruits. The proposed changes would also update from using the term "trainee" to "individual" for accuracy and to include anyone attending a POST-certified course.

ANTICIPATED BENEFITS

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be to increase the accuracy of law enforcement training records for peace officers in California. POST has found no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

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

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

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

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

RESULTS OF ECONOMIC IMPACT
ASSESSMENT PER GOV. CODE
SECTION 11346.3(b)

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

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

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Raymund Nanadiego, Law Enforcement Consultant, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4852. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802 or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

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

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

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

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

TITLE 16. PODIATRIC MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Podiatric Medical Board of California¹ is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen St. Sacramento, California 95815, at 10:00 a.m. on January 15, 2020. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Podiatric Medical Board of California at its office not later than 5:00 p.m. on January 15, 2020 or must be received by Contact Person in this Notice on January 15, 2020 at the hearing. The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 481, 482, 493 and 2470 of the Business and Professions Code, and to implement, interpret or make specific Sections 141, 480, 481, 482, 488, 490, 493, 2221, 2222, 2227, 2228, 2229, 2307, 2460.1, 2486 and 2488 of said Code, the Podiatric Medical Board of California is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Podiatric Medical Board of California (PMBC) is a licensing board within the Department of Consumer Affairs. Business and Professions Code (BPC) section 2470 authorizes PMBC to adopt, amend or repeal regulations necessary to enable it to carry into effect the provisions of law relating to the practice of podiatric medicine.

Currently, doctors of podiatric medicine (DPMs) are subject to the regulations adopted by the Medical Board of California (MBC) relating to enforcement set forth in

Article 3 of Chapter 2 of title 16 of the CCR. This rule-making action seeks to amend section 1399.659 of the Podiatric Medical Board of California’s regulations in Article 1, Division 13.9, of title 16 of the California Code of Regulations (CCR) to establish that DPMs, whose certificates have been subject to disciplinary action, will be subject to the regulations adopted by MBC relating to probation and reinstatement of suspended or revoked certificates, except where those provisions are in conflict or inconsistent with Article 1 of PMBC’s regulations.

Under current law and until July 1, 2020, boards are authorized to deny an application for licensure based on a conviction of a crime or act that is substantially related to the licensed business or profession, with certain limitations, and suspend or revoke a license on the basis that the licensee was convicted of a substantially related crime. Boards were also required to develop criteria to evaluate a person’s rehabilitation when considering the denial, suspension, or revocation of a license. Accordingly, boards adopted criteria via regulation to help them evaluate whether a crime or act was substantially related to the licensed profession and whether a person was rehabilitated when considering whether to deny, suspend, or revoke a license.

Assembly Bill 2138 (Chiu and Low, Chapter 995, Statutes of 2018) (AB 2138), effective July 1, 2020, requires boards to amend their existing regulations for use when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions or duties of the practice of the licensed business or profession, and to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license. This rulemaking proposes the adoption of such criteria in conformance with the requirements of AB 2138.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Effective January 1, 2018, the Podiatric Medical Board of California (PMBC) was created as an entity within the Department of Consumer Affairs independent of the jurisdiction of the Medical Board of California (MBC), and is authorized to deny, suspend, or revoke a license or take disciplinary action against a doctor of podiatric medicine (DPM).² PMBC is proposing to amend and add regulations relating to licensing and enforcement specific to its licensed population. As PMBC currently utilizes many of the enforcement regulations adopted by MBC, amending regulation section 1399.659 and adopting 1399.659.1 and 1399.659.2, ad-

¹ Effective July 1, 2019, BPM is renamed the Podiatric Medical Board of California (PMBC). (Bus. and Prof. Code, section 2460.)

² Senate Bill 798 (SB 798) (Hill, Chapter 775, Statutes of 2017) was enacted and created PMBC within the Department of Consumer Affairs, independent of MBC.

addresses the requirements of AB 2138 establishes substantial relationship and rehabilitation criteria specifically DPMs. This proposal would benefit the Board’s licensees and the public by clarifying which regulations relating to probation and reinstatement of suspended or revoked certificates apply to DPMs. Specifically, the proposal would clarify that DPMs, whose licenses have been subject to disciplinary action by the Board, will be subject to the regulations adopted by the MBC relating to probation and reinstatement of suspended or revoked certificates, except where these provisions are in conflict or inconsistent with Article 1 of PMBC’s regulations.

C. Consistency and Compatibility with Existing State Regulations

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

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Podiatric Medical Board of California has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business: The Podiatric Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Podiatric Medical Board of California has determined that the proposed regulations may have a nominal impact on small businesses as this rulemaking may result in additional licensees working in the state.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Podiatric Medical Board of California has determined that this regulatory proposal may have an impact on the creation of jobs as individuals with criminal histories may be able to obtain a license to practice podiatric medicine where in the past such individuals may have been excluded due to prior criminal activity. As to new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California, it is believed that this regulatory proposal will likely have no impact or a nominal impact.

Benefits of Regulation:

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

The regulatory proposal may result in additional doctors of podiatric medicine, which may result in greater access to podiatric care for California residents. PMBC has not determined that this will have any benefit to worker safety or the state’s environment.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above–mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the infor-

mation upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Podiatric Medical Board of California, 2005 Evergreen Street, Suite 1300, Sacramento, CA 95815.

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

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

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

CONTACT PERSON

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

Name:

Kathleen Cooper

Address:

2005 Evergreen St. #1300

Sacramento, CA 95815

Telephone No.: 916-263-0315

Fax No.: 916-263-2651

E-Mail Address:

kathleen.cooper@dca.ca.gov

The backup contact person is:

Name:

Brian Naslund

Address:

2005 Evergreen St. #1300

Sacramento, CA 95815

Telephone No.: 916-263-2650

Fax No.: 916-263-2651

E-Mail Address:

brian.naslund@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <https://www.pmbc.ca.gov/lawsregs/index.shtml>

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on September 30, 2019, received a petition from Kathleen S. Roche to list Shasta snow-wreath (*Neviusia cliftonii*) as endangered under the California Endangered Species Act.

Shasta snow-wreath occurs in riparian sites within the yellow pine forest community around Shasta Lake north of Redding, California.

Pursuant to Section 2073 of the Fish and Game Code, on October 10, 2019, Commission staff transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its December 11-12, 2019 meeting in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its February 5-6, 2020, meeting in Sacramento.

Interested parties may contact Richard Macedo, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, telephone (916) 653-3861, or email Richard.Macedo@wildlife.ca.gov for information on the petition or to submit information to the Department relating to the petitioned species.

FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on October 21, 2019, received a petition from the Center for Biological Diversity to list western Joshua tree (*Yucca brevifolia*) as a threatened species under the California Endangered Species Act.

Joshua tree occurs in desert grasslands and shrublands in hot, dry sites on flats, mesas, bajadas, and gentle slopes in the Mojave Desert. Soils in Joshua tree habitats are silts, loams, and/or sands and variously described as fine, loose, well drained, and/or gravelly, while the plants can reportedly tolerate alkaline and saline soils. Populations are discontinuous and reach their highest densities on well-drained sandy to gravelly alluvial fans adjacent to desert mountain ranges.

Pursuant to Section 2073 of the Fish and Game Code, on November 1, 2019, Commission staff transmitted

the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its December 11–12, 2019 meeting in the Natural Resources Building Auditorium, First Floor, 1416 Ninth Street, Sacramento, California. It is anticipated that the Department’s evaluation and recommendation relating to the petition will be received by the Commission at its February 5–6, 2020, meeting in Sacramento.

Interested parties may contact Richard Macedo, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090, telephone (916) 653–3861, or email Richard.Macedo@wildlife.ca.gov for information on the petition or to submit information to the Department relating to the petitioned species.

**STATE MINING AND
GEOLOGY BOARD**

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD
NATURAL RESOURCES AGENCY**

**TITLE 14. NATURAL RESOURCES
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 14. Appeals of Orders to Comply
with SMARA**

Notice Published: **November 1, 2019**
Office of Administrative Law Notice File Number:
Z–2019–1017–03

On November 1, 2019, the State Mining and Geology Board published a Notice of Proposed Action concerning Appeals of Orders to Comply with the Surface Mining and Reclamation Act of 1975 (SMARA). (California Regulatory Notice Register 2019, Number 44–Z, November 1, 2019.)

The original 45–day written comment period deadline for this action was December 16, 2019. The State Mining and Geology Board is now extending the written comment deadline 15 additional days to **December 31, 2019**.

Please submit all written comments to:

Matthew Livers, Regulatory Specialist
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814
Phone: (916) 319–9032
Matthew.Livers@conservation.ca.gov

If you have any questions, please contact Mr. Livers at the above information.

**STATE MINING AND
GEOLOGY BOARD**

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD
NATURAL RESOURCES AGENCY**

**TITLE 14. NATURAL RESOURCES
Division 2. Department of Conservation
Chapter 8. Mining and Geology
Subchapter 1. State Mining and Geology Board
Article 11.5. Forfeiture of Financial Assurance**

Notice Published: **November 1, 2019**
Office of Administrative Law Notice File Number:
Z–2019–1017–02

On November 1, 2019, the State Mining and Geology Board published a Notice of Proposed Action concerning the Forfeiture of Financial Assurance process. (California Regulatory Notice Register 2019, Number 44–Z, November 1, 2019.)

The original 45–day written comment period deadline for this action was December 16, 2019. The State Mining and Geology Board is now extending the written comment deadline 15 additional days to **December 31, 2019**.

Please submit all written comments to:

Matthew Livers, Regulatory Specialist
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814
Phone: (916) 319–9032
Matthew.Livers@conservation.ca.gov

If you have any questions, please contact Mr. Livers at the above information.

STATE MINING AND GEOLOGY BOARD

Sacramento, CA 95814-4339, (916) 323-6225—FAX (916) 323-6826. Please request by OAL file number.

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD NATURAL RESOURCES AGENCY

Office of Administrative Law

TITLE 14. NATURAL RESOURCES Division 2. Department of Conservation Chapter 8. Mining and Geology Subchapter 1. State Mining and Geology Board Article 5. Reclamation Plan Appeals

In re: Department of Social Services

Regulatory Action: Title MPP, California Code of Regulations

Approved: Adopt section: 31-237, except subdivision (f)(2)

Notice Published: November 1, 2019 Office of Administrative Law Notice File Number: Z-2019-1017-01

Disapproved: Adopt section: 31-237 subdivision (f)(2)

On November 1, 2019, the State Mining and Geology Board published a Notice of Proposed Action concerning the Reclamation Plan Appeals process. (California Regulatory Notice Register 2019, Number 44-Z, November 1, 2019.)

DECISION OF DISAPPROVAL IN PART OF REGULATORY ACTION

The original 45-day written comment period deadline for this action was December 16, 2019. The State Mining and Geology Board is now extending the written comment deadline 15 additional days to December 31, 2019.

Government Code Section 11349.3

OAL Matter Number: 2019-0919-02 OAL Matter Type: Regular Resubmittal (SR)

Please submit all written comments to:

SUMMARY OF REGULATORY ACTION

Matthew Livers, Regulatory Specialist State Mining and Geology Board 801 K Street, Suite 2015 Sacramento, California 95814 Phone: (916) 319-9032 Matthew.Livers@conservation.ca.gov

This action adopts a new regulation specifying the procedures and requirements for the development, by county social workers and probation officers, of transition plans to assist youths who are exiting foster care to better achieve successful independent living as adults.

If you have any questions, please contact Mr. Livers at the above information.

DECISION

DISAPPROVAL DECISION

On September 19, 2019, the Department of Social Services (hereafter Department), resubmitted this rule-making action to the Office of Administrative Law (hereafter OAL) for review. On October 29, 2019, OAL notified the Department that it disapproved subdivision (f)(2) of adopted section 31-237 of the Manual of Policies and Procedures because of the failure of the Department to comply with the requirement of the Administrative Procedure Act (hereafter APA) that each substantive change made to the regulatory text from that which was originally made available be made available for public comment for at least 15 days.

DEPARTMENT OF SOCIAL SERVICES

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Printed below is the summary of an Office of Administrative Law disapproval decision. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250,

CONCLUSION

Because the additional revisions to section 31-237(f)(2) were not determined to be nonsubstantial

or solely grammatical, and because these revisions were not made available to the public for comment pursuant to Government Code section 11346.8(c), OAL could not approve them. Pursuant to Government Code section 11349.4(a), the Department may resubmit this regulatory action to OAL for review within 120 days of its receipt of this Decision of Disapproval. Prior to any resubmission, the Department shall make all substantial regulatory text changes, which are sufficiently related to the original text, available for at least 15 days for public comment pursuant to Government Code section 11346.8(c). OAL reserves the right to review the Department's resubmitted regulation and rulemaking record for compliance with all substantive and procedural requirements of the APA. A copy of this Decision was emailed to the Department on the date indicated below.

Date: November 7, 2019

/s/

Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue, Director

Original: Kim Johnson, Director
Copy: Kenneth Jennings

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2019-1001-01
BOARD OF BARBERING AND COSMETOLOGY
Fines and Payment Plans

This action amends the schedule of administrative fines for violations of the Barbering and Cosmetology Act and related regulations and establishes payment plan requirements.

Title 16
ADOPT: 974.3
AMEND: 974
Filed 11/13/2019
Effective 01/01/2020
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2019-0930-02
BOARD OF PHARMACY
Fee Schedule

In this rulemaking action, the Board amends its regulation to increase licensing application fees, licensing renewal fees, and penalty fees for failure to renew a license, to the statutory maximum.

Title 16
AMEND: 1749
Filed 11/12/2019
Effective 04/01/2020
Agency Contact: Lori Martinez (916) 574-7917

File# 2019-1101-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
Employer Payment of Premiums

This action proposes to amend the California Health Benefit Exchange (HBEX) regulation concerning second employer premium payments which are returned unpaid for any reason within six months of a prior returned payment. The amendment specifies that the employer must submit the premium payment and insufficient funds fee by cashier's check or money order and continue to make premium payments by one of these methods for a period of 12 months thereafter.

Title 10
AMEND: 6532
Filed 11/07/2019
Effective 01/01/2020
Agency Contact: Faviola Adams (916) 228-8668

File# 2019-1003-02
DEPARTMENT OF FISH AND WILDLIFE
Fees for Lake and Streambed Alteration Agreements

This change without regulatory effect filing by the Department of Fish and Wildlife amends the fees for lake and streambed alteration agreements as required by Fish and Game Code section 1609 by applying the mandatory inflationary fee formula specified in Fish and Game Code section 713.

Title 14
AMEND: 699.5
Filed 11/06/2019
Effective 01/01/2020
Agency Contact: Lance Salisbury (916) 653-3559

File# 2019-0927-02
DEPARTMENT OF JUSTICE
Supervision of Trustees and Fundraisers for Charitable Purposes Act

The Department of Justice proposed this action to adopt, amend, and repeal regulations related to the administration and enforcement of the Supervision of Trustees and Fundraisers for Charitable Purposes Act and related to the administration and enforcement of raffles under Penal Code section 320.5. The proposed action adopts two regulations, amends 10 regulations, and repeals one regulation, and includes the adoption of two incorporated by reference forms and the amendment of 15 incorporated by reference forms.

Title 11
ADOPT: 300.1, 300.2
AMEND: 300, 301, 303, 305, 306, 308, 411, 415, 416, 420
REPEAL: 307
Filed 11/08/2019
Effective 02/01/2020
Agency Contact: James Toma (213) 269-6549

File# 2019-1104-01
DEPARTMENT OF JUSTICE
Office of Attorney General Bond Form

The Department of Justice submitted this action to file with the Secretary of State, pursuant to Government Code section 11343.8, amendments to the Department of Justice surety bond form titled "Registry of Charitable Trusts Surety Bond Form."

Title 11
AMEND: 28.4
Filed 11/07/2019
Effective 02/01/2020
Agency Contact: Cara M. Porter (415) 510-3508

File# 2019-1001-02
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Health Care Service Plan Pilot Program

This action by the Department of Industrial Relations, Division of Workers' Compensation, repeals regulations pertaining to a health care providers pilot program implementing Labor Code section 4612.

Title 8
REPEAL: 10175, 10176, 10177, 10178, 10179, 10180, 10181
Filed 11/06/2019
Agency Contact: Carol Finuliar (510) 286-0660

File# 2019-1001-04
STATE LANDS COMMISSION
Permits for Geophysical Surveys

This action establishes a permit program for the conduct of geophysical surveys on state lands, including granted and ungranted tidelands and submerged lands, so as to protect the environment and enhance public safety.

Title 2
ADOPT: 2100.02, 2100.03, 2100.04, 2100.05, 2100.06, 2100.07, 2100.08, 2100.09, 2100.10
Filed 11/13/2019
Effective 01/01/2020
Agency Contact: Joe Fabel (916) 574-0964

File# 2019-0927-01
STATE MINING AND GEOLOGY BOARD
Financial Assurance Cost Estimate Appeals

This resubmittal action amends and adopts procedures for appeals of lead agency decisions or failures to act timely upon financial assurances cost estimates in connection with surface mining reclamation.

Title 14
ADOPT: 3691.1, 3691.2, 3691.3, 3691.4, 3691.5, 3691.6, 3691.7, 3691.8, 3691.9, 3691.10
AMEND: 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690
Filed 11/07/2019
Effective 01/01/2020
Agency Contact: Matthew Livers (916) 319-9032

File# 2019-0925-02
STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tanks

Summary of rulemaking: The State Water Resources Control Board in this action is allowing diesel containing up to 20 percent biodiesel meeting the American Society of Testing and Materials International standard D76467(B20) to be recognized as equivalent to diesel for purpose of complying with existing requirements for double walled underground storage tanks(UST) unless the UST has been determined to not be compatible with B20.

Title 23
AMEND: 2631
REPEAL: 2631.2
Filed 11/06/2019
Effective 01/01/2020
Agency Contact: Laura Fisher (916) 341-5870

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

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.

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