



# California Regulatory Notice Register

REGISTER 2018, NO. 49-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 7, 2018

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

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**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Resource Conservation District of the Santa Monica Mountains  
Bay Cities Joint Powers Insurance Authority

A written comment period has been established commencing on December 7, 2018, and closing on January 21, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than January 21, 2019. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to 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 re-

spective 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 3. DEPARTMENT OF FOOD AND AGRICULTURE**

#### **45-Day Notice**

The Department of Food and Agriculture amended subsection 3591.2 of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Eradication Area as an emergency action that was effective on August 22, 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 February 19, 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](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 21, 2019. 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](mailto: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 hear-

ing 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 (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 Yolo County.

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.

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 Yolo County 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 county of Yolo.

#### 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 Cali-

fornia 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](mailto: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](http://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 actions, 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 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Cost Recovery Fees for Extraordinary Accreditation Activities

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed action will be held:

**February 8, 2019**  
**8:30 a.m.**  
**Commission on Teacher Credentialing**  
**1900 Capitol Avenue**  
**Sacramento, California 95811**

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes at 5:00 p.m. January 21, 2019. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3165; write to the Commission on Teacher Credentialing, attn. Kathryn Polster, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email to [kpolster@ctc.ca.gov](mailto:kpolster@ctc.ca.gov), or Michelle Bernardo at [mbernardo@ctc.ca.gov](mailto:mbernardo@ctc.ca.gov).

Any written comments received by the closing of the public comment period will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code (EC) section 44225 authorizes the Commission to adopt the proposed regulation amend-

ments. The proposed regulations implement, interpret, and make specific EC section 44374.5 pertaining to fees related to extraordinary accreditation activities.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to sections 80691 and 80692 of Title 5 of the California Code of Regulations (CCR) related to cost recovery fees for extraordinary accreditation activities. The purpose of the fee schedule is to recover the costs of extraordinary staff time and work that is created as a result of a current or prospective educator preparation program requiring consultation or additional specialized attention outside of regularly scheduled accreditation activities. As a result of the addition of EC section 44374.5, which authorized the Commission to develop and implement a cost recovery plan for extraordinary accreditation activities, the initial cost recovery fee regulations went into effect October 30, 2013 after Commission approval on September 27, 2013.

The Budget Act of 2015 (Assembly Bill 93, Chap. 10, Stats. 2015) provided a one-time General Fund appropriation of \$3.467 million for the Streamline and Strengthen the Accreditation Process (SSAP), which included funds to support a comprehensive review and revision of educator preparation including the development and implementation of significant improvements to streamline and strengthen the Commission's accreditation system. Significant changes to the accreditation system's processes and terminology have resulted in the need to amend sections 80691 and 80692 of Title 5 of the CCR related to cost recovery fees for extraordinary accreditation activities so that the regulations are up to date and aligned with the Commission's processes and the governing statutes.

At the December 2016 Commission meeting staff proposed amendments to the fee schedule and the Commission directed staff to begin the regular rulemaking process. A Coded Correspondence and a notice of proposed amendments were published on the Commission webpage on April 14, 2017. Additionally, the Office of Administrative Law (OAL) published the notice on their website. The proposed amendments included two fee changes and general clean-up to align terms with the Commission's restructured accreditation system.

As part of the regulatory process, staff engaged in several discussions with OAL and responded to their questions about the proposed regulations. During these discussions it became apparent to Commission staff that the regulatory process for the proposed cost recovery regulations was extraordinarily complicated. This

was due in part to the extensive changes implemented in processes and procedures that stem from the strengthening and streamlining accreditation project. In addition, the current regulations incorporated by reference specific Accreditation Handbook chapters requiring interested parties to have to consult both sources. After discussions with OAL and upon reflection, staff realized the need to identify a new approach that would be more transparent and less burdensome to readers.

Additionally, in summer 2017, while the staff was preparing the regulations package for submission to OAL, the Council for the Accreditation of Educator Preparation (CAEP) changed their fee structure, which resulted in an additional \$2,500 fee for the Commission for each joint review conducted with educator preparation programs in California. National accreditation is voluntary in California. The activity is in addition to the regularly scheduled activities and is defined as an extraordinary fee. In response, at the September 2017 Commission meeting, the Commission took action to include a new \$2,500 fee for joint CAEP site visits and directed staff to include this fee in this regulations packet.

As a result of these factors, the 2017 rulemaking packet was withdrawn. After withdrawing the previously amended Cost Recovery Fees for Extraordinary Accreditation Activities regulations from review by the OAL, Commission staff attended additional training with OAL staff and received clarification on the best methods for updating regulations in light of the significant overhaul to the accreditation system.

The amendments in this proposal have been updated and rewritten for clarity and to reflect the changes to the accreditation system, including a fee for joint accreditation visits with other accrediting entities.

### Objectives and Anticipated Benefits of the Proposed Regulations

The objective of the proposal is to amend the regulations that permit the Commission to continue to recover costs incurred for extraordinary accreditation activities, while bringing the regulations up to date and in alignment with the new accreditation process and improving the clarity of the regulatory language.

The Commission anticipates that the proposed amendments will benefit students attending public schools in the State of California by providing resources to perform the Commission's statutorily mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California K-12 public school students. Amendments will also provide a way for prospective institutions to pay their IIA fees as they move along, paying for services rendered rather than having to pay all IIA fees at the start of the approval process with the possibility of not completing the process successfully. Finally, interested par-

ties will benefit by having a clearer set of regulations to refer to which aligns the terminology and process of the updated Accreditation System and no longer requires referencing secondary sources (articles incorporated by reference).

The proposed regulations will promote fairness and prevent discrimination by specifying that the cost recovery fees apply to all institutions offering or proposing to offer Commission–approved programs, regardless of agency type. The proposed regulations will also increase openness and transparency by clarifying the cost recovery fees associated with IIA, new program review and accreditation activities in excess of the regularly scheduled data reports, document reviews, and accreditation site visits.

The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business.

#### Overview of proposed amendments:

The proposed regulations have been updated and rewritten for clarity and to align terminology and fee structure with the new changes to the accreditation system, including a fee for joint accreditation visits with other accrediting entities, removal of the in-kind process, removing obsolete fees, and general language cleanup.

#### *Articles Incorporated By Reference*

Currently, regulations have several chapters of the Commission’s Accreditation Handbook incorporated by reference and interested parties have to consult both the regulations and the incorporated handbook chapters. The updates to the Accreditation System have necessitated updates to the Accreditation Handbook. In order to align terminology between the new system and proposed regulations, all of the articles incorporated by reference in the current regulations have been removed. The Commission believes this approach is more transparent and less burdensome on the readers. Rather than amending the current cost recovery sections with articles incorporated by reference, the Commission is proposing to amend the current accreditation fee regulations by providing greater detail and terminology alignment in the definitions section of the text and removing the articles incorporated by reference.

#### *Definitions Amendments*

The definitions section of the regulations has been updated to reflect the new accreditation system and eliminate language that no longer applies to the current system, as well as to clearly define the various types of accreditation team site visits and types of documenta-

tion that must be submitted throughout the accreditation cycle.

#### *Fee Structure Amendments for Initial Program Review (IPR)*

Amendments to the regulations are being proposed due to the changes in the accreditation system and efforts to update and revise program standards. Currently, the cost recovery fee structure is based on the number of standards required for the submission of a new program. Since program standards have been streamlined and strengthened, the number of standards in a program is no longer indicative of the complexity of elements within the program standards or the efforts needed to review the program. Proposed amendments include categorizing standards based on the type of authorization that results from them (preliminary credential, clear credential, or added authorization), which provides the flexibility needed to continually improve standards without having to amend the fee structure or regulations.

#### *Fee Structure Amendments for Initial Institutional Approval (IIA)*

The previous flat fee of \$2,000 for IIA covered the review of preconditions and Common Standards as well as time consulting with prospective institutions and reviewing their documentation. In the previous IIA process, there was a single Commission decision point. However, the current IIA process is now much more rigorous and includes multiple stages for which documentation is submitted for review and action by the Commission. This new, more rigorous review format requires a significant amount of additional staff time. Specifying the fees for specific IIA activities not only recovers the cost of staff time and reviewer’s travel for these extraordinary accreditation activities, but it is more reflective of the various stages of the new system. Instead of a flat \$2,000 fee, the new fee structure more appropriately reflects the work involved in providing assistance to institutions before, during and after Accreditation 101, reviewing and approving the eligibility requirements, the Initial Program Review process. Finally, the proposed regulations allow for a \$1,000 per site visit team member for initial focused site visits for provisionally approved institutions. The Commission has historically charged \$1,000 per site visit team member for focused site visits, however the regulations did not explicitly explain the difference between an accreditation focused site visit for an institution already approved by the Commission and an initial focused site visit for a provisionally approved institution.

#### *Fee Structure Amendments for Joint Site Visits*

At the September 2017 Commission meeting the Commission approved adding a new fee for joint site



visits with CAEP as a result of changes that CAEP made to their annual dues formula. CAEP's restructuring of their fees requires the Commission to pay dues that have increased \$2,500 per institution requesting a joint visit. Since joint visits are not a requirement of the accreditation system for the state of California, the Commission approved adding the \$2,500 dues to the cost recovery regulations for institutions choosing to have a joint visit.

*Deleted Fees*

The program assessment process has been replaced by program review and streamlined to have only one review session. For this reason, fees associated with more than three reviews are no longer necessary and are proposed to be deleted from the fee structure.

When the fee structure was initially created, an in-kind payment process was allowed as a way to ease the financial burden of IPR. Approved institutions seeking a new program approval could pay in-kind by sending two Board of Institutional Review (BIR) trained members to the Commission to review two documents each. The in-kind payment option has not been utilized by very many institutions and staff is proposing eliminating the in-kind payment structure entirely.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. There are no other 5 CCR sections that specify cost recovery fees for extraordinary accreditation activities associated with Commission-approved programs.

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

**Local Mandate:** These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

**Fiscal Impact:**

Costs to any local agency or school districts requiring reimbursement pursuant to Government Code section 17500 et seq.

School districts, county offices of education and charter schools that are not currently approved to offer educator preparation programs (i.e. that elect to offer a program(s)) will be required to submit fees to cover the cost of IIA and Initial Program Review (IPR). Currently approved institutions pursuing additional Commis-

sion-approved programs will also be subject to IPR fees. Institutions may avoid all Cost Recovery Fees for Extraordinary Accreditation Activities (IPR, review of late submissions, etc.) provided new programs are not proposed and accreditation activity requirements are followed in a timely manner.

Cost or savings to any state agency

None.

Other non-discretionary costs or savings imposed upon local agencies

None.

Cost or savings in federal funding to the state

None.

**Significant effect on housing costs**

None.

**Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states**

The proposal will not have an impact.

**Statement of the Results of the Economic Impact Assessment:**

The Commission concludes that it is:

- 1) Unlikely that the proposal will create any jobs within the State of California, as there are already 146 institutions operating teacher preparation programs within the state. As new programs and institutions are approved new jobs may be created, however the Commission is unable to determine whether or not jobs will be created and believes that the number of jobs created would be minimal.
- 2) Unlikely that the proposal will eliminate any jobs within the State of California as there is currently a teacher shortage and teacher preparation programs are busy preparing teachers to help with the shortage. Approved programs can avoid cost recovery fees entirely and the fees for new programs and institutions is not large enough to impact the number of jobs an institution has available.
- 3) Unlikely that the proposal will create any new businesses within the State of California as the regulations apply to currently approved institutions or to institutions seeking approval which must already have regional accreditation and are only expanding their business into teacher preparation.
- 4) Unlikely that the proposal will eliminate any existing businesses within the State of California as there is currently a teacher shortage and teacher preparation programs are busy preparing teachers to help with the shortage. Approved programs can avoid cost recovery fees entirely and the fees for

new programs and institutions is not large enough to impact the ability of an institution to remain open.

- 5) Possible the proposal would cause the expansion of businesses currently doing business within the State of California. The current and proposed amendments to regulations apply to currently approved institutions or to institutions seeking approval which must already have regional accreditation and are only expanding their business into teacher preparation in California. The Commission is unable to determine whether or not any significant number of businesses would expand into California.
- 6) The Commission anticipates that the proposed amendments will benefit the health and welfare of California residents, as summarized in the Objectives and Anticipated Benefits of the proposed regulations above, by providing resources to perform the Commission’s statutorily mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California K–12 public school students. The proposed regulations will promote fairness and prevent discrimination by specifying that the cost recovery fees apply to all institutions offering or proposing to offer Commission–approved programs, regardless of agency type. The proposed regulations will also increase openness and transparency by clarifying the cost recovery fees associated with IIA, new program review and accreditation activities in excess of the regularly scheduled data reports, document reviews, and accreditation site visits. The Commission does not anticipate that the proposed regulations will result in the protection of worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business.

***Cost impacts on a representative private person or business***

Cost impacts to a representative business would be minimal. Non–Commission approved private/independent education entities that elect to offer a program(s) will be required to submit fees to cover the cost of IIA and IPR. Currently approved institutions pursuing additional Commission–approved programs will also be subject to IPR fees. Institutions may avoid all Cost Recovery Fees for Extraordinary Accreditation Activities (IPR, review of late submissions etc.) provided new programs are not proposed and accreditation activity requirements are followed in a timely manner. The Commission is not aware of any cost impacts that a represen-

tative private person would necessarily incur in reasonable compliance with the proposed action.

***Business Report***

The proposal does not require a report to be made by any businesses.

***Effect on Small Business***

The proposed regulations will not have a significant adverse economic impact upon small business. The proposed regulations apply only to institutions electing to offer Commission–approved and accredited educator programs or existing Commission–approved educational entities that have not met the requirements of the Accreditation System.

***Considerations of Alternatives***

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 present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

**CONTACT PERSON/FURTHER INFORMATION**

General or substantive inquiries concerning the proposed action may be directed to Kathryn Polster by telephone at (916) 445–0229, by mail at Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811, or by email to Kathryn Polster ([kpolster@ctc.ca.gov](mailto:kpolster@ctc.ca.gov)) or Michelle Bernardo ([mbernardo@ctc.ca.gov](mailto:mbernardo@ctc.ca.gov)). General question inquiries may also be directed to the addresses mentioned above. Upon request, a copy of the express terms of the proposed action and a copy of the Initial Statement of Reasons will be made available. This information is also available on the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking.html>. In addition, all the information on which this proposal is based is available for inspection and copying.

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

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date

this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Kathryn Polster or Michelle Bernardo at the address or telephone number provided above.

**MODIFICATION OF PROPOSED ACTION**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, following the conclusion of the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kathryn Polster at (916) 445-0229.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking.html>.

**TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS**

**OFFICE OF SELF-INSURANCE PLANS**

**Workers’ Compensation — Self-Insurance Plans**

**(Title 8, California Code of Regulations, Sections 15203.2, 15203.11, 15251, and 15430)**

**NOTICE IS HEREBY GIVEN** that the Acting Director (“Director”) of the Department of Industrial Relations (“Department”) proposes to add a new section 15203.11 and to amend sections 15203.2 and 15251 of Title 8 of the California Code of Regulations, for pur-

poses of implementing recent amendments to Labor Code Section 3702.2(a). Those amendments require the Director to obtain detailed information needed to evaluate the administrative costs, expenditures, solvency, and performance of public self-insured employer workers’ compensation programs. The Director also proposes to make nonsubstantive changes to section 15430 to bring that section into conformity with other recent statutory and regulatory amendments.

**PUBLIC HEARING**

The Department will hold a public hearing at **10:00 a.m. on January 23, 2019, at 1515 Clay Street, Conference Room 11 (2nd Floor), Oakland, California 94612**. The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on **January 23, 2019**. The Department will only consider comments received at the Office of Self Insurance Plans (“OSIP”) by that time. Submit comments to:

Lyn Asio Booz, Chief  
Office of Self Insurance Plans  
11050 Olson Drive, Suite 230  
Rancho Cordova, CA 95670

Comments may also be submitted prior to the close of the written comment period by e-mail to [OSIPRulemaking@dir.ca.gov](mailto:OSIPRulemaking@dir.ca.gov) or by fax, to the attention of Lyn Asio Booz, at (916) 464-7007.

**AGENCY CONTACTS**

Inquiries concerning the proposals may be directed to:

Primary Contact:  
Lyn Asio Booz, Chief  
Office of Self-Insurance Plans  
Department of Industrial Relations  
(916) 464-7000

Back-up Contact:

John Cumming, Special Counsel  
Office of the Director  
Department of Industrial Relations  
(415) 486-2038

Inquiries about the rulemaking, including nonsubstantive inquiries, may also be directed to the following email address: [OSIPRulemaking@dir.ca.gov](mailto:OSIPRulemaking@dir.ca.gov).

#### AUTHORITY AND REFERENCE

Labor Code Sections 55 and 3702.10 authorize the Director to adopt, amend, and repeal regulations reasonably necessary to implement and make specific the provisions of Chapter 2 of Division 1 of the California Labor Code and to carry out the purposes of Article 1 (commencing with Section 3700) of Chapter 4 of Division 4 of the California Labor Code. The proposed regulations implement, interpret and make specific the provisions of subdivision (a) of Section 3702.2 of the Labor Code, as amended by Section 18 of Statutes of 2012, Chapter 363 (SB 863).

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Labor Code section 3700 requires every employer in California other than the State to secure the payment of workers' compensation for injured workers by either (1) being insured against liability to pay compensation by one or more insurers duly authorized to write workers' compensation insurance in this state, or (2) by securing from the Director a certificate of consent to self-insure. A certificate of consent to self-insure may be secured either as an individual employer or as one employer in a group of employers, and is contingent upon furnishing proof satisfactory to the Director of the employer's ability to self-insure and pay any compensation that may become due to its employees. Subdivision (c) of Section 3700 expressly extends the opportunity to self-insure to "any county, city, city and county, municipal corporation, public district, public agency, or any political subdivision of the state, including each member of a pooling arrangement under a joint exercise of powers agreement[.]"

Labor Code Sections 3700.1 through 3705 establish criteria for securing, maintaining, and revoking certificates to self-insure, as well as requirements for administrative oversight by the Director. The Self-Insurance Plan regulations at sections 15201 through 15499.5 of Title 8, set forth these criteria, requirements, and related

procedures in detail, and delegate much of the Director's authority to manage self-insurance programs to the Department's Office of Self-Insurance Plans ("OSIP"), headed by a Chief.

The statutes and regulations treat private self-insured employers and public self-insured employers differently in certain respects. The most significant distinction is that private self-insured are required to post collateral to secure their potential liability for administering and paying workers' compensation claims, while public self-insured employers are not subject to this requirement. In addition, the Self-Insurers' Security Fund (SISF), established pursuant to Labor Code Sections 3740-3747, is available to assume the liabilities of private self-insured employers who default on their workers' compensation obligations or become insolvent.

However, neither the SISF nor any other entity is responsible for the workers' compensation claim obligations of a public self-insured employer who becomes insolvent.

Labor Code Section 3702.2(a) requires all self-insured employers to "file a self-insurer's annual report in a form prescribed by the [D]irector." Historically, the information in these reports has been used, among other things, to help determine the amount of security (*i.e.* collateral) that should be posted by private self-insured employers, and to prepare aggregate summaries of all self-insured employer liabilities, including separate summaries for public and private self-insured employers. SB 863, a landmark workers' compensation reform measure adopted by the Legislature in 2012, added the following language to Labor Code Section 3702.2(a).

"Public self-insured employers shall provide detailed information as the director determines necessary to evaluate the costs of administration, workers' compensation benefit expenditures, and solvency and performance of the public self-insured employer workers' compensation programs, on a schedule established by the director. The director may grant deferrals to public self-insured employers that are not yet capable of accurately reporting the information required, giving priority to bringing larger programs into compliance with the more detailed reporting."

SB 863 also required the Department's Commission on Health and Safety and Workers' Compensation to examine the public self-insured program in 2013 and publish a report and recommendations addressing the costs, solvency and performance of public self-insured workers' compensation programs, and provisions in the event of insolvencies. (§ 19 of SB 863, adopting Labor

Code Section 3702.4, with an automatic repealer effective January 1, 2015.)<sup>1</sup> The resulting report, *Examination of the California Public Sector Self-Insured Workers' Compensation Program* (Bickmore Group, October 2014) ("Bickmore Report"), posted online at [https://www.dir.ca.gov/chswc/Reports/2014/Public\\_Sector\\_Self\\_Insured\\_WC.pdf](https://www.dir.ca.gov/chswc/Reports/2014/Public_Sector_Self_Insured_WC.pdf), included findings and recommendations used in the development of these proposals. A subsequent report, *Proposed Workers' Compensation Data Elements for Submission by California Self-Insured Public Entities and Self-Insurance Joint Powers Authorities* (Bickmore Group, June 2016) ("Bickmore Data Element Report"), posted at <https://www.dir.ca.gov/osip/pubandforms.htm>, followed by public forums and a pilot study (noted below under "Public Discussion of Proposals") provided more specific input on the reporting requirements addressed in these proposals and their cost impacts.

#### **Proposed Amendments to OSIP regulations:**

In order to implement the 2012 amendment to Labor Code Section 3702.2(a), the Director proposes to amend section 15203.2, add a new section 15203.11, and amend section 15251 of Title 8 in the following respects. The Director also is proposing nonsubstantive changes to section 15430 as set forth below.

**Section 15203.2:** This section, entitled "Continuing Financial Capacity for Individual Private Self-Insurers," will be amended by deleting subsection (b), pertaining to joint powers authorities ("JPAs"), and incorporating the provisions of that subsection into a new section 15203.11, as outlined below. Existing subsections (c) and (d) will be redesignated as subsections (b) and (c) respectively.

**Section 15203.11 [new]:** This proposed new section is entitled "Continuing Financial Capacity for Public Self-Insurers." Subsection (a) will require each public self-insurer holding an active or revoked Certificate of Consent to Self-Insure to file an annual report on demographic data and a summary of the financial condition of its workers' compensation program on a new Form P-1 or in a similar format that includes Form P-1's data elements.

Subsection (b) is a revised version of the current language of subsection (b) of section 15203.2. This new subsection will require JPAs holding an active or revoked Certificate of Consent to Self-Insure to file an annual report on a new Form J-1 or in a similar format that includes Form J-1's data elements. This subsection will require JPAs to report demographic data and identi-

fy whether they provide primary or excess workers' compensation coverage for their members, both of which are new requirements for JPAs. It will also carry over the existing requirement for JPAs to submit a current, certified, independently audited financial statement, complete with all notes and schedules, if available.

Subsection (d) specifies that the financial information in these reports must be based on the most recent certified, independently audited financial statement, if available. However, if the most recent report is over three years old or no such report is available, then the information must be based on the entity's most recent financial report by an independent Certified Public Accountant. If that type of report also is unavailable, then the entity will be required to specify the source of information for the report, including the name and contact information for the preparer or custodian of the source document.

The proposed new Form P-1 is divided into four sections: Part A. "General" requests four pieces of identifying information. Part B. "Employer Profile" requests Operating Expenditures, Location and Population, type of Workers' Compensation claims administration, employee demographics, additional breakdowns for educational employers, wages and salaries and benefit information. Part C "Annual Financial Summary Report" requests information about the employer's most recent audited statement, its workers' compensation liabilities, and its estimated future liabilities; and Part D "Balance Sheet and Statement of Revenues and Expenses for Workers' Compensation Program" covers assets, liabilities, fund balances, income, expenses, and other related information, including the employer's net positions at the beginning and end of the reporting period. Finally, the form must be signed and identify by name and title the person who completed the form plus the person attesting to its accuracy.

The proposed new Form J-1 covers the same topics and questions as Form P-1, except that Part B is entitled JPA Profile and includes additional questions regarding Joint Powers Authority members who may be excluded from the financial statement while omitting questions on how workers' compensation activities are budgeted and accounted for.

**Section 15251:** This section governs self-insurer annual reports. In subsection (c), which sets forth requirements for public self-insurer annual reports, a new paragraph (4) will be added, requiring the inclusion of Aggregate Claims Information in or with these reports. The new subsection specifies that claims information is

<sup>1</sup> SB 863 addressed several aspects of the workers' compensation system, most notably creating Independent Medical Review and Independent Bill Review to greatly curtail litigation costs and delays, while at the same time increasing benefit amounts paid to injured workers.

to be provided for the current fiscal year, for each of past five fiscal years, and for all older claims. The required information includes the numbers of claims, costs broken down into three categories (disability benefits, medical costs, and legal and loss adjustment expenses paid), plus estimated future liabilities. The new subsection also specifies that the claims information may be submitted electronically or by hard copy that includes the same data elements required by annual report Form AR-2.

**Section 15430:** This section authorizes the Director to initiate an investigation or hold a hearing on enumerated types of disputes or appeals. Three nonsubstantive amendments are proposed for this section. In subsection (a), the reference to Labor Code Section 3701.5(g) will be changed to Labor Code Section 3701.5(f), to conform with a 2012 statutory amendment which redesignated former subdivision (g) as subdivision (f). In subsections (b) and (c), the title “Manager” will be changed to “Chief” to conform with the current title of the head of OSIP.

**Anticipated Benefits:**

These regulatory amendments are designed to carry out Labor Code Section 3702.2(a)’s objective of enabling the Director “to evaluate the costs of administration, workers’ compensation benefit expenditures, and solvency and performance of the public self-insured employer workers’ compensation programs[.]” In particular, the proposals are designed to make public self-insurer workers’ compensation programs more transparent as to their financial solvency and their claims benefits and loss adjustment expenses. Ideally, the availability of this information will result in the Director and the state being better prepared to forestall or ameliorate situations in which the continuing availability of workers’ compensation benefits is jeopardized by the insolvency of a self-insured public employer. This is especially important because, unlike insolvent insured employers and insolvent self-insured private employers, whose claims are covered by the California Insurance Guarantee Association or Self-Insurer’s Security Fund respectively, there is no backstop to pay claims when a public self-insured employer becomes insolvent. The proposals will benefit the health and welfare of California residents and workers by promoting openness and transparency in government, thereby helping to ensure the viability and integrity of public self-insured workers’ compensation programs and the Department’s oversight, so that eligible public employers continue to have the option to self-insure for work-

ers’ compensation, and their injured workers are covered for their claims.

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

The Director has determined that the proposals are not inconsistent or incompatible with existing regulations. Certain public entities are required to file financial statements annually with other entities such as the State Controller’s Office, the Department of Education, or county auditors. However, as noted in the *Bickmore Report*, accounting and reporting methodologies are inconsistent, often do not segregate workers’ compensation claims benefits and claims administration data from other lines of liability or insurance coverage, and overall do not provide information needed to evaluate the solvency of public self-insured programs. These proposals, including the proposed reporting forms, were developed in consultation with stakeholders to provide the Director with the data needed to evaluate these programs, as mandated by SB 863’s amendments to Labor Code Section 3702.2(a).

**Comparable Federal Statutes and Regulations:**

None.

**Technical, Theoretical or Empirical Studies, Reports or Documents:**

The Department relied upon the following studies in proposing this regulatory action.

1. *Examination of the California Public Sector Self-Insured Workers’ Compensation Program* (Bickmore Group, October 2014) (“Bickmore Report”), posted online at [https://www.dir.ca.gov/chswc/Reports/2014/Public\\_Sector\\_Self\\_Insured\\_WC.pdf](https://www.dir.ca.gov/chswc/Reports/2014/Public_Sector_Self_Insured_WC.pdf).
2. *Proposed Workers’ Compensation Data Elements for Submission by California Self-Insured Public Entities and Self-Insurance Joint Powers Authorities* (Bickmore Group, June 2016) (“Bickmore Data Element Report”), posted online at <https://www.dir.ca.gov/osip/pubandforms.htm>.
3. A pilot study conducted by OSIP in the spring of 2017 in which four public self-insured employers with stand-alone programs and six JPAs submitted data on draft versions of the reporting forms contemplated by these proposals.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

The Director has made the following initial determinations:

**Costs or Savings to State Agencies:**

The Department has and will continue to incur costs for the development, implementation, and administration of the new reporting requirements. These are part of the overall cost of administering the public self-insured program and are borne by the Workers' Compensation Administration Revolving Fund, pursuant to Labor Code Section 3702.5.

These proposals also impose costs on three self-insured state-level agencies, the Regents of the University of California, Hastings College of Law, and the California State University, insofar as they will be required to provide data to their private third party administrators to fulfill the added reporting responsibilities. These costs are estimated at \$200 each (\$600 aggregate) in the first year, and \$100 each (\$300 aggregate) in subsequent years, based on the analysis below under the section "Other Nondiscretionary Costs or Savings Imposed on Local Agencies or School Districts" and specifically its subsection on "Public Employers Using TPAs."

No costs or savings to other state agencies will result as a consequence of the proposed action inasmuch as state agencies are not subject to the insurance requirements of Labor Code Section 3700 (in effect making them permissibly uninsured), and no other state agencies participate in the public self-insured program.

**Mandates on Local Agencies or School Districts:**

The proposals impose no mandates on local agencies or school districts, since they apply only to public agencies who self-insure their workers' compensation obligations, and no public agency is required to self-insure.

**Cost or Savings to Local Agencies or School Districts Required to be Reimbursed:**

None.

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies or School Districts:**

Public employers who choose to self-insure will incur costs complying with the proposed new reporting requirements, which include providing financial and demographic information about the agencies or districts themselves as well as more specific workers' compensation claims and administration information. The nature and extent of these costs depends on how the agency administers its workers' compensation program.

Self-insured public agencies may have their own program (referred to here as a "stand-alone" employer

or program), or they may band together with other agencies to operate their program through a Joint Powers Authority ("JPA"). In addition, existing law requires each program to use separately certified claims administrators to handle their workers' compensation claims. An agency or JPA with its own properly certified personnel and system may operate an in-house or "self-administered" program. More frequently, however, an agency or JPA contracts with an approved Third Party Administrator ("TPA") to operate its program. Program administrators will have direct responsibility for submitting the required reports to OSIP. Agencies and JPAs that contract with TPAs to administer their programs, and members of JPAs will not have direct reporting responsibilities. However, they will have to provide data about their agencies that is needed for the reports.

Employers and JPAs with self-administered programs:

The 32 public employers and 8 JPAs operating self-administered programs have direct reporting responsibilities under the proposals, and will incur start-up costs for software coding changes and internal systems changes to facilitate the reporting of required data.<sup>2</sup> Based on a projected cost of \$100 per hour (either for internal personnel costs or for a third-party vendor), the Director estimates that each of these programs will incur anywhere from five to 24 hours in start-up costs (*i.e.* \$500 to \$2400), depending on the systems used. Because all of the information being reported should be readily available from existing sources, no agency should have to create a new system to obtain and report the required information.

The Director estimates that in the first year of operation under these proposals, the 32 stand-alone employer programs will incur an additional \$400-700 in costs for collecting and reporting claims data (2-5 hours @ \$100), demographic data (1 hour @ \$100), and financial data (1 hour @ \$100). The 8 JPAs will incur those same costs, but will also need to collect demographic data from each member agency that belongs to the JPA at an estimated cost of \$100 (= 1 hour) per member agency. Collectively, these 8 JPAs represent 384 member agencies, which makes the *average* cost for these JPAs to collect and report demographic data from their members \$4800 (= 384 x \$100 ÷ 8).

Once software and system changes are made, the programs will be able to generate report data from their own records automatically. The responsibility to collect and report data will continue in subsequent years, but the Director estimates that the process will be more routine and the time requirements cut in half, *i.e.* \$1-250 (=1-2.5 hours) for claims data, \$50 (= .5 hour) per enti-

<sup>2</sup> OSIP records provided a precise count of the numbers of public employers, JPAs, JPA members, and TPAs listed in these estimates.

ty for demographic data, and \$50 (= .5 hour) for financial data. For the 32 stand-alone employers, this projects to an annual cost of \$200–\$350, and for the 8 JPAs, an average annual cost of \$2550–\$2700 (\$1–250

First year:	<u>Individual</u>		
Standalone employers —	\$ 900–\$3,100	(x 32)	
Standalone JPAs —	\$5,600–\$7,800	(x 8)	
Total			
Subsequent years:	<u>Individual</u>		
Standalone employers —	\$ 200–\$350	(x 32)	
Standalone JPAs —	\$2,550–\$2,700	(x 8)	
Total			

Public Employers Using TPAs: The 586 self-insured public employers and JPAs<sup>3</sup> who contract with TPAs to administer their workers’ compensation programs will not have direct reporting responsibilities under these proposals, but will still incur costs in providing general financial and demographic data about themselves to the TPAs. In addition, the 4,442 agencies that participate in JPAs will have to provide the same data about themselves to their JPAs, so that the JPA in turn can either forward that data to the TPA, if the JPA contracts with a TPA, or include it in the JPA’s report to OSIP, if the JPA self-administers its workers’ compensation program.

The same projected time and cost estimates for gathering and reporting data apply to these agencies, but on-

	<u>Individual</u>		
First year:	\$ 200	(x 5008)	
Subsequent years:	\$ 100	(x 5008)	

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

None.

**Impact on Business or Directly Affecting Business, including Ability to Compete:**

The Director has made an initial determination that the proposals will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states. While these proposals will result in minor cost increases for self-insured public employers, the option of obtaining private workers’ compensation on the open market is generally far more costly than self-insurance.

**Cost Impact on Representative Private Persons or Businesses:**

The private sector impact of these proposals is limited to the 31 private third party administrators (“TPAs”) who contract with self-insured public employers, including JPAs, to administer their claims. Existing law

+ \$50 + \$2400).

Based on the foregoing estimates, the overall costs for employers and JPAs with self-administered programs are as follows:

	<u>Individual</u>		<u>Aggregate</u>
Standalone employers —	\$ 900–\$3,100	(x 32)	\$28,800–\$99,200
Standalone JPAs —	\$5,600–\$7,800	(x 8)	<u>\$44,500–\$62,400</u>
			\$73,300–\$161,600
	<u>Individual</u>		<u>Aggregate</u>
Standalone employers —	\$ 200–\$350	(x 32)	\$ 6,400–\$11,200
Standalone JPAs —	\$2,550–\$2,700	(x 8)	<u>\$20,400–\$21,600</u>
			\$26,800–\$32,600

ly with respect to general financial data and demographic data. In the first year, the projected cost for each of these agencies is \$100 (= 1 hour) for financial data and \$100 (= 1 hour) for demographic data, or a total of \$200. The Director again estimates that in subsequent years, this time commitment will be cut in half, *i.e.* \$50 (= .5 hour) for financial data and \$50 (= .5 hour) for demographic data, or a total of \$100.

Based on these estimates, the overall costs for this set of agencies (586 agencies providing information to TPAs and 4,422 JPA members providing information to JPAs) are as follows:

	<u>Individual</u>		<u>Aggregate</u>
First year:	\$ 200	(x 5008)	\$1,101,600
Subsequent years:	\$ 100	(x 5008)	\$ 500,800

requires self-insured employers to use separately certified claims administrators to handle their workers’ compensation claims, and most public self-insured employers contract with private TPAs for this service. The TPAs will have most of the required financial data about the employer’s workers’ compensation claims and liabilities, and will do the actual reporting of information required by these regulations, with possibly some of the costs being passed on to their contracting client public entities.

These TPAs will incur the same start-up and continuing costs that are projected above for self-administered employers and JPAs. Start-up costs for software coding changes and internal systems changes to facilitate the reporting of required data are again estimated at \$100 per hour (for internal personnel or third-party vendor), with each TPA incurring anywhere from five to 24 hours in costs (*i.e.* \$500 to \$2400), depending on the systems used. The TPAs will also incur first year costs of \$200–500 (= 2 to 5 hours) *per represented entity* for identifying and reporting separate claim data for each of those entities, \$100 (= 1 hour) per entity for collecting additional financial data from those entities, plus \$100 (= 1 hour) per employer to collect demographic data for

<sup>3</sup> These entities consist of 342 active stand-alone public employers, 165 stand-alone public employers with revoked certificates but ongoing claim responsibilities, and 82 JPAs.



each of the 4,422 constituent employers in those entities.<sup>4</sup> The estimated total aggregate costs in the first year for the 31 TPAs is from \$634,400 to \$870,000, which averages out to a range of \$20,464.52 to \$28,064.52 per TPA, although an individual TPA's costs may be higher or lower depending on the number of public employers represented.<sup>5</sup>

Once software and system changes have been made, TPAs will be able to generate report data from their own records automatically. However, they will continue to incur costs associated with collecting financial, claims, and demographic data for or from the represented entities and constituent employers. The Director estimates that the collection of this data will become more routine and require only half as much time. Using the specific estimates of \$50 (= .5 hour) for financial data and \$100–250 (= 1 to 2.5 hours) for claims data for each of the 589 represented entities, plus \$50 (= .5 hour) for demographic data for each of the 4,422 constituent employers, the estimated aggregate annual cost for the 31 TPAs ranges from \$309,450 to \$397,800, or an average individual cost of \$9,982.26 to \$12,832.26.<sup>6</sup>

**Results of the Economic Impact Assessment:**

The Director has made initial determinations that these proposals will not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California. As noted more fully in the section entitled “Anticipated Benefits” above, these proposals should benefit the health and welfare of California residents by requiring greater transparency for public self-insured employers, allowing regulators and the public to better assess the solvency of these employers and potential risk for defaulting on their responsibilities to injured workers.

**Business Reporting Requirements:**

The proposals revise and expand reporting require-

ments for self-insured public employers and for private businesses that may administer their workers’ compensation programs. These proposals are being made pursuant to the directive in Labor Code Section 3702.2(a), as amended by SB 863. Per this statutory directive, the Director believes that these proposals and their applicability to private TPAs that administer workers’ compensation programs for self-insured public employers, are necessary for the health, welfare, and safety of the people of the state.

**Impact on Housing Costs:**

None.

**Small Business Impact:**

The proposals affect small businesses only insofar as any of the 31 TPAs who contract with public self-insured employers are “small businesses” within the meaning of Government Code Section 11342.610. The proposals impact these businesses by increasing their reporting responsibilities on behalf of client public agencies. The anticipated costs are shown in the section above entitled “Cost Impact on Representative Private Persons or Businesses”.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Director must determine that no reasonable alternative that has been considered by the Department or that has otherwise been identified and brought to the Department’s attention 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.

<sup>4</sup>This figure consists of the estimated 3,915 JPA member employers, plus the 507 stand-alone employers identified in footnote 3 above.

<sup>5</sup>The calculations used to arrive at these figures are as follows:

\$5–2400 start-up costs per TPA x 31 TPAs	=	\$15,500–\$74,400
\$2–500 for claim data per represented entity x 589 entities	=	\$117,800–\$294,500
\$100 for financial data per represented entity x 589 entities	=	\$ 58,900
\$100 for demographic per constituent employer x 4,422	=	<u>\$ 442,200</u>
Total		\$634,400–\$870,000
Average (= Total ÷ 31)	=	\$20,464.52–\$28,064.52

<sup>6</sup>The calculations used to arrive at these figures are as follows:

\$1–250 for claim data per represented entity x 589 entities	=	\$ 58,900–\$147,250
\$50 for financial data per represented entity x 589 entities	=	\$ 29,450
\$50 for demographic per constituent employer x 4,442	=	<u>\$ 221,100</u>
Total		\$309,450–\$397,800
Average (= Total ÷ 31)	=	\$9,982.26–\$12,832.26

The Bickmore Report, on which this rulemaking relies, identified potential alternatives to more state oversight for public self-insured employer workers' compensation programs. These alternatives were: (1) maintaining the status quo, (2) requiring public self-insured employers to make security deposits similar to those required for private self-insured employers to cover potential workers' compensation claim liabilities in the event the employer becomes insolvent; and (3) creating a public entity security fund supported by assessments and security deposits, similar to the Self-Insurers' Security Fund covering private self-insured employers. None of these alternatives is reasonable or adequate or authorized by existing law. Maintaining the status quo would require the Director to ignore the mandate of Labor Code Section 3702.2(a), which these proposals are designed to implement. The other alternatives would require additional legislation and be far more costly for public self-insurers.

To date, no other reasonable alternative has been brought to the attention of the Director that would be as effective as and less burdensome to affected persons than the proposed action. The Director invites interested persons to present statements or arguments with respect to alternatives to the proposals at the scheduled hearing or during the written comment period.

#### PUBLIC DISCUSSION OF PROPOSALS

Early drafts of the text of these proposals were made available for public review and comment during public forums held on October 13, 2016, and March 10, 2017. Several public self-insurers and JPAs also participated in a pilot study between April and June 2017. Input from the forums and pilot study assisted the Department in drafting and refining the text of these proposals and the contents of the related forms. The pilot study also assisted the Department in determining the cost impacts of the new reporting requirements.

#### AVAILABILITY OF INFORMATION PERTAINING TO THE PROPOSED ACTION

The Director will have this Notice, the proposed text, the Initial Statement of Reasons, and the complete rulemaking file available for inspection and copying during regular business hours throughout the rulemaking process at the following location:

Office of Self-Insurance Plans  
Department of Industrial Relations  
11050 Olson Drive, Suite 230  
Rancho Cordova, CA 95670

#### Website:

The principal rulemaking documents, including this Notice, the Initial Statement of Reasons, and the text of the proposed regulations may be accessed through the Department's website at [www.dir.ca.gov/Rulemaking/DIRProposed.html](http://www.dir.ca.gov/Rulemaking/DIRProposed.html).

#### Availability of Changed or Modified Text:

After holding the hearing and considering all timely and relevant comments received, the Director may adopt the proposed regulations substantially as described in this notice. If modifications are proposed that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be made available to the public for at least 15 days before the regulations are adopted as revised. Any such modifications will also be posted on the Department's website. Requests for copies of any modified regulations may be sent to the attention of either of the contact persons listed above. Written comments on the modified regulations will be accepted for 15 days after the date on which they are made available.

#### Availability of the Final Statement of Reasons and the Rulemaking File:

Upon completion, the Final Statement of Reasons will be available and the entire rulemaking file may be obtained from the Office of the Self-Insurance Plans at the address indicated above.

#### TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (the Department) proposes to amend sections 4200 through 4240, of Title 11, Division 5, Chapter 8, of the California Code of Regulations (CCR) concerning the Dealer Record of Sale Entry System (DES) after considering all public comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on **January 23, 2019**. Only comments received by the Department by that time will be considered. Written comments must be submitted to:

Jessie Romine  
 Bureau of Firearms  
 Division of Law Enforcement  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816-0487  
 Phone: 916-227-4217  
 Email: [DESregulations@doj.ca.gov](mailto:DESregulations@doj.ca.gov)

AUTHORITY AND REFERENCE

Authority: Penal Code sections 28105, 28155, 28160, 28175, 28205, 28225, 30352, and 30370.  
 Reference: Penal Code sections 16190, 26815, 27540, 28105, 28155, 28160, 28175, 28205, 28210, 28215, 28220, and 30395.

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

Penal Code sections 28105 and 28155 authorize the Department to develop standards for electronic equipment for the electronic transmission of firearm purchaser/transferee/loanee (purchaser) information to the Department by California Firearm Dealers (dealers) necessary for the Department to perform a background check of the purchaser. Penal Code section 28160 authorizes the Department to write regulations regarding the manner with which the purchaser's right thumbprint shall be provided. Penal Code sections 28175, 28205, 28210 and 28225, authorize the Department to prescribe how and what information a dealer collects regarding the sale/transfer/loan of a firearm, the form in which the information is to be provided, and the fees that are to be collected.

In addition, Penal Code sections 30352 and 30370 authorize the Department to develop a process to electronically approve the sale or transfer of ammunition that is processed through an ammunition vendor. The Department can only approve an ammunition sale or transfer after the ammunition vendor has collected an ammunition purchaser's or transferee's personal information in order to conduct a background check to ensure the indi-

vidual is not prohibited by either state or federal law from possessing ammunition. Furthermore, Penal Code sections 30352 and 30370 authorize the Department to adopt regulations regarding the manner in which an ammunition purchaser's or transferee's personal information is to be collected.

ANTICIPATED BENEFITS OF THE  
 PROPOSED REGULATION

Revising the existing regulations will provide better guidance to firearms dealers on how to enter data into the DES to reduce the number of incomplete Dealer Record of Sale (DROS) transactions, and to ensure the accurate submission of information. The regulations will also describe the consequences to dealers for not completing DROS transactions. Further, the regulations will provide clear direction on special circumstances that arise when capturing a purchaser's right thumbprint for a background check.

Currently, when dealers start a DROS transaction in the DES, they do not always complete the process by submitting firearm delivery information. This is problematic because the Department does not know if the purchaser actually obtained a firearm, or if the transaction was intended to be corrected or cancelled. If the Department does not have information about a firearm purchase, sale or transfer, public safety may be at risk. It is also costly for the Department to make several attempts to follow up on an incomplete DROS transaction to determine if someone is actually in possession of a firearm.

Additionally, existing DES regulations are not applicable to ammunition vendors. Ammunition vendors will be required to use the DES to process ammunition purchases, sales and transfers commencing July 1, 2019 as prescribed by Penal Code sections 30352 and 30370.

SUMMARY OF THE EFFECT OF THE  
 PROPOSED REGULATIONS

The regulations will ensure firearms dealers enter the correct information into DES to reduce the number of incomplete DROS transactions and allow for accurate submission of information.

In addition, the regulations will require firearms dealers to submit the necessary firearm delivery information to the Department. This allows the Department to receive notification on whether or not a firearm has been delivered to an individual.

These regulations provide ammunition vendors with instruction on how to use DES, which is necessary to process the sale of ammunition.

EVALUATION OF  
INCONSISTENCY/INCOMPATIBILITY WITH  
EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within CCR Title 11, Division 5 and determined these proposed regulations are not inconsistent or incompatible. The proposed regulations amend the only existing regulations addressing use of the DES by firearms dealers and access to the DES by ammunition vendors. The use of the DES by ammunition vendors will be addressed in a separate rulemaking. Additionally, these regulations are not duplicative of existing Penal Code sections, but rather clarify and provide further detail to existing Penal Code sections.

COMPARABLE FEDERAL REGULATIONS

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department may occasionally lose revenue in the form of lost DROS transaction fees. If a dealer is locked out of its account for failing to complete a DROS transaction, then it cannot conduct business by submitting DROS transactions. If dealers are not making sales, the Bureau is not collecting the fee(s). The revenue loss is likely to be temporary until the dealer is in compliance.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. The Department has made an initial determination that the 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. Any adverse impact arises from statutes requiring a background check and reporting system for firearms and ammunition purchases.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: If a dealer does not comply with the proposed regulations, the dealer could lose revenue. This could occur because if the dealer does not complete the transaction in DROS within the approved 30-day delivery period. A dealer's access to the DES will be suspended until the DROS transaction has been completed (by either selecting the "deliver gun," or "cancel" button). During the suspension period, the dealer or its authorized associate(s) or salesperson(s) will not be able to use the DROS account to sell, transfer, or deliver firearms.

If an ammunition vendor does not comply with the proposed regulations, it could lose revenue. If an ammunition vendor fails to establish a DES user account, it will have no mechanism to collect an ammunition purchaser's or transferee's personal information to submit to the Department. If the Department does not receive this personal information, it will not be able to approve an ammunition purchase or transfer and the ammunition vendor will be unable to sell or process the transfer of ammunition legally.

Significant effect on housing costs: None.

Small business determination: This proposed regulation may affect small business. If a dealer that is a small business does not comply with the proposed regulations, it could lose revenue. This could occur if the dealer does not complete the transaction in DROS within the approved 30-day delivery period. A dealer's access to the DES will be suspended until the DROS transaction has been completed (by either selecting the "deliver gun" or "cancel" button). During the suspension period, the dealer(s) or its authorized associate(s) or salesperson(s) will not be able to use the DROS account to sell, transfer, or deliver firearms.

If an ammunition vendor that is a small business does not comply with the proposed regulations by using the DES, it could lose revenue. If an ammunition vendor fails to establish a DES user account, then it has no mechanism to collect an ammunition purchaser's or transferee's personal information to submit to the Department. If the Department does not receive this personal information, the Department will not be able to approve an ammunition purchase or transfer and the ammunition vendor will be unable to sell or process the transfer of ammunition legally.

Results of the Economic Impact Assessment/Analysis:

The proposed regulations refine a process that is explained in existing regulations and clarify how to obtain

a purchaser's thumbprint, the types of DES accounts needed for business, and the consequences for a dealer that does not complete the DROS transaction in DES. In addition, the proposed regulations provide a process for ammunition vendors to create a DES user account.

The Department has concluded that amendment of the proposed regulations will not likely:

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

Benefits of the Proposed Amendments: Revising the existing regulations will provide better guidance to firearms dealers on how to enter data into the DES to reduce the number of incomplete Dealer Record of Sale (DROS) transactions, and to ensure the accurate submission of information. Complete and accurate DROS entries by dealers regarding firearm ownership protects public safety and saves Department resources. Additionally, expanding the regulation to incorporate ammunition vendors will protect public safety by providing a way for ammunition vendors to report ammunition sales.

#### BUSINESS REPORT

In accordance with Government Code sections 11346.5, subdivision (a)(11) and 11346.3, subdivision (d), the proposed regulations do not require a report to be made to businesses or anyone.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department 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.

#### CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to:

Jessie Romine  
 Bureau of Firearms  
 Division of Law Enforcement  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816-0487  
 Phone: 916-227-4217  
 Email: [DESregulations@doj.ca.gov](mailto:DESregulations@doj.ca.gov)

The back-up contact person for these inquiries is:

Jacqueline Dosch  
 Bureau of Firearms  
 Division of Law Enforcement  
 Department of Justice  
 P.O. Box 160487  
 Sacramento, CA 95816-0487  
 Phone: 916-227-7614  
 Email: [DESregulations@doj.ca.gov](mailto:DESregulations@doj.ca.gov)

#### AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the "express terms"), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the DOJ website at <http://oag.ca.gov/firearms/regs>. Copies may also be obtained by contacting Jessie Romine.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department amends the regulations. Copies of any modified text will be available on the Department's website at <http://oag.ca.gov/firearms/regs>. A written copy of any modified text may be obtained by contacting Jessie Romine.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the Department website at <http://oag.ca>.

[gov/firearms/regs](http://oag.ca.gov/firearms/regs). You may also obtain a written copy of the final statement of reasons by contacting Jessie Romine.

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 format, as well as the Final Statement of Reasons once completed, are available on the Department website at <http://oag.ca.gov/firearms/regs>.

**TITLE 13. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER PROPOSED AMENDMENTS TO  
THE ON-ROAD HEAVY-DUTY  
DIESEL-FUELED RESIDENTIAL AND  
COMMERCIAL SOLID WASTE  
COLLECTION VEHICLES REGULATION  
TO INCLUDE HEAVY CRANES**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the Proposed Amendments to the Solid Waste Collection Vehicle (SWCV) Regulation.

DATE: January 24, 2019

TIME: 9:00 a.m.

LOCATION: The Grand 1401  
1401 Fulton St., 10th Floor Ballroom  
Fresno, California 93721

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., January 24, 2019, and may continue at 8:30 a.m., on January 25, 2019. Please consult the agenda for the hearing, which will be available at least ten days before January 24, 2019, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on December 7, 2018. Written comments not physically submitted at the hearing must be submitted on or after December 7, 2018,

and received **no later than 5:00 p.m. on January 22, 2019**. CARB requests that, when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:  
Clerk of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests, but does not require, that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, and 39658. This action is proposed to implement, interpret, and make specific sections 39002, 39003, 39650 through 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700.

INFORMATIVE DIGEST OF PROPOSED ACTION  
AND POLICY STATEMENT OVERVIEW  
(GOV. CODE, § 11346.5, subd. (a)(3))

**Sections Affected:** Proposed amendments to California Code of Regulations, title 13, sections 2021, 2021.1, and 2021.2. Proposed adoption of California Code of Regulations, title 13, section 2021.3.

**Background and Effect of the Proposed Regulatory Action:**

**Overview**

The Board approved the SWCV regulation in September 2003. The regulation became effective under California law on July 20, 2004. The regulation applies to diesel trucks that haul waste for a fee that have a gross

vehicle weight rating greater than 14,000 pounds. As of January 1, 2010, all 1960 to 2006 model year diesel engines were required to be equipped with the best available control technology to reduce diesel particulate matter (PM) following a phased-in schedule from 2004 through 2010. Vehicles subject to the SWCV regulation do not currently have reporting requirements. The SWCV regulation was one of several early regulations adopted by CARB to reduce adverse health effects from PM and smog-forming emissions from trucks operating in communities.

The Board approved the Truck and Bus regulation in 2008. This regulation applies to nearly all privately or federally owned trucks and buses that operate annually in California, including cranes. The rule requires vehicles to meet PM and oxides of nitrogen (NOx) emissions requirements to achieve California's air quality goals. To comply with the regulation, fleet owners must transition from older higher emitting vehicles to newer lower emitting vehicles through a combination of PM filter retrofits and vehicle replacements starting January 1, 2012, and running through January 1, 2023. The regulation was subsequently amended in 2011 and 2014. The 2014 amendments included a compliance option for heavy cranes to upgrade to 2010 engines at a rate of 10 percent of the crane fleet each year starting in 2018 and did not require further upgrades for those equipped with PM filters. The 2014 amendments were challenged in court on procedural grounds and are being rescinded.

At present, heavy cranes face unique circumstances and challenges to be retrofitted or replaced. CARB staff has worked closely with crane operators, crane manufacturers, and other organizations to investigate and collect data on specialized crane operations and ultimately determined that retrofitting or repowering most specialized cranes was not feasible. Some cranes could not be safely retrofitted with PM filters, and thus CARB granted heavy crane owners annual PM filter extensions under the Truck and Bus regulation, until the extensions ended January 1, 2018. These heavy cranes must now be retired or replaced, often at a cost of several hundred thousand dollars.

Beginning January 1, 2020, Senate Bill 1, the Road Repair and Accountability Act (SB 1), requires the California Department of Motor Vehicles (DMV) to register diesel vehicles only if they comply with the 2011 Truck and Bus Regulation. Because vehicles subject to the SWCV regulation do not have reporting requirements, CARB staff cannot distinguish vehicles subject to the SWCV regulation from vehicles subject to the Truck and Bus regulation, and so cannot identify, for the DMV, compliant vehicles that are not subject to SB1 re-

quirements. This issue would potentially cause serious registration delays if not addressed.

### **Current Proposal**

The proposed amendments would add reporting requirements for SWCVs. Specifically, the proposal would clarify the definition of vehicles subject to the SWCV regulation and would require reporting for all fleets that own or operate SWCVs with 1960 to 2006 model year diesel engines to improve enforceability and to avoid delays with California DMV registration starting in 2020.

The proposed amendments would also expand the scope of the regulation to include diesel-fueled on-road single engine heavy cranes (heavy cranes) with a newly added phase-in schedule to reduce PM and NOx emissions. The proposal would allow sufficient time for crane operators to upgrade equipment without disrupting business operations while meeting crane certification safety standards and protecting public health. This option would recognize the limited ability to safely upgrade existing cranes and the high cost of replacing this specialized equipment.

The proposal would also require heavy crane owners to report fleet information to ensure compliance with the proposed replacement schedule, to take advantage of proposed credits for early action, and to improve enforceability.

CARB may also consider other changes to the sections affected, as listed above, during the course of this rulemaking process.

### **Objectives and Benefits of the Proposed Regulatory Action:**

The anticipated benefits from the regulatory action include avoiding delays with California DMV registration starting in 2020; improving enforcement effectiveness; allowing sufficient time for heavy crane owners to upgrade equipment without disrupting business operations; and protecting public health. Ultimately, the amendments will ensure a smooth reporting process and implement a feasible compliance option for heavy cranes that will help California continue to reduce emissions and protect public health. There are no additional nonmonetary benefits expected, such as worker safety, as a result of this rulemaking.

### **Comparable Federal Regulations:**

There are no comparable federal regulations to the proposed amendments.

### **An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, CARB conducted a search of any similar

regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

MANDATED BY FEDERAL  
LAW OR REGULATIONS  
(Gov. Code, §§ 11346.2, subd. (c), 11346.9)

The proposed regulatory action is not mandated by federal law or regulations.

DISCLOSURES REGARDING THE  
PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

The proposed amendments to the SWCV regulation do not qualify as major regulations, because the costs or benefits are less than \$50 million in any 12-month period from implementation to 12 months post full imple-

mentation. The amendments are primarily expected to provide economic relief to the affected heavy crane fleets compared to the Truck and Bus regulation as amended in 2011. Accordingly, the proposed amendments will not have an adverse economic impact on California businesses and individuals compared to the 2011 Truck and Bus regulation, and formal requirements for major regulations do not apply. However, in the interest of transparency, staff have prepared a thorough economic analysis of these proposed amendments, available in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

**Effect on Jobs/Businesses:**

The Executive Officer has determined that the proposed regulatory action would not significantly affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Assessment chapter in the ISOR.

**Benefits of the Proposed Regulation:**

The objective of the proposed regulatory action is to avoid delays with California DMV registration starting in 2020 for SWCVs; improve enforcement effectiveness; and allow sufficient time for heavy crane owners to upgrade equipment without disrupting business operations. Ultimately, the amendments will help California reach its long-term air quality and climate goals by achieving nearly the same PM emissions by 2027 and nearly the same NOx emissions level by 2035.

A summary of these benefits is provided, please refer to "Objectives and Benefits," under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion.

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB 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 Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the proposed amendments applies equally to all businesses.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed regulatory action, has prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA determined that the proposed regulatory action would not result in any significant adverse impacts on the environment. The basis for reaching this conclusion is provided in Chapter VI of the ISOR. Written comments on the EA will be accepted during a 45-day public review period starting on December 7, 2018, and ending at 5 p.m. on January 22, 2018.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than ten business days be-

fore the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Beth White, Manager, On-Road Compliance Assistance Section, at (916) 324-1704, or (designated back-up contact) Jacqueline C. Johnson, Air Pollution Specialist, On-Road Compliance Assistance Section, Mobile Source Control Division at (916) 323-2750.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: the ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Public Hearing to Consider the Proposed Amendments to the On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicle Regulation to Include Heavy Cranes."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, on December 4, 2018.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which

includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814.

### FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

### INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2018/swcv18/swcv18.htm>.

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND WILDLIFE

#### CALIFORNIA ENDANGERED SPECIES ACT FISH AND GAME CODE SECTION 2080.3 CONCURRENCE NO. 2080-2018-014-04

**Project:** Implementation of the San Joaquin River Restoration Program and Accompanying Hatchery and Genetic Management Plan

**Location:** Butte, Napa, Yolo, and Fresno Counties

**Permittee:** U.S. Fish and Wildlife Service

#### Background

On September 12, 2018, the National Marine Fisheries Service (NMFS) issued Scientific Research and Enhancement Permit 20571 (Permit) to the United States Fish and Wildlife Service (USFWS), pursuant to section 10, subdivision (a)(1)(A) of the federal Endangered Species Act (ESA). The Permit authorizes USFWS to take ESA-listed Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) (spring-run Chinook salmon) from the Feather River Fish Hatchery (FRFH), Butte Creek, and the San Joaquin River for scientific research and enhancement activities associated with the San Joaquin River Restoration Program (SJRRP). The Permit authorizes collection of wild and hatchery eggs, juveniles, and adults for broodstock development and maintenance, releases of juvenile hatchery-origin spring-run Chinook salmon, and in-stream research, monitoring, and evaluation activities. Spring-run Chinook salmon is designated as a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(C).) The purpose of the hatchery program is to produce spring-run Chinook salmon for reintroduction in order to restore a self-sustaining population in the San Joaquin River below Friant Dam. The Permit is effective for approximately five years and will expire December 31, 2023.

The Permit that is the subject of this determination, as well as the Permit's associated Biological Opinion (BiOp), arise from the SJRRP. The SJRRP executes a legal settlement from the lawsuit, *NRDC et al. v. Kirk Rodgers et al.* In 1988, a coalition of environmental groups led by the Natural Resources Defense Council

(NRDC) filed a lawsuit challenging the renewal of long-term water services contracts between the United States Department of Interior and the Central Valley Project Friant Division contractors. After more than 18 years of litigation, the Settling Parties reached a Stipulation Agreement (Settlement). The Settling Parties, including NRDC, Friant Water Users Authority (now known as the Friant Water Authority), and the United States Departments of Interior and Commerce, agreed on the terms and conditions of the Settlement, which establishes two primary goals:

- Restoration Goal — To restore and maintain fish populations in “good condition” in the mainstem San Joaquin River below Friant Dam to the confluence with the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.
- Water Management Goal — To reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided in the Settlement.

Through a 2006 memorandum of understanding between the California Department of Fish and Wildlife (CDFW) and other state agencies and the Settling Parties, CDFW stated its intention to assist the Settling Parties in implementation of the Settlement consistent with CDFW’s authorities, resources, and broader regional resource strategies. Subsequently, President Obama signed the San Joaquin River Restoration Act on March 30, 2009, giving the Department of Interior full authority to implement the SJRRP. The implementing agencies, consisting of the Department of Interior, Bureau of Reclamation (Reclamation) and USFWS, NMFS, CDFW, and California Department of Water Resources (DWR) organized a Program Management Team and associated work groups to begin the Settlement implementation.

The Settlement requires the reintroduction of spring-run Chinook salmon into the San Joaquin River. To implement the Settlement, the SJRRP’s Hatchery and Genetics Management Plan (HGMP) (2016) proposes using a Conservation Facility (Interim Facility and future Salmon Conservation and Research Facility [SCARF]) and genetic management and conservation hatchery techniques to develop a self-sustaining population of spring-run Chinook salmon for the SJRRP. The Interim Facility, located in Friant, California, in Fresno County, and the SCARF will rely on artificial propagation using broodstock to attain sufficient numbers of spring-run Chinook salmon for reintroduction.

Because the SJRRP is expected to result in take of a species designated as threatened under the federal ESA, USFWS consulted with NMFS as required by Section 7 of ESA. The timeline of relevant regulatory activities to date is as follows:

- October 11, 2012 — NMFS issued Enhancement of Survival Permit 14868 to USFWS, authorizing take of spring-run Chinook eggs or juveniles from FRFH to establish broodstock methodologies and begin studies associated with holding practices.
- December 18, 2013 — CDFW issued a concurrence (CDFW file No. 2080–2012–017–014) pursuant to Fish and Game Code section 2080.3 that Permit 14868 would further the conservation of spring-run Chinook salmon.
- December 31, 2013 — NMFS issued final regulations designating an experimental population of spring-run Chinook salmon under Section 1539, subdivision (j) of Title 16 of the United States Code and established take provisions for members of that population.
- March 18, 2014 — CDFW issued a determination (CDFW file No. 2080–2014–005–04) that the management restrictions, protective measures, prohibitions, and exceptions to prohibitions contained in the federal regulations meet the requirements in Fish and Game Code section 2080.4.
- March 21, 2014 — NMFS issued Enhancement of Survival Permit 17781 to USFWS, authorizing take of spring-run Chinook salmon for collection, rearing, and release.
- April 1, 2014 — CDFW issued a concurrence (CDFW file No. 2080–2014–006–04) pursuant to Fish and Game Code section 2080.3 that Permit 14868 would further the conservation of spring-run Chinook salmon.
- September 12, 2018 — NMFS issued Scientific Research and Enhancement Permit 20571 authorizing take of threatened spring-run Chinook salmon and threatened California Central Valley (CCV) steelhead (*O. mykiss*) associated with hatchery propagation, research, and enhancement activities.

On or about October 29, 2018, the Director of CDFW received a letter from USFWS notifying CDFW pursuant to Fish and Game Code section 2080.3 that it had received a 10(a)(1)(A) permit authorizing the taking of spring-run Chinook salmon in order to establish or maintain an experimental population in the San Joaquin

River. USFWS' notification requested that CDFW: (1) make a determination that the Permit will further the conservation of the species; and (2) publish the notification as required by Fish and Game Code section 2080.3, subdivision (a)(2).

### Project Summary

The activities described in the Permit will incidentally take<sup>1</sup> spring-run Chinook salmon. Spring-run Chinook salmon will be intentionally taken at the FRFH, Butte Creek, and the San Joaquin River. The Permit authorizes take to include one or more of the following: harassment, capture, handling, collection, transport, holding, lethal spawning, biological sampling, tagging, and live release of marked spring Chinook salmon in excess of broodstock needs, unmarked spring Chinook salmon, and natural-origin steelhead, if encountered. The Permit authorizes take associated with hatchery propagation, research, and enhancement activities at the San Joaquin Conservation Hatchery Facilities, which include the SCARF near Friant Dam on the San Joaquin River, the Interim Facility, and a small Satellite Incubation and Rearing Facility (SIRF; referred to collectively as the Conservation Facilities), as cited in USFWS' Permit application.

Two types of direct take would occur under the Permit: (1) take of spring-run Chinook salmon associated with broodstock collection, maintenance of fish held as captive broodstock, and juvenile rearing and release, and (2) take of spring-run Chinook salmon and CCV steelhead associated with research, monitoring, and evaluation (RM&E) activities.

SJRRP proposes to collect up to 5,470 eggs or juveniles from all sources, including 70 for pathology studies from each collection event. The total number of eggs or juveniles collected annually and the collection source will be constrained by the Interim Facility or SCARF capacity and donor stream conditions. If conditions are suitable, the SJRRP would prefer to collect equally from all three donor sources, with collection ratios dependent on acceptable take from each donor source.

**Broodstock Collection:** Broodstock collections, as with all hatchery activities, would occur pursuant to the associated HGMP (CDFW 2016), and include potential collections from Butte Creek (juvenile life stage), FRFH (juvenile and/or egg life stage), and/or the San Joaquin River (adult, juvenile, and/or egg life stage).

Annual broodstock collections that were initially focused on spring-run Chinook salmon from the FRFH will expand to include collections from wild stocks in Butte Creek and the San Joaquin River in 2018. The total number of broodstock collected from each source population over the course of the reintroduction will depend on the viability of those stocks and the effects of removal on the associated population risk factors. Depending on escapement numbers, returning adults and any adult spring-run Chinook salmon that enter the Restoration Area (defined as the San Joaquin River from Friant Dam near the town of Friant, California, to the confluence of the Merced River) from other rivers may also be available for use as broodstock beginning in 2018. Genetic analysis of these returns will inform fish crosses and reintroduction strategies. Broodstock collection from returns generally should not exceed 10 percent of the estimated in-river escapement unless river conditions preclude successful spawning. All broodstock used for spawning will be genotyped for parentage-based tagging and to prepare breeding matrices to maximize genetic diversity.

**Feather River Fish Hatchery:** If the FRFH is the only available donor source, the SJRRP will collect via hatchery operations a maximum of 5,470 individuals from the FRFH including collections for pathology. Actual collection numbers will depend on availability of fish from FRFH and other sources. Spring-run Chinook salmon broodstock collection protocols will follow methods described in the FRFH HGMP (Cavallo *et al.* 2012, update in progress).

**Butte Creek:** The SJRRP proposes to collect via rotary screw trap (RST) a maximum of 2,910 juveniles annually from Butte Creek including collections for pathology (2,700 for broodstock, and 70 for pathology for up to 3 collection periods). The actual number collected will depend on the number of adult returns to Butte Creek who survive to spawn and the number of individuals collected from other broodstock sources. The SJRRP will collect juveniles from existing sampling occurring on Butte Creek to minimize additional handling and incidental mortality, control cost, and simplify logistics.

**San Joaquin River:** When spring-run Chinook salmon adults return to the Restoration Area, the SJRRP proposes to collect via redd extraction, emergence trap, RST, fykes or weirs, seine, and/or dip nets a maximum of 2,980 juveniles or eggs, including collections for pathology from the San Joaquin River. If adults are collected for broodstock spawning, the SJRRP proposes to collect a maximum of ten percent of returning adults, up to 250 individuals annually. The SJRRP may collect individuals at three different life stages: eggs, juveniles, or adults. Each life stage has advantages and disadvantages for collection. The number collected in any given

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

year will be determined by the number of adult returns to the Restoration Area and the number of individuals collected from other source stocks.

**Broodstock Releases:** The SJRRP may release hatchery-produced fish and ancillary broodstock at various life stages based on production targets, hatchery capacity, river conditions, and program needs. The vast majority of releases from the rearing facilities will be the progeny of SJRRP broodstock. Broodstock will also be released to the river for research and reintroduction purposes.

All spring-run Chinook salmon released by the SJRRP will be adipose fin clipped and tagged with a coded wire tag (CWT).

The SJRRP will transport juveniles and eggs collected from donor stocks to an approved quarantine facility and, after clearing a fish health assessment, transfer the juveniles and eggs to the Conservation Facilities. Fish will be reared under controlled hatchery conditions to sufficient age for spawning. Depending on the Conservation Facilities' capacities and production needs, the SJRRP may release a portion of the broodstock to the San Joaquin River as ancillary broodstock. After fish reach maturity at the Conservation Facilities, they will be spawned and their progeny reared at the facility from the egg stage to be released to the San Joaquin River at the juvenile stage. Once the juvenile spring-run Chinook salmon reach an appropriate size, they will be marked (adipose fin clipped), tagged (CWT), and released directly to the river. Pre-release health assessment requirements, as defined by CDFW pathologists, will be followed for juveniles. The SJRRP will euthanize up to 20 fish per tank or rearing system, but not more than a total of 100 fish, for fish health inspection. Additionally, up to 10 percent of juveniles may be held back and later released as yearlings.

The SJRRP will either release fish from the SCARF directly to the San Joaquin River using a volitional release channel or transport the fish to a release site using a standard fish transport tank. Fish will be released directly from the hatchery when there is adequate flow in the river side-channel and connectivity with the lower San Joaquin River outside the Restoration Area. However, additional release locations may be necessary based on the condition of the river. To minimize straying, juveniles will be released as far upstream as feasible based on river connectivity and expected survival out of the Restoration Area.

Juveniles will be released into the San Joaquin River intermittently from October through April. However, most releases will take place between January and April depending on river conditions and fish size. Adult releases into the San Joaquin River will take place intermittently from February through October.

The number of juveniles produced and released from the Conservation Facilities will increase over time as the facility reaches maximum production. However, actual production will vary year to year based on broodstock survival, fecundity, and other factors. Target releases are approximately 200,000 juveniles in 2018 and should reach maximum production of up to 1,250,000 juveniles by 2021. To appropriately manage the broodstock population, and in response to river conditions, releases may include up to 5,000 ancillary broodstock annually. Population monitoring and evaluation may include adult monitoring by video, acoustic tracking, visual surveys, and redd and spawning surveys. Adult escapement will be used as a measure for evaluating SJRRP success. Juvenile monitoring will consist of various outmigrant traps and fry emergence monitoring. To evaluate juvenile survival and abundance, RSTs will be used throughout the Restoration Area. Once established, RST site locations will remain fixed each year unless changes in river conditions warrant moving them or if new RST sites are necessary for long-term study purposes.

Indirect mortality of spring-run Chinook salmon may also occur. Indirect mortality may occur at all life stages from egg to adult. Indirect mortality may occur during permitted activities including collection (FRFH and Butte Creek), releases, and research, monitoring, and evaluation studies. The Permit requires implementation of measures to minimize indirect mortality and harm to ESA-listed fish during the general handling, broodstock collection and mating, juvenile rearing and release, fish culture, and research, monitoring and evaluation.

#### **Determination**

CDFW has determined that the Permit will further the conservation of the species. Specifically, as authorized by Fish and Game Code 2080.3, CDFW finds that: (1) take of spring-run Chinook salmon is for the purpose of establishing or maintaining an experimental population in the San Joaquin River pursuant to Section 1539, subdivision (j) of Title 16 of the United States Code and the San Joaquin River Restoration Settlement Act; and (2) the measures identified in the 10(a)(1)(A) Permit, as well as the accompanying BiOp and the HGMP, include methods and procedures which are necessary to bring spring-run Chinook salmon to the point at which the protections of CESA are no longer necessary.

The measures included in this determination pursuant to Fish and Game Code section 2080.3 are those in

the 10(a)(1)(A) Permit. Those Permit conditions include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

1. USFWS will apply measures to minimize harm to ESA-listed fish. These measures include but are not limited to: limits on the duration (hourly, daily, weekly) of trapping; limits on holding time before release; and allowance for free passage through trapping sites when those sites are not actively operated.
2. USFWS will anesthetize each ESA-listed fish that is handled for the purpose of collecting biological samples. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are assessed without handling must remain in water but do not need to be anesthetized.
3. USFWS and its agent are responsible for maintaining the biological samples collected from ESA-listed species as long as they are useful for research purposes. USFWS may not transfer biological samples to anyone not listed in the application without obtaining prior written approval from NMFS.
4. During sampling and processing, USFWS must keep ESA-listed fish in water to the maximum extent possible. Adequate circulation and replenishment of water in holding units is required. When using methods that capture a mix of species, USFWS must process ESA-listed fish first. USFWS must conduct the transfer of ESA-listed fish using equipment that adequately holds water during transfer.
5. USFWS must not handle ESA-listed fish when water temperature exceeds 22°C (71.6°F) at the capture site. Trap operation shall cease until either temperature drops below the threshold or pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species. Under these conditions, USFWS may only identify and count ESA-listed fish.
6. USFWS must use visual observation protocols instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.
7. USFWS should complete a segregation protocol 1 year after issuance of the Permit and prior to volitional adult passage in the system, that identifies how, to the greatest extent possible, to prevent introgression between fall-run and spring-run Chinook. If there is an opportunity for fall-run Chinook salmon to superimpose spring-run Chinook salmon redds, USFWS should take measures to protect spring-run Chinook salmon redds and monitor and analyze introgression rates. An acceptable segregation protocol identifies how, to the greatest extent possible, to prevent introgression between fall-run and spring-run Chinook and measure introgression rates.
8. If third-party research is to be conducted on ESA-listed fish in collaboration with USFWS, the third party should follow the guidelines set for research collaboration. Those guidelines should be provided to the third party by USFWS.
9. The spring-run Chinook salmon broodstock collection target shall be limited to a maximum of 5,400 individuals annually from all potential sources (2,700 is the minimum needed to meet production targets). Sixty (60) fish from each collection event will be sacrificed for pathology screening at the time of collection and another 10 from each collection event will be sacrificed for pathology screening near the end of the quarantine period. Therefore, a maximum of 5,470 spring-run Chinook salmon eggs or juveniles will be collected for broodstock across all collections, including 70 for pathology studies from each collection event.
10. USFWS should make efforts to minimize the number of hatchery-origin spring-run Chinook salmon that are used as broodstock, to the extent possible, based on the estimated adult escapement and the presence of adequate spawning and rearing conditions in the natural origin broodstock collection locations (i.e. the San Joaquin River and Butte Creek).
11. Each year the USFWS will submit a Donor Stock Collection Plan (DSCP) to NMFS. The DSCP will be prepared through a multi-agency technical team to describe the collection plan for each year. USFWS will submit the annual DSCP to NMFS and CDFW for review and will be developed prior to any collections from the FRFH, San Joaquin River, or Butte Creek. It will include all the expected collection actions and associated monitoring for the year. The criteria below will evaluate FRFH, San Joaquin River, and Butte Creek donor stock collections each year and the number of individuals targeted by life stage:
  - a. Interim Facility or SCARF status and capacity available to rear broodstock;
  - b. Resources available to collect donor stock;
  - c. Genetics;
  - d. Availability of donor stock.

- NMFS and CDFW will review the DSCP to ensure that any adverse effects of broodstock collection will not be substantial in the context of the overall population of each spring-run donor stock.
12. USFWS shall ensure that 100 percent of the spring-run Chinook salmon released from the Conservation Facilities (and any fish subject to direct translocation) are marked (adipose fin-clipped) and tagged (using CWTs), providing a life-long indicator of origin. Alternative marking and tagging strategies approved by NMFS may be used if determined necessary.
  13. Release of spring-run Chinook salmon will only occur within the nonessential experimental population area in the San Joaquin River as defined in 50 CFR 223.301, subdivision (b). USFWS will release spring-run Chinook salmon juveniles either volitionally or downstream of major passage barriers that prevent volitional migration and in the best conditions available.
  14. USFWS shall develop a Pre-Release Report annually. The report will include information on the proposed number of spring-run Chinook salmon to be released, the release location, the tentative date(s) of release, and CWT data. Each year's Pre-Release plan must be approved by NMFS, prior to its implementation.
  15. USFWS will adaptively manage hatchery release strategies to improve homing fidelity of adult returns to the release site, minimize precocity rates of hatchery-origin fish, and minimize ecological interactions between hatchery- and natural-origin juveniles as described in the HGMP.
  16. USFWS shall ensure that transport and quarantine of individuals will occur according to the protocols detailed the Permit application, and the associated HGMP.
  17. In the event of an emergency, such as flooding, water loss to raceways, epizootic outbreak, or vandalism that necessitates early release of ESA-listed spring-run Chinook salmon to prevent catastrophic mortality, USFWS shall report any such release within 48 hours to NMFS.
  18. NMFS recognizes the need for management flexibility. Therefore, changes in fish culture protocols consistent with best management practices, conforming to the intent of the hatchery program and having no substantial effects on the survival of any ESA-listed species beyond what is authorized in the Permit, may be implemented by USFWS and CDFW.
  19. USFWS must submit to NMFS for approval, in writing, changes in any aspect of hatchery program implementation and operations, including broodstock collection protocols or numbers, juvenile release numbers, and marking, that could potentially result in increased amount of take, or alter the manner or effect of take of ESA-listed species covered in this permit.
  20. Technical adjustments to the hatchery program, as described in the Permit, may be made, provided that such adjustments are consistent with the standards of section 10, subdivision (a)(1)(A) of the ESA, NMFS regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the procedures and standards set forth in the Permit. Such program adjustments do not require modification of the Permit provided that they do not result in a level of direct or incidental take or impacts to the species in excess of that otherwise allowed by this permit and by the incidental take statement (ITS). USFWS must submit requests for such program adjustments in writing to NMFS. NMFS will consult with CDFW and USFWS to review the request and determine whether the adjustment is warranted. If NMFS and CDFW determine that the amount or extent of take or impacts to the species would not be exceeded as a result of the proposed adjustment, USFWS will be notified that the adjustment is approved. Each year, USFWS will ensure that any approved adjustments are described within the Permit Annual Report on the APPS website.
  21. Annually, the Conservation Facilities will seek to achieve 85 percent survival from egg to hatching to match that experienced at FRFH in recent years, and 75 percent or better survival from egg to smolt stages over the duration of the program. The Conservation Facilities will aim to achieve greater than 49 percent survival from smolt to adulthood (as described in the associated HGMP).
  22. Should NMFS determine that a sampling procedure provided for under the Permit is no longer acceptable, USFWS shall immediately cease the use of such a procedure until an acceptable replacement has been prescribed by NMFS.
  23. Efforts should be made to prevent the spread of aquatic invasive species (AIS) such as New Zealand mudsnail (*Potamopygrus antipodarum*), quagga mussel (*Dreissena rostriformis bugensis*) and zebra mussel (*Dreissena polymorpha*). Guidelines presented in the *California Department of Fish And Game Aquatic Invasive Species Decontamination Protocol* (<https://nrm.dfg.ca.gov/FileHandler.ashx?documentversionid>

74126) should be followed when working in aquatic habitats to prevent the spread of AIS.

24. USFWS is responsible for the actions of any individual operating under the authority of the Permit. Such actions include operation of adult traps and weirs for broodstock collection and capturing, handling, holding, transporting, releasing, maintaining, and caring for any ESA-listed species authorized by the Permit.

Monitoring and Reporting Measures

1. Any activities or methodologies associated with RM&E including, but not limited to: PIT tagging, smolt trapping, spawning ground surveys, and redd surveys must be done according to the general guidelines for handling listed fish detailed above and within the direct take limits defined in Tables 1–6 of the Permit and the ITS.
2. USFWS must conduct surveys annually to determine the timing, abundance, and distribution of hatchery–origin spring–run Chinook salmon originating from the Conservation Facilities that emigrate from (juveniles) and spawn in (adults) the San Joaquin River.
3. If the authorized level of take is exceeded, USFWS must notify NMFS as soon as possible, but no later than two days after the authorized level of take is exceeded. USFWS must then submit a written report to NMFS describing the circumstances of the unauthorized take within two weeks of take exceedance. Pending review of these circumstances, NMFS may suspend or amend the permit.
4. USFWS will submit annual reports to NMFS on the Applications and Permits for Protected Species (APPS) site by January 31. Although not a condition of the Permit, CDFW requests USFWS to provide annual reports to CDFW as well.

The annual report shall contain the following information:

- a. A detailed description of all adult ESA-listed salmon collection activities conducted under Permit 20571, including the number and composition of ESA listed fish captured and sampled for tissues, their sex/size/condition, the date of collection and disposition;
- b. The numbers, dates, average size at release, and tag/mark information of fish released into the San Joaquin River;
- c. Estimated survival rates of all life stages;
- d. Precocial maturation rate and disease occurrence;

- e. Any additional monitoring and evaluation activities occurring at the hatchery;
- f. Any problems that may have arisen during hatchery activities;
- g. A statement as to whether or not the activities had any unforeseen effects on ESA-listed fish.

Pursuant to Fish and Game Code section 2080.3, take authorization under CESA is not required for the hatchery program activities as described in the Permit for taking of spring–run Chinook salmon in order to establish or maintain an experimental population in the San Joaquin River, as identified in, and in accordance with the Federal Permit and associated BiOp and HGMP. The timing and extent of take authorization under this concurrence is limited to the terms in the federal Permit and expires upon the expiration date the federal Permit. If there are any substantive changes to the hatchery program, including changes to the measures or conditions, or if the NMFS amends or replaces the Permit, BiOp, or associated HGMP, USFWS shall be required to obtain a new concurrence or a CESA permit for the hatchery program from CDFW. (See generally Fish & G. Code, § 2080.3).

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISION**

**BUREAU OF AUTOMOTIVE REPAIR**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX**

Pursuant to Government Code section 11425.60, subdivision (c), notice is hereby given that the Bureau of Automotive Repair (BAR) maintains a precedential decisions index. The index is available to the public and may be viewed at [www.bar.ca.gov/About\\_BAR/Precedential\\_Decisions.html](http://www.bar.ca.gov/About_BAR/Precedential_Decisions.html).

To subscribe to receive notifications when the index is updated, join BAR’s e–mail list at [www.bar.ca.gov/About\\_BAR/Email\\_List\\_Signup.html](http://www.bar.ca.gov/About_BAR/Email_List_Signup.html) and/or BAR’s mailing list at [www.bar.ca.gov/pdf/BAR\\_Mailing\\_List\\_Form\\_201801.pdf](http://www.bar.ca.gov/pdf/BAR_Mailing_List_Form_201801.pdf). For additional information, contact:

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**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# 2018-1016-02  
BUREAU OF REAL ESTATE APPRAISERS  
Bureau Employees

In this action, the Bureau of Real Estate Appraisers (Bureau) expands the prohibition on employees of the Bureau performing real estate appraisals to also include appraisal reviews and eliminates the exception to the prohibition for appraisals performed as part of a Bureau employee's official duties.

Title 10  
AMEND: 3704  
Filed 11/27/2018  
Effective 01/01/2019  
Agency Contact: Kyle Muteff (916) 341-6126

File# 2018-1115-01  
CALIFORNIA HEALTH FACILITIES FINANCING  
AUTHORITY  
Investment in Mental Health Wellness Grant Program

These emergency regulations are adopted to implement the Investment in Mental Health Wellness Grant Program, within the Mental Health Wellness Act of 2013, specific to the needs of children and youth. (Government Code section 5848.5; Senate Bill 833, Stats. 2016, ch. 30.) Specifically, the regulations establish the application process, selection criteria, eligible costs, minimum and maximum grant amounts, appeal process, and reporting requirements for grants awarded to local government and nonprofit entities for the purpose of increasing mental health service capacity for children and youth in the following service domains: crisis intervention and stabilization, crisis residential treatment, mobile crisis support teams, and family respite care.

Title 4  
ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329  
Filed 11/26/2018  
Effective 11/26/2018  
Agency Contact: Sondra Jacobs (916) 651-0032

File# 2018-1115-02  
CALIFORNIA HEALTH FACILITIES FINANCING  
AUTHORITY  
Community Services Infrastructure Grant Program  
In this emergency rulemaking action, the California Health Facilities Financing Authority implements the Community Services Infrastructure Grant Program. The proposed regulations establish eligibility and evaluation criteria, eligible costs, and application and reporting procedures for the award of grants to fund the operation of jail diversion programs providing mental health treatment, substance use disorder treatment, and trauma-centered services.

Title 4  
ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429  
Filed 11/26/2018  
Effective 11/26/2018  
Agency Contact: Sondra Jacobs (916) 651-0032

File# 2018-1016-01  
CALIFORNIA HIGHWAY PATROL  
Inhalation Hazard Shipments: Routes and Stopping Places

In this regular rulemaking, the California Highway Patrol is amending the list of inspection stops, required inspection stops, and stopping places to be used by carriers of inhalation hazards along the designated inhalation hazard routes.

Title 13  
AMEND: 1157.21  
Filed 11/27/2018  
Effective 01/01/2019  
Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2018-1019-02  
DIVISION OF WORKERS' COMPENSATION  
Workers' Compensation — Official Medical Fee Schedule — Inpatient Hospital

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule — Inpatient Hospital located within section 9789.25 in title 8 of the California Code of Regulations. This action was sub-

mitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2).

Title 8  
AMEND: 9789.25  
Filed 11/26/2018  
Effective 12/01/2018  
Agency Contact: Jarvia Shu (510) 286-0646

File# 2018-1012-04  
FISH AND GAME COMMISSION  
Sage Grouse Preference Points and Draw

This action establishes an electronic random drawing with preference points system for sage grouse hunting permits.

Title 14  
ADOPT: 716  
AMEND: 300  
Filed 11/28/2018  
Effective 01/01/2019  
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2018-1018-04  
FISH AND GAME COMMISSION  
Commercial Use of Native Rattlesnakes for Biomedical Purposes

This rulemaking action by the Fish and Game Commission adopts one section and amends three sections to establish a permit program for the commercial use of native rattlesnakes to develop antivenom, vaccines, and other therapeutic agents. This action establishes application form and fees, species authorized for use, minimum qualifications for applicants and employees, inspection requirements, humane care and treatment standards, emergency plan requirements, and record keeping and reporting obligations.

Title 14  
ADOPT: 42  
AMEND: 43, 651, 703  
Filed 11/28/2018  
Effective 01/01/2019  
Agency Contact: David Thesell (916) 654-9903

File# 2018-1012-02  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
Proposition 65 Clear and Reasonable Warnings — Pesticide

This rulemaking action by the Office of Environmental Health Hazard Assessment modifies the safe harbor warning content for on product warnings for the exposure to listed chemicals and pesticides.

Title 27  
AMEND: 25603  
Filed 11/27/2018  
Effective 01/01/2019  
Agency Contact: Monet Vela (916) 323-2517

File# 2018-1029-01  
PHYSICIAN ASSISTANT BOARD  
Renewal of License

In this action, the Physician Assistant Board is increasing the excluded amount (from \$300 to \$500) of a traffic violation fine which does not have to be reported by a licensee as a conviction received since the licensee's last license renewal for purposes of eligibility to renew a license.

Title 16  
AMEND: 1399.514  
Filed 11/28/2018  
Effective 01/01/2019  
Agency Contact: Anita Winslow (916) 561-8782

File# 2018-1106-01  
STATE TREASURER  
Conflict-of-Interest Code

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

Title 2  
AMEND: 1897  
Filed 11/27/2018  
Effective 12/27/2018  
Agency Contact: Ravinder Kapoor (916) 653-2995

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN June 27, 2018 TO  
November 28, 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**  
11/27/18 AMEND: 1897  
11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17  
10/29/18 AMEND: 1896.99.100, 1896.99.120

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 49-Z**

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

**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)

**Title 4**

11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329  
 11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429  
 11/20/18 AMEND: 1632  
 11/20/18 AMEND: 1843.3  
 11/20/18 AMEND: 8078.3, 8078.15  
 11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

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), 10160 (amended and renumbered). REPEAL: 10156, 10157  
 07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

**Title 5**

10/22/18 ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265  
 10/17/18 AMEND: 18600  
 08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5  
 07/23/18 AMEND: 40050.2, 40100.1, 40513, 40514, 41021  
 07/03/18 ADOPT: 71396, 71397, 71398, 71399

**Title 8**

11/26/18 AMEND: 9789.25  
 11/15/18 AMEND: 344, 344.1, 344.2  
 11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1,  
 9789.12.2, 9789.12.6, 9789.12.8,  
 9789.12.12, 9789.12.13, 9789.13.2,  
 9789.16.1, 9789.16.7, 9789.18.1,  
 9789.18.2, 9789.18.3, 9789.18.11,  
 9789.19  
 11/01/18 AMEND: 14300.35, 14300.41  
 10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22  
 10/10/18 AMEND: 344.18  
 10/08/18 ADOPT: 13850, 13851, 13853, 13855,  
 13856, 13857, 13858, 13859, 13860,  
 13861, 13862, 13863, 13864, 13865,  
 13866, 13867, 13868, 13870, 13871,  
 13872, 13873, 13874

**Title 9**

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

**Title 10**

11/27/18 AMEND: 3704  
 11/20/18 AMEND: 8000, 8030  
 11/19/18 ADOPT: 10000, 10001, 10002, 10003,  
 10004, 10005, 10006, 10007  
 09/25/18 AMEND: 2498.4.9  
 09/25/18 AMEND: 2498.5  
 09/25/18 AMEND: 2498.6  
 09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454,  
 6470, 6472, 6474, 6476, 6478, 6480,  
 6482, 6484, 6486, 6490, 6492, 6494,  
 6496, 6498, 6500, 6502, 6504, 6506,  
 6508, 6510, 6600, 6602, 6604, 6606,  
 6608, 6610, 6612, 6614, 6616, 6618,  
 6620, 6622  
 09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528,  
 6530, 6532, 6534, 6536, 6538  
 08/31/18 ADOPT: 2218.80, 2218.81, 2218.82,  
 2218.83

**Title 11**

10/24/18 AMEND: 1953, 1955  
 09/26/18 AMEND: 44.2  
 08/23/18 AMEND: 1004, 1005, 1081  
 08/15/18 AMEND: 1005, 1015  
 08/02/18 AMEND: 4002  
 07/31/18 AMEND: 49.18

**Title 12**

11/07/18 AMEND: 505.2  
 09/27/18 AMEND: 500 (renumbered to 501), 501  
 (renumbered to 505), 501.1 (renumbered  
 to 501.3), 501.2 (renumbered to 505.2),  
 501.3 (renumbered to 505.1), 501.4  
 (renumbered to 505.11), 502  
 (renumbered to 505.3), 502.1

(renumbered to 505.6), 502.2  
 (renumbered to 505.12), 502.3  
 (renumbered to 505.4), 503 (renumbered  
 to 501.2), 503.1 (renumbered to 505.7),  
 504 (renumbered to 505.8), 504.1  
 (renumbered to 505.9), 505 (renumbered  
 to 510.1), 506 (renumbered to 500), 507  
 (renumbered to 510.9), 508 (renumbered  
 to 510.10), 509 (renumbered to 520.2)

09/25/18 AMEND: 600  
 07/05/18 AMEND: 451, 452, 453, 454, 455

**Title 13**

11/27/18 AMEND: 1157.21  
 10/22/18 AMEND: 551.14, 551.24, 555.1, 584  
 10/18/18 AMEND: 551.12  
 10/10/18 AMEND: Appendix (Article 2.0)  
 09/24/18 AMEND: 2222  
 09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451,  
 2452, 2453, 2455, 2456, 2458, 2459,  
 2460, 2461, 2462, 2464, 93116.1,  
 93116.2, 93116.3, 93116.4  
 08/30/18 AMEND: 1213  
 08/30/18 AMEND: 1239  
 08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08,  
 25.09, 25.10, 25.11, 25.14, 25.15, 25.16,  
 25.17, 25.18, 25.19, 25.20, 25.21, 25.22  
 07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06,  
 223.08, 223.10, 223.12, 223.14, 223.16  
 07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1

**Title 14**

11/28/18 ADOPT: 716 AMEND: 300  
 11/28/18 ADOPT: 42 AMEND: 43, 651, 703  
 11/20/18 AMEND: 699.5  
 11/15/18 AMEND: 632  
 11/15/18 AMEND: 632  
 11/15/18 AMEND: Subsection 120.7(m)  
 REPEAL: Appendix A Form DFG-120.7  
 (10/87)  
 11/13/18 AMEND: 1038, 1038.1, 1038.2  
 11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015  
 11/05/18 ADOPT: 29.11  
 10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2,  
 132.3  
 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,

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	18660.17, 18660.18, 18660.19,	10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044
	18660.20, 18660.21, 18660.22,		REPEAL: 3371.1
	18660.24, 18660.25, 18660.30,	10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1
	18660.31, 18660.32, 18660.33,	10/03/18	ADOPT: 3378.9, 3378.10 AMEND:
	18660.35, 18660.36, 18660.37,		3000, 3023, 3043.8, 3044, 3084.9, 3269,
	18660.39, 18660.41 REPEAL: 18660.23		3335, 3337, 3341, 3341.2, 3341.3,
09/06/18	AMEND: 1104.1		3341.5, 3341.6, 3341.8, 3341.9, 3375,
08/13/18	AMEND: 7.50		3375.1, 3375.2, 3376, 3376.1, 3378,
08/09/18	AMEND: 13055		3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
07/30/18	ADOPT: 798 AMEND: 791, 791.6,		3378.6, 3378.7, 3378.8 REPEAL: 3334
	791.7, 792, 793, 794, 795, 796, 797	10/03/18	ADOPT: 3378.9, 3378.10 AMEND:
07/30/18	ADOPT: 820.02		3000, 3023, 3043.8, 3044, 3084.9, 3269,
07/30/18	ADOPT: 817.04 AMEND: 790		3335, 3337, 3341, 3341.2, 3341.3,
07/30/18	AMEND: 819, 819.01, 819.02, 819.03,		3341.5, 3341.6, 3341.8, 3341.9, 3375,
	819.04, 819.05, 819.06, 819.07		3375.1, 3375.2, 3376, 3376.1, 3378,
07/19/18	AMEND: 3805.1		3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
07/05/18	AMEND: 1038		3378.6, 3378.7, 3378.8 REPEAL: 3334
07/02/18	AMEND: 916.9, 936.9, 956.9	09/13/18	AMEND: 1006, 1029, 1041, 1050, 1069,
06/28/18	ADOPT: 1726, 1726.1, 1726.2, 1726.3,		1206
	1726.3.1, 1726.4, 1726.4.1, 1726.4.2,	08/20/18	AMEND: 3294.5
	1726.4.3, 1726.5, 1726.6, 1726.6.1,	08/13/18	AMEND: 3000, 3190, 3213
	1726.7, 1726.8, 1726.9, 1726.10	08/06/18	ADOPT: 3999.98, 3999.99, 3999.320
	REPEAL: 1724.9		AMEND: 3355, 3087 renumbered as
06/28/18	AMEND: 18660.25, 18660.34		3999.225, 3087.1 renumbered as
06/28/18	AMEND: 502		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)
11/14/18	ADOPT: 1350.5, 1352.5, 1354.5, 1358.5,	08/01/18	AMEND: 3350, 3350.1
	1408.5, 1418, 1437.5 AMEND: 1302,	06/28/18	AMEND: 3043.3
	1303, 1304, 1321, 1322, 1324, 1325,		
	1327, 1328, 1329, 1341, 1343, 1350,		
	1351, 1352, 1353, 1354, 1355, 1356,		
	1357, 1358, 1359, 1360, 1361, 1362,		
	1370, 1371, 1372, 1373, 1374, 1376,		
	1377, 1390, 1391, 1400, 1401, 1402,		
	1403, 1404, 1406, 1407, 1408, 1412,		
	1413, 1415, 1416, 1417, 1430, 1431,		
	1432, 1433, 1434, 1436, 1437, 1438,		
	1439, 1452, 1453, 1454, 1460, 1461,		
	1462, 1464, 1465, 1467, 1480, 1482,		
	1483, 1484, 1485, 1487, 1500, 1510,		
	1511 REPEAL 1378		
11/13/18	ADOPT: 8200, 8201, 8202, 8203, 8204,		
	8205, 8206, 8207, 8208, 8209, 8210,		
	8211, 8212, 8213, 8214, 8215 AMEND:		
	8000, 8004.3, 8106, 8106.1 amended and		
	renumbered as 8207, 8106.2 amended		
	and renumbered as 8106, 8198 amended		
	and renumbered as 8298, 8199 amended		
	and renumbered as 8299		
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		
		<b>Title 16</b>	
		11/28/18	AMEND: 1399.514
		11/20/18	AMEND: 2450

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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

**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**

11/20/18 AMEND: 25137-1, 17951-4  
 10/23/18 ADOPT: 35201  
 09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5  
 09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032,

1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256

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

**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  
 10/31/18 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248  
 10/24/18 ADOPT: 66270.14, 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	98382, 98400, 98410, 98411, 98412, 98413
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	07/05/18 AMEND: 66272.62 06/29/18 ADOPT: 72329.2
09/04/18	ADOPT: 68400.5, 69020, 69021, 69022	
09/04/18	AMEND: 51490.1	
08/20/18	ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 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	<b>Title 22, MPP</b> 11/15/18 AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425 08/24/18 ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631 08/22/18 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667 07/12/18 AMEND: 87211
08/16/18	AMEND: 5200	<b>Title 23</b> 11/14/18 AMEND: 3006 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
08/07/18	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	08/22/18 AMEND: 3920 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
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,	<b>Title 27</b> 11/27/18 AMEND: 25603 08/30/18 REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2. 08/02/18 ADOPT: 25501.1 07/17/18 AMEND: 25805
		<b>Title MPP</b> 09/26/18 AMEND: 31-206, 31-525

