



California Regulatory Notice Register

REGISTER 2018, NO. 46-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 16, 2018

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2018-1106-04 1997
Amendment

Multi-County: California Joint Powers Insurance Authority
Carpinteria Sanitary District
Santa Clarita Valley Water Agency
San Francisco Bay Restoration Authority
Red Bluff Joint Union High School District

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Statement of Economic Interests (SEI) Electronic Filing Requirements — Notice File No. Z2018-1106-03 1998

TITLE 2. STATE LANDS COMMISSION

Permits for Geophysical Surveys — Notice File No. Z2018-1106-05 1999

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Oriental Fruit Fly Eradication Area — El Dorado and Shasta Counties — Notice File No. Z2018-1106-02 2003

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Code of Ethics — Notice File No. Z2018-1102-02 2005

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Minimum Standards for Training — Notice File No. Z2018-1106-06 2007

TITLE 14. FISH AND GAME COMMISSION

Filleting of Fish on Vessels, California Sheephead — Notice File No. Z2018-1106-09 2009

TITLE 18. FRANCHISE TAX BOARD

Withholding Regulations — Notice File No. Z2018-1102-01 2011

TITLE 20. CALIFORNIA ENERGY COMMISSION

Appliance Efficiency Regulations — Notice File No. Z2018-1106-01 2016

(Continued on next page)

*Time-Dated
Material*

TITLE 27. ENVIRONMENTAL PROTECTION AGENCY
Unified Program — CERS3 Data Registry — Notice File No. Z2018-1106-07 2021

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65 Article 6 Responsibility Exposure Warnings — Notice File No. Z2018-1106-08 2025

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
 2018 OAL DETERMINATION NO. 4(S) — SUMMARY DISPOSITION
California Department of Corrections and Rehabilitation Department of Operations Manual (DOM)
Section 54010.22; Correspondence between Inmates/Parolees/Probationers 2028

DISAPPROVAL DECISION

BUREAU OF REAL ESTATE APPRAISERS
Form Updates 2030

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 2030
 Sections Filed, June 6, 2018 to November 7, 2018 2033

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

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

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: California Joint Powers Insurance Authority
Carpinteria Sanitary District
Santa Clarita Valley Water Agency
San Francisco Bay Restoration Authority
Red Bluff Joint Union High School District

A written comment period has been established commencing on November 16, 2018, and closing on December 31, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than December 31, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS AND
BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. 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")¹ 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 **December 20, 2018**, 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 **December 18, 2018**.

BACKGROUND/OVERVIEW

Section 87500.2 of the Act authorizes an agency to permit electronic filing of a statement of economic interests ("SEI") and governs an agency's electronic filing of SEIs. It also requires the Commission to develop database design requirements for electronic filings, and review and certify agency electronic filing systems. Further, Section 87500.2 permits the Commission to audit an agency system to evaluate its performance to ensure compliance with the requirements of the statute, and authorizes the Commission to adopt regulations implementing its provisions. Existing Regulation 18756 implements Section 87500.2 and further clarifies its provisions.

Commission staff has identified an issue with some agencies' electronic filing systems: those agencies' systems are currently incapable of autonomously transferring data to or receiving data from the Commission's

electronic filing system. Current Regulation 18756 does not specifically refer to data exchange requirements for electronic filing systems.

To address this issue, Commission staff has prepared amendments to Regulation 18756 requiring an agency's electronic filing system to "meet data exchange requirements necessary for the free exchange of data between the agency's system and the Commission's electronic filing system." The proposed amendments to Regulation 18756 would also make technical, non-substantive changes updating the regulation.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18756 — Statements of Economic Interests: Certification of Electronic Filing Systems. Commission staff proposes amendment of Regulation 18756 to ensure an agency's electronic filing system for SEIs incorporates the Data Exchange Requirements necessary to interface with the Commission's electronic filing system.

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 related issues.

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.

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. Section 87500.2 authorizes the Commission to adopt regulations implementing its provisions.

REFERENCE

The purpose of Regulation 18756 is to clarify and implement Section 87500.2.

¹ 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.

CONTACT

Any inquiries should be made to Matthew F. Christy, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. The language of the proposed amendment of Regulation 18756 can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. STATE LANDS COMMISSION

TITLE 2. ADMINISTRATION
 DIVISION 3. STATE PROPERTY OPERATIONS
 CHAPTER 1. STATE LANDS COMMISSION
 ARTICLE 2.9.1. PERMITS FOR
 GEOPHYSICAL SURVEYS

The California State Lands Commission (Commission) will decide whether to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt Article 2.9.1 within Title 2, Division 3, Chapter 1 of the California Code of Regulations. The sections within this Article would govern the issuance of permits for the conduct of geophysical surveys on State sovereign lands, including granted and ungranted tidelands and submerged lands.

Specifically, the proposed regulatory action will:

- Reserve section 2100.01;
- Adopt section 2100.02 to define the purpose and applicability for the provisions of article 2.9.1;
- Adopt section 2100.03 to define specific terms to provide clarity for the provisions of Article 2.9.1;
- Adopt section 2100.04 to establish the types of activities that are, or are not, subject to the requirements of Article 2.9.1 and a fee structure;
- Adopt section 2100.05 to establish the types of permits that the Commission may issue for the conduct of geophysical activities and requirements as they pertain to holding those permits;

- Adopt section 2100.06 to establish the effective term for each class of permit to be issued by the Commission under the proposed regulatory action;
- Adopt section 2100.07 establishing the pre-survey, operational, and post-survey requirements necessary to conduct a permitted geophysical survey;
- Adopt section 2100.08 establishing the public notice requirements and procedures prior to conducting a geophysical survey;
- Adopt section 2100.09 establishing the process and procedure for permit suspension or revocation; and,
- Adopt section 2100.10 establishing the Commission’s process for enforcing the requirements within the proposed regulations.

The proposed regulatory actions are in accordance with the authority granted by section 6212.3 of the California Public Resources Code.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on January 4, 2019. The Commission must receive all written comments by that time. Submit written comments to:

Kelly Keen
 Environmental Scientist
 California State Lands Commission
 100 Howe Ave., Suite 100-South
 Sacramento, CA 95825

Written comments may also be submitted by facsimile to (916) 574-1855 or by email to cslc.regulations@slc.ca.gov. Please include “**Article 2.9.1 Comments**” in the subject line of the email.

PUBLIC HEARING

Commission staff has scheduled a public hearing on this proposed action on January 4, 2019, at 10:00 a.m. PST. The location of the hearing is:

California State Lands Commission
 Main Conference Room
 100 Howe Ave., Suite 100-South
 Sacramento, CA 95825

The hearing location is accessible for persons with disabilities. At the hearing, any person may present oral

or written statements or arguments relevant to the proposed action. The public hearing will conclude once all who are present and wish to speak have had an opportunity to speak.

AUTHORITY AND REFERENCE

Authority: Public Resources Code sections 6108, 6212.3 and 6218 provide the Commission with the authority to adopt regulations as necessary to implement the provisions of a permit program for geophysical surveys on state sovereign lands, including granted and ungranted tidelands and submerged lands.

Reference: The proposed regulations would implement, interpret, and make specific Public Resources Code sections 6212.3 and 6826.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this proposed rulemaking is to establish a permit program for the conduct of geophysical surveys on state lands including granted and ungranted tidelands and submerged lands. The proposed Article 2.9.1 will identify the geophysical survey activities that will require a permit, the terms and operational conditions of each permit, and administrative requirements for both the Commission and permittee.

The Commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the state extending from the mean high tide out to 3 nautical miles. Since the early 1980s the Commission has administered a limited program to permit companies and individuals to conduct offshore geophysical surveys for mapping and exploring the ocean floor and sub-floor. Most geophysical surveys permitted by the Commission were conducted to prospect for mineral resources, mostly oil and gas, utilizing electromagnetic acoustic generating equipment such as towed sonar arrays or pressure generated from airguns or explosives. Over the last two decades, mineral exploration has become a small percentage of geophysical survey activity on state lands with most activity related to infrastructure, archeological and cultural exploration, and scientific exploration of the ocean floor utilizing a variety of acoustic generating equipment of varying frequency and decibel levels. The state of knowledge has begun to identify that geophysical survey activities using equipment previously deemed innocuous, such as sonar, chirps, sparkers, and echosounders, can impact the environment.

In 2015, the California Legislature passed AB 1274 (Chapter 600) codified as Public Resources Code section 6212.3, declaring that “[t]he state has a responsibility to establish conditions to ensure that geophysical

surveys performed on state lands under its jurisdiction, including granted and ungranted tidelands and submerged lands . . . do not cause harm or damage to aquatic life or to the marine and coastal environment.” This proposed rulemaking intends to carry out the directives of Chapter 600. The objectives of this proposed rulemaking are: (1) to ensure that geophysical surveys are conducted pursuant to a Commission-issued permit; (2) ensure that geophysical surveys occur in a manner that is protective of public safety and the environment; (3) and ensure that the public has adequate notice of the occurrence of geophysical surveys and where they occur.

This proposed rulemaking accomplishes the first objective by making specific the scope of activities that require a permit from the Commission and, importantly, what activities do not require a permit. In addition, the rulemaking establishes two permit types based on the planned activity.

This proposed rulemaking accomplishes the second objective by establishing requirements for pre-survey activities, operations, and post-survey activities that will minimize environmental impact and enhance public safety. Proposed permit conditions were developed to mitigate potential significant impacts as identified in the Low-Energy Offshore Geophysical Permit Program Update Mitigated Negative Declaration, State Clearinghouse No. 2013072021, and a 2014 Addendum.

The proposed rulemaking accomplishes the third objective by establishing a public notification procedure for alerting interested parties when and where a permitted geophysical survey will occur. In addition, a process for communicating permit requirements will be established and a cease and desist procedure identified for increasing permit compliance.

It is anticipated that the proposed rulemaking will benefit the natural environment by ensuring that geophysical surveys are conducted in a manner that minimizes impact to marine mammals from manmade sounds generated from survey activities.

The proposed rulemaking is consistent with existing state law because it is the only regulation addressing the conduct of geophysical activities in state waters. There are no similar existing federal statutes or regulations affecting geophysical survey activity in state waters.

PRE-RULEMAKING CONSULTATION

The Commission held an informal comment period from March 7, 2016, through April 6, 2016. The comments received from that informal comment period were considered by Commission staff in drafting the express language within this proposed rulemaking. In addition, Commission staff held two formal technical

advisory group (TAG) meetings on October 18, 2016, and December 12, 2016, to engage with stakeholders. A second draft was distributed to members of the TAG for a second informal comment period held from June 1, 2017 to June 16, 2017. The comments received during this informal comment period were considered in the preparation of the proposed regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

The proposed rulemaking incorporates one document by reference in its entirety—the “Pre-Survey Notification Form,” dated September 5, 2018.

DETERMINATION ON MAJOR
REGULATION DESIGNATION

Commission staff has determined that this proposed regulatory action is not a major regulation, as defined by Government Code section 11342.548.

DETERMINATION ON FEDERAL MANDATE

This proposed regulatory action is not mandated by federal law. No federal law exists with regards to permitting for geophysical regulations in state waters.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Commission staff, acting on behalf of the Commission, has made the following determinations:

LOCAL MANDATE

Commission staff has determined that this proposed regulatory action does not impose any mandates on local agencies or school districts.

FISCAL IMPACTS

Commission staff has determined that this proposed regulatory action imposes no mandates or costs requiring state reimbursement to any local agency or school district pursuant to Government Code sections 17500 *et seq.* No other non-discretionary costs or savings imposed on local agencies are anticipated.

Commission staff determined that certain costs may accrue to the Commission as a result of this proposed action. These costs are included in the state form STD 399 and discussed in the Economic Assumption sheet included as part of the rulemaking record. No costs or

savings are anticipated for any other state agency from this proposed action.

Commission staff has determined that this proposed action will have no impact on costs or savings in federal funding to the State.

HOUSING COSTS

Commission staff has determined that this proposed action will have no impact on housing costs.

STATEMENT REGARDING ADVERSE
ECONOMIC IMPACTS DIRECTLY AFFECTING
BUSINESSES, INCLUDING ABILITY
TO COMPETE

Commission staff has determined that the proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

- (1) will have no impact upon the creation or elimination of jobs within the State of California;
- (2) will have no impact upon the creation or elimination of existing businesses within the State of California;
- (3) will have no impact upon the expansion of businesses currently doing business within the State of California; and
- (4) will have no impact upon worker safety within the State of California.

Commission staff has determined that the proposed regulations will benefit:

- (1) the State’s environment by:
 - accomplishing the goals of AB 1274, which directs staff to promulgate regulations to ensure that geophysical surveys conducted for scientific and research purposes on state lands under the jurisdiction of the Commission do not cause harm or damage to aquatic life or to the marine and coastal environment; and
 - protect species/resources and facilitate the coordination of Public Trust uses on state lands.
- (2) the regulated community and public by:

- promoting efficiency and consistency in the application, processing, and administration of permits for geophysical surveys; and
- providing transparency regarding the requirements for, and the timing and location of, geophysical surveys.

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

Cost impacts will occur on representative businesses consisting of companies and organizations that either conduct or sponsor geophysical surveys in state waters. Cost impacts are associated with obtaining the permit and the proposed permit requirements to provide pre-survey information and notification to the Commission and other parties; operational requirements, including the use of a marine wildlife monitor; and post-survey reporting to the Commission. The average costs necessarily incurred in reasonable compliance would be \$34,787 annually to geophysical survey operators, depending on the number of surveys conducted each year. A detail of costs and analysis is included in the state form STD 399 and discussed in the Economic Assumption sheet included as part of the rulemaking record.

SMALL BUSINESS DETERMINATION

Commission staff finds that the adoption of this proposed action will affect small businesses. This is because a percentage of businesses that conduct or sponsor geophysical surveys in state waters are small businesses as defined under state law.

BUSINESS REPORT

The proposed action does include a business reporting requirement. Commission staff find that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

CONSIDERATION OF ALTERNATIVES

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

Commission invites interested persons to submit comments on potential alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulation to:

Kelly Keen
Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100—South
Sacramento, CA 95825–8202
Telephone: (916) 574–1938
Facsimile: (916) 574–1950
Email: slc.ogpp@slc.ca.gov

or:

Joe Fabel
Attorney
California State Lands Commission
100 Howe Avenue, Suite 100 — South
Sacramento, CA 95825–8202
Telephone: (916) 574–0964
Facsimile: (916) 574–1855
Email: joseph.fabel@slc.ca.gov

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Kelly Keen
Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100 — South
Sacramento, CA 95825–8202
Telephone: (916) 574–1938
Facsimile: (916) 574–1950
Email: slc.ogpp@slc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento office, listed above. 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, initial statement of reasons, economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interested parties may obtain copies of any of the aforementioned documents by contacting Kelly Keen, as listed above, or by visiting the website listed below.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT OF ORIGINALLY
PROPOSED REGULATIONS

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be available to the public for at least 15 days prior to the date that the Commission considers adopting the regulations. Interested parties shall send requests for copies of any modified regulations to the attention of Kelly Keen, at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date that they are available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Kelly Keen at the address, telephone number, or email address listed above or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at: <http://www.slc.ca.gov/>.

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

The Department of Food and Agriculture amended section 3591.2 in Title 3 of the California Code of Regulations pertaining to the Oriental Fruit Fly Eradication Area as an emergency action that was effective on August 2, 2018. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 29, 2019.

This notice is being provided in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on December 31, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Dean.Kelch@cdfa.ca.gov
916.406.6650
916.651.2900 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

ANTICIPATED BENEFITS FROM THIS
REGULATORY ACTION

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of

injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in the Secretary's opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

Existing law, CCR Section 3591.2, defines the state's eradication areas for Oriental fruit fly.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution, but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control, and eradication activities against Oriental fruit fly in El Dorado and Shasta counties and amend the host list in state regulation.

The implementation of this regulation will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

There is no existing, comparable federal regulation or statute regulating the intrastate movement of host fruits.

The Department considered any other possible related regulations in this area, and it found that these are the

only regulations dealing in this subject area, and the Department is the only State agency which can implement these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This emergency rulemaking action added El Dorado and Shasta counties to the Oriental Fruit Fly Eradication Area. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against Oriental fruit fly in the counties of El Dorado and Shasta. This emergency rulemaking action also standardized the known host list for Oriental fruit fly in California regulation to coincide with the official Oriental fruit fly host list promulgated in 2016 by the United States Department of Agriculture (USDA).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department 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 and no nondiscretionary costs or savings to local agencies or school districts.

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

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

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

Small Business Determination

The Department has determined that the proposed regulations may affect small businesses.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;

- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department has determined the amendment of this regulation would benefit:

- the general public
- homeowners and community gardens
- agricultural industry
- the State's general fund

There are no known specific benefits to worker safety or the health of California residents.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend section 3591.2 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Dean Kelch, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 403-6650, FAX (916) 651-2900, E-mail: Dean.Kelch@cdfa.ca.gov. In his absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Code of Ethics

Commission Regulation 1013 and Procedure C-3

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
DECEMBER 31, 2018, AT 5:00 P.M.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email at melani.singley@post.ca.gov, by fax at (916) 227-0476, or by letter to:

Commission on POST
Attention: Melani Singley
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

The Law Enforcement Code of Ethics is contained in Commission Regulation 1013 and Procedure C-3. The Code of Ethics is required to be administered either during the academy or at the time of appointment. Most commonly, the Code of Ethics is administered in a group setting where peace officer recruits/trainees are required to memorize and recite the Code, word for word, during the basic academy. The proposed changes will remove specific terms to provide for a more general and inclusive Code of Ethics. Specifically, the words “man” and “mankind” are being removed from the first paragraph and the phrase “before God” and accompanying footnote are being removed from the last paragraph.

In maintaining consistency with POST’s desire to eliminate procedures and move all requirements into regulation, Commission Procedure C-3 will be deleted and the Code of Ethics contained therein will be moved to Commission Regulation 1013.

Benefits of the proposed amendments to the regulations will ensure that those who serve and are served by California law enforcement adhere to a Code of Ethics that is relevant and inclusive of all. This could potentially assist departments with being more effective in preserving peace, and protection of public health, safety, and welfare of California. The proposed amendments will not benefit worker safety or the State’s environment.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training 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.

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 require 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 SEC. 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 health and welfare of California residents would be to ensure that all peace officers who subscribe to the Code of Ethics are doing so for the benefit of the entire community regardless of gender or religion. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission, 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 provisions of the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4258. General questions regarding the regulatory process may be directed to Heidi Hernandez at (916) 227-2802.

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, 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 prepared, submit a written request to the contact person(s) named above.

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

Amend Commission Regulation 1005

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
DECEMBER 31, 2018, AT 5:00 P.M.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4823, by email to Ralph Brown, or by letter to:

Commission on POST
Attention: Rulemaking
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

Regulation 1005(d)(4) was enacted to ensure that specific classifications of peace officers would be required to complete manipulative skills training with the Perishable Skills Program (PSP). The section is clear as to the rank and individuals this applies to; however, specific language dealing with the assignment of the officer and the wording of “routinely” has created confusion in the field.

The regulation has been subject to interpretation, causing some agencies to opine that specific classifications of peace officers are not required to attend PSP training based solely on assignment, and not the nature of the job those individuals perform.

The regulation also lists three specific assignments of patrol, traffic or investigation, which creates questions as to why just those three assignments are specifically mentioned. Wording also currently allows those individuals to be exempted from all PSPs, including driver training, tactical firearms, and communication, not solely the arrest and control component of perishable skills.

This proposed regulatory action will require all levels of peace officers below the rank of middle management to complete all portions of the PSP requirements, as staff believe was the original intent of this regulation. The proposed regulation will also clarify the use of the word ‘routinely’ as applied to the officers required to take the training. The specific benefits anticipated by the proposed action will be an increased proficiency of State of California law enforcement officers in required manipulative skills due to the clarified regulatory language.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training 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.

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 require 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 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 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 Ralph Brown, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4552. General questions regarding the regulatory process may be directed to Heidi Hernandez at (916) 227-2802.

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 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 313, 5508 and 5509 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 313, 399, 5508 and 5509 of said Code, proposes to amend Section 27.65, Title 14, California Code of Regulations (CCR), relating to filleting of California sheephead on vessels.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 27.65, Title 14, CCR, defines fillet; lists the fillet requirements for, and specifies those fish that may be filleted on a boat or brought ashore as fillets; and prohibits the filleting, steaking, or chunking of any species with a size limit unless a fillet size is otherwise specified. Section 28.26, Title 14, CCR, specifies the bag limit, size limit, open areas, seasons and depth constraints for the recreational take of California sheephead (*Semicossyphus pulcher*).

The proposed regulatory change to subsection 27.65(b), Title 14, CCR, adds a 6.75-inch minimum fillet length, and requires that the entire skin remain intact, allowing legal-sized California sheephead to be filleted on board vessels while at sea and brought ashore as fillets.

In addition, authority and reference citations are proposed to be amended in accordance with recent organizational changes to the Fish and Game Code.

Benefits of the Proposed Regulation: The proposed regulation is in response to the Sportfishing Association of California and the recreational angling community that have been requesting a fillet length regulation for California sheephead since 2001. As such, the regulation may increase angler satisfaction. Additionally, the proposed regulation may benefit the health and welfare of California residents through the increased consumption of nutritious California sheephead, and may benefit the environment through the return of California sheephead carcasses to the sea to be recycled back to the marine ecosystem.

Consistency with Existing State Regulations: The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the recreational take of fish. The Commission has reviewed

its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulation is consistent with existing state regulations as almost all fin-fishes with a recreational minimum size limit also have a corresponding fillet length. The Commission has searched the CCR and finds no other state agency regulations pertaining to the recreational take of California sheephead or to the filleting of fish on board vessels at sea.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the QLN Conference Center, 1938 Avenida del Oro, Oceanside, California, on Wednesday, December 12, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Sacramento, California, on Thursday, February 7, 2019, at 8:00 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than thirty days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published in the California Regulatory Notice Register and published on the Commission's website. It is requested, but not required, that written comments be submitted on or before January 23, 2019, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed or emailed to the Commission office, must be received before 12:00 noon on January 31, 2019. All comments must be received no later than February 7, 2019, at the hearing in Sacramento, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the

above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at the preceding address or phone number.

Miranda Haggerty, Environmental Scientist, Department of Fish and Wildlife, (562) 342-7162 or Miranda.Haggerty@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulation will not increase net compliance costs or impact fishing effort and recreational fishing

expenditures for recreational fishing related businesses. While not significant or statewide, commercial passenger fishing vessel (CPFV) businesses may choose to spend an estimated \$60–\$110 per year on more plastic bags for the additional fillets and for the maintenance of fillet knives. This equates to \$12,660–\$23,210 in costs for all CPFVs statewide. This will not affect the ability of California businesses to compete with businesses in other states because these small individual expenditures would increase customer satisfaction and be offset by fillet fee revenue.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulation is not likely to increase or decrease recreational fishing opportunities within California. It is possible that the implementation of the proposed regulation may increase workload for deckhands aboard CPFVs as the number of fish that can be filleted in an angler’s catch at the end of the day will increase. However, it is unlikely that the demand will increase so much that additional jobs will be necessary.

The Commission anticipates benefits to the health and welfare of California residents through the consumption of more California sheephead, a nutritious food.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates some benefit to the state’s environment through the return of California sheephead carcasses to the marine ecosystem after being filleted.

- (c) Cost Impacts on a Representative Private Person or Business:

This regulatory action will allow for the option for individuals to choose to pay \$2–\$3 per fillet, which may amount to as much as \$10–\$15 per CPFV trip. Individual CPFV businesses may choose to spend an estimated \$60–\$110 per year on more plastic bags for the additional fillets and for the maintenance of fillet knives.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (g) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 18. FRANCHISE TAX BOARD

As required by section 11346.4 of the Government Code, the Franchise Tax Board (“FTB” or “the Board”) hereby gives notice of its intention to amend California Code of Regulations, Title 18 (“18 CCR”), Sections 18662–0 through 18662–6, and Section 18662–8, relating to nonresident and real estate withholding.

PUBLIC HEARING

FTB has not scheduled a public hearing on this proposed action. However, the Board 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 indicated below. The request should be submitted to the FTB officer named below. In addition, Government Code Section 15702, subdivi-

sion (b) provides for consideration by the three-member Board of any proposed regulatory action if any person makes such request in writing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on January 8, 2019**. The Board will consider only comments received at the Board offices by that time. The Board encourages submission of comments in electronic form, rather than in paper form. Comments may be submitted by email to David.Muradyan@ftb.ca.gov.

Submit comments in paper form to:

David Muradyan, Tax Counsel III
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720
Fax: (916) 843-0487

AUTHORITY & REFERENCE

California Revenue and Taxation Code (“RTC”) Section 19503 authorizes the Board to adopt these amended regulations. The proposed amendments to the withholding regulations implement, interpret, and make specific provisions in RTC Section 18662.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations related directly to the proposed rulemaking

Withholding at source is an essential part of the FTB’s Tax Gap Compliance Initiative. The ultimate goal of withholding is to facilitate fair and efficient tax compliance and administration by requiring payers to remit a portion of payments due to payees directly to FTB to pay amounts approximating the tax due with respect to the income from the payment. Thus, withholding at source benefits the state by reducing the risk that the income and resulting tax will not be reported and paid, and encourages the filing of returns to report taxable income and claim credit for the withheld amounts.

RTC Section 18662 sets forth the general withholding requirement structure for nonresident and real estate withholding, and authorizes FTB to issue regulations to implement the withholding at source statutory requirements. The corresponding regulations at 18 CCR Sec-

tions 18662-0 through 18662-6 and Section 18662-8 (“Withholding Regulations”) provide more specific guidelines with respect to California’s nonresident and real estate withholding procedures.

Effects of the proposed rulemaking

The effect of the proposed amendments to the Withholding Regulations is to make various technical revisions, including changes to terminology, in the current regulatory language. A summary of the primary changes follows:

Nonwage and Real Estate Withholding

The proposed amendments to the Withholding Regulations would clarify the process by which a waiver is requested using FTB Form 588, Nonresident Withholding Waiver Request. Specifically, the proposed amendments would amend 18 CCR Section 18662-4, subsection (e)(1) to allow payees, their representatives, or withholding agents on behalf of payees to request a waiver using FTB Form 588, whereas previously, the regulation could be narrowly construed to allow only payees to request this waiver. The proposed amendments to the Withholding Regulations would also clarify the threshold requirements (Part IV, Withholding Computation) for FTB Form 589, Nonresident Reduced Withholding Request, to ensure that this form would only be used for reduced withholding. Specifically, the proposed amendment to 18 CCR Section 18662-4, subsection (e)(2) would require that reduced withholding requests pursuant to FTB Form 589 must have the total amount of expenses be at or below 50 percent of the gross California source payment, to ensure that the form is used for its intended purpose.

The proposed amendments to the Withholding Regulations will also amend the definitions in 18 CCR Section 18662-2, by adding the term “Remitter,” which would be defined as a person who would be responsible to remit any tax withheld on any disposition from the sale or exchange of California real estate by California resident and nonresident individuals, and non-California Business entities. The FTB has used the term “withholding agent” broadly to refer to persons who withhold. However, in real estate transactions, the person who is responsible for withholding is the buyer, and the person who actually performs the withholding is the real estate escrow person. Thus, this amendment clarifies that the remitter (typically, the escrow officer), and not the buyer, is the person responsible for sending the payment to the FTB.

The proposed amendments to the Withholding Regulations will amend relevant portions of 18 CCR Section 18662-3 by adding certain fields to FTB Form 593, including “ownership percentage.” This change would make the audit process more accurate because when the FTB is dealing with multiple sellers, FTB has a difficult

time ascertaining the ownership percentages of each respective seller. The result is that FTB often needs to contact the appropriate party involved to obtain such information. By adding a field covering “ownership percentage” to FTB Form 593, the form will capture information that FTB could otherwise receive by less efficient means.

The proposed amendments to the Withholding Regulations will also amend relevant portions of 18 CCR Section 18662-3 to effectuate the consolidation of the following forms into FTB Form 593: FTB Form 593-C, Real Estate Withholding Certificate, FTB Form 593-E, Real Estate Withholding Computation of Estimated Gain or Loss, and FTB Form 593-I, Real Estate Withholding Installment Sale Acknowledgement. The proposed amendments would merge FTB Form 593-C, FTB Form 593-E and FTB Form 593-I into FTB Form 593 for consolidation purposes, as there was a significant amount of information repeated throughout these forms. The proposed consolidation will reduce the burden on the escrow industry, as it will reduce the number of forms for real estate transactions from four to one. Moreover, this consolidation of forms will assist sellers/transferees in their real property transactions, as there will now be one form for all real estate transactions, and one voucher—rather than having four different forms depending on the type of real estate transaction.

The proposed amendments to the Withholding Regulations will also amend 18 CCR Section 18662-3, subsection (d)(3)(B)(1), to clarify that the person responsible for withholding during an installment sale is the buyer/transferee—not the real estate escrow person. The existing Withholding Regulations at 18 CCR Section 18662-3, subsection (d)(3)(B)(1) inadvertently imposed a withholding requirement for installment sales on the real estate escrow person—rather than the buyer/transferee. However, under both RTC sections 18662, subdivision (e)(3) and 18668, subdivision (e)(1), and under 18 CCR Section 18662-3, subsection (a), once the real estate escrow person provides the transferee/buyer with written notice of the transferee’s/buyer’s withholding requirements, the requirement to withhold is on the buyer/transferee—not on the real estate escrow person. Thus, this proposed amended subsection changes the phrase “real estate escrow person” to the phrase “buyer/transferee.”

The proposed amendments to the Withholding Regulations will also amend 18 CCR Section 18662-6 by adding subsection (a)(2)(B), to clarify that if the entertainer’s agent or promoter is incorporated in California or qualified to do business in California with the California Secretary of State (SOS), the entertainment venue is not required to withhold if the entertainer’s agent or promoter certifies to a withholding exemption

on FTB Form 590, Withholding Exemption Certificate. As a result of this proposed amendment, as further set forth in proposed amended 18 CCR Section 18662-6, subsection (a)(2)(B), the entertainment venue may rely on a printout from the SOS’s public website, showing the entertainer’s agent or promoter’s business entity number, that the business entity has a permanent place of business in California and that the business entity is in good standing.

Pass-Through Entity Withholding Forms

In addition to nonresident and real estate withholding amendments, there are proposed amendments to the Withholding Regulations related to domestic pass-through entity (PTE) withholding filing requirements. With respect to domestic PTEs, the proposed amendments to the Withholding Regulations amend 18 CCR Sections 18662-4, subdivision (d), 18662-8, subdivision (c)(1)(B) and 18662-8, subdivision (c)(2)(B) — which would change the filing scheme from a quarterly filing withholding scheme to an annual one. Consistent with the proposed regulations, FTB also proposes amendments to create a new annual reconciliation form and a new PTE voucher form to effectuate this transition from the quarterly filing withholding scheme to an annual one. The new form will be FTB Form 592-PTE, Pass-Through Entity Annual Withholding Return, which will be used specifically by domestic PTEs that, as withholding agents, withhold tax at source on lower tier PTEs. The new voucher will be FTB Form 592-Q, Payment Voucher for Pass-Through Entity Withholding (Voucher) for quarterly payments. Withholding from payments (using FTB Form 592-Q voucher) will still be quarterly, similar to the Form 592, Resident and Nonresident Withholding Statement, but the new PTE Form (FTB Form 592-PTE) will be filed on January 31 of the year following the year for which such withholding was required to be remitted to FTB. (The January 31 date is also the due date for federal Form W-2, Wage and Tax Statement, and Form 1099.)

Objectives of the Proposed Regulation

The changes made in the proposed amendments to the Withholding Regulations provide additional clarity and transparency for taxpayers, tax practitioners, withholding agents, and the public on the treatment of specified income subject to state withholding requirements. The proposed amendments to the Withholding Regulations facilitate effective state tax administration by providing definitions and additional clarification regarding income subject to state withholding.

As noted above, one of the primary objectives of the proposed amendments to the Withholding Regulations is to reduce the burden on the escrow industry, which will be accomplished by the consolidation of the real estate withholding forms, reducing the number of forms

for real estate transactions from four to one. The changes made by the amendments to the Withholding Regulations are intended to make the nonresident and real estate withholding process simpler and less burdensome.

Anticipated Benefits from the Proposed Regulation

The changes made in the proposed amendments to the Withholding Regulations provide additional clarity and transparency for taxpayers, tax practitioners, withholding agents, and the public. The revised regulations also retain the flexibility to respond to individual circumstances and new or changed responsibilities. As detailed above, one of the primary changes effectuated through the proposed amendments is the consolidation of the real estate withholding forms, which will reduce the burden on the escrow industry, as it will reduce the number of forms for real estate transactions from four to one. In addition, the consolidation of forms will assist sellers/transferrors in their real property transactions, as there will now be one form for all real estate transactions, and one voucher—rather than having four different forms depending on the type of real estate transaction. This will benefit taxpayers by making the withholding process simpler and less burdensome.

The proposed amendments would also benefit taxpayers, tax practitioners, those required to remit withholding, and the state by making various technical changes that provide clarity to current withholding regulations, including changes to terminology in the current regulatory language. The proposed amendments are expected to reduce taxpayer compliance costs and confusion, including the direct costs of preparing and reviewing tax documents. In addition, the proposed amendments which impact the withholding remittance by nonresident individuals and non-California businesses due to the reduction in allowed expenses are anticipated to result in a small beneficial change in the timing of payments to the state.

Consistency and Compatibility with Existing State Regulations

During the process of developing this regulation, the FTB, pursuant to Government Code Section 11346.5, subdivision (a)(3)(D), has conducted a search of any similar state regulations and has concluded that these regulations are neither inconsistent nor incompatible with any existing state regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: *None.*

Cost or savings to any state agency: *The FTB has determined the proposed regulation amendments may result in costs or savings to the FTB but, they will not be significant. The FTB estimates an acceleration of state General Fund tax payments of between \$1.2 million and \$1.5 million per fiscal year.*

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: *None.*

Other non-discretionary cost or savings imposed upon local agencies: *None.*

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

Cost impacts on a representative private person or business: The FTB 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 business including the ability of California businesses to compete with businesses in other states:

The FTB reviewed each of the proposed amendments to 18 CCR Sections 18662-0 through 18662-6 and Section 18662-8 for potential adverse economic impact affecting business and found that only the proposed amendment to 18 CCR Section 18662-4, subdivision (e) affecting the filing of FTB Form 589 which clarifies the withholding threshold requirements would have a measurable economic impact. The remaining proposed amendments are predominantly consolidation of forms and grammatical or technical changes. The amendment to 18 CCR Section 18662-4 would limit the share of expenses used to reduce withholding to 50 percent of the source payment. Based on discussion with staff in the FTB's Legal and Filing divisions and a review of recent Form 589 data for entities that would be affected by the 50 percent expense limitation, it is estimated that the timing of payments under the proposed regulation would be affected and would accelerate between \$1.2 million and \$1.5 million per fiscal year for both non-California businesses and non-resident individuals, but does not change total tax owed. Data suggests the average increased withholding would be a small share of total income for these business entities, in most cases, as they are predominantly entities with high incomes. Therefore the FTB has determined in an economic impact statement and relies on the conclusion therein, that the adverse economic impact on business will not be significant.

Potential Cost impact to directly affected private persons/businesses:

There are no costs to businesses or individuals when measuring the impact of the proposed amendments to the regulations by tax year as tax liability would remain unchanged. In addition, as those affected are non-

residents, any measurable statewide impact is further reduced. The impact on businesses and individuals would occur because of increased withholding remittances created when a withholding event is triggered. This in turn would be offset by reduced final payments remitted, or an increase in refund due, when a business or individual files their final tax return. Thus for any tax year the cost impact would be negligible.

If measured by calendar year, there would be a decrease in cash available during the year the withholding event occurs for a non-resident individual or non-California business. As explained above, in the following calendar year when a final tax return is filed the final payment remitted would be decreased, or the refund due increased, by the amount of the increased withholding. Thus for any 18 month period, the cost impact would be negligible.

Effect on small business:

The FTB has determined that the proposed amendments to the Withholding Regulations will not have a significant impact on business. A majority of the proposed regulations are intended to make various technical changes and/or to provide clarity to the current withholding regulations, including changes to terminology in the current regulatory language.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code section 11346.3, subdivision (b), the Board has determined in the economic impact assessment that (1) there is no expected impact on the creation or elimination of jobs within California as a result of the proposed amendments; (2) there is no expected impact on the creation or elimination in the number of existing businesses within California as a result of the proposed amendments; (3) there is no expected impact on the expansion of businesses currently doing business within California as a result of the proposed amendments; and (4) the benefits to the health and welfare of California residents include providing affected taxpayers with clarity and the proper guidance, addressing new situations that have arisen, and ensuring that taxpayers, their representatives, and those required to remit withholding have guidance on issues surrounding real estate and nonwage withholding (which can reduce taxpayer compliance costs as well as confusion).

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 or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments to the regulations during the written comment period or, if a hearing is requested, at the scheduled hearing.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

David Muradyan, Tax Counsel III
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720
Telephone: (916) 845-4540
Email: David.Muradyan@ftb.ca.gov

The backup contact person for these inquiries is:

Christy Keith
Legal Division MS A260
Franchise Tax Board
P.O. Box 1720
Rancho Cordova, CA 95741-1720
Telephone: (916) 845-6080
Email: Christy.Keith@ftb.ca.gov

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. Keith at the above address or send the request by email to Christy.Keith@ftb.ca.gov.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies can be obtained on the Franchise Tax Board’s website at ftb.ca.gov or by contacting Ms.

Keith at the address, phone number or email address listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, after the close of the comment period, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes substantive modifications sufficiently related to the 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. Copies of the modifications will be published on the Board's website at ftb.ca.gov and mailed to anyone who submitted written comments to the Board, and to anyone that has expressed an interest in receiving the modification information. Please send requests for copies of any modified regulations to the attention of Ms. Keith at the address, phone number or email address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons will be published on the Board's website at www.ftb.ca.gov and may also be obtained by contacting Ms. Keith at the above address, phone number or email 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 can be accessed through our website at www.ftb.ca.gov.

**TITLE 20. CALIFORNIA ENERGY
COMMISSION**

TITLE 20. PUBLIC UTILITIES AND ENERGY
DIVISION 2. STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION
CHAPTER 4. ENERGY CONSERVATION
ARTICLE 4. APPLIANCE
EFFICIENCY REGULATIONS
SECTIONS 1601–1609

CALIFORNIA ENERGY COMMISSION
COMMERCIAL AND INDUSTRIAL AIR
COMPRESSORS
DOCKET NO. 18-AAER-05

INTRODUCTION

The California Energy Commission (Energy Commission) proposes to adopt regulations for commercial and industrial air compressors (air compressors) after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Energy Commission staff will hold a public hearing for the proposed regulations on the following date and time. Interested persons or authorized representatives may present oral and/or written statements relevant to the proposed regulations at the hearing. The Energy Commission requests that any person making oral comments also submit a written copy of their oral comments at the hearing.

January 3, 2019
10:00 a.m. –12:00 p.m. (Pacific Time)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Rosenfeld Hearing Room
(Wheelchair accessible)

Audio for the hearing will be broadcast over the Internet. Details regarding the webcast can be found at www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in the hearing, please contact Yolanda Rushin at Yolanda.Rushin@energy.ca.gov or (916) 654-4310, at least five days in advance.

WRITTEN COMMENT PERIOD

You may submit written comments to the Energy Commission for consideration on or before **5:00 p.m.**

on December 31, 2018. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments using the Energy Commission’s e-commenting feature by going to the Energy Commission’s Commercial and Industrial Air Compressors webpage at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-05.html, Docket Number 18-AAER-05, then select the “Submit e-comment” link. A full name, email address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test, click on the “Agree & Submit Your Comment” button to submit the comment to the Energy Commission’s Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone number, email address) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All written comments submitted prior to the hearing must be submitted to the docket unit. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 18-AAER-05
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076

Comments may also be submitted email to DOCKET@energy.ca.gov, or by fax to (916) 654-4354.

PUBLIC ADVISER

The Energy Commission’s Public Adviser, Alana Mathews, is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser’s Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228 or contact publicadviser@energy.ca.gov.

NEWS MEDIA INQUIRIES

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 25213, 25218(e), and 25402(c) authorize the Energy Commission to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code sections 25402(c) and 25216.5(d).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist Act establishes the Energy Commission as California’s primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandate that the Energy Commission adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the Energy Commission satisfies this requirement is through the Appliance Efficiency Regulations (California Code of Regulations, Title 20, Sections 1601-1609), which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the Energy Commission that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the Energy Commission’s database of appliances approved to be sold or offered for sale in California.

Appliance energy efficiency is identified as a key to achieving the greenhouse gas (GHG) emission reduction goals of Assembly Bill 32 (Núñez, Chapter 488, Statutes of 2006). Senate Bill 350 (de León, Chapter 547, Statutes of 2015), established the Clean Energy and Pollution Reduction Act of 2015, requiring the Energy Commission to establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a doubling of energy savings from buildings and retail end uses by 2030.

Therefore, in compliance with statute, the Energy Commission has prepared the proposed regulations to provide updated and new definitions, data reporting requirements, and efficiency standards for air compressors manufactured on or after January 1, 2022, that are sold or offered for sale in California.

Difference from existing comparable federal regulation or statute

No federal efficiency standards currently exist for air compressors. The United States Department of Energy (DOE) considered energy conservation standards for

air compressors in a rulemaking in 2016, but to date has not published a final rule in the Federal Register. However, DOE did publish a final test procedure for air compressors in the Federal Register that became effective January 4, 2017, and required for compliance on July 3, 2017, making it the applicable test procedure for all air compressors manufactured in or imported into the United States. The Energy Commission incorporated this test procedure into its regulations as part of a previous rulemaking (docket #18-AAER-10).

The Energy Commission used information from the DOE rulemaking to support the proposed regulation.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of the regulations is to increase energy efficiency savings in the state by carrying out our statutory mandate to provide statewide standards in the Appliance Efficiency Regulations. Federally regulated commercial and industrial air compressors were added under the scope of the Appliance Efficiency Regulations in a previous rulemaking along with definitions and the federal test method. These regulations are proposing to establish a product category for state-regulated air compressors, clarify the scope, provide additional definitions, include data reporting requirements, and set efficiency standards for state-regulated air compressors.

The specific benefits of the proposed regulations would be cost savings to the consumer, lower statewide energy use, and lower greenhouse gas and criteria pollutant emissions from power plants as a result of lower energy use. Under the proposed regulation, Californians will have a first year energy savings of around 25 GWh with an approximate energy savings after full stock turnover (14 years) of 322 GWh/yr. The energy savings are equivalent to a monetary statewide benefit of around \$4 million in savings for the first year and an estimated \$49 million annually after full stock turnover.

Determination of inconsistency or incompatibility with existing state regulations

The Energy Commission has conducted an evaluation for any other regulations in this area and has concluded that these are the only regulations related to the energy consumption of air compressors and enforced at the point of sale. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. The regulations provide definitions, reporting requirements, and efficiency standards for air compressors manufactured on or after January 1, 2022 and sold or offered for sale in California.

DOCUMENTS INCORPORATED
BY REFERENCE

The Energy Commission proposes to incorporate the following documents by reference:

- Code of Federal Regulations, Title 10, Section 429.63.
- Code of Federal Regulations, Title 10, Section 429.70.
- Appendix A to Subpart T of Title 10 Code of Federal Regulations, Section 431.

Pursuant to California Code of Regulations, Title 1, Section 20, copies of these documents are available for review on the Energy Commission’s website and at the Commission located at 1516 Ninth Street, Sacramento, California 95814. For the Code of Federal Regulations, Title 10 copies are available from:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
www.ecfr.gov

MANDATED BY FEDERAL LAW
OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The Energy Commission has made the following initial determinations:

- A mandate on local agencies and school districts: None.
- The cost to any local agency or school district requiring reimbursement pursuant to §§ 17500 et seq.: None.
- Cost or savings to any state agency: None.
- Non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant effect on housing costs: None.

- Cost impact on small business: The Energy Commission has identified three small businesses engaged in the manufacturing of air compressors in California. Energy Commission staff assumes that air compressor manufacturers would not experience additional costs related to the manufacturing upgrades and new testing requirements as marginal sales prices exceed marginal manufacturing costs and are therefore passed on to distributors, retailers, and end-users. The Energy Commission assumes that commercial and industrial air compressor consumers are primarily businesses and not individuals. The Energy Commission estimates 1,500 small businesses are end users of air compressors. Businesses will be impacted if they purchase regulated compressors. The efficiency standards for air compressors have an initial increased incremental cost to businesses for the improved efficiency. However, the savings from the lower utility bills over the lifetime of the more efficient air compressors exceed the incremental costs of improvement, resulting in overall economic savings. Therefore, the Energy Commission is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Energy Commission estimates that approximately 3,000 California businesses may be impacted by the regulations each year, including distributors, retailers, electric utilities, manufacturers, and businesses purchasing compressors. However, these regulations are not likely to result in a significant adverse economic impact on any business including the ability of California businesses to compete with businesses in other states.

Businesses will be impacted if they purchase regulated compressors. The Energy Commission assumes that both in-state and out-of-state manufacturers will pass the incremental cost to improve the efficiency of an appliance on to the businesses involved in the distribution and sales of air compressors, which in turn will then pass the cost on to the consumers. The Energy Commission assumes that commercial and industrial air compressors are typically purchased by businesses not individuals. Efficiency standards for air compressors have an initial increased incremental cost to businesses for the improved efficiency, but the increased efficiency

will result in lower utility bills to those businesses through reduced electricity consumption. The savings from the lower utility bills over the lifetime of the more efficient air compressors exceed the incremental costs of improvement, resulting in overall economic savings.

Under the appliance efficiency regulations (sections 1608 and 1609), retailers and/or distributors are responsible for ensuring that the air compressors they sell are certified to California Energy Commission’s Modernized Appliance Efficiency Database System (MAEDbS) prior to being offered for sale in California. Because air compressors are a newly regulated product, the Energy Commission assumes that retailers and distributors will experience some additional costs associated with verifying that compliant air compressors appear in MAEDbS.

Some distributors and/or retailers may incur additional costs if they choose to rebrand an air compressor purchased outside of California not certified to MAEDbS and wish to sell it in California. Since the rebranded air compressor will require certification to MAEDbS, these distributors and/or retailers will incur an additional cost associated with the certification.

Sellers of electric power, both retail and wholesale, may experience slightly reduced sales of electricity due to the proposed standard. However, any reduction in sales is small compared to the total electricity sales of these entities and is therefore negligible.

The Energy Commission assumes that half of the businesses impacted are small businesses.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

The Energy Commission assumes that commercial and industrial air compressors are typically purchased by businesses or industry, not individuals. Therefore, there are no initial changes in the purchase costs for a representative private person from the proposed standards. Businesses will be impacted if they purchase regulated compressors. The efficiency standards for air compressors have an initial increased incremental cost to businesses for the improved efficiency. However, the savings from the lower utility bills over the lifetime of the more efficient air compressors exceed the incremental costs of improvement, resulting in overall economic savings. The Energy Commission estimates that the regulations may indirectly create 12 jobs in California and will not eliminate any jobs. This is based on the DOE’s Technical Support Document’s indirect employment impact analysis. Because air compressor

shipments and sales are not expected to change significantly as a result of the proposed regulations, the economic impact on any business is expected to be insufficient to support the creation or cause the elimination of any business. Therefore, the Energy Commission is not aware of any significant cost impacts that a business would incur in reasonable compliance with the proposed action.

BUSINESS REPORT

The proposed regulations impose new data reporting requirements on manufacturers of air compressors. The Energy Commission has identified three California air compressor manufacturers.

State law (Public Resources Code § 25402(c)(1)) requires manufacturers to report to the Energy Commission that their appliances comply with the applicable energy efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to provide specified information for this purpose to the MAEDbS. MAEDbS is used by manufacturers and maintained by the Energy Commission to list the appliances authorized to be sold or offered for sale in California. This is necessary for the health, safety, and welfare of the people of the state as it helps the Energy Commission and consumers verify compliance with applicable federal and state efficiency standards. Some retailers may choose to stand in as manufacturers when they rebrand a product and take on the manufacturer's certification burden for that portable air conditioner model.

It is necessary for the health, safety, or welfare of the people of the state that the regulation, which requires a report, apply to businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Energy Commission concludes that (1) the proposal may indirectly create jobs within California; (2) it's unlikely the proposal will eliminate jobs within California; (3) it's unlikely the proposal will create new businesses in California; (4) it's unlikely the proposal will eliminate existing businesses within California; and (5) it's unlikely the proposal will result in the expansion of businesses currently doing business within California.

Benefit of the Proposed Action: The proposed regulations would result in cost savings to the consumer, lower statewide energy use, and lower greenhouse gas and criteria pollutant emissions from power plants as a result of lower energy use. Under the proposed regulation, Californians will have a first year energy savings

of around 25 GWh with an approximate energy savings after full stock turnover (14 years) of 322 GWh/yr. The energy savings is equivalent to a monetary statewide benefit of around \$4 million in savings for the first year and an estimated \$49 million annually after full stock turnover.

The proposed regulations will have a significant positive impact on the environment, and public health and welfare, through avoided greenhouse gas emissions. Therefore, the Energy Commission could not identify any adverse environmental impacts associated with the proposed efficiency standards.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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 Energy Commission invites interested persons to present statements or arguments concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Please direct inquiries concerning all aspects of the rulemaking process, including requests for copies of the proposed text (the express terms), the initial statement of reasons, any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman, Regulations manager
Efficiency Division, California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512
(916) 654-4976
Corrine.Fishman@energy.ca.gov

You may also contact Alejandro (Alex) Galdamez at Alejandro.Galdamez@energy.ca.gov or (916) 654-4315.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The Energy Commission will have the entire rulemaking file available for inspection and copying

throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the initial statement of reasons, and documents relied upon. Copies may be obtained by contacting Corrine Fishman at the address or phone number listed above or accessed through the Energy Commission's website at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-05.html.

AVAILABILITY OF SUBSTANTIAL CHANGES
TO ORIGINAL PROPOSAL FOR AT LEAST 15
DAYS PRIOR TO AGENCY
ADOPTION/REPEAL/AMENDMENT OF
RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Energy Commission adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT
OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons by visiting http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-05.html or contacting the contact person.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, and the Initial Statement of Reasons, have been posted on our website at http://www.energy.ca.gov/appliances/2018-AAER-04-06_08/18-AAER-05.html.

TITLE 27. ENVIRONMENTAL
PROTECTION AGENCY

UNIFIED PROGRAM REGULATIONS

NOTICE IS HEREBY GIVEN that the California Environmental Protection Agency (CalEPA) proposes to amend California Code of Regulations (CCR), title 27, division 3, subdivision 1 (the California Environmental Reporting System Data Registry, also known as the California Environmental Reporting System Data Dictionary). The majority of the proposed amendments are considered non-substantial as they have relatively minor regulatory effects or impacts on regulated businesses and Unified Program Agencies (UPAs). The implications of the non-substantial proposed regulatory changes will likely have substantial impacts on UPAs regarding the ability to maintain parallel data exchange and provide methods to continue to utilize local data reporting and management systems independent of the California Environmental Reporting System (CERS).

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

A written comment period has been established beginning November 16, 2018, and closing on December 31, 2018. To be considered relevant to this rulemaking proposal, written comments must be received by CalEPA no later than 5:00 p.m. on December 31, 2018. Written comments can be submitted by:

Mail to: CalEPA Unified Program
P.O. Box 2815
Sacramento, California 95812
E-mail to: cupa@calepa.ca.gov

AUTHORITY AND REFERENCE

The Secretary of CalEPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and Government Code section 16.5(c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

INFORMATIVE DIGEST

Existing Law

Senate Bill 1082 of 1993 (California Health and Safety Code, Chapter 6.11, Section 25404) required California’s Secretary for Environmental Protection to establish a “unified hazardous waste and hazardous materials management” regulatory program (Unified Program) by January 1, 1996. Title 27 of the CCR provides for the implementation of the Unified Program, which consolidates, coordinates and makes consistent the administration, permits, inspections and enforcement activities of the following six program elements:

- Hazardous Materials Release Response Plan and Inventory (HMRRP or Business Plan)
- California Accidental Release Prevention (CalARP) Program
- Underground Storage Tank (UST) Program
- Aboveground Petroleum Storage Act (APSA) Program
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (Tiered Permitting)
- California Fire Code: Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements (HMIS)

Policy Statement Overview

In order to more clearly interpret existing Unified Program regulations, specify and coordinate certain aspects of Unified Program element requirements, clarify current practices and procedures, and to align with new and revised statutes and regulations relative to the implementation and enforcement of the Unified Program, revision to the text of title 27 Data Dictionary is necessary. By ensuring statewide and cross-program clarity and consistency in the interpretation of title 27 regulations for implementation and enforcement, the Unified Program will be working towards accomplishing the definitive goal of reducing the impact of hazardous materials on public health and the environment. The proposed amendments are intended to introduce new and revise existing CERS data fields that will align the system with established reporting requirements of the APSA and UST Programs, improve the regulator and business user experience, improve the accuracy of required reporting and data reported, all of which will in turn, improve regulatory compliance and enforcement of the Unified Program throughout the state,

The proposed revisions to the title 27 Data Dictionary language are briefly summarized as follows:

- I. Addition of available selections to existing CERS Data Fields for specifying the types of action taken relative to an Underground Storage Tank (UST) and the UST Operating Permit Application information.
- II. The ability for CERS to automatically generate a unique identification number for each UST in CERS.
- III. Addition of available selections to existing CERS Data Fields for specifying the use of a UST and its contents.
- IV. Development of a new Chapter in the CERS Data Registry to capture and organize the four new CERS Data Fields for the APSA Program, which will provide the opportunity for regulated businesses to electronically report required information for regulated APSA facilities.

Anticipated Benefits of the Proposed Regulations

CalEPA anticipates that the proposed amendments to the regulations will benefit the protection of public health and safety, worker safety and the environment. The proposed amendments improve the overall clarity, consistency and coordination of Unified Program regulations to ensure compliance with implementation and enforcement at the local regulatory level. Specifically, California regulated businesses and regulating agencies will benefit from the development and release of CERS 3 as it will enhance the capabilities of the current reporting system by:

- Improving the usability and functionality of electronic reporting features
- Providing the ability to document compliance with federal and state regulations

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

CalEPA evaluated whether or not the proposed regulations are inconsistent or incompatible with existing state regulations and has determined that the proposed regulations only affect the existing regulations relative to the Unified Program. Therefore, the proposed Unified Program regulations are neither inconsistent nor incompatible with existing state or federal regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalEPA has made the following initial determinations:

California Environmental Quality Act (CEQA) Compliance

The changes proposed to Title 27 are exempt from the California Environmental Quality Act (CEQA) under

California Code of Regulations, Title 14, section 15061, subd. (b)(3), because it can be seen with certainty that there is no possibility that the proposed regulations may have a significant effect on the environment. The changes to the regulations include electronic reporting of information required under the APSA Program, providing additional selection of information in CERS relative to regulated USTs to more accurately report and categorize UST-related activities, and the automatic creation of a unique identification number for each UST in CERS. The changes also include technical and grammatical updates to the regulations without any substantial regulatory effect. None of these changes are expected to have any adverse effect on the environment and therefore the proposed rule changes are exempt from CEQA.

The changes proposed to Title 27 are also categorically exempt from CEQA under California Code of Regulations, Title 14, section 15308 because they are actions by a regulatory agency for the protection of the environment. The regulatory changes are authorized by statute to ensure the protection of the environment by implementing and improving the Unified Program for hazardous materials and hazardous waste management (Health & Safety Code Ch. 6.11.). By providing for clear, consistent, and coordinated implementation of the six unified program elements, the proposed amendments to Title 27 will reduce the impact of hazardous materials on public health and safety and the environment in California. Furthermore, none of the exceptions to categorical exemptions in California Code of Regulations, Title 14, section 15300.2, apply. Therefore the proposed regulations are categorically exempt from CEQA because they are for the protection of the environment.

Peer Review

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

Business Report

CalEPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

Documents Incorporated by Reference

None.

FISCAL IMPACT ESTIMATES

Mandate on Local Agencies and School Districts: CalEPA has made a preliminary determination that

adoption of these regulations will create no new local mandates.

Costs or Savings to Any State Agency: CalEPA has made a preliminary determination that the proposed regulations will have no impact on the workload of the Unified Program Technical Support Unit beyond the existing staff and resources currently utilized in the development and implementation of CERS 3. This cost is to be absorbed in the revenue received in collection of the Unified Program surcharge component relative to the program element regulated by the state agency with Unified Program responsibilities.

Costs to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code sections 17500 through 17630

CalEPA has made a preliminary determination that adoption of these regulations will not result in costs subject to reimbursement pursuant to Government Code part 7, division 4, sections 17500 through 17630.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

CalEPA has made a preliminary determination that adoption of these regulations will not result in other non-discretionary costs to local agencies.

Costs or Savings in Federal Funding to the State:

CalEPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Cost Impacts on a Representative Private Person or Business

CalEPA is aware of costs that a representative private person or regulated business may incur in obtaining reasonable compliance with the proposed regulations, specifically, the cost associated with the time it will take for a regulated business user to complete four new APSA Program CERS data fields, when applicable. There are approximately 15,220 regulated APSA Program facilities in California. For all regulated businesses having a regulated APSA facility, CalEPA projects a highly inflated estimate for the total expense of completing the new CERS Data Fields for the annual APSA Program submittal element to be between \$8.13 and \$4.20 for each regulated APSA facility. There are approximately 15,220 regulated APSA Program facilities, which would generate an estimated statewide expense of \$123,739 and \$63,924. Considering completion of the new CERS Data Fields of the APSA Program submittal element is only necessary when applicable to the regulated APSA facility, it is more than practical for CalEPA to anticipate that the cost experienced by each regulator user with a regulated APSA Facility will actually be much less than projected.

CalEPA Technical Support Unit staff worked closely with data services vendors regarding EDT implementa-

tion, development and resolution of local CUPA data systems. However, expenses incurred by CUPAs are to be addressed independent of any associated implementation, development and resolution relative to maintaining compatibility between the local CUPA data system and CERS. CalEPA CERS Technical Support Unit staff have been diligent in obtaining no-cost commitments from the approved data services vendors for the development and implementation of the local data systems to be compatible with CERS 3. However, as CalEPA is not an authorized nor participating party in contracted services between the data services vendors and the CUPA, there is no way to guarantee there will be no possibility of unforeseen contractual expenses between data services vendors and CUPAs.

The majority of the costs will be offset by the improvement of the usability and functionality of electronic reporting features and the ability to document compliance with federal and state regulations.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses

CalEPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant Effect on Housing Costs

CalEPA has made an initial determination that there will be no impact on housing costs.

Small Business Determination: The majority of small businesses regulated under the Unified Program do not handle significant amounts of hazardous materials or generate large quantities of hazardous waste. Therefore, CalEPA has determined that provisions of this rulemaking will have no significant impact on small businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

CalEPA has made a preliminary determination that it is unlikely that the proposed regulations will:

- *Create or eliminate any jobs within California*
- *Create any new businesses or eliminate any existing businesses within California*
- *Result in the expansion of businesses currently doing business within California*

Benefits of the Regulation

CalEPA anticipates that the proposed amendments to the regulations will benefit the protection of public health, welfare, safety and worker safety of all California residents and the environment. Consistency in providing APSA Program and UST Program required data

in CERS will provide for improved accuracy of data captured statewide and used for various purposes, including the prevention and mitigation of environmental hazards by emergency response agencies. The proposed amendments improve the overall clarity, consistency and coordination of Unified Program regulations to ensure compliance with implementation and enforcement at the local regulatory level.

Business Reporting Requirement

CalEPA finds that it is necessary for the health, welfare, safety and worker safety of the people of California and the environment of California that the proposed adoption of the CERS Data Dictionary data fields (Chapter 6 of the CERS Data Registry) relative to the Aboveground Petroleum Storage Tank Act (APSA) Program, which requires information specific to the reporting requirements of the APSA Program to be electronically reported to CERS by business owners or operators of regulated APSA facilities.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Melinda Blum
Melinda.Blum@calepa.ca.gov
 (916) 327-9560

or

John Paine
John.Paine@calepa.ca.gov
 (916) 327-5092

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. Blum at the above email address.

To be included on a mailing list regarding this regulation package, and to receive updates of this rulemaking, please send an email to: cupa@calepa.ca.gov and be sure to include:

- Name
- Mailing address
- Email address, if preferred

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

The Notice, Initial Statement of Reasons, text of the proposed regulations and all the information upon which the proposal is based (the rulemaking file) is available for viewing at CalEPA's office at 1001 I Street, Sacramento California 95814. This Public Notice, the Initial Statement of Reasons, and the text of the proposed regulations are posted to CalEPA's website: <https://calepa.ca.gov/cupa/lawsregs>. In addition, copies may be obtained by contacting Ms. Blum at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

As a public hearing will only be held by CalEPA upon request, at the close of the 45-day comment period, after considering all timely and relevant comments received, CalEPA may adopt the proposed regulations. If substantial changes are made, which are sufficiently related to the originally proposed text, the modified text will be made available for public comment at least 15 days prior to adoption. Please send requests for copies of any modified regulations to the attention of Ms. Blum at the email address indicated above. CalEPA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

CalEPA will prepare a Final Statement of Reasons, which updates the Initial Statement of Reasons, and summarizes how CalEPA addressed comments received. The Final Statement of Reasons also includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons may be obtained from the CalEPA website: <https://calepa.ca.gov/cupa/lawsregs>, or a copy may be obtained by sending an email request to: cupa@calepa.ca.gov.

The date the rulemaking is filed with the Secretary of State and the effective date of the adopted regulations will be posted on the CalEPA website: <https://calepa.ca.gov/cupa/lawsregs>.

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 can be accessed at the CalEPA website: <https://calepa.ca.gov/cupa/lawsregs>.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65

TITLE 27, CALIFORNIA CODE OF REGULATIONS PROPOSED AMENDMENTS TO ARTICLE 6 CLEAR AND REASONABLE WARNINGS SECTION 25600.2 RESPONSIBILITY TO PROVIDE CONSUMER PRODUCT EXPOSURE WARNINGS

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, California Code of Regulations, section 25600.2, subsections (b), (c) and (f), Responsibility to Provide Consumer Product Exposure Warnings.¹ In August 2016, OEHHA adopted the new Article 6 of Title 27, California Code of Regulations, Section 25600 et seq. OEHHA adopted amendments to the regulations on November 20, 2017 to clarify and make more specific certain provisions of Article 6. Based upon questions received and additional input from stakeholders, this rulemaking proposes additional clarifying changes to Section 25600.2, subsections (b), (c), and (f).

PUBLIC PROCEEDINGS

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on December 31, 2018**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

¹ All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517
Fax: 916-323-2610
E-mail: P65Public.Comments@oehha.ca.gov

E-mail comments may be sent to P65Public.Comments@oehha.ca.gov. Please include "Section 25600.2" in the subject line when submitting emailed comments.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

A public hearing on these proposed regulatory amendments will be scheduled on request. To request a hearing, send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **December 17, 2018**. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323-2517, or by e-mail to monet.vela@oehha.ca.gov. Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.6, 25249.7 and 25249.11(f).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BACKGROUND

OEHHA is the lead agency that implements Proposition 65² and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.³ These proposed amendments to the regulations would further clarify the regulatory provision implementing the statutory direction to place the primary obligation for providing a Proposition 65 warning on the product manufacturer, thus minimizing the impact of the warning requirements on the retail seller.

SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulatory action will facilitate businesses' compliance with the Act by providing clarifying changes in subsections (b) and (c) concerning the responsibility for providing warnings under Proposition 65 and further clarify the term "actual knowledge" in subsection (f). The health and welfare of California residents will likely benefit from ensuring that warnings are provided by the manufacturer and intermediate parties in the chain of commerce to the retail seller, so that the retail seller can provide these warnings to consumers before exposure to a listed chemical in a consumer product. Businesses will also have more clarity concerning the level of specificity required in notices provided pursuant to Section 25600.2(b) and the express incorporation of existing law on imputation of knowledge to the business.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing warning requirements on businesses subject to Proposition 65 or state or local agencies, and does not address compliance with any other law or regulation.

² Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

³ Health and Safety Code section 25249.6.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state or in federal funding to the state because of the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any significant new requirements on any business.

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

The proposed regulatory action clarifies an existing regulation that is related to the responsibility of intermediate parties in the chain of commerce to pass along consumer product exposure warnings, and does not impose any significant new requirements on those businesses. OEHHA has therefore made an initial determination that the adoption of this action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

OEHHA finds there will be no economic impact related to the clarifying regulatory amendments. The amendments do not impose any new costs because they simply clarify the responsibility of intermediate parties in the chain of commerce to pass along a warning for consumer products and further clarify the definition of “actual knowledge”. The action would not alter the requirement to provide a warning under the Act. Businesses will also have more clarity concerning the level of specificity required in notices provided pursuant to Section 25600.2(b) and the express incorporation of existing law on imputation of knowledge.

⁴ See Health and Safety Code section 25249.11(b).

Creation or Elimination of Jobs within the State of California

The proposed regulatory action will not impact the creation or elimination of jobs within California. The action provides clarification and specificity to the existing regulations in terms of the responsibility of intermediate parties in the chain of commerce to pass along a warning for consumer products and further clarifies the definition of “actual knowledge”. It does not alter the requirement to provide a warning under the Act.

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

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The action provides clarification and specificity to the existing regulations as to the responsibility of intermediate parties in the chain of commerce to pass along a warning for consumer products and further clarifies the definition of “actual knowledge” and the level of specificity required in notices provided pursuant to Section 25600.2(b).

The Expansion of Businesses Currently Doing Business within the State

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The action provides clarification and specificity to the existing regulations.

Benefits of the Proposed Regulation

Affected businesses will likely benefit from the proposed regulatory action because the amendments provide clarifying guidance concerning the responsibility to provide warnings for consumer products under Proposition 65 and further clarify the definition of “actual knowledge”. The health and welfare of California residents will likely benefit from the increased clarity that will help ensure that the manufacturer and intermediate parties in the chain of distribution provide warnings to the retail seller, so that the retail seller can provide warnings to consumers before exposure to a listed chemical in a consumer product. Businesses will also have more clarity concerning the level of specificity required in the notices provided pursuant to Section 25600.2(b) and the express incorporation of existing law on imputation of knowledge.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or businesses.

EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.⁵

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, 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.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA's web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA web site at www.oehha.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's web site at www.oehha.ca.gov.

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: October 30, 2018
To: Eugene A. Sinohue
From: Chapter Two Compliance Unit
Subject: **2018 OAL DETERMINATION NO. 4 (S) (CTU2018-0831-01)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Mule Creek State Prison D.O.M. Supplement, Section 54010.22; titled Correspondence between Inmates/Parolees/Probationers

On 8/31/2018, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Mule Creek State Prison D.O.M. Supplement, Section 54010.22; titled Correspondence between Inmates/Parolees/Probationers, constitutes an underground regulation. Mule Creek State Prison

⁵ Health and Safety Code section 25249.11(b).

D.O.M. Supplement, Section 54010.22 was issued by the warden at the Mule Creek State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

- (1) Rules issued by the director applying solely to a particular prison or other correctional facility. . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

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

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Mule Creek State Prison and applies solely to the inmates of Mule Creek State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for correspondence between other inmates, parolees and probationers. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

October 30, 2018

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Assistant Chief Counsel

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

- (A) The challenged rule has been superseded.
- (B) The challenged rule is contained in a California statute.
- (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
- (D) The challenged rule has expired by its own terms.
- (E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

Copy: Ralph M. Diaz, Secretary (A), CDCR
Ying Sun, RPMB, CDCR

Regulatory Action explains the reasons for OAL’s disapproval.

DISAPPROVAL DECISION

BUREAU OF REAL ESTATE APPRAISERS

**State of California
Office of Administrative Law**

**In re:
Bureau of Real Estate Appraisers**

**Regulatory Action:
Title 10, California Code of Regulations
Amend sections: 3526, 3561, 3563, 3567, 3568, 3569,
3570, 3575, 3602, 3603, 3641, 3662**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018–0918–01

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

In this regular rulemaking action, the Bureau of Real Estate Appraisers (Bureau) proposed to repeal one form and amend eight forms that are incorporated by reference in twelve regulations. The repealed form relates to the summary of appraisal experience. The amended forms concern logging appraisal experience, petitioning for course equivalency credit, consenting to service of process, applying for issuance of a license, course provider accreditation, course accreditation, and appraisal management company registration. The Bureau proposed amending the forms to include required statutory language, update fee requirements, improve the clarity of questions and directions, and make other stylistic changes.

On September 18, 2018, the Bureau submitted the above-referenced rulemaking action to the Office of Administrative Law (OAL) for review. On October 30, 2018, OAL notified the Bureau that OAL disapproved the proposed regulations pursuant to the Administrative Procedure Act (APA). This Decision of Disapproval of

DECISION

OAL disapproved the above-referenced regulatory action because the Bureau failed to comply with the necessity and clarity standards of the APA. Additionally, the Bureau failed to follow required APA procedures by not stating in the Initial Statement of Reasons (ISOR) any benefits of the proposed regulatory action and not providing any facts in support of the determination that the proposed regulatory action will not have a significant adverse economic impact on business. The Bureau must resolve all APA issues detailed herein before OAL can approve any resubmission.

CONCLUSION

For these reasons, OAL disapproved the Bureau’s rulemaking action. Pursuant to Government Code section 11349.4(a), the Bureau may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this Decision was emailed to the Bureau on the date indicated below. If you have any questions, please do not hesitate to contact me at (916) 323–7465.

Date: November 6, 2018

/s/

Amy R. Gowan
Attorney

For: Debra M. Cornez
Director

Original: James Martin, Chief

Copy: Kyle Muteff

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

File # 2018–0925–02

CALIFORNIA HEALTH FACILITIES FINANCING
AUTHORITY

Children’s Hospital Program of 2008

The California Health Facilities Financing Authority submitted this timely certificate of compliance action to make permanent emergency regulations that established a new timeframe and application form for a second round of funding authorized by the Children's Hospital Bond Act of 2008. These funds will be awarded to eligible children's hospitals for capital improvements and special medical equipment.

Title 4
 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
 Filed 10/31/2018
 Effective 10/31/2018
 Agency Contact:
 Carolyn Aboubechara (916) 653-3213

File # 2018-0926-03
 CALIFORNIA POLLUTION CONTROL
 FINANCING AUTHORITY
 California Americans with Disabilities Small Business
 Capital Access

This action submitted by the California Pollution Control Financing Authority expands the definition of "small business" and allows reimbursement to Borrowers for the cost of the Certified Access Specialist Report.

Title 4
 AMEND: 8078.8, 8078.10
 Filed 11/02/2018
 Effective 11/02/2018
 Agency Contact: Bianca Smith (916) 653-5408

File # 2018-0927-01
 DEPARTMENT OF CONSERVATION
 California Farmland Conservancy Program

This action without regulatory effect amends regulations regarding the California Farmland Conservancy Program to update references to the program's former name and align provisions with statutory changes.

Title 14
 AMEND: 3010, 3011, 3012, 3013, 3015
 Filed 11/06/2018
 Agency Contact: Jessica Rader (916) 323-6733

File # 2018-1023-07
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Contraband Interdiction Program

This action by the Department of Corrections and Rehabilitation adopts section 3999.25 as a pilot program for the contraband interdiction program. This filing is exempt from chapter 3.5 of part 1 of division 3 of title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of

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

Title 15
 ADOPT: 3999.25
 Filed 11/01/2018
 Effective 11/01/2018
 Agency Contact: Sarah Pollock (916) 445-2308

File # 2018-0926-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This rulemaking action makes permanent the emergency regulation that repealed all existing Title 3 California Code of Regulations section 3435(b) quarantine zones for Asian Citrus Psyllid and established three nursery-stock and seven bulk-citrus regional quarantine zones and the criteria for determining them. It also makes permanent the appeal process for interested parties to use to challenge inclusion of a county or portion of a county in a specified regional quarantine zone and the listserv subscription procedure for purposes of receiving updates on changes in regional quarantine zones. It also makes permanent provisions specifying certain exemptions and movement restrictions for host nursery stock and bulk citrus fruit.

Title 3
 AMEND: 3435(b)
 Filed 11/06/2018
 Effective 11/06/2018
 Agency Contact: Rachel Avila (916) 403-6813

File # 2018-0921-01
 DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Postclosure Rule

This action establishes rules that will allow the Department of Toxic Substances Control to use enforceable documents, such as enforcement orders and enforceable agreements, to authorize hazardous waste postclosure activities at hazardous waste facilities subject to postclosure care.

Title 22
 ADOPT: 66264.121, 66265.121, 66270.28
 AMEND: 66264.90, 66264.110, 66265.90,
 66265.110, 66270.1, 66270.14
 Filed 10/31/2018
 Effective 01/01/2019
 Agency Contact: Peter Bailey (916) 255-6552

File # 2018-0926-05
 DEPARTMENT OF VETERANS AFFAIRS
 Veterans Homes Eligibility Determinations

This action amends eligibility criteria for admission to Veterans Homes.

Title 12
AMEND: 505.2
Filed 11/07/2018
Effective 01/01/2019
Agency Contact: Phil McAllister (916) 653-1961

File # 2018-0926-04
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Official Medical Fee
Schedule — Physician

This regulatory action by the Division of Workers' Compensation within the Department of Industrial Relations adopts the workers' compensation physician fee schedule for services rendered on or after January 1, 2019, and is submitted as exempt from the Administrative Procedure Act as fixing a rate, price, or tariff, pursuant to Government Code section 11340.9, subdivision (g).

Title 8
ADOPT: 9789.19.1
AMEND: 9789.12.1, 9789.12.2, 9789.12.6,
9789.12.8, 9789.12.12, 9789.12.13, 9789.13.2,
9789.16.1, 9789.16.7, 9789.18.1, 9789.18.2,
9789.18.3, 9789.18.11, 9789.19
Filed 11/06/2018
Effective 01/01/2019
Agency Contact: Jarvia Shu (510) 286-0646

File # 2018-1026-01
FISH AND GAME COMMISSION
Emergency Action to Raise Purple Sea Urchin Daily
Bag Limit

This emergency rulemaking by the Fish and Game Commission readopts emergency regulations originally adopted in emergency action no. 2018-0501-07E setting daily bag limits for purple sea urchin of twenty gallons when taken by skin or SCUBA diving in state waters off Medocino and Sonoma Counties.

Title 14
ADOPT: 29.11
Filed 11/05/2018
Effective 11/05/2018
Agency Contact: David Thesell (916) 654-9903

File # 2018-1025-02
OCCUPATIONAL SAFETY AND HEALTH (CAL-
OSHA) DIVISION
Recording and Reporting of Occupational Injuries and
Illnesses

The Division of Occupational Safety and Health submitted this emergency action to conform regulations addressing the electronic recording and reporting of occupational injuries and illnesses with corresponding

federal Occupational Safety and Health Administration regulations.

Title 8
AMEND: 14300.35, 14300.41
Filed 11/01/2018
Effective 11/01/2018
Agency Contact: Willie N. Nguyen (510) 286-7348

File # 2018-0924-02
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
OSHDP — Obsolete Language and Expected Source of
Payment Update

This action without regulatory effect updates the list of licensed health care service plans for the Expected Source of Payment patient data element by adding newly licensed plans, removing one plan that is no longer licensed, and updating existing plan names. In addition, this action removes obsolete language, harmonizes terminology, renumbers subdivisions, and makes minor revisions to punctuation.

Title 22
AMEND: 97215, 97216, 97217, 97221, 97222,
97223, 97224, 97225, 97226, 97227, 97228, 97229,
97232, 97248
Filed 10/31/2018
Agency Contact:
Kimberly Gustafson (916) 326-3939

File # 2018-1023-03
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulation Amending FY 2018-19 Water
Rights Fee Schedule

On September 20, 2018, the State Water Resources Control Board adopted, pursuant to Water Code section 1525(d), Resolution 2018-0043, which revises, via these emergency regulations, various water rights fees so as to ensure revenue in an amount equal to the amounts appropriated by the Legislature for expenditure for support of water rights program activities.

Title 23
AMEND: 1062, 1063, 1064, 1066, 1068
Filed 11/01/2018
Effective 11/01/2018
Agency Contact: David Ceccarelli (916) 341-5999

File # 2018-1025-01
STATE WATER RESOURCES CONTROL BOARD
FY 2018-19 Waste Discharge Requirement Fees

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant

to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not be subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
 AMEND: 2200, 2200.4, 2200.6
 Filed 11/05/2018
 Effective 11/05/2018
 Agency Contact: Glen Osterhage (916) 341-5032

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN June 6, 2018 TO
 November 7, 2018**

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

Title 2

10/29/18 AMEND: 1896.99.100, 1896.99.120
 10/22/18 ADOPT: 18215.4
 10/11/18 AMEND: 1859.51(e)
 09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
 09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
 09/26/18 AMEND: 59760
 09/24/18 AMEND: 18700.2
 09/20/18 AMEND: 559.885
 09/20/18 ADOPT: 211.2 AMEND: 211
 09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5
 09/11/18 AMEND: 1859.77.3
 08/02/18 ADOPT: 59830
 08/01/18 AMEND: 58200
 07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705
 07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3
 06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
 06/19/18 AMEND: 554.7

Title 3

11/06/18 AMEND: 3435(b)
 10/08/18 AMEND: 3591.12
 10/02/18 AMEND: 3591.12
 09/13/18 AMEND: 6502
 09/12/18 AMEND: 3591.13
 09/12/18 AMEND: 3591.12
 09/06/18 AMEND: 3601
 08/22/18 AMEND: 3591.2
 08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015
 08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53
 08/02/18 AMEND: 3591.2
 07/31/18 AMEND: 3
 07/19/18 AMEND: 3591.2
 06/28/18 AMEND: 3435(b)
 06/21/18 AMEND: 3439(b)
 06/21/18 AMEND: 3591.5
 06/18/18 AMEND: 1280.11

Title 4

11/02/18 AMEND: 8078.8, 8078.10
 10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
 10/18/18 AMEND: 1843.2
 10/18/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14
 09/26/18 AMEND: 12205.1
 09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
 09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
 09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
 07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190
 07/18/18 AMEND: 2050
 07/09/18 AMEND: 10325, 10326
 07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered)

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 46-Z

	10160 (amended and renumbered). REPEAL: 10156, 10157	09/17/18	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
07/02/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100	08/31/18	ADOPT: 2218.80, 2218.81, 2218.82, 2218.83
		06/13/18	AMEND: 2498.5
Title 5		Title 11	
10/22/18	ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265	10/24/18	AMEND: 1953, 1955
10/17/18	AMEND: 18600	09/26/18	AMEND: 44.2
08/03/18	AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5	08/23/18	AMEND: 1004, 1005, 1081
07/23/18	AMEND: 40050.2, 40100.1, 40513, 40514, 41021	08/15/18	AMEND: 1005, 1015
07/03/18	ADOPT: 71396, 71397, 71398, 71399	08/02/18	AMEND: 4002
06/21/18	AMEND: 19810	07/31/18	AMEND: 49.18
06/07/18	AMEND: 19810	06/21/18	AMEND: 1005
		06/18/18	AMEND: 1005, 1007, 1008, 1052
		06/13/18	ADOPT: 51.32
Title 8		Title 12	
11/06/18	ADOPT: 9789.19.1 AMEND: 9789.12.1, 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.12, 9789.12.13, 9789.13.2, 9789.16.1, 9789.16.7, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.11, 9789.19	11/07/18	AMEND: 505.2
11/01/18	AMEND: 14300.35, 14300.41	09/27/18	AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)
10/30/18	ADOPT: 9792.24.5 AMEND: 9792.22	09/25/18	AMEND: 600
10/10/18	AMEND: 344.18	07/05/18	AMEND: 451, 452, 453, 454, 455
10/08/18	ADOPT: 13850, 13851, 13853, 13855, 13856, 13857, 13858, 13859, 13860, 13861, 13862, 13863, 13864, 13865, 13866, 13867, 13868, 13870, 13871, 13872, 13873, 13874	Title 13	
		10/22/18	AMEND: 551.14, 551.24, 555.1, 584
		10/18/18	AMEND: 551.12
		10/10/18	AMEND: Appendix (Article 2.0)
		09/24/18	AMEND: 2222
		09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4
		08/30/18	AMEND: 1213
		08/30/18	AMEND: 1239
		08/16/18	ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
		07/23/18	ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16
		07/16/18	AMEND: 1151.1, 1152.4, 1152.4.1
		06/12/18	ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264
Title 9			
10/04/18	AMEND: 4350		
08/20/18	ADOPT: 4020, 4020.1		
06/21/18	AMEND: 4350		
Title 10			
09/25/18	AMEND: 2498.4.9		
09/25/18	AMEND: 2498.5		
09/25/18	AMEND: 2498.6		
09/24/18	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622		

Title 14

11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015
 11/05/18 ADOPT: 29.11
 10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3
 10/30/18 AMEND: 11600
 10/29/18 AMEND: 17041, 17042, 17043, 17044, 17045, 17046
 10/29/18 AMEND: 1038
 10/16/18 AMEND: 890
 10/16/18 AMEND: 1038
 10/15/18 AMEND: 895, 895.1, 912.9, 932.9, 952.9
 09/17/18 ADOPT: 18660.44, 18660.45, 18660.46
 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23
 09/06/18 AMEND: 1104.1
 08/13/18 AMEND: 7.50
 08/09/18 AMEND: 13055
 07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
 07/30/18 ADOPT: 820.02
 07/30/18 ADOPT: 817.04 AMEND: 790
 07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
 07/19/18 AMEND: 3805.1
 07/05/18 AMEND: 1038
 07/02/18 AMEND: 916.9, 936.9, 956.9
 06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10
 REPEAL: 1724.9
 06/28/18 AMEND: 18660.25, 18660.34
 06/28/18 AMEND: 502
 06/25/18 AMEND: 7.50
 06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2

Title 15

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

10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
 10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
 09/13/18 AMEND: 1006, 1029, 1041, 1050, 1069, 1206
 08/20/18 AMEND: 3294.5
 08/13/18 AMEND: 3000, 3190, 3213
 08/06/18 ADOPT: 3999.98, 3999.99, 3999.320
 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as 3999.227, 3087.3 renumbered as 3999.228, 3087.4 renumbered as 3999.229, 3087.5 renumbered as 3999.230, 3087.6 renumbered as 3999.231, 3087.7 renumbered as 3999.232, 3087.8 renumbered as 3999.233, 3087.9 renumbered as 3999.234, 3087.10 renumbered as 3999.235, 3087.11 renumbered as 3999.236, 3087.12 renumbered as 3999.237, 3350 renumbered as 3999.200(a), 3350.1 renumbered as 3999.200(b), (c), and (d), 3350.2 renumbered as 3999.200(f), (g), and (h), 3351 renumbered as 3999.210, 3353 renumbered as 3999.202, 3353.1 renumbered as 3999.203, 3354.2 renumbered as 3999.206, 3356 renumbered as 3999.410, 3357 renumbered as 3999.440, 3358 renumbered as 3999.375, 3359 renumbered as 3999.411, 3359.8 renumbered as 3999.200(e)
 08/01/18 AMEND: 3350, 3350.1
 06/28/18 AMEND: 3043.3
 06/14/18 AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 46-Z

06/13/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
 06/07/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1

Title 16

10/25/18 AMEND: 1300.1, 1300.2, 1300.4, 1355, 1355.1, 1355.3 REPEAL: 1333, 1333.1, 1333.2, 1333.3, 1362, 1362.1
 10/16/18 AMEND: 2070, 2071
 10/15/18 AMEND: 1417
 10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430
 09/17/18 AMEND: 1735.2
 09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355
 08/30/18 AMEND: 1399.573
 08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886
 08/08/18 REPEAL: 1399.531, 1399.532
 08/02/18 AMEND: 3340.17, 3340.41, 3340.45
 08/01/18 AMEND: 2070, 2071
 06/18/18 AMEND: 1735.2
 06/14/18 REPEAL: 1399.620, 1399.621, 1399.622, 1399.623
 06/07/18 AMEND: 321, 364

Title 17

10/10/18 AMEND: 35095
 10/09/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196
 09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4
 09/24/18 AMEND: 60201, 60205, 60210
 09/05/18 ADOPT: 100650
 08/29/18 AMEND: 60065.18, 60075.17
 08/21/18 AMEND: 35083, 35087
 07/24/18 AMEND: 100000
 07/19/18 AMEND: 30305
 07/19/18 AMEND: 6508

Title 18

10/23/18 ADOPT: 35201
 09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5
 09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024,

35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256

09/10/18

ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832

08/28/18

AMEND: 2460, 2461, 2462

08/20/18

AMEND: 301

08/20/18

AMEND: 469

07/02/18

AMEND: 283

06/18/18

AMEND: 51

Title 20

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

07/19/18

AMEND: 1602, 1604, 1605.3, 1606, 1607

Title 22

10/31/18 ADOPT: 66264.121, 66265.121, 66270.28 AMEND: 66264.90,

	66264.110, 66265.90, 66265.110, 66270.1, 66270.14	06/29/18 ADOPT: 72329.2
		06/20/18 AMEND: 97174, 97177.25
10/31/18	AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248	06/20/18 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211
10/24/18	ADOPT: 66720.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147	
10/22/18	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101	
09/04/18	ADOPT: 68400.5, 69020, 69021, 69022	Title 22, MPP
09/04/18	AMEND: 51490.1	08/24/18 ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631
08/20/18	ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89	08/22/18 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
		07/12/18 AMEND: 87211
		Title 23
		11/05/18 AMEND: 2200, 2200.4, 2200.6
		11/01/18 AMEND: 1062, 1063, 1064, 1066, 1068
		09/24/18 ADOPT: 3979.10
		09/20/18 AMEND: 315, 316
		08/27/18 ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672, 2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646
08/16/18	AMEND: 5200	08/22/18 AMEND: 3920
08/07/18	ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450	07/12/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18
		07/02/18 ADOPT: 3979.9
		06/28/18 ADOPT: 3929.16
		06/19/18 ADOPT: 3939.54
		06/11/18 AMEND: 2924
		Title 27
07/25/18	REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413	08/30/18 REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2.
07/05/18	AMEND: 66272.62	08/02/18 ADOPT: 25501.1
		07/17/18 AMEND: 25805
		06/14/18 AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185,

15186, 15186.1, 15187, 15188, 15190,
15200, 15210, 15240, 15241, 15242,
15250, 15260, 15280, 15290, 15320,
15330, Appendix A, Appendix B,
Appendix C

Title MPP

09/26/18 AMEND: 31-206, 31-525