



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Glenn Groundwater Authority

AMENDMENT

MULTI-COUNTY: Coachella Valley Water District
Sonoma Marin Area Rail Transit

STATE AGENCY: Office of Statewide Health Planning and Development

A written comment period has been established commencing on December 14, 2018, and closing on January 28, 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 28, 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 respective agency. Requests for copies from the Commission should be made to Brienne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **January 17, 2019**, at Oakland City Hall, 1 Frank Ogawa Plaza, Hearing Room 1, Oakland, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **January 15, 2019**.

BACKGROUND/OVERVIEW

Governing Statutes. The Act's conflict-of-interest provisions ensure that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. Section 87100 prohibits a public official from using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Under Section 87103(b), a public official has a financial interest in a decision within the meaning of Section 87100 if it is "reasonably foreseeable" that the decision will have a "material financial effect" on the certain enumerated interests including an interest in real property in which

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

the official has a direct or indirect interest of \$2,000 or more. (Section 87103(b).)

Existing Regulation. Regulation 18702.2 provides the materiality standards for interests in real property. Under Regulation 18701 and Regulation 18702.2(a)(1)-(6), an effect on an interest in real property is foreseeable and material whenever a decision explicitly involves the property. When property is not explicitly involved in the decision, the materiality standards are provided in Regulation 18702.2(a)(7)-(12), which provides that a foreseeable effect is material if the decision changes the property's development or income producing potential, changes the property's highest or best use, changes the property's character, affects real property located within 500 feet of the official's real property, or is of such a nature that the decision would influence the market value of the official's property.

Existing Regulation 18702.2(a)(11), the "500 foot rule," provides that a foreseeable effect is material if the governmental decision:

Would consider any decision affecting real property value located within 500 feet of the property line of the official's real property, other than commercial property containing a business entity where the materiality standards are analyzed under Regulation 18702.1. Notwithstanding this prohibition, the Commission may provide written advice allowing an official to participate under these circumstances if the Commission determines that there are sufficient facts to indicate that there will be no reasonably foreseeable measurable impact on the official's property. . . .

Under this existing standard, determining materiality is straightforward where a property is within 500 feet of the property subject to the decision. However, determining materiality where a property is more than 500 feet from the property subject to the decision is more complicated and subjective, and requires a comprehensive review of all factors that potentially affect the value of the property.²

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18702.2 — Materiality Standard: Financial Interest in Real Property.

Amendments to Regulation 18702.2. The Commission may consider amendments to all provisions of current Regulation 18702.2 including, but not limited to, the appropriate materiality standards for interests in real properties and further defining when interests in real

² The existing Regulation 18702.2 eliminated a prior bright-line 500-foot rule.

properties are explicitly involved in governmental decisions. At a minimum, Commission staff anticipates proposing the following:

- Amending the materiality standard to establish a bright-line rule and allow an official to participate in a decision if the official's property interest is a sufficient distance from the property subject to the decision.
- Requiring that interests in business properties be evaluated under the materiality standards for real property.
- Clarifying that an official is disqualified from a decision affecting a leasehold interest in property if the decision will affect the rental value of the property.

SCOPE

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

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

Sections 87100, 87102.5, 87102.6, 87102.8 and 87103, Government Code.

CONTACT

Any inquiries should be made to John M. Feser Jr., Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. The language of the

proposed amendment of Regulation 18702.2 can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **January 17, 2019**, at Oakland City Hall, 1 Frank Ogawa Plaza, Hearing Room 1, Oakland, California commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on January 15, 2019**.

BACKGROUND/OVERVIEW

The Commission's Streamline Settlement Program was established for the Enforcement Division's prosecution of those violations with a lesser degree of public harm. A large percentage of cases before the Commission are resolved through the existing Streamline Settlement Program. For instance, 77% of all cases presented to the Commission in 2017 were resolved through the program. Violations currently included in the program include:

- SEI Non-Filer.
- SEI Non-Reporter.
- Campaign Statement/Report Non-Filer.
- Campaign Statement/Report Non-Reporter.
- Lobbyist/Lobbying Firm/Lobbyist Employer/Lobbying Coalition/\$5,000-Filer Report Non-Filer.

Currently, the Enforcement Division has discretion to include or exclude any case from the program based upon mitigating and aggravating circumstances. Aggravating circumstances include: prior non-filing/non-reporting history, prior Enforcement prosecutions, or accompanying violations. Mitigating circumstances include: no longer in office, illness, level of sophistication, or other extenuating circumstances.

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

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Sections 18360.1 and 18360.2.

Proposed Regulations 18360.1 and 18360.2 are intended to codify the Commission's Streamline Settlement Program. In considering Regulations 18360.1 and 18360.2, the Commission may consider any issues pertaining to the implementation of the Streamline Settlement Program including, but not limited to, the following:

- Types of violations included in the program.
- Factors for participation in the programs such as mitigating or aggravating circumstances.
- Penalty amount and structure.

SCOPE: The Commission may adopt the language noticed herein or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

Section 83116.5, Government Code.

CONTACT

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

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

UPDATES AND AMENDMENTS TO APPLICATION WITHDRAWALS AND ABANDONMENTS, AND HEARING PROCEDURES

CGCC-GCA-2018-04-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections, and recommendations received concerning the proposed action. Comments, objections, and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on **February 8, 2019**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on February 8, 2019. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

PUBLIC HEARING

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the

proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811, 19823, 19824, 19825, 19840, 19841, 19853, 19854, 19869, 19870, 19871, 19872, 19893 and 19951, of the Business and Professions Code, and sections 11400.20, 11410.40, 11415.10, and 11415.20 of the Government Code; and to implement, interpret or make specific sections 19800, 19805, 19811, 19816, 19821, 19822, 19823, 19824, 19824.5, 19825, 19826, 19827, 19834, 19856, 19859, 19867, 19868, 19869, 19870, 19871, 19872, 19876, 19880, 19881, 19882, 19883, 19890, 19891, 19892, 19930, 19951, and 19984 of the Business and Professions Code and sections 11425.10, 11430.10, 11430.20, 11430.30, 11430.50, 11430.60, 11512, 11517 and 11521, of the Government Code, the Commission is proposing to adopt the following changes to Chapter 1 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) is the state agency charged with the administration and implementation of the California Gambling Control Act (Act or GCA).¹ Under the Act, the Commission is required to approve, condition, or deny an application for license or other approval at a meeting [evidentiary hearing] where certain provisions must be provided. The Commission previously adopted regulations under California Code of Regulations, Title 4, Division 18, sections 12006 to 12068 concerning the procedures for evidentiary hearings in 2014. Modifications are proposed to address discrepancies and ambiguities, and provide additional clarity on certain topics. These modifications include, for instance, guidance on hearing notices, interim renewal licenses, notice of de-

¹ Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

fense forms, default decisions, reconsideration requests, and divestiture provisions.

EXISTING LAW:

Section 19825 of the Business and Professions Code² provides authority for the Commission to elect to utilize the Administrative Procedure Act in place of a hearing or meeting of an adjudicative nature.

Section 19870, subdivision (a) provides authority for holding evidentiary hearings, and states that “the Commission, after considering the recommendation of the chief and any other testimony and written comments as may be presented at the meeting, or as may have been submitted in writing to the commission prior to the meeting, may either deny the application or grant a license to an applicant who it determines to be qualified to hold the license.”

Section 19871, subdivision (a) provides authority for promulgating regulations pertaining to the evidentiary hearing process, and provides a list of items that must be part of the process by stating that “[t]he Commission meeting described in section 19870 shall be conducted in accordance with regulations of the Commission . . .”

EFFECT OF REGULATORY ACTION

This proposed regulation has been prepared to implement sections 19869, 19870, 19871 and 19872 by providing a clear structure for the consideration of applications by the Commission that provides both flexibility to the applicant and ensures that the Commission is able to review any information it needs in order to determine if an applicant is a person of good character, honesty and integrity. This regulation establishes clear direction by identifying the steps in the process. Providing clarity helps to ensure consistency and uniformity. The ability to provide a clear procedure for the consideration of information is a vitally important part of ensuring that the Commission makes informed decisions and furthers the State’s interest in fairly and effectively regulating gambling.

ANTICIPATED BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of providing additional clarity on the hearing process by more fully identifying the steps and requirements, correcting ambiguities and filling gaps, and providing clear guidance to the Commission, the Bureau, and the applicant, while protecting the applicant’s due process and procedural rights. This proposed action will further provide the Commission and Bureau with a more complete process to follow when processing and reviewing applications that allows each organization to understand their various roles. The applicant will benefit by better understanding the process under which his, her, or its

² All statutory references hereinafter are to the Business and Professions Code, unless otherwise specified.

application will be considered, including how failure to participate in the process can affect his, her, or its application and other possible actions that can be taken by the Commission.

SPECIFIC PROPOSAL:

This proposed action will make changes within Division 18 of Title 4 of the California Code of Regulations, as follows:

A general change has been made in the proposal to replace the word “shall” with other words less subject to interpretation.

CHAPTER 1. GENERAL PROVISIONS

ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES

Amend Section 12002. Definitions

1. Subsection (h) would add clarity to the definition of “Chief” as provided in Business and Professions Code section 19805, subdivision (d). This definition adds to the term “Chief of the Bureau.” This works in conjunction with the definition of Bureau in subsection (e) by clarifying that the Bureau is the entity within the Department that is responsible for fulfilling the obligations imposed upon the Department by the Act.
2. The current subsections (h) through and including (aa) will be renumbered as (i) through and including (ab), accordingly.

Amend Section 12006. Service of Notices, Orders and Communications

This section describes how the Commission will communicate with applicants and is the default manner for all notices.

1. Subsection (a) is modified to allow for notices to be provided by first class mail and registered mail in addition to certified mail.
2. Subsection (b) is replaced with a new provision added to provide flexibility when providing notice for applications, licensees, and designated agents who request in writing to receive notices via email.
3. Subsection (c) is added to hold the contents of former subsection (b) and modified to allow notices to be effective upon “transmission.”

Amend Section 12012. Ex Parte Communication

This section addresses and defines *ex parte* communications. The Act³ imposes prohibitions on communication between “Members of the Commission” and an applicant or an agent of an applicant under certain conditions; however these prohibitions are ambiguous. Section 12012 adds clarity and guidance regarding prohibited communications to members of the Commission, employees of the Commission, Bureau staff, the

applicant, and interested parties. The word “issued” is replaced in subsections (b) and (c) with “submitted” as parties submit documents to the Commission who in turn issues licenses, approvals, or notices of hearing. Also “and” is added to subparagraph (d)(7)(B) to clarify the intent of the section as being a list of required elements. This is also consistent with other changes throughout the regulations. These are non-substantive changes.

1. Subsection (d)(3) is modified to make clear that information or documents provided by an applicant’s designated agent are included with those from an applicant when determining if the exclusion from the ex parte definition applies.
2. Subsection (d)(6) is added to make clear that communications between an advisor and a member of the Commission, by themselves, are not ex parte communications.

Amend Section 12014. Subpoenas

The Act requires evidentiary hearings where the Commission may take testimony from witnesses under oath. This section provides the guidance and authority for how witnesses may be compelled to testify at evidentiary hearings. The only change in this section is the usage of the word “shall” which is replaced with more appropriate words.

Amend Section 12015. Withdrawal of Applications

The Act’s application process can be lengthy, especially for those applying to be owners of a cardroom, and requires a significant investment in time and funds for the applicant, the Bureau, and the Commission. If at any point in the process, the applicant no longer wishes to proceed with the application, it is beneficial to all parties to have a procedure by which the application process may be ended. The Act, in section 19869, provides for a request to withdraw an application and differentiates between a withdrawal granted “with prejudice” and one granted “without prejudice.”

1. Subsection (a) is modified to make clear that a designated agent may make a request on behalf of an applicant to withdraw an application.
2. Subsection (f) is modified to restructure the section to make clear that an applicant does not withdraw an application, but rather the Commission approves a withdrawal request.

Amend Section 12017. Abandonment of Applications

This section provides for the abandonment of applications under limited specified circumstances. The word “issued” is replaced with “submitted.”

1. Section (a)(1)(B) is modified to allow designated agents to provide information to the Bureau on the applicant’s behalf.

³ Specifically, section 19872.

2. Section (b)(1) is modified to clarify that the Bureau makes the recommendation for approval or makes no recommendation.
3. Section (c) is modified in two ways. First, the sentence is restructured to be more consistent in syntax to (b)(1). Second, the last clause of the section is stricken as unnecessary.
4. Section (d) is modified to replace “unexpended” with “unused” and “possible” is replaced with “available.”
5. Section (e) is modified to replace “their” with “his, her, or its” application to be consistent with the same language as used elsewhere in Section 12017. Additionally, this section is modified to make clear that the Commission deems an application abandoned, rather than an applicant abandons an application.

Amend Section 12035. Issuance of Interim Renewal License

This section provides for the issuance of interim renewal licenses. Interim renewal licenses effectively extend a current approval to allow for an evidentiary hearing to occur without an applicant losing that approval prior to Commission action. By holding this interim renewal license, an applicant is responsible for any existing conditions and for those fees, costs, and procedures normally required of a similarly situated applicant/licensee.

1. Subsection (a) is modified to make it clear that the Commission will also issue an interim renewal license for work permits, and other approvals involving a finding of suitability.
2. Current subsection (b) is moved to a new subsection (c). The last sentence of former subsection (b)(2) is moved to a new subsection (b) and expanded upon. This new subsection (b) more clearly explains the process for how interim renewal license holders will be able to obtain new interim renewal licenses in the event the evidentiary hearing process will not be concluded within two years which will reduce uncertainty and confusion in the process.
 - a. Subdivision (1) explains that applicants must submit a new application for the new interim renewal license through a process similar to the one for the application pending considering at the evidentiary hearing including the same forms, fees, costs, and related requirements.
 - b. Subdivision (2) is added to require applicants for a new interim renewal license to provide an update to the Commission on why the hearing process has not concluded in the

previous two-year period. It also requires them to work with the Complainant if possible. In the event that they do not provide a reasonable justification, the Commission may set the hearing at the earliest possible opportunity including retracting any application referred to an APA hearing. The requirement for an update no later than ten days in advance of Commission consideration is to be consistent with the Commission’s obligations for noticed public meetings pursuant to the Bagley-Keene Open Meeting Act.

3. Subsection (c) is language moved from the former subsection (b).
4. Subsection (c)(2) is modified to clarify a work permit or other approval involving a finding of suitability, as well as an interim renewal license may serve as the starting point for the term of an interim renewal license.
5. Subsection (b)(4) is re-lettered (d). In addition, the section is modified to clarify that the issue date will also apply to any issued work permit or other approval.
6. Subsection (b)(5) is relettered to (e).
7. Subsection (b)(6) is relettered to (f).

ARTICLE 2. PROCEDURES FOR HEARINGS AND MEETINGS ON APPLICATIONS

Amend Section 12050. Bureau Recommendation and Information

The Act, in subdivision (a) of section 19826, allows the Bureau to recommend the denial or limitation, conditioning, or restriction of any license, permit, or approval, after the completion of a background investigation. This section details the manner in which any recommendation is provided to the applicant and how the information may be considered by the Commission. The word “issued” is replaced with “submitted” to be more consistent with other changes throughout the regulations.

1. Paragraph (a)(2) is modified to reference paragraph (7) of subsection (d) of Section 12012.
2. Section (b) is modified to shorten the subsection into one sentence and eliminate redundancy and ambiguity.

Amend Section 12052. Commission Meetings; General Procedures; Scope; Rescheduling of Meeting

This section provides general procedures regarding the hearing process. The title is modified to add a reference to the notice process which is provided under subsections (c)(1) and (c)(2).

1. Subsection (c)(1) is modified to add a reference to section 12054 to make clear the specific type of meeting being referenced in the notice.
2. Subsection (c)(1)(A)(2) is modified to add “consideration of the” before application.
3. Subsection (c)(2)(E) is modified to include a new version of the Notice of Defense Form (CGCC–ND–002)(Rev. 12/18). This updated form is provided to the applicant to complete, and once returned to the Bureau and Commission, provides important guidance to the Commission concerning the evidentiary hearing process. The applicant may accept any proposed conditions, waive their participation in the evidentiary hearing, or may indicate their interest in continuing and participating in an evidentiary hearing. Should the applicant waive participation in their evidentiary hearing, the subsection references new section 12057 which discusses how the Commission may choose to consider the application. The modified form further clarifies whether the applicant understands English and the form or if they need to have an interpreter read and explain the form or if they need an interpreter at the hearing.

Should the applicant indicate a desire to participate in the hearing, a space is provided where an attorney’s information can be provided to the Commission and Bureau. This changes the term “counsel” to “attorney” to better reflect the role of the applicant’s legal representative at the hearing and distinguishes it from a lay representative. It also provides the attorney the option of receiving further Commission notices related to the hearing via email.

The form is additionally modified to provide for similar information from the applicant so that the Commission and Bureau can have the most up-to-date contact information for the applicant. The same option to receive notices via email is given to the applicant. An applicant may also confirm to the Commission that they will have the assistance of a lay representative at the hearing which is important for the Commission and Complainant in preparing for any prehearing conference and hearing.

4. Subsection (c)(2)(F) is modified to shorten the section and make a reference to the new section 12057.
5. Subsection (d) is modified to change the wording to be consistent with other edits in the regulation package.

Amend Section 12054. Consideration at Regular (Bagley–Keene) Commission Meetings

This section provides procedural guidance by laying out some of the various decisions the Commission may make at a regular non–evidentiary meeting regarding an application.

1. Subsection (a)(2) is modified to strike “when” which is merely a modification to syntax without substantive effect. This section also adds “or retract” to clarify that the Commission may retract the referral of an application to an evidentiary hearing.
2. Subsection (a)(3) is modified to clarify that the Commission is acting on applications for renewals.
3. Subsection (a)(7) is modified to replace “accusatory pleading” with the word “accusation.”
4. A new subsection (a)(8) is added to make clear that the Commission can issue a default decision pursuant to new section 12057 at regular Commission meetings.
5. A new subsection (a)(9) is added to make clear that the Commission may consider reconsideration requests pursuant to section 12064 at a regular Commission meeting.
6. Subsection (b) is modified to restructure the section to make clear that the Commission’s denial of a request to withdraw an application, as well as a finding of abandonment, does not afford an applicant an opportunity to have an evidentiary hearing to challenge that determination. Rather the applicant’s procedural path is to have an evidentiary hearing on the underlying application.

Amend Section 12056. Evidentiary Hearing

This section defines the manner by which the Commission or Executive Director determines between an APA and GCA evidentiary hearing format once the Commission has elected to hold an evidentiary hearing. Additional procedural information is also provided.

1. Subsection (a) is modified to replace “advocates” with “an advocate” to improve the syntax of the sentence.
2. A new subsection (d) is added to make clear that the Commission retains authority to control the path an application takes through the evidentiary hearing process. This language is moved from section 12060 with clarifying edits.

Adopt Section 12057. Default Decisions and Uncontested Applications

This proposed action adds a new section which expands upon current regulations which provide for de-

fault decisions through the application of the Notice of Defense, CGCC–ND–002 (Rev. 12/18) and Section 12052(c)(2)(F). The Commission possesses the authority to issue default decisions at various stages of the application process based upon its statutory authority under sections 19824, 19825, 19870 and regulatory authority under Section 12052. This section expands upon those references and provides clear guidance on the default process making it more explicit and transparent so applicants can be informed of the significance of their actions or lack of action.

1. New subsection (a) makes clear to applicants that when the applicant fails to submit a notice of defense according to the timelines on the form, waives the right to an evidentiary hearing, or fails to attend an evidentiary hearing, the Commission may adjudicate the application by default.
2. New Subsection (b) provides the possible outcomes to an applicant when the Commission adjudicates an application by default. These outcomes can include 1) the Commission issuing a default decision upon the application and any other documents the Commission has been or will be provided prior to the decision being issued, or without applicant participation 2) the Commission continuing forward with an evidentiary hearing to gather evidence before issuing a decision.
3. New Subsection (c) provides that the Commission may reschedule a GCA hearing when an applicant fails to attend in addition to the options provided in subsection (b).
4. New subsection (d) alters the time frames required under Section 12060, subsections (a) and (b), for notices of evidentiary hearings when the Commission is considering a default decision or scheduling a hearing without applicant participation.
5. New subsection (e) follows up on the modification made to section 12054 that the Commission may consider default decisions at regular non–evidentiary hearing meetings. Presently, default decisions are considered at an evidentiary hearing which is run simultaneously with a non–evidentiary meeting. This edit allows the Commission to consider the default decision without the possible need for additional procedures required for full evidentiary hearings. This section also preserves the option that default decisions may be considered at full evidentiary hearings which preserves Commission discretion to act on applications in a manner it deems appropriate.
6. New subsection (f) makes it clear that when the Commission issues a default decision on an

application, that applicant may follow the same procedures for requesting reconsideration as are available to normal evidentiary hearings and decisions.

Amend Section 12058. APA Hearings

This section provides procedural guidance for when the Commission or Executive Director elects to hold the evidentiary hearing through the APA. Subsection (e) is modified to make clear that the APA hearing will proceed through the normal process unless and until the Executive Director or the Commission approves retracting the referral. This edit replaces the language of cancellation or a continuance as was previously included which unintendedly implied the Commission had control over the APA process beyond a referral and retraction.

Amend Section 12060. GCA Hearings

This section implements the evidentiary hearing process pursuant to sections 19870 and 19871. This process provides a clear method for the applicant to show the Commission that he, she, or it meets the requirements of the Act and is of good character, honesty and integrity.

1. Subsection (a) is modified to remove the last sentence and move it with clarifying modifications to section 12056(d).
2. Subsection (c) is modified in two ways. First, support staff is added to those that are precluded from communicating upon the merits of an application. Second, this section is modified to remove the reference to “information or documents” which could be interpreted as precluding procedural communications and the provision of jurisdictional documents in advance of a hearing.
3. Subsection (e) is modified to add a reference to section 12056(b) which reiterates the Bureau’s and Commission’s responsibility to protect certain confidential information from disclosure.
4. Subsection (f)(1)(D) is modified to expressly provide for stipulations on evidence and not merely facts in the Bureau Report. Subdivision (f)(1)(E) is relettered to subdivision (F) and a new subdivision (E) is created which expressly authorizes the Presiding officer to provide for offsite livestreaming appearances of parties and witnesses.
5. Subsection (i) is modified to reword the burden of proof requirement.
6. Subsection (j) is modified to add a provision providing that lay representatives may assist an applicant in a hearing, but are not authorized to serve as the applicant’s attorney.

7. Subsection (k) is modified by eliminating the word “own.”
8. Subsection (l) is modified by the elimination of a comma.

Amend Section 12062. Issuance of GCA Hearing Decisions

This section describes the procedural method and requirements by which the Commission prepares and issues its decision following a GCA evidentiary hearing.

1. Subsection (a) is modified and combined with subsection (b) to join the previously identified 30- and 45-day periods.
2. Subsection (c) and (d) are relettered to subsection (b) and (c) respectively.

Amend Section 12064. Requests for Reconsideration

This section defines the procedure by which an applicant can request reconsideration from the Commission after an evidentiary hearing but before any decision becomes final.

1. Subsection (a) is modified to move the provision requiring a request for reconsideration be made within 30 calendar days to a new paragraph (2) of subsection (a).
 - o A new paragraph (1) would move a requirement that the request for reconsideration be made to the Commission and copied to the Bureau. This current requirement is modified to provide the Bureau a 10-day time limit to provide a response to the request for reconsideration.
 - o A new paragraph (2) would move the requirement that a request for reconsideration be made within 30 calendar days from subsection (a). This provision is clarified to mean that a request for reconsideration must be received within 30 days. Additionally the moved provision is modified to replace the word “later” with “earlier.”
2. Subsection (b) is modified to swap the term “reasons” with the term “good cause” which establishes a basis upon which the request must be made. In addition, the provision requiring that the request be copied to the Bureau is moved to new paragraph (1) of subsection (a).
3. Option 1 — Executive Director Determination
 Option 1 would provide that the Executive Director will determine whether a request for reconsideration states good cause and should be placed on the Commission’s agenda for

consideration. To provide for this determination, the text is revised as follows:

- (A) Paragraph (2) of subsection (b) is revised to change the term “good cause” to “reasons.” In addition, the phrase “the Commission may decide, in its sole discretion” is removed.
- (B) Subsection (c) is revised to require the Executive Director to determine whether a request for reconsideration states “good cause.” In addition, this provision is revised to include the Complainant in the notice requirement.
- (C) Subsection (d) is revised to make clear that the decision is stayed from the time of the request to either the point the Executive Director determines the request does not state good cause, or if it does state good cause, when the Commission grants or denies the request for reconsideration.

4. Option 2 — Commission Determination

Option 2 would remove the Executive Director from determining whether a request for reconsideration is valid and instead places all requests for reconsideration before the Commission. This option preserves the Commission’s discretion on its decisions and allows the Commission to be more directly involved in the reconsideration process. To provide for this determination, the text is revised as follows:

- (A) Paragraph (2) of subsection (b) is revised to change the term “good cause” to “reasons.” Specifically, “good cause” includes those items under paragraph (2) as well as the reasons under paragraph (1).
- (B) Subsection (c) is revised to remove the Executive Director from the reconsideration process. In addition, this provision is revised to include the Complainant in the notice requirement.
- (C) Subsection (d) is not revised.

5. New subsection (f) is added to specify that when the Commission grants reconsideration, the underlying decision is vacated and the Commission may take additional action on the application including affirming the decision, issuing a reconsidered decision, or other action as the Commission deems appropriate.

Amend Section 12066. Final Decisions; Judicial Review

This section provides procedural guidance to applicants related to when a decision of the Commission becomes final and what judicial remedy may be available.

1. Subsection (b)(2) is modified to make clear that a reconsidered decision is effective when specified in the decision as opposed to immediately when the reconsidered decision is issued.
2. New subsection (b)(3) is added to provide an additional option for the Commission to stay the effective date of a decision following the denial of a request for reconsideration.

Amend Section 12068. Decisions Requiring Resignation or Divestiture

This section provides guidance to applicants and business entities in regards to resignation and divestment of ownership interests where an application has been denied.

1. A new subsection (b)(4) is added which makes clear the requirements found under (a)(4) and (c)(2) also apply to limited liability companies.
2. A new subsection (e) is added to provide a default date upon which a specified person must be removed after the effective date of the Commission’s decision. This section requires the specified person to be removed no later than 60 days after effective date of the decision.

CONSISTENCY OR
COMPATIBILITY WITH
EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

The Commission is vested with jurisdiction and supervision over gambling establishments and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission’s regulations is generally set forth in section 19841. As provided in subdivision (a) of section 19870, the Commission may approve or deny a license “. . .after considering the recommendation of the chief and any other testimony and written comments as may be presented at the meeting. . .” As provided in subdivision (a) of section 19871, “the Commission meeting described in Section 19870 shall be conducted in accordance with regulations of the commission. . .” Those regulations that currently implement the Commission’s authority to establish hearing procedures are being amended in this proposal.

The only equivalent process available to the Commission outside of its regulatory authority is provided in section 19825 which provides that “[t]he Commission may require that any matter that the Commission is authorized or required to consider in a hearing or meeting of an adjudicative nature regarding the denial . . . of a li-

cense . . . be heard and determined in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.”

While the Bureau [Department of Justice] has also been granted some authority to adopt regulations (section 19826), that authority is limited to the adoption of regulations reasonably related to its specified duties and responsibilities. These proposed regulations are not inconsistent or incompatible with any Bureau regulation (Title 11, CCR, Division 3), nor do they fall within the Bureau’s authority to adopt regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

There would be no fiscal impact on the Commission or to any state agencies, including costs or savings or costs/savings in Federal funding, except as noted below:

Bureau of Gambling Control

The Bureau of Gambling Control (Bureau) within the Department of Justice has determined that the proposed regulations do not present any fiscal or workload impact to the Bureau.

If there are any questions pertaining to the Bureau’s information, the contact person is: Susanne George — Susanne.George@doj.ca.gov — (916) 830-9032

Indian and Gaming Law Section

The Indian Gaming Law Section (IGLS) within the Department of Justice provided the Commission with a workload analysis and fee calculation based on the impact of these regulations. IGLS anticipates an increased workload based on the number of hours that they will spend processing defaults, reconsiderations, retractions and other hearing procedures. The time it takes to process these will depend on whether an applicant initiates a specific request.

If there are questions pertaining to the IGLS’s information, the contact person is: Catherine Taylor — Catherine.Taylor@doj.ca.gov — (916) 210-7303

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This determination is based on the following facts or evidence/documents/testimony:

This proposed action imposes no mandatory requirement on businesses. The regulation simply provides a clear process to follow should a party's application be sent to an evidentiary hearing for consideration before the Commission. Any costs associated with pursuing a license would be voluntarily assumed upon the filing of an application. The proposed process provides for numerous opportunities for an applicant to request to end the process and therefore avoid further costs.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The Commission 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:

The Commission has determined that the proposed regulatory action will not affect small businesses because gambling enterprises, TPPPS and Gambling Businesses are not small businesses as defined in Government Code section 11342.610.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT/ANALYSIS**

IMPACT ON JOBS/NEW BUSINESSES:

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

The basis for this determination is that this proposed action imposes no mandatory requirement on businesses or individuals and does not significantly change the Commission's current practices and procedures. The proposed action simply provides a clear process to follow once a party has decided to submit an application for Commission consideration.

BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of providing helpful and clarifying modifications to the Commission's evidentiary hearing procedures. These modifications expand upon an evidentiary hearing process which helps provide applicants with a clear understanding of the process their application will follow, from review by the Bureau through consideration by the Commission at a non-evidentiary hearing through the evidentiary hearing process. Moreover, these updates will facilitate the production and presentation of all documents, testimony and other information which may be relevant and material to a Commission decision thereby enhancing the fairness of the decision and the legitimacy and transparency of the decision-making process.

CONSIDERATION OF ALTERNATIVES

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

**INITIAL STATEMENT OF
REASONS, INFORMATION AND
TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission’s website listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

Joshua Rosenstein,
 Legislative and Regulatory Specialist
 Legislation and Regulatory Affairs Division
 California Gambling Control Commission
 2399 Gateway Oaks Drive
 Suite 220, Sacramento, CA 95833-4231
 Telephone: (916) 274-5823
 Fax: (916) 263-0499
 E-mail: jrosenstein@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Alex Hunter, Legislative and Regulatory Specialist
 Legislation and Regulatory Affairs Division
 California Gambling Control Commission
 2399 Gateway Oaks Drive,
 Suite 220, Sacramento, CA 95833-4231
 Telephone: (916) 263-1301
 Fax: (916) 263-0499
 E-mail: ahunter@cgcc.ca.gov

WEBSITE ACCESS

Materials regarding this proposed action are also available on the Commission’s website at www.cgcc.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

Proposition 63 (The Safety for All Act of 2016) and Senate Bill (SB) 1235 (2016) are newly enacted laws that regulate the sale or transfer of ammunition in California as of July 1, 2019. The Department of Justice (Department) proposes to adopt sections 4300-4309, of Title 11, Division 5, Chapter 11, of the California Code of Regulations. These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these

regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

These processes will allow the Department to determine if an individual is lawfully eligible to possess ammunition.

PUBLIC HEARING

The Department will hold two public hearings to receive public comments on the proposed regulatory action. The hearings will be held at the following dates, times and locations:

January 29, 2019, 10:00 a.m.–12:00 p.m.
 Ronald Reagan State Building
 300 S. Spring Street
 Los Angeles, CA 90013

January 31, 2019, 1:00 p.m.–3:00 p.m.
 Resources Building Auditorium
 1416 9th Street
 Sacramento, California

Each location is wheelchair accessible.

At each hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at each hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on January 31, 2019. Only comments received 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: Ammoregs@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 30352, and 30370, Penal Code.

Reference: Sections 16150, 16151, 26710, 28180, 28220, 30300, 30305, 30312, 30314, 30342, 30352, 30370, 30385, 30390, and 30395, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Prior to the passage of Proposition 63 of 2016 (The Safety for All Act) and SB 1235 (2016), the sale or transfer of ammunition was not regulated by existing law. Penal Code section 30305 had established that an individual who is prohibited from owning or possessing a firearm is also prohibited from owning or possessing ammunition. Both Proposition 63 and SB 1235 (2016) authorize the Department to complete an ammunition eligibility check or to verify that an individual's Certificate of Eligibility (COE) is valid when the individual purchases or transfers ammunition from or through an ammunition vendor. Prior to voter approval of The Safety for All Act and the enactment of SB 1235 (2016), the Department had no mechanism to regulate the sale of ammunition, meaning the Department could not stop a prohibited individual from purchasing or receiving ammunition.

The Legislature enacted SB 1235 (2016) and the voters approved The Safety for All Act, delegating the authority to the Department to write regulations to interpret, and make specific certain Penal Code sections regulating the sale and transfer of ammunition. These regulations are beneficial as they create a process for the Department to make a determination to either approve or reject an ammunition purchase or transfer that is conducted by or processed through an ammunition vendor. The Department will make a determination to either approve or reject each ammunition purchase or transfer conducted by or processed through an ammunition vendor unless the individual is exempt from the Department's approval pursuant to Penal Code section 30352, subdivision (e).

These regulations explain that an ammunition vendor is responsible for facilitating an ammunition purchase or transfer by submitting the ammunition purchaser's or transferee's personal information to the Department, or by verifying the individual's COE status.

These regulations will benefit the state of California because an individual who is prohibited by either state or federal law to possess ammunition will be unable to obtain Department approval for an ammunition purchase or transfer from or through an ammunition vendor.

California Code of Regulations, Title 11, Division 5, Chapter 11 interprets and details the specifics of these regulations as follows:

Section 4300 specifies the scope of the new chapter, the regulation of an ammunition purchase or transfer from or through an ammunition vendor. This chapter provides guidance for an individual to purchase or transfer ammunition commencing July 1, 2019.

Section 4301 defines all firearm-related words throughout this new chapter so that the Department and members of the public can apply the same definitions to the firearm-related terminology used in the regulations to understand what the Department requires of them.

Section 4302 establishes the process for an individual to purchase or transfer ammunition as prescribed by Penal Code section 30370, subdivision (b).

Section 4303 establishes the process for one-time ammunition purchases or transfers.

Section 4304 establishes the process for an individual to purchase a firearm and ammunition within the same transaction.

Section 4305 establishes the process for an individual with a COE to purchase or transfer ammunition.

Section 4306 establishes the process for an exempted individual to purchase or transfer ammunition.

Section 4307 establishes the application process for an ammunition vendor to acquire telephonic access to the Department, which will allow the Department to complete an ammunition eligibility check or verify that an individual's COE is valid, as a result of the ammunition vendor being unable to electronically submit information to the Department's DES website.

Section 4308 specifies that the ammunition vendor can only deliver ammunition after the ammunition purchase or transfer is approved.

Section 4309 explains that an ammunition vendor will collect the fee for the ammunition eligibility check or COE verification, from the purchaser or transferee, and transfer the funds to the Department.

ANTICIPATED BENEFITS OF
THE PROPOSED REGULATIONS

An ammunition purchase or transfer completed in the state of California must be conducted through an ammunition vendor unless otherwise exempted. Prior to the sale or transfer, an ammunition vendor will initiate an eligibility check to ensure the purchaser or transferee is not prohibited from possessing ammunition. These proposed regulations will benefit public safety because they create a process which will ensure an individual prohibited by either state or federal law from possessing ammunition will be unable to purchase or transfer ammunition.

These regulations will explain the process that must be followed to purchase or transfer ammunition, what to do if an attempted purchase or transfer is denied, and will clarify what is needed to be exempt from certain parts of the process. In brief, these regulations will provide the public and ammunition vendors with directives that will guide both in the ammunition sale and transfer process.

EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulation is inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to firearms within California Code of Regulations (“CCR”) Title 11, Division 5, and determined that these proposed regulations are not inconsistent or incompatible. This determination is based on the fact that the proposed regulations clarify and provide further detail for existing Penal Code sections.

COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

INCORPORATED BY REFERENCE

The following form is Incorporated by Reference: Application for Telephonic Vendor Approval, BOF 1020 (Orig. 05/2018)

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: None.

Cost to any local agency or school district which shall 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 effect on housing costs: None.

Business report requirement: None.

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

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT/ANALYSIS

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulation will create permanent jobs within the Department. Adoption of the proposed regulations will not:

- (1) Create or eliminate jobs within California, with the exception of the Department’s permanent positions needed to conduct tasks associated with ammunition eligibility checks and COE verifications;
- (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 made the determination on items (1) through (3) based on the fact that the fee for an ammunition eligibility check or the COE verification process is minimal and will not deter an individual from purchasing or transferring ammunition in California. Therefore, an individual will still purchase or transfer ammunition from an ammunition vendor, and an ammunition vendor will not be losing business from these regulations.

The Department has also made this determination after considering implied costs to ammunition vendors and ammunition purchasers for the processing time of a Standard Ammunition Eligibility Check. The Department estimates that it will take approximately two minutes for a Standard Ammunition Eligibility Check to be processed, so the implied costs for an ammunition vendor can be derived from taking the two-minute processing time and multiplying it by the 13 million transactions while valuing ammunition vendor staff and ammunition purchaser time at \$11 per hour. In total, the annual implied cost that comes from the Department’s processing time for these transactions is \$9,533,334, and this cost independently applies to ammunition vendors (\$4,766,667) and ammunition purchasers (\$4,766,667). Although ammunition vendors and ammunition purchasers have implied costs attributed to the time it takes to process a transaction, ammunition vendors have the ability to process multiple transactions simultaneously and ammunition purchasers are still able to shop and be productive while waiting for their transaction to be processed. Therefore, the Department’s processing time for the Standard Ammunition Eligibility Check will not be burdensome for ammunition vendors nor restrict ammunition purchasers in their leisurely activity of shopping.

- (4) Benefits of the Proposed Regulations: These proposed regulations are beneficial to the health and welfare of California’s residents because they create a process which will ensure an individual prohibited by either state or federal law to possess ammunition will be unable to purchase or transfer ammunition. An ammunition purchase or transfer completed in California must be conducted by or processed through an ammunition vendor unless otherwise exempted. An ammunition vendor is

required to submit an ammunition purchaser's or transferee's personal information directly to the Department, to allow the Department to complete an ammunition eligibility check or verify that the individual has a valid COE prior to approving an ammunition purchase or transfer. Furthermore, these regulations will benefit the welfare of California residents because the Department shall only approve an ammunition purchase or transfer for an individual who is not prohibited by either state or federal law from possessing ammunition. These regulations minimize the likelihood of a dangerous prohibited individual taking possession of ammunition.

COST IMPACTS ON A PRIVATE PERSON OR BUSINESS

The Department has determined that the cost to a private individual would be either the \$1.00 fee for the Department's Standard Ammunition Eligibility Check, the \$1.00 fee for the Department to verify that a COE is valid, or the \$19.00 fee for the Department's Basic Ammunition Eligibility Check. The actual cost to the individual depends on the number of times an individual attempts to purchase or transfer ammunition. The Department is unable to determine how many times an individual will attempt to purchase or transfer ammunition. As mentioned above, ammunition purchasers and ammunition vendors will have an annual implied cost of \$4,766,667 each that comes from the Department's processing time for a Standard Ammunition Eligibility Check.

The Department determines that these regulations will not have a significant impact on the creation or elimination of private sector jobs within the state of California. The estimated impact on businesses considers the implied costs that stem from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor can initiate, and therefore, ammunition vendors will not lose business as a result.

Small business determination: The Department has determined that the proposed regulation will not affect the creation or elimination of businesses because the effects from these regulations will be minimal. The estimated impact on small businesses considers the implied costs that come from the processing time for a Standard Ammunition Eligibility Check. The processing time for a Standard Ammunition Eligibility Check does not limit the amount of ammunition transactions that an ammunition vendor that is a small business can initiate, and

therefore, these ammunition vendors will not lose business as a result.

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 the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

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: Ammoregs@doj.ca.gov

The back-up contact person for these inquiries is:

Kelan Lowney
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: (916) 227-7614
Email: Ammoregs@doj.ca.gov

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the "express terms"), the initial statement of reasons, and the information upon which the proposed rulemaking is based are available at the Department's 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 adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts 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's website at <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 regulation in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department's website at <http://oag.ca.gov/firearms/regs>.

**TITLE 13. CALIFORNIA HIGHWAY
PATROL**

TITLE 13. CALIFORNIA CODE OF
REGULATIONS, DIVISION 2, CHAPTER 6,
ARTICLE 1
AMEND SECTION 1152.3

**Explosives Routes and Stopping Places
(CHP-R-2018-05)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of

Regulations, Division 2, Chapter 6, Article 1, Section 1152.3, regarding designated routes for the transportation of explosives by commercial vehicles on highways in the state.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Pursuant to Division 14, Transportation of Explosives, commencing with Section 31600 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying the routes to be used in the transportation of explosives. The CVC requires the CHP to keep information current in regulations with maps indicating designated routes. The CHP's field commands conduct annual surveys on the explosives routes and stops to determine if changes are necessary. The CHP's Inland Division proposed an update of explosives routes in the Mojave Area. The proposed regulation amendments will remove 2.2 miles and extend 10.4 miles of currently designated routes. These updates will provide carriers an alternative route to reduce potential risks associated with the transportation of explosives, and enhance public health and safety in the Mojave Area.

The proposed amendments have received concurrence from the CHP's Inland Division, Kern County Fire Department, State Fire Marshal, and California Department of Transportation.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of the health, safety, and welfare of California's residents, workers, and environment. The changes to the application of the regulation are not substantive and bring the regulation into conformance with existing statute. The proposed changes update and clarify highway routes designated for carriers transporting explosives, and contribute to transportation safety and public health.

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

PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m. on January 28, 2019.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment.

All documents regarding the proposed action are available through the CHP's website at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih or Sergeant Adam Roha, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made

available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Benefits of the Proposed Action: The proposed regulation updating designated routes for carriers transporting explosives will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP 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 BUSINESSES

The CHP has determined that the proposed regulatory action will not affect small businesses. The action is intended to clarify and update the designated routes for commercial vehicles transporting explosives on highways. As a result, no small business will be affected by the update.

ALTERNATIVES

In accordance with Section 11346.5(a)(13) GC, the CHP must determine that no reasonable alternative con-

sidered by the CHP, or otherwise identified and brought to the attention of the CHP, 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 CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 31616 CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 31303, 31304, 31601, 31602, 31607, 31611, 31614, and 31616 CVC.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend sections 206.00, 206.02, 206.04, 206.06, 206.08, 206.10, and 206.12 and adopt sections 206.14 and 206.16 in Article 3.3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Special Interest License Plate program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., Janu-

ary 28, 2019, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code sections 1651 and 5110, in order to implement, interpret, or make specific Vehicle Code sections 5101 and 5105.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 1652 authorizes the department to establish and prescribe forms necessary to process registration transactions. The information requested on the department's application forms allows the department to verify the appropriate records are being updated and ensure the correct plates, cards, documents, or other departmental indicia are being issued. The department's regulations identify forms by name, form number, and revision date to ensure interested parties are aware of the current version of that form that is to be submitted to the department at the time of application. Because so many department forms are available online, it is necessary for clarity that the regulations identify the correct revision date.

The July 2000 version of the special license plate application form was used for both special interest and special recognition license plates and included a fee schedule on the second page. Since then the REG 17 was amended to remove the special recognition license plates making it easier to complete and the fee schedule was moved to a Fast Facts informational brochure, which is provided to applicants by the department in hardcopy or online. The REG 17A was developed as the application for special recognition license plates.

Anticipated benefits of the proposed regulation are discussed below in the Results of Economic Impact Assessment/Analysis section of this document and discussed in the Initial Statement of Reasons document.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other state regulations and has concluded there are no other regulations that establish application guidelines for the special interest or special recognition license plate programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL
STATUTES OR REGULATIONS

The department conducted a review of federal regulations and statutes and has determined that no other regulations address the application for Special Interest or Special Recognition license plates.

DOCUMENTS INCORPORATED
BY REFERENCE

The following documents are incorporated by reference:

- Special Interest License Plate Application, form, REG 17 (Rev. 7/2018)
- Special Recognition License Plate Application, form REG 17A (Rev. 11/2017)

The form REG 17 and the form REG 17A will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL
IMPACT DETERMINATIONS

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This proposed regulatory action may affect small business.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability*

of California businesses to compete with businesses in other states: The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. If an applicant is a business, the proposed amendments do not present any change that would have any economic impact on businesses.

RESULTS OF THE
ECONOMIC IMPACT STATEMENT

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

- **Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California:** As these proposed regulations establish the separate application forms for Special Interest License Plates and Special Recognition License Plates and make clarifying amendments, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.
- **The Expansion of Businesses Currently Doing Business Within the State of California:** These regulations are unlikely to expand businesses within the State of California.
- **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** These proposed regulations establish the separate application forms for Special Interest License Plates and Special Recognition License Plates and make clarifying amendments. As a result, this action is unlikely to produce benefits to worker safety or the State's environment. However, the welfare of California residents may benefit when applicants for a Special Interest or Special Recognition license plate are clear on how to apply and the department is able to process those applications expeditiously and accurately.

PUBLIC DISCUSSION OF
PROPOSED REGULATIONS

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

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

Tracy Brazil, Regulations Analyst
 Department of Motor Vehicles
 Legal Affairs Division
 P.O. Box 932382, MS C-244
 Sacramento, CA 94232-3820

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

Telephone: (916) 657-8919
 Facsimile: (916) 657-6243
 E-Mail: LADRegulations@dmv.ca.gov

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

Randi Calkins, Regulations Analyst
 Department of Motor Vehicles
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

The contact person identified in this notice shall also make available to the public, upon request, the Final

Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the application forms, and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

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

TITLE 14. DEPARTMENT OF PARKS AND RECREATION/DIVISION OF BOATING AND WATERWAYS

California State Parks, Division of Boating and Waterways (“Division”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing on this matter has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the department at least 15 days before the end of the written comment period. Such request should be addressed to the department contact person identified in this Notice and should specify the California Boater Card regulations for which the hearing is being requested.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action before the public comment period closes. The deadline to submit comments is January 28, 2019.

Comments must satisfy the following requirements:

- Comment must be in writing, which includes email.
- Comment must identify the proposed regulatory action being addressed.
- Comments must be sent to the rulemaking agency's contact person for the proposed regulatory action.

Submit comments to:

Charley Hesse, Regulations Analyst

California State Parks
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Harbors and Navigation Code, Division 3, Chapter 5, Article 1.4, Sections 678.1 through 678.15 (Exhibit 1) and Harbors and Navigation Code, Division 3, Chapter 5, Article 1, Sections 668.1 through 668.3 (Exhibit 2) authorize the Division to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific the above-mentioned sections of the Harbors and Navigation Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

This rulemaking action clarifies and specifies the requirements and provisions for development and implementation of the California Boater Card (CBC) Program. This includes provisions for mandatory safety education and the issuance of CBCs, fees required to cover reasonable costs of the development, establishment, and operation of the program, as well as sources for receiving mandatory training, content of annual report to the Legislature and schedule for ages of persons requiring a CBC.

Current laws have no regulations because these are new regulations being developed.

**ANTICIPATED BENEFITS OF
THE PROPOSED REGULATION**

Statistics show that states with some form of mandatory boating safety education have fewer accidents and fatalities. In 2016, there were 588 boating accidents in California, which resulted in 266 injuries, 50 fatalities and \$3,911,886 in property damage. Only two of the 50 boat operators involved in a fatal accident had taken a formal boating safety course (2016 California Recre-

ational Boating Accident Statistics, page 15, [Exhibit 4]). Boaters learning safe boating practices can prevent boating accidents.

Fees collected for CBCs will be sufficient to cover the amount necessary to implement the program, but not exceed those costs.

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

The Division has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Division has concluded that these are the only regulations that concern vessel operator cards.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Division 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 17500–17630: None.

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

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

Cost impacts on a representative private person or business:

The CBC program will charge fees for vessel operators to obtain initial and duplicate vessel operator cards. There will be fines for persons violating Harbors and Navigation Code section 678.15. Both of these items may impact private persons.

The CBC program may cause an increase in persons taking and passing boating safety examinations, and this may positively impact businesses providing these examinations.

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

Significant effect on housing costs: None.

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

The Division concludes that it is (1) unlikely the proposed action will eliminate any jobs, (2) unlikely the proposed action may create an unknown number of

jobs, (3) unlikely the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposal will impact the expansion of existing businesses.

Benefits of the Proposed Action: Statistics show that states with some form of boating safety education have fewer boating accidents and fatalities. The CBC requirement will educate the boating public to establish safer waterways.

Fees collected for CBCs will be deposited into the Vessel Operator Certification Account, established within the Harbors and Watercraft Revolving Fund. Fees will be in an amount sufficient to cover reasonable costs of the program, but not exceed those costs.

SMALL BUSINESS DETERMINATION

The Division has determined that it is unlikely the proposed regulations will adversely affect small businesses. The proposed regulations will implement Harbors and Navigation Code, Division 3, Chapter 5, Article 1, Sections 668.1 and 668.3, and Harbors and Navigation Code, Division 3, Chapter, 5, Article 1.4, Section 678, which clarify and specify implementation of the CBC. This program will impact the public and local law enforcement only.

CONSIDERATION OF ALTERNATIVES

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

The Division is not aware of any reasonable alternatives to the proposed regulations. However, the Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Charley Hesse, Regulations Analyst
California State Parks
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814
Telephone: (916) 327-1741

Please direct requests for copies of the Proposed Text (the “express terms”) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Pamela Dias at the above address.

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

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Proposed Text of the Regulations, the Economic and Fiscal Impact Statement (STD 399) and the Initial Statement of Reasons. Copies may be obtained by contacting Pamela Dias at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if any, and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Pamela Dias at the address indicated above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Pamela Dias at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in

underline and strikethrough can be accessed through our website at www.dbw.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), proposes to adopt new Section 3329.5 into Title 15, Division 3, regarding Automatic Restoration of Forfeited Credits.

PUBLIC HEARING

Date and

Time: **February 1, 2019
10:00 a.m. to 11:00 a.m.**

Place: Department of Corrections and Rehabilitation
Conference Room 100N
1515 S Street — North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **December 14, 2018** and closes on **February 1, 2019 at 5:00 p.m.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact:
S. Pollock
Telephone: (916) 445-2308
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

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

Program Contact:
Chris Hees
Division of Adult Institutions
(916) 327-8987

AUTHORITY AND REFERENCE

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

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5055 provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

PC Section 5058.3 authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of a regulation on an emergency basis.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The proposed regulations align with new regulations for Good Conduct Credit, which established a new

credit earning scheme and criteria effective May 1, 2017 that awards good conduct credit to inmates who comply with the rules and regulations of the prison. These proposed regulations will allow for automatic restoration of an inmate’s forfeited credit for a Division “D,” “E,” or “F” offense discovered on or after May 1, 2017, with the exception of an offense for possession or constructive possession of a cellular telephone or wireless communication device capable of making or receiving wireless communications. Through the use of the Strategic Offender Management System (SOMS), those inmates who meet the criteria to have their forfeited credit restored, will automatically receive the credit. In addition, the proposed regulations will standardize and make consistent the disciplinary-free periods for the Division “D,” “E,” and “F” offenses committed on or after May 1, 2017 to 90 days.

This action provides the following:

- Makes a Division “D,” “E,” or “F” offense committed on or after May 1, 2017 (excluding offenses for possession or constructive possession of a cellular telephone or wireless communication device capable of making or receiving wireless communications) automatically restorable if the inmate remains disciplinary-free for 90 calendar days.
- Provides standardization and consistency for the disciplinary-free periods for a Division “D,” “E,” or “F” offense committed on or after May 1, 2017.
- Defines “Disciplinary-Free” for the purposes of this section.
- Specifies that new Section 3329.5 will not apply to inmates found guilty of a rules violation for unauthorized possession or constructive possession of a cellular telephone or wireless communication device capable of making or receiving wireless communications.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action will benefit CDCR staff and inmates by fully automating the credit restoration process for Division “D,” “E,” and “F” offenses discovered on or after May 1, 2017, and applying the restoration of forfeited credit automatically once the qualifications are met; therefore eliminating the need for a committee action or any further request from the inmate. This will allow the process of restoration of credit to occur in real-time, without necessitating the need for the inmate to initiate a request, nor be scheduled for a committee hearing at a later date. Automating the process for restoration of forfeited credit will ensure consistent application, and provide staff and inmates

with the most accurate and up to date release date information for those inmates deemed eligible to receive restoration of forfeited credit. The proposed regulatory action will encourage positive programming by not only providing a consistent disciplinary-free period, but also an avenue for those inmates to receive credit for offenses which were otherwise deemed ineligible under the prior policy.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS/REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing State laws and regulations. The Department reached this conclusion by researching existing statutes and regulations regarding the restoration of forfeited good conduct credit.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- **Cost to any local agency or school district that is required to be reimbursed pursuant to Government Code Section 17500 et seq.:** *none.*
- **Cost or savings to any state agency:** *none.*
- **Other nondiscretionary cost or savings imposed on local agencies:** *none.*
- **Cost or savings in federal funding to the State:** *none.*

EFFECT ON HOUSING COSTS

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Effect on Jobs/Businesses

The Department has made an initial determination that the proposed regulations will not have an impact on the creation of new or the elimination of existing businesses or jobs within California, or affect the expansion

of businesses currently doing business in California, as the proposed regulations affect only the internal management of CDCR prisons.

Effect on the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Department has made an initial determination that the proposed regulations will have no impact on worker safety, or the State's environment as the proposed regulations only affect the internal management of CDCR prisons. Any benefits to the health and welfare of California residents would only be to the extent of incentivizing inmates to take responsibility for their own rehabilitation and remain disciplinary free, which in turn will provide greater success for their long term rehabilitation and reintegration back into society once released, breaking the cycle of recidivism, and creating safer communities in which they live.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business as the regulations pertain to the internal management of prisons, and the prison population does not have a significant effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, 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. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based, is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website: <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.98 and 3999.200 of the California Code of Regulations (CCR), Title 15, Division 3, concerning the Provisions of Care and Treatment Exclusions.

PUBLIC HEARING

Date and

Time: **February 11, 2019
10:00 a.m. to 11:00 a.m.**

Place: Elk Grove Police Service Center
Elk Grove City Council Chambers
8400 Laguna Palms Way
Elk Grove, CA 95758

Purpose: To receive comments about this action.

The Elk Grove City Council Chambers 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.

PUBLIC COMMENT PERIOD

The public comment period will close **February 11, 2019 at 5:00 p.m.** Any person may submit public comments in writing (by mail or e-mail) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA 95758 or by e-mail to CCHCSRegs@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Inquiries regarding this Notice or the substance of the proposed regulatory action should be directed to:

D. Dinnell
Health Care Regulations and Policy Section
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2921

Backup contact:

D. Gouldy
Associate Director
Risk Management Branch
California Correctional Health Care Services
(916) 691-2922

AUTHORITY AND REFERENCE

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

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Section 5054, PC; *Plata v. Brown*, (No. C01-1351 TEH), U.S. District Court, Northern District of California.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current laws provide for health care definitions and provisions of care and treatment exclusions for inmates.

This action:

- Aligns the regulatory language with the current approval process for sex-reassignment surgery (SRS).

- Provides inclusion of all health care disciplines.
- Amends excluded services, definitions, and provisions to reflect current practice.

FORMS INCORPORATED BY REFERENCE

Not applicable.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulations will benefit the Department and/or patients by clarifying the process by which health care services will be provided to patients. The proposed regulations will also eliminate particular treatment exclusions when treatment is necessary. In addition, the proposed regulations establish the review and approval process for requests for SRS and integrate health care service approvals across medical, mental health, and dental disciplines.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to Government Code section 11346.5(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 determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*
- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs. The proposed regulations provide an internal review and approval process for SRS and remove particular treatment exclusions which only affect CDCR patients.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations provide an internal review and approval process for SRS and remove particular treatment exclusions which only affect CDCR patients.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The proposed regulations provide an internal review and approval process for SRS and remove particular treatment exclusions which only affects CDCR patients.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations provide an internal review and approval process for SRS and remove particular treatment exclusions which only affect CDCR patients.

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small business because the proposed regulations provide an internal review and approval process for SRS and remove particular treatment exclusions which only affect CDCR patients.

CONSIDERATION OF ALTERNATIVES

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 provisions of law.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF
PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov/health-care-regs/>.

AVAILABILITY OF THE
FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF
CHANGES TO PROPOSED 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 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
DEVELOPMENTAL SERVICES**

Background

The Department of Health Care Services (DHCS), in partnership with the Department of Developmental Services (DDS), is seeking to amend the 1915(c) Home and Community-Based Services (HCBS) Waiver for Persons with Developmental Disabilities.

Description of Waiver Amendment

The HCBS waiver is available statewide to provide individuals with developmental disabilities the desired services and supports needed to implement their Individual Program Plan (IPP). The proposed amendment will include the following changes:

- Community Crisis Homes
 - the addition of Community Crisis Homes as a new provider type under Behavioral Intervention Services,
 - the establishment of a new Community Crisis Homes rate methodology for this provider type, developing a monthly rate based on the facility component, the individualized services and supports component, and the transition plan component,
 - the addition of an 18 month limitation on participant stays at Community Crisis Homes unless additional days are approved by the Department
 - DDS development of the residential option of Community Crisis Homes as required by Senate Bill 856 (2014). This alternative living option is an adult residential facility, providing 24-hour nonmedical care to individuals with developmental disabilities receiving regional center services and in need of crisis intervention services to prevent admission to a more restrictive environment.
- Time Limited Rate Increase
 - A time limited rate increase for specified service providers of Community-Based Day Services, In-Home respite agencies, and providers of Community Living Arrangement Services with rates set using the Alternative Residential Model;
 - The 2018 Budget Act provided DDS with time limited funding for service provider rate increases. DDS was tasked with determining the methodology of how the funds will be distributed, in consultation with the

California Department of Finance. These funds will be available for 12 months upon CMS approval. Each of the above service provider types will receive a rate increase of approximately 2.07%.

- Community Based Adult Services
- The addition of Community Based Adult Services as a new service, and establishment of the rate to be the maximum rate based on the Schedule of Maximum Allowances, to align the HCBS Waiver for Persons with Developmental Disabilities with services available in the 1915(i) State Plan;
- Adult Day Health Care Center:
- The addition of “Adult Day Health Care Center” as a new provider type under Community Based Adult Services, and establishment of the rate for the provider type to be the maximum rate based on the Schedule of Maximum Allowances, to align the HCBS Waiver for Persons with Developmental Disabilities with services available in the 1915(i) State Plan.

The aggregate fiscal impact of this amendment is estimated to be \$172,200,000 for waiver years 2–5.

The DDS is soliciting input on the proposed amendment to the 1915(c) HCBS Waiver for Persons with Developmental Disabilities under the Social Security Act. The waiver amendment application will be posted on the DDS website at <http://www.dds.ca.gov/waiver/home.cfm>. The public comment period will begin on December 14, 2018. Public comments will be considered through January 14, 2019. Comments or requests to review/receive a hardcopy of the application can be submitted via email to ashley.draper@dds.ca.gov or in writing to the Department of Developmental Services, Attention Federal Program Operations Section, 1600 Ninth Street, Room 310, MS 3–8, Sacramento, CA 95814.

If you have any questions please contact Ashley Draper, Assistant Chief, Federal Programs Operations Section at (916) 653–0960 or Ashley.draper@dds.ca.gov.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES Research on American Peregrine Falcon

The Department of Fish and Wildlife (Department) received a proposal on January 26, 2018 from Teresa Ely, on behalf of the Golden Gate Raptor Observatory, Sausalito, California, requesting authorization to take American Peregrine Falcon (*Falco peregrinus anatum*) (“falcon”), a Fully Protected bird, for scientific research purposes consistent with conservation and recovery of the species.

Ms. Ely proposes to study the falcon in Marin County, in accordance with methods approved by the Department. The proposed research consists of tracking and monitoring falcons during migration to better understand the movement patterns of the species. Additionally, this research will investigate falcon genetics, parasite loads, and the effects of bio-contaminants (e.g., anticoagulant rodenticide and heavy metals) on the falcon. Ms. Ely and any others deemed qualified by the Department, would collect data by live capturing, measuring, banding, color-marking, attaching/removing biotelemetry devices (e.g., GSM/Solar/GPS backpack unit), and collecting blood and feather samples from the falcon. No adverse effects on individual falcons or falcon populations are expected. Other research locations and activities may be added by the Department in the future. If any falcons are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Ely as the Principal Investigator, to carry out the proposed research activities on the falcon. Ms. Ely is also required to possess valid federal permits for the fal-

con, and a scientific collecting permit (SCP) to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after January 14, 2019, for an initial and renewable term of up to, but not to exceed four years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-445-3615.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF EXTENSION OF THE
PUBLIC COMMENT PERIOD FOR
THE NOTICE OF INTENT TO LIST:**

**p-CHLORO- α,α,α -TRIFLUOROTOLUENE
(*Para*-chlorobenzotrifluoride, PCBTF)**

On November 23, 2018, the California Environmental Protection Agency's (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) published in the *California Regulatory Notice Register* (Register 2018, No. 47-Z) a Notice of Intent to List *p-chloro- α,α,α -trifluorotoluene* (also known as *para-chlorobenzotrifluoride*, or PCBTF) as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986¹.

The November 23, 2018 notice initiated a 30-day public comment period that was scheduled to close on December 24, 2018. OEHHA has received a request from the American Coatings Association seeking an extension of the comment period. **OEHHA hereby ex-**

**tends the public comment period until 5:00 p.m.,
Wednesday, January 23, 2019.**

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

Mailing Address: Julian Leichthy
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, CA 95812-4010

Fax: (916) 323-2265

Street Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home address or personal telephone numbers. Electronic files submitted should not have any form of encryption.

If you have any questions, please contact Mr. Leichthy at Julian.Leichthy@oehha.ca.gov or at (916) 445-6900.

DISAPPROVAL DECISION

CALIFORNIA HORSE RACING BOARD

**State of California
Office of Administrative Law**

**In re:
California Horse Racing Board**

**Regulatory Action: Title 4
California Code of Regulations
Amend section: 1865**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-1010-08

OAL Matter Type: Regular (S)

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

SUMMARY OF REGULATORY ACTION

This regulatory action by the California Horse Racing Board (Board) proposed to repeal the minimum fine for trainers that do not correctly identify the true sex of a horse in the official race program and to extend liability to other “responsible parties.” This action also proposed to revise the requirement to declare a horse from a race if the trainer failed to report the horse’s true sex to the racing office prior to the opening of wagering for a race.

On October 10, 2018, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On November 26, 2018, OAL notified the Board that OAL disapproved the proposed regulation pursuant to the Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reason for OAL’s action.

DECISION

OAL disapproved the above-referenced regulatory action because the proposed regulation failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3).

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit this regulatory action within 120 days of its receipt of this Decision of Disapproval. A copy of this Decision will be emailed to the Board on the date indicated below.

The Board must make all substantial regulatory text changes, which are sufficiently related to the original text, available to the public for comment for at least 15 days pursuant to Government Code section 11346.8, subdivision (c), and section 44 of title 1 of the CCR before adopting the regulation and resubmitting this regulatory action to OAL for review. Additionally, any comments made on these proposed modifications must be presented to the Board for consideration prior to the Board’s final vote on the proposal, and be summarized and responded to in the final statement of reasons. (Gov.

Code, sec. 11346.8, subd. (c); Gov. Code, sec. 11346.9, subd. (a)(3).)

If you have any questions, please contact me at (916) 323-6820.

Date: December 3, 2018

Lindsey S. McNeill
Attorney

For: Debra M. Cornez
Director

Original: Rick Baedeker,

Executive Director

Copy: Harold Coburn

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

File# 2018-1022-01

BOARD OF ACCOUNTANCY

CBA’s Practice Privilege Program

The Board of Accountancy submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to remove the December 31, 2018 and January 1, 2019 inoperative dates on practice privileges regulations currently in California Code of Regulations, title 16, division 1, article 3 and in section 18(a) under article 3, respectively.

Title 16

AMEND: 18

Filed 12/03/2018

Agency Contact: Aaron Bone (916) 561-1792

File# 2018-1023-02

BOARD OF PSYCHOLOGY

Clean-up

This filing of changes without regulatory effect by the Board of Psychology amends and repeals sections for the purpose of cleaning up the division. The changes include deleting sections that have been repealed by operation of law, removing references to effective dates of regulations that are no longer relevant, and other minor editorial corrections.

Title 16

AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71

Filed 12/05/2018

Agency Contact: Jason Glasspiegel (916) 574-7137

File# 2018-1019-03

CALIFORNIA ENERGY COMMISSION

Siting and Procedure Regulations

This action updates and restructures regulations related to adjudicatory proceedings for power plant licensing and enforcement actions, filing and review of applications for small power plant exemptions, amendments to power plant licenses, and fees for power plant licensing and operations.

Title 20

ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309

Filed 12/05/2018

Effective 01/01/2019

Agency Contact: Jared Babula (916) 651-1462

File# 2018-1016-07

CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

Fees — CA Underground Facilities Safe Excavation Board

This action by the California Underground Facilities Safe Evacuation Board proposes to adopt a fee schedule and procedures for members of regional notification centers.

Title 19

ADOPT: 4010

Filed 11/30/2018

Effective 01/01/2019

Agency Contact: Diane Arend (916) 568-2917

File# 2018-1023-04

DEPARTMENT OF FOOD AND AGRICULTURE
Agricultural Seeds, Vegetable Seeds

The Department of Food and Agriculture is updating their list of seeds or propagules of plants that may be sold and grown in agriculture. This change will harmonize the list with the industry standard and ensure compatibility with other states. Some of the changes include removing buffelgrass from the list so it can be regulated as a noxious weed. Also being removed from the list is little mallow which is a common weed. Other crops will be added including Adzuki bean and Bell bean. Several other species of crop seed are being added to the list and additional typographic and formatting corrections are being made.

Title 3

AMEND: 3899

Filed 11/29/2018

Effective 01/01/2019

Agency Contact: Karen Olmstead (916) 403-6879

File# 2018-1105-01

DEPARTMENT OF GENERAL SERVICES

Certification of Disabled Veteran Business Enterprises

This resubmittal action adopts and amends regulations pertaining to the Disabled Veteran Business Enterprise (DVBE) program including making many general clarifications throughout, adding new definitions, repealing obsolete terms, reorganizing sections, and updating authority and reference citations.

Title 2

ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97

Filed 11/29/2018

Effective 01/01/2019

Agency Contact: Anda Draghici (916) 375-3115

File# 2018-1016-06

DEPARTMENT OF INSURANCE

Workers' Compensation Deductible Policies

The California Department of Insurance is adopting regulations to specify the forms of collateral or security that an insurer may designate, and rules regarding the establishment of reserves and recognition of receivables, for use in connection with workers' compensation deductible policies.

Title 10
ADOPT: 2509.80, 2509.81, 2509.82
Filed 11/29/2018
Effective 01/01/2019
Agency Contact: George Teekell (415) 538-4390

File# 2018-1018-02
DEPARTMENT OF MOTOR VEHICLES
Driver's Licenses and Identification Cards

This filing of changes without regulatory effect by the Department of Motor Vehicles amends the requirements for documentation required to obtain a Real ID-compliant driver's license or identification card.

Title 13
AMEND: 17.00
Filed 11/29/2018
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-1018-03
DEPARTMENT OF MOTOR VEHICLES
Fee for Vehicle Code Book

Vehicle Code section 1656, requires the Department of Motor Vehicles to publish the complete text of the California Vehicle Code once every two years and to distribute it at a cost sufficient to pay the entire cost of publishing and distribution. This change will adjust the fee of the Vehicle Code Book from sixteen dollars to eighteen dollars. The change is exempt from the APA under Government Code section 11340.9(g), and DMV has filed it with OAL as a File & Print.

Title 13
ADOPT: 425.01
Filed 12/04/2018
Effective 01/01/2019
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-1108-03
DEPARTMENT OF PUBLIC HEALTH
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 22
AMEND: 20100.5
Filed 12/04/2018
Effective 01/03/2019
Agency Contact: Veronica Rollin (916) 445-2529

File# 2018-1018-05
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Safer Consumer Products: Priority Products List

In this rulemaking action, the Department of Toxic Substances Control adds paint or varnish strippers containing methylene chloride as a Priority Product on the Priority Products List.

Title 22
ADOPT: 69511.3 AMEND: 69511
Filed 12/04/2018
Effective 01/01/2019
Agency Contact: Nancy Ostrom (916) 445-3077

File# 2018-1016-03
DEPARTMENT OF WATER RESOURCES
Inundation Maps

This timely certificate of compliance action makes permanent, with additional amendments, emergency regulations that established inundation mapping requirements for dam owners pursuant to Water Code sections 6160 and 6161.

Title 23
ADOPT: 335, 335.2, 335.4, 335.6 [renumbered to 335.16], 335.8 [renumbered from 335.12(a)], 335.10 [renumbered to 335.12], 335.12 [335.12(a) renumbered to 335.8; 335.12(b)-(c) renumbered to 335.6], 335.14 [renumbered to 335.10], 335.16 [renumbered to 335.14], 335.18, 335.20 AMEND: 310
Filed 11/29/2018
Effective 11/29/2018
Agency Contact: Kristen Martin (916) 227-2170

File# 2018-1019-04
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2018-19

This certificate of compliance makes permanent the emergency regulations adopting the 2018-19 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting (Audit Guide) pursuant to Education Code section 14502.1. (See OAL Matter No. 2018-0611-01.)

Title 5
AMEND: 19810
Filed 12/05/2018
Effective 12/05/2018
Agency Contact:
Timothy E. Morgan (916) 445-7745

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# 2018-1015-02
 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
 Prescription Drug Pricing for Purchasers

The Office of Statewide Health Planning and Development (OSHPD) is adopting regulations to implement SB 17 (Chapter 603, Statutes of 2017), Prescription Drug Pricing for Purchasers. SB 17 states that California has a substantial interest in the price and cost of prescription drugs and mandates notice and disclosure of information relating to the cost and pricing of prescription drugs. The regulations OSHPD is adopting implement the requirement that drug manufacturers notify OSHPD within three days of introducing a new drug at a wholesale acquisition cost that exceeds a specified threshold. Additionally, manufacturers must, within 30 days of this notification, report additional information to OSHPD. Manufacturers must also provide information regarding the rationale for existing prescription drug cost increases that meet identified thresholds.

Title 22
 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087
 Filed 11/29/2018
 Effective 01/01/2019
 Agency Contact: Starla Ledbetter (916) 326-3984

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# 2018-1023-05
 STATE LANDS COMMISSION
 Article 5.1 — Marine Terminal Physical Security

This action repeals article 5.1 of title 2 of the California Code of Regulations regarding physical security at marine oil terminals.

Title 2
 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
 Filed 12/05/2018
 Effective 04/01/2019
 Agency Contact: Ravindra Varma (562) 499-6400

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 12/04/2018
 Effective 01/04/2019
 Agency Contact: Ravinder Kapoor (916) 653-2995

File# 2018-1016-04
 STATE WATER RESOURCES CONTROL BOARD
 San Francisco Bay BP Suisun Marsh TMDLs for Dissolved Oxygen and Mercury

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt a section regarding amendments to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan). The amendments establish site-specific water quality objectives and a total maximum daily load (TMDL) for

dissolved oxygen (DO) in Suisun Marsh. The amendments also add Suisun Marsh to the water bodies addressed by the San Francisco Bay Mercury TMDL. The San Francisco Regional Water Quality Control Board adopted the section, amending the Basin Plan on April 11, 2018 in Resolution No. R2-2018-0015. The State Water Board approved the amendment on August 21, 2018 in Resolution No. 2018-0040.

Title 23
 ADOPT: 3919.18
 Filed 11/29/2018
 Effective 11/29/2018
 Agency Contact: Barbara Baginska (510) 622-2474

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN July 4, 2018 TO
 December 5, 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

- 12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
- 12/04/18 AMEND: 1897
- 11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97
- 11/27/18 AMEND: 1897
- 11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17
- 10/29/18 AMEND: 1896.99.100, 1896.99.120
- 10/22/18 ADOPT: 18215.4
- 10/11/18 AMEND: 1859.51(e)
- 09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
- 09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
- 09/26/18 AMEND: 59760
- 09/24/18 AMEND: 18700.2

- 09/20/18 AMEND: 559.885
- 09/20/18 ADOPT: 211.2 AMEND: 211
- 09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5
- 09/11/18 AMEND: 1859.77.3
- 08/02/18 ADOPT: 59830
- 08/01/18 AMEND: 58200
- 07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705

Title 3

- 11/29/18 AMEND: 3899
- 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

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,
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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

Title 5

12/05/18 AMEND: 19810
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,
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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

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

11/29/18 ADOPT: 2509.80, 2509.81, 2509.82
11/27/18 AMEND: 3704
11/20/18 AMEND: 8000, 8030
11/19/18 ADOPT: 10000, 10001, 10002, 10003,
10004, 10005, 10006, 10007
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,
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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

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12/04/18 ADOPT: 425.01
11/29/18 AMEND: 17.00
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

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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, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23
 09/06/18 AMEND: 1104.1
 08/13/18 AMEND: 7.50
 08/09/18 AMEND: 13055
 07/30/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
 07/30/18 ADOPT: 820.02
 07/30/18 ADOPT: 817.04 AMEND: 790
 07/30/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
 07/19/18 AMEND: 3805.1
 07/05/18 AMEND: 1038

Title 15

11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378
 11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299
 11/01/18 ADOPT: 3999.25
 10/30/18 ADOPT: 3329.5
 10/29/18 REPEAL: 3999.20
 10/22/18 ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157
 10/17/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
 10/08/18 AMEND: 3352.2, 3352.3, 3354, 3355.1
 10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
 10/03/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
 09/13/18 AMEND: 1006, 1029, 1041, 1050, 1069, 1206
 08/20/18 AMEND: 3294.5
 08/13/18 AMEND: 3000, 3190, 3213
 08/06/18 ADOPT: 3999.98, 3999.99, 3999.320 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as

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|-----------------------------------|--|--|--|--|
| 3999.227, 3087.3 | renumbered as | 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 | |
| 3999.228, 3087.4 | renumbered as | | | |
| 3999.229, 3087.5 | renumbered as | | | |
| 3999.230, 3087.6 | renumbered as | | | |
| 3999.231, 3087.7 | renumbered as | 08/08/18 | REPEAL: 1399.531, 1399.532 | |
| 3999.232, 3087.8 | renumbered as | 08/02/18 | AMEND: 3340.17, 3340.41, 3340.45 | |
| 3999.233, 3087.9 | renumbered as | 08/01/18 | AMEND: 2070, 2071 | |
| 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) | renumbered as | | | |
| 08/01/18 | AMEND: 3350, 3350.1 | | | |
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| 12/05/18 | AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 | REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71 | | |
| 12/03/18 | AMEND: 18 | | | |
| 11/28/18 | AMEND: 1399.514 | | | |
| 11/20/18 | AMEND: 2450 | | | |
| 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 | | | |
| | | 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

Title 19

11/30/18 ADOPT: 4010

Title 20

12/05/18 ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309

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

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12/04/18 ADOPT: 69511.3 AMEND: 69511

12/04/18 AMEND: 20100.5

11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087

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

10/22/18 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101

09/04/18 ADOPT: 68400.5, 69020, 69021, 69022

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

08/16/18 AMEND: 5200

08/07/18 ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450

07/25/18 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,

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| | 98382, 98400, 98410, 98411, 98412, 98413 | 11/01/18 | AMEND: 1062, 1063, 1064, 1066, 1068 |
| 07/05/18 | AMEND: 66272.62 | 09/24/18 | ADOPT: 3979.10 |
| Title 22, MPP | | 09/20/18 | AMEND: 315, 316 |
| 11/15/18 | AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425 | 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 |
| 08/24/18 | ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631 | 08/22/18 | AMEND: 3920 |
| 08/22/18 | ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667 | 07/12/18 | ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18 |
| 07/12/18 | AMEND: 87211 | Title 27 | |
| Title 23 | | 11/27/18 | AMEND: 25603 |
| 11/29/18 | ADOPT: 335, 335.2, 335.4, 335.6 [renumbered to 335.16], 335.8 [renumbered from 335.12(a)], 335.10 [renumbered to 335.12], 335.12 [335.12(a) renumbered to 335.8; 335.12(b)-(c) renumbered to 335.6], 335.14 [renumbered to 335.10], 335.16 [renumbered to 335.14], 335.18, 335.20 AMEND: 310 | 08/30/18 | REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2. |
| 11/29/18 | ADOPT: 3919.18 | 08/02/18 | ADOPT: 25501.1 |
| 11/14/18 | AMEND: 3006 | 07/17/18 | AMEND: 25805 |
| 11/05/18 | AMEND: 2200, 2200.4, 2200.6 | Title MPP | |
| | | 09/26/18 | AMEND: 31-206, 31-525 |

