



# 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 5. COMMISSION ON TEACHER  
CREDENTIALING**

**Division VIII of Title 5 of the  
California Code of Regulations  
Proposed Amendments to Title 5 of the  
California Code of Regulations  
Pertaining to Administrative Services Credentials**

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

**PUBLIC HEARING**

A public hearing on the proposed actions will be held:

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on February 4, 2019. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [tduggan@ctc.ca.gov](mailto:tduggan@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be in-

cluded in the written agenda prepared for and presented to the full Commission at the hearing.

**AUTHORITY AND REFERENCE**

Education Code section 44225 authorizes the Commission on Teacher Credentialing (Commission) to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44270, 44270.1, 44270.3, and 44270.4 pertaining to Administrative Services Credentials.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Summary of Existing Laws and Regulations

This rulemaking action proposes the following:

- Amend Title 5 California Code of Regulations (CCR) section 80054.1 to allow out-of-state prepared administrators with at least three years of full-time teaching or services experience to substitute two years of out-of-state administrative experience to satisfy the five-year teaching/services experience requirement for a Preliminary Administrative Services Credential (PASC);
- Update the program standards incorporated by reference in Title 5 of the CCR, section 80054, due to amendments made by the Commission since the June 2014 revision date that include the California Administrator Performance Assessment (CalAPA); and
- Make other minor amendments to Title 5 of the CCR, sections 80054 and 80054.1, for clarity and consistency purposes.

**NECESSITY AND RATIONALE FOR ALLOWING  
OUT-OF-STATE ADMINISTRATIVE  
EXPERIENCE SUBSTITUTION**

Amendments to Title 5 of the CCR, section 80054, took effect on July 1, 2013 and increased the years of required teaching/services experience for the PASC for California prepared administrators from three years to five years. Section 80054.1 was added to Title 5 of the CCR effective October 1, 2015 and details the requirements for out-of-state prepared administrators, including five years of teaching/services experience to align with the experience requirement for California prepared administrators

With very few exceptions, only three years of teaching and/or services experience is required for an individual to qualify for an administrative services creden-

tial in the other states. The increased experience requirement in California creates a potential barrier for out-of-state prepared administrators seeking certification in California. It is entirely possible that an individual with many years of successful administrative experience in another state would not qualify for an administrative services credential in California if the out-of-state administrative credential was issued on the basis of three years of teaching/services experience. Under the current regulations, an out-of-state credentialed administrator with less than five years of teaching or services experience would be required to return to the classroom (or services position) for one or two years to satisfy California's five-year experience requirement, regardless of the number of years the individual was employed in an administrative position. There are three Education Code (EC) sections that specify the requirements for issuance of administrative services credentials to out-of-state prepared administrators (reference EC sections 44270, 44270.3, and 44270.4). Each EC section requires a minimum of three years' teaching or services experience, as applicable to the credential route. The two years of additional teaching/services experience in Title 5 of the CCR, section 80054.1, was added by the Commission; therefore, the Commission may define the type of experience acceptable to satisfy the additional two years of experience. The proposed regulation amendments to allow out-of-state administrative experience to satisfy the up to two years of teaching/services experience will adhere to the statutory three-year experience requirement, maintain the terms of the three credential routes available to out-of-state prepared administrators, and create a procedure for experienced administrators from other states to qualify for an administrative services credential in California.

NECESSITY AND RATIONALE FOR  
AMENDMENTS TO THE ADMINISTRATIVE  
SERVICES PROGRAM STANDARDS  
DOCUMENT INCORPORATED BY REFERENCE

The Administrative Services Program Standards were last amended in June 2014. Since that date, the Commission has adopted several significant amendments to the program standards that are included in the version with the July 2018 revision date. Since the program standards with the June 2014 revision date are currently incorporated by reference in 5 CCR section 80054, the proposed amendments are necessary in order to incorporate by reference the current program standards document with the July 2018 revision date. Specific rationale for the amendments to the program

standards document are provided in the "Program Standards" section beginning on page 5.

NECESSITY AND RATIONALE FOR  
OTHER AMENDMENTS

Several other minor amendments to the language included in 5 CCR sections 80054 and 80054.1 have been proposed as related to referenced Education Code sections and 5 CCR sections, and to add language in the sections related to Commission-approved programs for clarity and consistency purposes.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed addition and amendments are to clarify and make specific the following as related to Administrative Services Credentials:

- allow administrators prepared in other states to substitute up to two years of teaching/services experience earned outside California toward satisfying the five-year experience requirement;
- update the program standards incorporated by reference due to amendments adopted by the Commission since 2014 and that include the CalAPA; and
- Make other minor amendments Title 5 of the CCR, sections 80054 and 80054.1, for clarity and consistency purposes.

The Commission anticipates that the proposed amendments will increase openness and transparency in government by clarifying the requirement for California and out-of-state prepared administrators and by updating the revision date of the Administrative Services Credential Program Standards incorporated by reference that now include passage of the CalAPA as a requirement for the PASC for individuals who complete Commission-approved preliminary programs. The Commission also anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California and their families by assuring administrators will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to perform administrative duties in California's public schools. The Commission does not anticipate that the proposed regulations will result in an increase in the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, or an increase in the transparency in business.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with

existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR sections 80054 and 80054.1 are the only sections related to the issuance of Administrative Services Credentials.

DOCUMENTS INCORPORATED  
BY REFERENCE

Administrative Services Credential Program Standards (rev. 7/2018):

<https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/asc-admin-handbook-2018.pdf>

DOCUMENTS RELIED UPON IN  
PREPARING REGULATIONS

August 2012 Commission agenda item 4B — Exploration of the Concept of a Preliminary Administrative Credential Candidate Performance Assessment:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-08/2012-08-4b-pdf>  
Approval of August 2012 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-1a-pdf>

September 2012 Commission agenda item 2D — Continuation of the Discussion of Examination Options relating to the Preliminary Administrative Services Credential:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-2d-pdf>  
Approval of September 2012 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-09/2012-09-1a-pdf>

December 2012 Commission agenda item 4E — Further Discussion of Assessment Options for the Preliminary Administrative Services Credential:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2012-12/2012-12-4e-pdf>  
Approval of December 2012 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-01/2013-01-1a-pdf>

September 2013 Commission agenda item 4E — Update on Administrator Performance Assessments:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-09/2013-09-4e-pdf>  
Approval of September 2013 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2013-12/2013-12-1a-pdf>

December 2013 Commission agenda item 3B — Update on Administrator Performance Assessment Development:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2014-12/2014-12-3b-pdf>  
Approval of December 2013 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-02/2015-02-2a-pdf>

April 2015 Commission agenda item 4C (Revised) — Update on Work Relating to Administrator Preparation:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-04/2015-04-4c-pdf>  
Approval of April 2015 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-06/2015-06-3a-pdf>

October 2015 Commission agenda item 2F — Update on the Development of Administrator Performance Assessment Design and Implementation Standards and Plans to Develop an Administrator Performance Assessment:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-10/2015-10-2f-pdf>  
Approval of October 2015 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-1a-pdf>

December 2015 Commission agenda item 2F — Update on the Development of Administrator Performance Assessment Design and Program Implementation Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-2f-pdf>

December 2015 Commission agenda item 2H — Proposed Revision of the Enrollment Requirement for the Clear Administrative Services Credential Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2015-12/2015-12-2h-pdf>  
Approval of December 2015 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-1a-pdf>

February 2016 Commission agenda item 3F — Update on the Alignment of the CAPEs and CPSEL and Proposed Adoption and Approval of Administrator Performance Assessment Design and Program Implementation Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-3f-pdf>

February 2016 Commission agenda item 3F Insert:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-02/2016-02-3f-insert.pdf>

Approval of February 2016 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-04/2016-04-2a-pdf>

June 2016 Commission item 2C — Adoption of Revised California Administrator Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-pdf>

June 2016 Commission agenda item 2C Handout:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-handout.pdf>

June 2016 Commission agenda item 2C Insert:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-06/2016-06-2c-insert-apa.pdf>

Approval of June 2016 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-09/2016-09-2a-pdf>

September 2016 Commission agenda item 3F — Proposed Revision to the Preliminary Administrative Services Program Standards to Align with the Recently Adopted CAPEs:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-09/2016-09-3f-pdf>

Approval of September 2016 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-1a-pdf>

October 2016 Commission agenda item 2F — Update on the Development of the California Administrator Performance Assessment (CalAPA):

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-2f-pdf>

Approval of October 2016 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-10/2016-10-1a-pdf>

December 2016 Commission agenda item 3A — Proposed Revision of the Enrollment Requirement for the Clear Administrative Services Credential Standards:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2016-12/2016-12-3a.pdf>

Approval of December 2016 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-02/2017-02-1a.pdf>

June 2017 Commission agenda item 3E — Update on the Development of the California Administrator Performance Assessment (CalAPA) and Pilot Study and Request for a Non-consequential Administration Year (2018-19):

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-06/2017-06-3e.pdf>

June 2017 Commission agenda item 3F — Realignment of the Preliminary Administrative Services Content and Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-06/2017-06-3f.pdf>

Approval of June 2017 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-3a.pdf>

September 2017 Commission agenda item 4E — Realignment of the Preliminary Administrative Services Content and Performance Expectations:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-4e.pdf>

September 2017 Commission agenda item 4E Insert:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-09/2017-09-4e-insert.pdf>

Approval of September 2017 Minutes:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2017-10/2017-10-2a.pdf>

June 2018 Commission agenda item 4C—Proposed Preliminary Administrative Services Credential Program Standards Additions:

<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2018-06/2018-06-4c.pdf>

Approval of June 2018 Minutes:  
<https://www.ctc.ca.gov/docs/default-source/commission/agendas/2018-08/2018-08-1a.pdf>

#### DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* **None.**

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

*Cost or savings to any state agency:* **None.**

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

*Significant effect on housing costs:* **None.**

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

*Cost to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of the Government Code: None.*

*Cost impacts on a 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.

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; (2) unlikely that the proposal will eliminate any jobs within the State of California; (3) unlikely that the proposal will create any new businesses within the State of California; (4) unlikely that the proposal will eliminate any existing businesses within the State of California; and (5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

*Benefits of the Proposed Action:* The Commission anticipates that the proposed amendments will increase openness and transparency in government by clarifying the requirement for California and out-of-state prepared administrators and by updating the revision date of the Administrative Services Credential Program Standards incorporated by reference that now include passage of the CalAPA as a requirement for the PASC for individuals who complete Commission-approved preliminary programs. The Commission also anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California and their families by assuring administrators will have completed the kind of comprehensive preparation and personal mentoring and support required to be more fully prepared to perform administrative duties in California's public schools.

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

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking Administrative Services Credentials that authorize service in California's public schools.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the

agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

#### CONTACT PERSON/FURTHER INFORMATION/AVAILABILITY OF THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to David Crable at (916) 323-5119 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

#### AVAILABILITY OF THE RULEMAKING FILE

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

#### MODIFICATION OF PROPOSED ACTION

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

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-

making package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

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

**TITLE 17. DEPARTMENT OF  
DEVELOPMENTAL SERVICES**

**CHAPTER 3. COMMUNITY SERVICES**

**SUBCHAPTER 23**

**COMMUNITY CRISIS HOMES**

The Department of Developmental Services (DDS) proposes to adopt the proposed regulations as well as forms DS 6023, DS 6024 and DS 6028 described below after considering all comments, objections, and recommendations regarding the proposed action.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at 5:00 p.m. on February 4, 2019.

DDS will only consider comments received by that time.

**CONTACT**

Tiffani Andrade  
Assistant Deputy Director  
Community Development & Housing  
Department of Developmental Services  
1600 9<sup>th</sup> Street, Room 320, MS 3-9  
Sacramento, CA 95814  
FACSIMILE: (916) 654-2775  
EMAIL: [tiffani.andrade@dds.ca.gov](mailto:tiffani.andrade@dds.ca.gov)

**PUBLIC HEARING**

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

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the contact listed above. This notice, the Initial Statement of Reasons and the text of the regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Additionally, all information that DDS considered as the basis for these proposed regulations (i.e., the rulemaking file) is available for public reading/perusal at the contact address listed above. Following the public hearing, or at the end of the written comment period, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing, if requested, and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this notice. If the Office 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 Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Tiffani Andrade at the address indicated above. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AUTHORITY AND REFERENCE**

Welfare and Institutions Code sections 4698 and 4698.1 authorize the DDS to adopt these proposed regulations. The proposed regulations implement Title 17, Chapter 3, Subchapter 23.



INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare and Institutions Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to services and supports in the least restrictive environment. With the reduced reliance on restrictive institutional and out-of-state placements, there is a need to increase community capacity and develop new alternatives, particularly for the most difficult-to-serve individuals.

To continue the development of alternative living arrangements, Senate Bill 856, Chapter 30, Statutes of 2014, requires the Department of Developmental Services (DDS) to develop the residential option of Community Crisis Homes, as well as Enhanced Behavioral Supports Homes. DDS initiated the proposed regulations for Enhanced Behavioral Supports Homes in January 2015, as DDS determined this residential option was a priority in order to provide resources for the individuals leaving the Developmental Centers. The Enhanced Behavioral Supports Homes' permanent regulations have been finalized, and DDS is now proceeding with the development of the Community Crisis Homes regulations. These proposed regulations are the next step to ensure that as individuals relocate out of the Developmental Centers and the Crisis Units close, there are resources for individuals in the community. These homes are also a resource for individuals who might otherwise require more institutional, restrictive settings. The Community Crisis Homes are required by statute to be an alternative to placements such as an out-of-state placement, a general acute hospital, an acute psychiatric hospital, or an institution for mental disease.

The following regulation sections will be finalized:

Section 59000: Defines terms relative to Community Crisis Home and these regulations.

Section 59001: Sets forth general requirements for the operation of the Community Crisis Home.

Section 59002: Specifies the items to be included in the Facility Program Plan to ensure the stable operation of the facility and ensure the health and safety of the consumers in residence.

Section 59003: Requires DDS to review the Facility Program Plan for compliance with the requirements of section 59002, permits DDS to approve the Facility Program Plans, and requires DDS to submit a Certificate of Approval to the Department of Social Services as a condition of licensure.

Section 59004: Specifies the minimum qualifications that must be met by a facility administrator.

Section 59005: Specifies the minimum qualifications that must be met by direct care staff persons.

Section 59006: Specifies the minimum staffing requirements required for the orderly operation of the facility and health and safety of consumers.

Section 59007: Specifies the minimum amount of training required of direct care staff to competently care for consumers.

Section 59008: Specifies the minimum amount of continuing education required of direct care staff for continued competent care of consumers.

Section 59009: Specifies the assessments that must be completed and plans that must be completed to smoothly transition consumers into the Community Crisis Home.

Section 59010: Requires the development of an Individual Behavior Supports Plan for each consumer that outlines the behavioral treatment the consumer will receive.

Section 59011: Requires the maintenance of a facility file and specifies what must be included in the file.

Section 59012: Requires the maintenance of a consumer file and specifies what must be included in the file.

Section 59013: Requires regional centers to monitor a Community Crisis Home for consistent treatment and health and safety of the consumer.

Section 59014: Requires a contract between the Community Crisis Home and the regional center and specifies what must be in the contract.

Section 59015: Allows for contract termination when the Community Crisis Home is unable to maintain substantial compliance with applicable laws or its contract with the regional center or when the Community Crisis Home demonstrates an inability to provide for the health and safety of consumers.

Section 59016: As a matter of due process, allows the Community Crisis Home to appeal the regional center's decision to terminate the contract.

Section 59017: Specifies which situations are considered an immediate danger.

Section 59018: Specifies which situations are considered substantial inadequacies.

Section 59019: Specifies requirements for corrective action plans.

Section 59020: Requires the regional center to apply sanctions when there is noncompliance with the corrective action plan.

Section 59021: Describes the process by which the facility administrator may appeal regional center findings of immediate danger, substantial inadequacies and sanctions.

Section 59022: Sets forth the procedures for development of rates for both facility costs and individual costs

associated with residency, and specifics for payment of said rates.

The legislative change will also affect the following forms, incorporated by reference:

Form DS 6023 Rate Development — Facility Costs (Updated 10/2016): Form to be used to assist in the development of the facility rate.

Form DS 6024 Rate Development — Individual Costs Associated with Residency (Updated 10/2016): Form to be used to assist in the development of individualized consumer rates.

Form DS 6028 Community Crisis Home — Rate Development Transition Costs (New 10/2016): Form to be used to fund additional services and supports for the consumer during times of transition into, or out of, the Community Crisis Home.

#### OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations are expected to improve the health and welfare of California residents with developmental disabilities by filling an unmet need and enabling the development of previously unavailable community living alternatives for individuals who require intensive services and supports due to challenging behaviors. The legislation SB 856, implemented Section 4698 of the WIC code. The proposed regulations benefit the general welfare of people with developmental disabilities by furthering the intent of the Lanterman Act, as well as the federal Americans with Disabilities Act, to support their integration into the community. Otherwise, the proposed regulations will not affect worker safety or impact the state's environment.

Adoption of these proposed regulations is required as a condition of the development of licensed residential facilities authorized by SB 856.

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

DDS 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, DDS has concluded that these are consistent and compatible with Title 22, Division 6, Chapter 6.1 regulations that concern Community Crisis Homes.

#### MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

DDS has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

#### DISCLOSURES REGARDING THE PROPOSED ACTION (Fiscal Impact)

DDS has made the following determination:

Mandate on local agencies and school districts: None.

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

Cost or savings to any state agency: DDS estimates that the proposed regulations will result in General Fund Savings between \$395,000 and \$865,000 annually.

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

Cost or savings in federal funding to the state: DDS estimates that the proposed regulations will increase federal funding by \$379,000 annually.

#### SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

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

#### SMALL BUSINESS IMPACT STATEMENT

DDS has determined that the proposed regulation will not directly impact small businesses. The regulations do not require any person or business to develop and operate a community crisis home.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

#### STATEMENT OF RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

DDS concludes that it is (1) unlikely that the proposal will create or eliminate any jobs; (2) unlikely that the

proposal will create or eliminate any businesses; (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

The regulations do not require any person or business to develop and operate a community crisis home. It is unknown how many existing business will choose to develop and operate these homes, or how many new businesses will be created for this purpose. It is also unknown if existing employees will work in any homes developed, or if new jobs will be created.

#### BENEFITS OF THE PROPOSED ACTION

The benefit analysis was discussed above in the Informative Digest/Policy Statement Overview section of this document and further discussed in the Initial Statement of Reasons document.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DDS has determined 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 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.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person:  
Tiffani Andrade  
(916) 654-3016

Backup:  
Cindie Perryman-French  
(916) 654-1760

## TITLE 17. DEPARTMENT OF PUBLIC HEALTH

### DPH-16-001 Source Material Distribution and General License Revisions

#### PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement overview section of this notice.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on February 4, 2019, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "**DPH-16-001 Source Material Distribution and General License Revisions**" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 636-6220;
3. By Postal Service: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand-delivered: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, "**DPH-16-001 Material Dis-**

**tribution and General License Revisions”** author’s name and mailing address.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California Department of Public Health (Department) proposes to amend, adopt, or repeal sections of title 17 of the California Code of Regulations (17 CCR) covering the following general topics addressing the regulation of source material (uranium and thorium). This action is taken to carry out California’s statutory duty as an Agreement State under federal law to maintain continued compatibility with the programs of the United States Nuclear Regulatory Commission (NRC) for the regulation of source material. This proposal addresses NRC’s amendments to title 10, Code of Federal Regulations, part 40 (10 CFR 40), Domestic Licensing of Source Material, and also amends existing regulations so they are consistent with corresponding NRC provisions found in 10 CFR 30 and 70. Nonsubstantial changes are also proposed.

<b>Topic</b>	<b>Sections Affected</b>
Exemption for persons to possess products containing very small amounts of source material.	Amend 30181.
General license for persons to possess small amounts of source material.	Amend 30191.
General license for persons to possess depleted uranium.	Amend 30192.6.
Specific license for persons to manufacture or distribute products or devices containing depleted uranium.	Adopt 30201.
Specific license for persons to distribute source material to general licensees.	Adopt 30202.
Reports required for persons to distribute source material to general licensees.	Adopt 30202.1.
Records required for licensees.	Amend 30293.

**AUTHORITY AND REFERENCE**

The Department proposes to adopt, amend, or repeal, as applicable, the sections identified in the above table, under the authority provided in sections 114975, 115000, and 131200 of the Health and Safety Code (HSC).

This proposal implements, interprets, and makes specific sections 114965, 114970, 114985(g), 115000, 115060, 115165, 115230, 115235, 131050, 131051, and 131052 of the HSC.

**POLICY STATEMENT OVERVIEW**

*Problem Statement:* Existing Department regulations that address source material fail to address NRC regulatory changes as required by California’s agreement specified in HSC sections 115230 and 115235. This failure could create undesirable public health consequences within California, and other Agreement States such as the States of Nevada, Oregon, and Washington, and inconsistent regulatory oversight of source material on a nationwide basis. Failure to address the NRC’s changes could also result in the NRC re-invoking federal authority over the possession and use of source material by any person or entity within California to protect the public health and safety. Existing regulations also contain provisions that are out-of-date, contain incorrect web addresses and inconsistencies, as well as grammatical and capitalization errors.

*Objectives:* The broad objectives of this proposed regulatory action are to:

- Ensure that the Department’s regulations are compatible with those of the NRC pursuant to the agreement.
- Provide for continuing a consistent and orderly regulatory pattern within the state, among the individual states, and between the federal government and the state, in accordance with legislative policy (HSC § 114965).
- Delete unnecessary regulations.

*Benefits:* Anticipated benefits from this proposed regulatory action are:

- Continued protection of the public health and safety, worker safety, and the environment, as provided for by the Legislature in the following provisions:
  - HSC sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
- Standards and regulatory programs that are compatible with those of the NRC, in accordance with HSC sections 114965(a), 115000(b), and 115235, art. V.
- Regulatory programs that are consistent with those of other states, in accordance with HSC section 114965(c).
- Continued maintenance of a consistent and orderly regulatory pattern within the state, among the individual states, and between the federal government and the state, in accordance with HSC section 114965(b).

- Updated and clear regulations.

EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

Based on the following evaluation, the Department determined that the proposed regulations are not inconsistent or incompatible with existing California regulations. This evaluation included a review of both the Department’s existing general regulations and those regulations specific to the regulatory control of products containing source material. Some inconsistencies in those specific regulations were found and are addressed in this proposal. An internet search of other California state agency regulations was also performed. It was determined that no other California regulation addressed the same subject matter.

PROGRAM BACKGROUND/AUTHORITY

Source material (uranium and thorium, as defined in HSC § 114985 (e)) is contained in ores, chemical mixtures, compounds, solutions, and alloys that are used in many consumer and industrial products, such as vacuum tubes, welding rods, electric lamps, rare earth metals, neutron dosimeters, glazed tableware, ceramics, glass, aircraft, missiles, bullets, optical devices, and photographic prints. Source material is regulated and controlled by both the NRC and the individual states.

The regulatory scheme is structured to allow possession of source material in three ways, as further described below, namely: hold a specific license; be subject to requirements under a particular general license; or, be exempt from both specific and general license requirements.

- Specific licenses: HSC section 114985(h) defines “specific license” as “a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials, or other radioactive material occurring naturally or produced artificially.”
- General licenses: HSC section 114985(g) defines “general license” as a “license, pursuant to regulations promulgated by the Department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials, or other radioactive material occurring naturally or produced artificially.” Title 17 CCR, sections

30190–30192.7 clarify and specify particular types of existing general licenses.

- Exempt products and concentrations: Specific types of products manufactured and distributed by authorized specific licensees may be possessed and used by persons without those persons being subject to regulatory requirements, provided the product is used as labeled. Exempt concentrations may be possessed by persons without those persons being subject to regulatory requirements, provided a certain amount is not exceeded or certain activities are not performed. Persons possessing exempt products and concentrations are commonly called “exempt persons.” Section 115060(c) of the HSC authorizes the Department to create such exemptions.

The Radiation Control Law (RCL) (HSC §§ 114960–115273) requires that the Department develop programs for licensing and regulating source materials. (HSC § 115000(b).) The Department is the successor of the California Department of Health Services and as such has the authority to license and regulate radioactive material under the California Public Health Act of 2006 (Stats. 2006, ch. 241).

In 1962, the State of California ratified and approved an agreement with the United States Atomic Energy Commission, the predecessor of the NRC, by which the federal agency discontinued its regulatory authority over certain radioactive materials. (HSC § 115230.) By such action, California became an “Agreement State.” California, as an Agreement State, has regulatory authority over the possession and use of source material by any person or entity subject to state jurisdiction.

A provision of the agreement between California and the NRC requires that the state “use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials.” (HSC § 115235, art. V.) The NRC’s stated policy is “to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with the NRC’s regulatory program.”

To determine a state’s compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*, Handbook 5.9.<sup>1</sup> This handbook describes the specific criteria and processes that are used to determine which NRC program ele-

<sup>1</sup> *Adequacy and Compatibility of Agreement State Programs*, Management Directive 5.9, page 1. The document is available at the Nuclear Regulatory Commission, Office of State and Tribal Programs website: <https://sep.nrc.gov/procedures/md0509.pdf> (Reference 1).

ments should be adopted and implemented by an Agreement State for purposes of maintaining compatibility, and which NRC program elements have a particular health and safety significance. The NRC rates the elements according to the degree of compatibility required. The NRC requires that some elements be adopted by the states in a form identical to the NRC's. Other elements need not be adopted in identical form, but are still required to meet the "essential objective" of the program element. The NRC's overall determination of the adequacy and compatibility of an Agreement State's program is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program* (IMPEP).<sup>2</sup>

The NRC evaluates Agreement State programs every four years to determine if a state's radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria, the NRC may revoke California's status as an Agreement State and assume direct regulation and control of byproduct, source, and special nuclear material within California.

In conjunction with the NRC's IMPEP review every four years, the NRC procedure (SA-200<sup>3</sup>) requires that Agreement States, when adopting regulations required for meeting the adequacy and compatibility determinations, submit proposed regulations to the NRC for review. The NRC then reviews the proposal to ensure that the proposed regulations meet the applicable NRC compatibility category, defined as follows:

**NRC Compatibility Categories<sup>4</sup> (underlined words are defined below)**

**Category A:** Basic radiation protection standard, or related definitions, signs, labels or terms that are necessary for a common understanding of radiation protection principles. The state program element should be essentially identical to that of NRC.

**Category B:** Program element with significant direct transboundary implications. The state program element should be essentially identical to that of NRC.

**Category C:** Program element, the essential objectives of which should be adopted by the state to avoid conflicts, duplications, or gaps. The manner in which

the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met.

**Category D:** Not required for purposes of compatibility.

**Category NRC:** Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of 10 CFR. The state should not adopt these program elements.

**Category Health & Safety (H&S):** Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The state should adopt the essential objectives of such program elements in order to maintain an adequate program.

[ ] = A bracket around a category (e.g., [B]) means that the section may have been adopted elsewhere and it is not necessary to adopt it again. (Reference 3, p. 7.)

**Definitions<sup>5</sup>**

**Conflict** means that the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a nationwide basis.

**Duplication** means that identical regulations or program elements apply to the same material at the same time. Note: this definition applies primarily to review of Agreement State regulations.

**Essential objective** of a regulation or program element means the action that is to be achieved, modified, or prevented by implementing and following the regulation or program element. In some instances, the essential objective may be a numerical value (e.g., restriction of exposures to a maximum value), or it may be a more general goal (e.g., access control to a restricted area).

**Essentially Identical** means the interpretation of the text must be the same, regardless of the version (NRC or Agreement State) that is read.

**Gap** means that the essential objectives of NRC regulations or program elements are absent from the Agreement State program, and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a nationwide basis.

To ensure compliance with the NRC agreement and to maintain compatibility of state regulations, this proposal amends existing regulations relating to source material, and addresses those changes made by the NRC that were noted in the following volume of the Federal Register (FR): 78 FR 32310 (May 29, 2013).<sup>6</sup>

<sup>2</sup> *Ibid*, pg. 17.

<sup>3</sup> SA-200 is available at <https://scn.nrc.gov/procedures/sa200.pdf> (Reference 3).

<sup>4</sup> Volume 5, Governmental Relations and Public Affairs, *Adequacy and Compatibility of Agreement State Programs*, February 27, 1998, Handbook 5.9, Part II, pp. 4-7, available at: <https://scn.nrc.gov/procedures/md0509.pdf>. Handbook 5.9 is within Reference 1.

<sup>5</sup> *Ibid*, pg. 17.

<sup>6</sup> The citation format 78 FR 32310 (May 29, 2013) means the May 29, 2013 publication of Volume 78, commencing at page 32310, of the Federal Register.

The proposed changes are as follows:

**Amend Section 30181, Products Containing and Quantities of Source Material.** This section is amended to be compatible with 10 CFR 40.13.

**Amend Section 30191, General Licenses — Source Material.** This section is amended to be compatible with 10 CFR 40.22.

**Amend section 30192.6, General Licenses — Depleted Uranium.** This section is amended, without regulatory effect, for consistency and clarity with the proposed adoption of section 30201.

**Adopt section 30201, Requirements and Conditions for License to Manufacture or Distribute Products or Devices Containing Depleted Uranium.** This section is proposed to be adopted for compatibility with 10 CFR 40.34 and 10 CFR 40.35.

**Adopt section 30202, Requirements and Conditions for a License to Distribute Source Material to General Licensees.** This section is proposed to be adopted for compatibility with 10 CFR 40.54 and 10 CFR 40.55(a), (b) and (c).

**Adopt section 30202.1, Reports Required for Distributing Source Material to General Licensees.** This section is proposed to be adopted for compatibility with 10 CFR 40.55(d) and (e).

**Amend section 30293, Records.** This section is amended to clarify when licensees are required to provide records of their activities and to maintain compatibility with equivalent provisions in 10 CFR parts 30, 40, and 70.

MANDATED BY FEDERAL LAW  
OR REGULATIONS

Not applicable.

DOCUMENTS INCORPORATED  
BY REFERENCE

None.

OTHER STATUTORY REQUIREMENTS

None.

BUSINESS REPORTING REQUIREMENT

The Department has determined that this proposed regulation would require businesses to submit a report, and that the report is necessary for the health, safety, and welfare of the people of this state.

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

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

LOCAL MANDATE

The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS

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

EFFECT ON HOUSING

The Department has determined that the regulations will have no impact on housing costs.

EFFECT ON SMALL BUSINESS

The Department has determined that there would be an effect on small businesses, because they will be legally required to comply with the regulation, and may incur a detriment from the enforcement of the regulation.

RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS

The Department has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

**A. The creation or elimination of jobs within the State of California.** The proposal will not impact

the creation or elimination of jobs, because it only addresses compatibility with NRC regulations through restructuring, clarifying, and updating existing regulation, and making a number of nonsubstantial changes.

**B. The creation of new businesses or the elimination of existing businesses within the State of California.** The proposal will not impact the creation or elimination of businesses, because it only addresses compatibility with NRC regulations through restructuring, clarifying, and updating existing regulation, and making a number of nonsubstantial changes.

**C. The expansion of businesses currently doing business within the State of California.** The proposal will not impact the expansion of businesses, because it only addresses compatibility with NRC regulations through restructuring, clarifying, and updating existing regulation, and making a number of nonsubstantial changes.

**D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.** The proposal increases and strengthens the health and welfare of California residents, worker safety, and protection of the state’s environment, because it addresses compatibility with NRC regulations through restructuring, clarifying, and updating existing regulation as intended by the Legislature as follows:

- Continues protection of the public health and safety, worker safety, and the environment, as established by the Legislature in HSC sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
- Maintains compatibility with the standards and regulatory programs of the NRC, as specified in HSC sections 114965(a), 115000(b) and 115235 (article V).
- Maintains consistency with the regulatory programs of other states, as specified in HSC section 114965(c).
- Maintains an orderly regulatory pattern within the state, among the states, and between the federal government and the state, as specified in HSC section 114965(b).
- Initiates and administers programs of surveillance and control of those activities that could lead to the introduction of radioactive materials into the environment, as specified in HSC section 114705.

- Updates and clarifies existing regulations and deletes unnecessary regulations.

FISCAL IMPACT ESTIMATE

**A. FISCAL IMPACT ON LOCAL**

**GOVERNMENT:** There will be an impact as described in item B.1 below.

**B. FISCAL IMPACT ON STATE**

**GOVERNMENT:**

1. State agencies that hire health physicists (HPs) and therapeutic medical physicists (TMPs) and pay for authorizations and renewals would be subject to the proposal. However, such payment is within the agencies’ discretion. The proposed application fee is \$312 for HP or TMP authorization. The renewal fee is \$267 payable every three years. Costs for continuing education (CE) credits widely range from \$5 to \$250 per credit. For 15 CEs every 3 years, the cost ranges from \$75 to \$3,750.
2. The proposed application fee is \$312 and the renewal fee is \$267 payable every three years. Since the renewal fee of \$267 is for a period of three years, the annualized renewal fee is \$89 (\$267 divided by 3).

The applicant pool cannot be accurately estimated because it is unknown how many individuals will apply for authorization. The Department has previously approved 511 individuals. Therefore, 511 renewal applicants are assumed for the purpose of this estimate.

The Radiation Control Fund would receive an estimated one-time increase of \$136,437 (\$267 times 511) due to renewal fees (with a corresponding expenditure of \$136,437), if all 511 previously approved individuals renew their authorization the first year of implementation, and \$45,479 (\$136,437 divided by 3) annually thereafter with corresponding expenditures of the same values for the subsequent fiscal years following implementation of this proposal.

Estimated expenditures are: Fiscal Year (FY) 2019–2020 = \$45,479; FY 2020–2021 = \$45,479.

The fees cover workload increases to review and process applications and renewals, training staff, auditing continuing education credits, analyze laws, regulations and policies, conduct quality assurance, and correspond with customers, etc. as described in the Initial Statement of Reasons.

**C. FISCAL IMPACTS ON FEDERAL**

**FUNDING OF STATE PROGRAMS:** None.

**D. FISCAL IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED:**



There will be a fiscal impact on private persons who wish to obtain the authorization. The cost for the one-time application fee is \$312. The renewal fee is \$267 payable every three years. The cost of complying with the CE requirement ranges widely from \$5 to \$250 per credit. For 15 CEs every 3 years, the cost ranges from \$75 to \$3,750.

- E. **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS:** None.
- F. **OTHER NON-DISCRETIONARY COSTS:** None.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Office 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 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 Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

##### Reference 1

Management Directives (MD) 5.9, *Adequacy and Compatibility of Agreement State Programs*, NRC/Office of State Programs, **now NRC/Office of Nuclear Material Safety and Safeguards (NMSS)**, February 27, 1998. Accessed on October 31, 2017 at: <https://scp.nrc.gov/procedures/md0509.pdf>

##### Reference 2

Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*, NRC/Office of State and Tribal Programs, **now NRC/Office of Nuclear Material Safety and Safeguards (NMSS)**, November 5, 1999 (Revised: February 26, 2004). Accessed on October 31, 2017 at: <https://scp.nrc.gov/procedures/md0506.pdf>

##### Reference 3

State Agreement (SA) 200, *Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements*, NRC/Office of Federal and State Materials and Environmental Man-

agement Programs (FSME), **now NRC/Office of Nuclear Material Safety and Safeguards (NMSS)**, June 5, 2009. Accessed on May 4, 2017 at: <https://scp.nrc.gov/procedures/sa200.pdf>

##### Reference 4

Regulation Toolbox, *Review Summary Sheets for Regulation Adoption for New Agreement States/Programs (10 CFR 30)*, NRC/Office of Nuclear Material Safety and Safeguards (NMSS), May 29, 2013. Accessed on May 4, 2017 at: <https://scp.nrc.gov/regulationtoolbox/10cfr30.pdf>

##### Reference 4a

Regulation Toolbox, *Review Summary Sheets for Regulation Adoption for New Agreement States/Programs (10 CFR 40)*, NRC/Office of Nuclear Material Safety and Safeguards (NMSS), January 12, 2016. Accessed on May 4, 2017 at: <https://scp.nrc.gov/regulationtoolbox/10cfr40.pdf>

##### Reference 4b

Regulation Toolbox, *Review Summary Sheets for Regulation Adoption for New Agreement States/Programs (10 CFR 70)*, NRC/Office of Nuclear Material Safety and Safeguards (NMSS), January 14, 2016. Accessed on May 4, 2017 at: <https://scp.nrc.gov/regulationtoolbox/10cfr70.pdf>

#### CONTACT PERSON

Inquiries regarding the subject matter in this notice may be directed to Phillip Scott, Department's Environmental Management Branch at (916) 440-7978.

Inquiries regarding the regulatory process described in this notice should be directed to Dawn Basciano, Office of Regulations, at (916) 440-7367, or to the designated backup contact person, Linda Cortez (916) 440-7807.

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

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 558-1710 (or the California Relay Service at 711), send an email to [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), or write to the Office of Reg-

ulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

#### FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

#### INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at [www.cdph.ca.gov](http://www.cdph.ca.gov).

### **TITLE 19. OFFICE OF THE STATE FIRE MARSHAL**

#### **California Code of Regulations, Title 19, Division 1, Chapter 13**

#### **California Fire Service Training and Education Program**

The State Fire Marshal (SFM) is providing notice to adopt proposed regulations related to revisions to the certification and training standards for the California fire service described below after considering all comments and objections, or recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD

The SFM will accept written comments regarding this proposed regulatory action for at least 45 days beginning **December 21, 2018 until 5:00 p.m. on February 4, 2019**. The written comment period **closes at 5:00 p.m. (Pacific Time) on February 4, 2019**. All written comments received by that time will be considered and

responded to as part of the compilation of the rulemaking file.

Submit comments to contact via:

- Email: [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov) (include in the subject line of the email "State Fire Training Revisions, Comments"); or
- US Mail (postmarked no later than February 4, 2019) to:

**CAL FIRE/Office of the State Fire Marshal  
PO Box 944246  
Sacramento, CA 94244-2460  
Attn: Diane Arend, Code Development  
& Analysis**

- Hand deliver to: **(8:00 a.m. to 5:00 p.m.)**

**CAL FIRE/Office of the State Fire Marshal  
2251 Harvard Street, 4<sup>th</sup> Floor  
Sacramento, CA 95815  
Attn: Diane Arend, Code Development  
& Analysis**

#### PUBLIC HEARING

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing to accept comments if a written request is received from any interested party or their authorized representative no later than 15 days before the close of the 45-day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person indicated above.

#### AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13155 with reference to 13159(d), Health and Safety Code, to verify that minimum curriculum requirements are being met pertaining to facilities, and faculty standards for schools, seminars, or workshops operated by, or for the state, for the specific purpose of training fire service personnel. The proposed regulations implement, interpret, and make specific sections 13155 through and 13159.10 of the Health and Safety Code.

#### INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The broad objective of this proposed rulemaking action is to better define the regulatory requirements of the SFM Fire Service Training and Education Program and the enforcement and maintenance of those requirements for students, instructors and academics.

The regulations proposed in this rulemaking action implement, interpret, clarify, and make specific the regulatory requirements of the SFM Fire Service Training and Education Program by making the following changes:

- Update the following documents incorporated by reference as identified in Title 19, California Code of Regulations, Section 1990.00:
  1. State Fire Training Procedures Manual (January 2015) version to the (January 2019) edition and
  2. Course Information and Required Materials Manual (CIRM) (May 2015) version to the (January 2019) edition.
- Update the forms incorporated by reference in the (January 2015) version of the State Fire Training Procedures Manual to current (January 2019) edition.
- Provide editorial updates, changes without regulatory effect, identified in Title 19 California Code of Regulations.
- Revise and update the forms incorporated by reference identified in Title 19, California Code of Regulations, Section 1990.00(a).
- Revise and update the Certification Training Standards (CTS) identified in Title 19, California Code of Regulations, Section 1990.01.
- Provide editorial updates to instructor developed “Summative Test” in Title 19, California Code of Regulations, Section 1990.03.
- Clarify ethical conduct for students and classes in Title 19, California Code of Regulations, Section 1990.08.
- Update State Fire Training fees for Emergency Vehicle Technician I, II and III in Title 19, California Code of Regulations, Section 1990.12.

Documents Incorporated by Reference for this rulemaking file:

- The State Fire Training (SFT) Procedures Manual (January 2019) updated and reformatted and replaces the 2015 version.
- The Course Information and Required Materials (CIRM) manual (January 2019) updated and reformatted and replaces the 2015 version with new course information and eliminates older, out-of-date class information.
- Certification Training Standards (CTS) Guides based on National Fire Protection Association (NFPA) Standards:
  1. Chief Fire Officer (September 2017);
  2. Emergency Vehicle Technician I, II, III (June 2018); and

3. Fire Marshal (March 2018).

Forms Incorporated by Reference for this rulemaking file:

- Fee Schedule (January 2018)
- Request for a Student Transcript (February 2017)
- Instructor Application (August 2018)
- Request for Course Scheduling (January 2018)
- Course Returns Checklist (September 2018)
- Certification Examination Request (September 2018)
- Registered Evaluator Code of Conduct (July 2018)
- Certification Examination Retake Application (January 2016)
- Fire Fighter I Certification Upgrade Application (September 2016)
- Fire Fighter I Certification Reciprocity Application (July 2018)

Documents Relied Upon

- Assembly Bill 398, September 6, 2011, Morrell.
- Strategic Plan: Blueprint 2020.

Summary of Existing Laws

Health and Safety Code Section 13157 authorizes the California Fire Service Training and Education Program to be established in the Office of the State Fire Marshal and to:

- (a) Promulgate and adopt rules and regulations necessary for implementation of the program.
- (b) Establish the courses of study and curriculum to be used in the program.
- (c) Establish prerequisites for the admission of personnel who attend courses offered in the program.
- (d) Establish and collect admission fees and other fees that may be necessary to be charged for seminars, conferences, and specialized training given, which shall not be deducted from state appropriations for the purposes of this program.
- (e) Collect such fees as may be established pursuant to subdivision (d) of Health and Safety Code, Section 13142.4.

Summary of Existing Regulations

Existing regulations regarding the proposed changes establish the requirements in California Code of Regulations, Title 19, Division 1, Chapter 13 for the California Fire Service Training and Education Program.

The State Fire Marshal is proposing to amend CCR, Title 19, Chapter 13, Sections 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.07, 1990.08 and 1990.12.

The SFM consulted with the Statewide Training and Education Advisory Committee (STEAC) along with

the State Board of fire Services (SBFS) for recommendations and analysis of the proposed amendments and they concur with this proposal. Further, both advisory committees, STEAC and SBFS, had made recommendations to the State Fire Marshal to adopt these changes. These were conversations only and there were no documents relied upon in connection with these consultations.

Summary of Effect

There is negligible effect these changes will have on the training system. The largest effect is adding 5 new Certification Training Standards (CTS) Guides which are incorporated by reference: Chief Fire Officer, Emergency Vehicle Technician I, II, III and Fire Marshal. Additionally, the regulations adjust and update a business practice that is firmly established and in-place.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Evaluation of Consistency/Incompatibility with Existing State Regulations

The Office of the State Fire Marshal (OSFM) determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the OSFM has concluded that this is the only regulation that concerns firefighter training and education for the purposes cited in Health and Safety Code Section 13157.

Objective and Anticipated Benefits

The broad objective of the proposed action is to further define the regulatory requirements of the SFM fire service training and education program. The specific benefit anticipated from the regulation is the addition of Certification Training Standards (CTS) Guides based on National Fire Protection Association (NFPA) Standards for Chief Fire Officer; Emergency Vehicle Technician I, II, III; and Fire Marshal in both referenced documents, SFT Procedures Manual and the Course Information and Required Materials Manual (CIRM) and providing new (January 2019) versions. Revising and reformatting these documents reduces redundancy, provides clarity and allows customers to find referenced procedures and forms easier and faster.

The SFM developed the regulations in cooperation and with the knowledge and approval of STEAC and SBFS and has sought out their recommendations and analysis of the proposed amendments. The advisory committee concurred with the proposal. Each recommended change is recorded on the minutes of the quarterly meetings for each of the advisory committees.

**OTHER MATTERS PRESCRIBED BY  
STATUTE APPLICABLE TO THE  
AGENCY OR ANY SPECIFIC REGULATION  
OR CLASS OF REGULATIONS**

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations. There are no other matters to identify.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost or savings to any other State agency: **None.**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None.**
4. Other non–discretionary cost or savings imposed upon local agencies: **None.**
5. Cost or savings in federal funding to the State: **None.**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None.**
7. Significant effect on housing costs: **None.**

**COST IMPACTS ON REPRESENTATIVE  
PERSON OR BUSINESS**

8. There is no cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**DECLARATION OF EVIDENCE**

The OSFM has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

**EFFECT ON SMALL BUSINESS**

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

The proposed regulation will not affect small business because the California Fire Service Training and Education Program targets governmental agencies that employ and/or train fire fighters. Some small businesses also provide training resources but these proposed regulations will not affect their operation or their ability to profit.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The SFM concludes that the adoption of these regulations *will not*:

- a) Create or eliminate jobs within California;
- b) Create new businesses or eliminate existing businesses within California; or
- c) Affect the expansion of businesses currently doing business within California.

The State Fire Marshal has assessed that this regulatory proposal:

- d) Will benefit the public health and welfare of California residents, worker safety, and the environment by providing standardized training throughout the state.

CONSIDERATION OF ALTERNATIVES

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

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

BUSINESS REPORT

This regulatory proposal does not mandate any new reporting or recordkeeping requirements beyond the business practice that has already been established by the SFM.

CONTACT PERSON(S)

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations or other information upon which the rulemaking is based may be directed to:

- CAL FIRE/Office of the State Fire Marshal:

**General Inquiries:**

Diane Arend, Regulations Coordinator  
 (916) 568-2917  
[diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)

**Substantive or technical questions:**

Caryn Petty, Deputy SFM, State Fire Training  
 (916) 662-0611  
[caryn.petty@fire.ca.gov](mailto:caryn.petty@fire.ca.gov)

Chris Fowler, Supervising Deputy SFM, State Fire Training  
 (916) 508-4120  
[chris.fowler@fire.ca.gov](mailto:chris.fowler@fire.ca.gov)

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office indicated above. As of the date this notice is published in the Notice Register, the SFM's rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons for the proposed action, the economic impact assessment contained in the initial statement of reasons and documents incorporated by reference or relied upon. Copies may be obtained through the contact person(s) at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received by the State Fire Marshal, and following the 45-day comment period, the SFM 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 modified text — with changes indicated — shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. The SFM will accept written comments on the modified regulations for

15 days after the date on which they are made available. To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modified regulations. Please send requests for copies of any modified regulations to the contact person.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action (NOPA), the Initial Statement of Reasons (ISOR), the Text of Proposed Regulations (ET) in underline and strikeout, and any other materials or documents incorporated by reference or relied upon may be accessed through the SFM website at: [http://osfm.fire.ca.gov/codedevelopment/codedevelopment\\_title19development.php](http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development.php).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2018-013-05**

**Project:** Meadowood Specific Plan

**Location:** San Diego County

**Applicant:** Jimmy Ayala, Pardee Homes

**Notifier:** Beth Procsal, RECON, Inc.

**Background**

Pardee Homes (Applicant) proposes to develop approximately 218 acres of a 399-acre site for residential housing and associated uses. The Applicant's Meadowood Specific Plan (Project) development proposal includes the construction of 800-900 single-family and multi-family residential units, an elementary school

site<sup>1</sup>, a neighborhood park, pocket parks, 5.9 miles of multi-use recreational trails, and supporting infrastructure (i.e., roadways, detention basins, storm drains, and sewer and water facilities including the placement of two 2.5-million-gallon potable water storage tanks on the Project site).

The Project will also include three on-site open space areas: (1) agricultural open space to retain existing citrus and avocado groves; (2) cultural open space to preserve cultural resources; and (3) 122.3 acres of biological open space to retain sensitive biological habitat. Although approximately 1.81 miles of the proposed 5.9 mile multi-use trail system will pass through the biological open space, the Applicant will construct that portion of the trail along the existing dirt road located in the biological open space. No additional trails will be constructed or otherwise established within the biological open space. In addition, the Applicant will implement a limited building zone extending out 100 feet from the border of the biological open space to ensure that no brush management will occur within the biological open space.

All fuel modification zones will be contained within the Project site boundaries, with the exception of one zone located at the southwestern end of the Project site (north of Street R) where brush management activities will extend off site by 60 feet.

Additional off-site Project features include expanding "Street R," also known as "Pankey Place," by approximately 45 feet on each side of the existing bottom of the roadway prism, paving Street R, constructing an access road to the proposed water storage tanks, installing a storm drain and access road, performing minor improvements such as cut-fill areas for slope stabilization, and realigning the road at the southern end of the intersection of Horse Ranch Creek Road and State Route 76.

Project construction is anticipated to occur in two phases over the course of approximately 2.5 years. Project site access will only occur over the existing roads off of Horse Creek Road and pre-existing agricultural dirt roads across the property.

The Project activities described above — specifically, Project activities associated with specific off-site Project features including the widening of Street R, the manufactured slope south of Street R, and the realigned road at the intersection of Horse Creek Road and State

<sup>1</sup> If the Bonsall Unified School District ultimately decides not to build on the school site, then the Applicant will construct additional single-family residential units within the existing Project footprint.

Route 76 — are expected to incidentally take<sup>2</sup> least Bell's vireo (*Vireo bellii pusillus*; Vireo). In particular, Vireo could be incidentally taken as a result of the permanent removal of approximately 0.39 acre and temporary removal of 0.52 acre of Vireo-occupied habitat. Though all clearing and grubbing of the riparian habitat will be conducted between September 16 and March 14 to avoid the Vireo breeding season, Project activities resulting in the loss of habitat may result in displaced Vireo unable to find forage or shelter and Vireo may be subject to increased predation as a result of Project activities, causing death or injury. Vireo not directly impacted by Project activities may be indirectly impacted by increased intraspecies and interspecies competition for resources including forage and territory establishment, and may lead to a localized reduction in fecundity. Vireo is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and an endangered species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(5)(I).)

Vireo have been documented as present within the Project site and there is occupied Vireo habitat both within and adjacent to the Project site. Because of the presence of Vireo and suitable Vireo habitat within the Project site, as well as the dispersal patterns of Vireo, the United States Fish & Wildlife Service (Service) determined that Vireo is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of Vireo.

According to the Service, the Project will result in the permanent loss of 0.39 acre of riparian Vireo habitat. Construction of the Project will also result in the temporary loss of 0.52 acre of riparian Vireo habitat.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the Army Corps of Engineers (ACOE) consulted with the Service as required by the ESA. The Service issued a draft biological opinion (Service file No. FWS-SDG-08B0183-17F0995) on January 19, 2018. On May 31, 2018, the Service issued a revised draft biological opinion (Service file No. FWS-SDG-08B0183-18F0317) to account for Project changes the Applicant made after the Service issued its January 19, 2018 draft biological opinion. On July 12, 2018, the Service issued a final biological opinion (Service file No. FWS-SDG-08B0183-18F1313) (BO) to

<sup>2</sup> Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

the ACOE. The BO describes the Project, requires the Applicant to comply with the terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

On October 30, 2018, the Director of the Department of Fish and Wildlife (CDFW) received a notice from RECON, Inc. on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and Vireo. (Cal. Reg. Notice Register 2018, No. 45-Z, p. 1985.)

### Determination

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and Vireo because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. In accordance with the Service's BO, the Project is expected to result in take of Vireo through the loss of habitat, increased intraspecies and interspecies competition, and increased exposure of predation. The Service does not expect direct take or injury of adult Vireo, their eggs, or nestlings. Specifically, CDFW finds that: (1) take of Vireo will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of, those measures; and (4) the Project will not jeopardize the continued existence of Vireo. The mitigation measures in the BO and ITS include, but are not limited to, the following:

#### Avoidance, Minimization, and Mitigation Measures

- Conservation Measure 3: Permanent impacts to 0.39 acre of occupied Vireo habitat (i.e., southern riparian forest) will be offset, prior to initiating Project impacts, through the purchase of five credits of reestablishment of southern cottonwood-willow riparian forest at the Brook Forest Mitigation Bank. Confirmation of the credit purchase will be provided to the Service prior to initiating Project impacts.
- Conservation Measure 5: To avoid potential impacts to nesting Vireo, clearing and grubbing of riparian habitat will occur outside of the Vireo breeding season (defined as March 15 through September 15).
- Conservation Measure 6: All brush management activities within the fuel modification zone located at the southwestern portion of the Project site (i.e., the zone extending off site) will occur outside of the Vireo breeding season (defined as

March 15 through September 15). The Homeowners' Association (HOA) will be responsible for the long-term maintenance of brush management in this area. To assure that this work is perpetually completed within the appropriate timeframe (i.e., outside of the Vireo breeding season), the Applicant will include these timing restrictions in the HOA's Covenants, Conditions, and Restrictions document as part of the sale package.

- Conservation Measure 7: Prior to initiating Project activities, a Service-approved biologist will supervise the placement of temporary orange construction fencing or the equivalent along the boundary of the development area as shown on the approved grading plans. Temporary fencing will be installed in all Project locations where proposed grading or clearing is within 100 feet of native habitats or within 100 feet of designated preserved areas. A Service-approved biologist will recommend the location and design for fencing and monitor subsequent installation. All construction activities will take place only within the fenced area, and all staging areas will be located within existing roads if outside the fenced area (i.e., will not remove any existing vegetation).
- Conservation Measure 10: A Service-approved biologist will supervise and monitor grading activities to prevent damage to biological resources that are intended to be protected and preserved. The biologist will be on site during clearing activities that are in or within 100 feet of native biological habitat or within 100 feet of designated preserved areas during clearing and grading activities. If there are disturbances, the biologist must report them immediately to the Service.
- Conservation Measure 12: Pets and other domestic animals will not be present in the work area at any time to avoid impacts to listed species.
- Conservation Measure 13: To avoid attracting predators of listed species, the Project area will be kept as clean of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the Project area.
- Conservation Measure 14: To minimize indirect effects to listed species and their designated critical habitats, all nighttime lighting during construction and all nighttime lighting of the completed Project will be shielded and directed away from riparian and upland habitat adjacent to the development.

- Conservation Measure 15: To minimize indirect effects from the introduction of non-native species, appropriate native plants will be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas. The Applicant will not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas adjacent to and/or near native habitat areas. Species listed on the California Invasive Plant Council's Invasive Plant Inventory (<http://www.cal-ipc.org>) will not be used within the landscaped areas. This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. In addition, landscaping adjacent to native habitat areas will not use plants that require intensive irrigation, fertilizers, or pesticides. All water generated from the Project will be treated within the Project footprint.

Monitoring and Reporting Measures

- Conservation Measure 3: Permanent impacts to 0.39 acre of occupied Vireo habitat (i.e., southern riparian forest) will be offset, prior to initiating Project impacts, through the purchase of five credits of reestablishment of southern cottonwood-willow riparian forest at the Brook Forest Mitigation Bank. Confirmation of the credit purchase will be provided to the Service prior to initiating Project impacts.
- Conservation Measure 7: Prior to initiation of project activities, a Service-approved biologist will supervise the placement of temporary orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans. Applicant will install temporary fencing in all locations of the project where proposed grading or clearing is within 100 feet of native habitats or within 100 feet of designated preserved areas. A Service-approved biologist will recommend the location and design for fencing and monitor subsequent installation. All construction activities will take place only within the fenced area, and all staging areas will be located within existing roads if outside the fenced area (i.e., will not remove any existing vegetation).
- Conservation Measure 10: A Service-approved biologist will supervise and monitor grading activities to prevent damage to biological resources that are intended to be protected and preserved. The biologist will be on site during



clearing activities that are in or within 100 feet of native biological habitat or within 100 feet of designated preserved areas during clearing and grading activities. If there are disturbances, the biologist must report them immediately to the Service.

- Conservation Measure 11: Best Management Practices (BMPs) for erosion control will be implemented and monitored as needed to prevent any significant sediment transport. These practices may include, but may not be limited to, the following: the use of materials such as sandbags; sediment fencing and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the down slope side of disturbed areas, to prevent soil loss. A storm drain system and detention basins will be constructed to restrict excess water flow from proposed roads and structures associated with the Project. Filter devices will be installed at the appropriate points to ensure that runoff is cleansed before reaching the basins. All water-catchment features will be located above graded and natural slopes.

Although not a condition of the BO, CDFW requests copies of the following documents:

- As part of Conservation Measure 1, the BO requires the Applicant to record a conservation easement over the Project's biological open space. Applicant is required to provide the Service a draft of the conservation easement for review and approval and a copy of the final easement and evidence of its recordation. CDFW requests copies of the draft and final conservation easement documents.
- As part of Conservation Measure 2, the BO requires the Applicant to submit a Resource Management Plan (RMP) and a Property Analysis Record (PAR) to the Service. CDFW requests copies of draft and final RMP and PAR documents.
- As part of Conservation Measure 3, the BO requires the Applicant to provide the Service with purchase confirmation for five credits at the Brook Forest Mitigation Bank. CDFW requests a copy of this purchase confirmation.
- CDFW requests to receive electronic copies of monitoring and reporting documents produced as a result of activities conducted under Conservation Measures 2, 5, 7, 10, and 11.

Financial Assurances

- Conservation Measure 3: Permanent impacts to 0.39 acre of occupied Vireo habitat (i.e., southern riparian forest) will be offset, prior to initiating Project impacts, through the purchase of five credits of reestablishment of southern cottonwood-willow riparian forest at the Brook Forest Mitigation Bank. Confirmation of the credit purchase will be provided to the Service prior to initiating Project impacts.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of Vireo, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

Date: 11/29/18

By: /s/

Chad Dibble, Deputy Director

Ecosystem Conservation Division

California Department of Fish and Wildlife

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION  
(Summary Disposition)**

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

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

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION

STATE OF CALIFORNIA

OFFICE OF ADMINISTRATIVE LAW

2018 OAL DETERMINATION NO. 5  
(OAL MATTER NO. CTU2018-0530-01)

**REQUESTED BY:** Trayzon C. Gilbert  
**CONCERNING:** Department Operations  
Manual (DOM) Article 25,  
section 52100.4; Inmate  
Indecent Exposure and  
Sexual Disorderly Conduct  
Management; Security  
Measures, Issued by the  
Department of Corrections  
and Rehabilitation.

**DETERMINATION ISSUED  
PURSUANT TO  
GOVERNMENT CODE  
SECTION 11340.5.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

<sup>1</sup> As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

CHALLENGED RULE

The challenged rule was issued by the Department of Corrections and Rehabilitation (Department) and is contained in Article 25, section 52100.4 of the Department’s Operations Manual (DOM).<sup>2</sup> DOM section 52100.4 establishes security measures for inmates who engage in acts of indecent exposure or sexual disorderly conduct. It is attached as Exhibit A, hereafter referred to as DOM section 52100.4.

DETERMINATION

OAL determines that DOM section 52100.4 meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. DOM section 52100.4 is therefore an underground regulation.

FACTUAL BACKGROUND

On May 30, 2018, Trayzon Gilbert (Petitioner) submitted a petition to OAL challenging DOM section 52100.4 as an underground regulation. DOM section 52100.4 issued by the Department, is part of Article 25 — “Inmate Indecent Exposure and Sexual Disorderly Conduct Management,” that indicates an effective date of September 2007.

OAL accepted the petition for consideration on July 24, 2018. The petition was published in the California Regulatory Notice Register on August 10, 2018. Comments from the public were solicited until September 10, 2018. OAL did not receive any comments. A response to the petition from the Department was due no later than September 25, 2018. No response was received from the Department.

DOM section 52100.4 is titled “Security Measures,” and provides the following:

Inmates who engage in acts of Indecent Exposure or Sexual Disorderly Conduct will be subject to Security Measures that are designed to decrease the opportunity for the inmate to repeat the behavior and/or minimize the impact that the behavior has on prison staff and others. Security Measures are tools used by staff for a determinate period to identify, prevent, reduce, and eliminate the behavior.

DOM section 52100.4 articulates security measure requirements concerning the following subject areas:

- Security Precautions
- Application of Security Precautions

<sup>2</sup> The challenged rule attached as Exhibit A was taken from the Department’s website at: [https://www.cdcr.ca.gov/Regulations/Adult\\_Operations/docs/DOM/DOM%202018/2018%20DOM.pdf](https://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/DOM/DOM%202018/2018%20DOM.pdf), on November 26, 2018, as the copy provided by the Petitioner, although legible, was not of adequate quality for reproduction.

- Common Area Offenses
- In Cell/Bed Area Offenses
- Yellow Cell Front Coverings
- Cell Front Covering Requirements
- Exposure Control Jumpsuit
- Disciplinary Restrictions
- District Attorney Referrals
- Classification
- Assessment of SHU Term
- Family Visiting Restrictions
- Mental Health Referral and Evaluations
- Training
- Employee Policy Recommendations regarding Indecent Exposure or Sexual Disorderly Conduct Incidents

In particular, Petitioner is concerned with the requirements for covering the cell windows of inmates accused of indecent exposure with yellow coverings or placards, as well as the mandatory use of “Exposure Control Jumpsuits” (a jumpsuit with a padlock on it) for a minimum of 30 days.

#### UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec. 11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue. (*Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].)

#### ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

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

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, §11342, subd. (g)).<sup>3</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>4</sup>

DOM section 52100.4 was issued by the Department to “ensure that every Indecent Exposure or Sexual Disorderly Conduct incident is reported, tracked, managed, subject to discipline, and referred for prosecution as set forth in [the] policy.” It applies to all inmates within the custody of the Department and is, therefore, a rule of general applicability.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

<sup>3</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>4</sup> See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

Penal Code section 5054 specifically provides that the care and custody of inmates, as well as the management and control of state prisons, is vested in the Secretary of the Department. It states:

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 Department of Corrections and Rehabilitation.

The Secretary, through the use of the Department Operations Manual, is implementing, interpreting and making specific the duties delegated to the Secretary pursuant to section 5054 of the Penal Code when managing inmates who are alleged to have committed Indecent Exposure or Sexual Disorderly Conduct. Indecent Exposure is defined in Penal Code section 314 and Sexual Disordered Conduct is defined in Title 5, section 3000 of the California Code of Regulations. DOM section 52100.4 further implements, interprets and makes specific those provisions of law.

DOM section 52100.4, therefore, meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department has not identified an express statutory exemption from the APA that would apply to DOM section 52100.4, nor did OAL find such an exemption.

#### CONCLUSION

In accordance with the above analysis, OAL determines that DOM section 52100.4 meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. DOM section 52100.4, therefore, is an underground regulation.

Date: December 6, 2018

/s/

Debra M. Cornez  
Director

/s/

Elizabeth A. Heidig  
Assistant Chief Counsel

#### DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

Date: December 7, 2018

To: Samuel Anderson

From: Chapter Two Compliance Unit

Subject: **2018 OAL DETERMINATION NO. 6 (S)**  
**(CTU2018-1012-01)**  
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation California State Prison, Los Angeles County Operational Procedure #555: Dining Hall Demeanor, developed November 2014 and revised December 2017

On October 12, 2018, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether California State Prison, Los Angeles County Operational Procedure #555: Dining Hall Demeanor, hereafter referred to as CSP-LA OP #555, constitutes an underground regulation. The rule challenged by you regarding Dining Hall Demeanor is contained in CSP-LA OP #555, issued by the warden at the California State Prison, Los Angeles, and is attached as Exhibit A. It was developed in November 2014 and revised in December 2017. California State Prison, Los Angeles County, is one of the facilities operated by the Department of Corrections and Rehabilitation (Department).

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

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

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

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

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

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

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

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

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

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

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

Similarly, the rule challenged by your petition was issued by California State Prison, Los Angeles County, and applies solely to the inmates of the California State Prison, Los Angeles County. Inmates housed at other facilities are governed by those other facilities’ criteria for dining hall demeanor. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.<sup>3</sup>

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

December 7, 2018

/s/

Debra M. Cornez  
Director

/s/

Elizabeth A. Heidig  
Assistant Chief Counsel

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

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by

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

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

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

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2018-1114-03

**AIR RESOURCES BOARD**

Amendments to Low-Emission Vehicle III GHG Regulation

The California Air Resources Board is amending regulations to make clear that the “deemed to comply” option for the 2017 through 2025 model years is only applicable if the currently adopted federal regulations, as they existed as of the date the 2017 Final Determination was released (incorporated in the Code of Federal Regulations and last amended in October 25, 2016), is in effect. The “deemed to comply” option is the acceptance of federal program compliance as providing equivalent or better overall greenhouse gas reductions in the state compared to California’s program.

Title 13

AMEND: 1961.2, 1961.3

Filed 12/12/2018

Effective 12/12/2018

Agency Contact: Bradley Bechtold (916) 322-6533

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# 2018-1030-05

**CALIFORNIA SCHOOL FINANCE AUTHORITY**

Project Acceleration Notes and Credit Enhancement Alternative Program

In 2017, the U.S. Department of Education awarded a grant to the California School Finance Authority (Authority). The funds from this grant will be disbursed through the Authority’s Project Acceleration Notes and Credit Enhancement Alternatives (PANACEA) Program to provide credit enhancement to facilitate the financing of the purchase, construction, and/or renovation of facilities for California Public Charter Schools. In this resubmitted regulatory action, the Authority adopts regulations to implement the Authority’s administration of these funds. The regulations address eligibility criteria for the program, award allocation and eligible use of program funds, application review and evaluation criteria, content of applications, audits and conflicts of interest, and funding contingency.

Title 4

ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7

Filed 12/12/2018

Effective 12/12/2018

Agency Contact: Katrina Johantgen (213) 620-2305

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# 2018-1119-02  
 FAIR POLITICAL PRACTICES COMMISSION  
 Gift Limit, Cost of Living Adjustments (COLA)

The Fair Political Practices Commission submitted this action to amend regulations addressing campaign contribution limits, voluntary expenditure ceilings, and gift limit amounts.

Title 2  
 AMEND: 18545, 18700, 18730, 18940.2  
 Filed 12/12/2018  
 Effective 01/11/2019  
 Agency Contact: Ginny Lambing (916) 322-5560

File# 2018-1026-02  
 FISH AND GAME COMMISSION  
 Take Allowance for Non-Cancer Crab in Trap Fisheries

This action establishes limits on the incidental take of crabs that are not in the genus Cancer in the target invertebrate trap fisheries for which take is allowed.

Title 14  
 ADOPT: 126.1  
 AMEND: 125.1, 126 [renumbered to 126.1]  
 Filed 12/10/2018  
 Effective 01/01/2019  
 Agency Contact: Jon Snellstrom (916) 653-4899

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# 2018-1119-01  
 STATE LANDS COMMISSION  
 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: 2970  
 Filed 12/12/2018  
 Effective 01/11/2019  
 Agency Contact: Anne Kerri (916) 574-1912

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN July 11, 2018 TO  
 December 12, 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**  
 12/12/18 AMEND: 2970  
 12/12/18 AMEND: 18545, 18700, 18730, 18940.2  
 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

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 51-Z**

09/11/18 AMEND: 1859.77.3 5212, 5230, 5240, 5250, 5540 REPEAL:  
08/02/18 ADOPT: 59830 5259  
08/01/18 AMEND: 58200 09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063,  
07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 7071  
2605, 2606, 2700, 2701, 2702, 2703,  
2704, 2705 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

**Title 3**

11/29/18 AMEND: 3899 08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218,  
11/06/18 AMEND: 3435(b) 7219, 7220, 7221, 7222, 7223, 7224,  
10/08/18 AMEND: 3591.12 7225, 7227, 7228, 7229  
10/02/18 AMEND: 3591.12 07/26/18 AMEND: 10176, 10177, 10178, 10179,  
09/13/18 AMEND: 6502 10180, 10181, 10182, 10183, 10184,  
09/12/18 AMEND: 3591.13 10185, 10186, 10187, 10188, 10190  
09/12/18 AMEND: 3591.12 07/18/18 AMEND: 2050  
09/06/18 AMEND: 3601  
08/22/18 AMEND: 3591.2

**Title 5**

08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004,  
5005, 5006, 5007, 5008, 5009, 5010,  
5011, 5012, 5013, 5014, 5015 12/05/18 AMEND: 19810  
08/10/18 AMEND: 1380.19, 1430.10, 1430.12,  
1430.13, 1430.50, 1430.51, 1430.53 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:  
08/02/18 AMEND: 3591.2 20119, 20158, 20125, 20216, 20217,  
07/31/18 AMEND: 3 20251, 20251, 20255, 20251, 20260,  
20265  
07/19/18 AMEND: 3591.2 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

**Title 4**

12/12/18 ADOPT: 10200, 10200.1, 10200.2,  
10200.3, 10200.4, 10200.5, 10200.6,  
10200.7 07/23/18 AMEND: 40050.2, 40100.1, 40513,  
40514, 41021  
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,  
**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,  
 6620, 6622  
 09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528,  
 6530, 6532, 6534, 6536, 6538  
 08/31/18 ADOPT: 2218.80, 2218.81, 2218.82,  
 2218.83

**Title 11**

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

**Title 12**

11/07/18 AMEND: 505.2  
 09/27/18 AMEND: 500 (renumbered to 501), 501  
 (renumbered to 505), 501.1 (renumbered  
 to 501.3), 501.2 (renumbered to 505.2),  
 501.3 (renumbered to 505.1), 501.4  
 (renumbered to 505.11), 502  
 (renumbered to 505.3), 502.1  
 (renumbered to 505.6), 502.2  
 (renumbered to 505.12), 502.3  
 (renumbered to 505.4), 503 (renumbered  
 to 501.2), 503.1 (renumbered to 505.7),  
 504 (renumbered to 505.8), 504.1  
 (renumbered to 505.9), 505 (renumbered  
 to 510.1), 506 (renumbered to 500), 507  
 (renumbered to 510.9), 508 (renumbered  
 to 510.10), 509 (renumbered to 520.2)  
 09/25/18 AMEND: 600

**Title 13**

12/12/18 AMEND: 1961.2, 1961.3  
 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

**Title 14**

12/10/18 ADOPT: 126.1 AMEND: 125.1, 126  
 [renumbered to 126.1]  
 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

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07/19/18	AMEND: 3805.1	3999.226, 3087.2	renumbered as
<b>Title 15</b>		3999.227, 3087.3	renumbered as
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	3999.228, 3087.4	renumbered as
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	3999.229, 3087.5	renumbered as
11/01/18	ADOPT: 3999.25	3999.230, 3087.6	renumbered as
10/30/18	ADOPT: 3329.5	3999.231, 3087.7	renumbered as
10/29/18	REPEAL: 3999.20	3999.232, 3087.8	renumbered as
10/22/18	ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157	3999.233, 3087.9	renumbered as
10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1	3999.234, 3087.10	renumbered as
10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1	3999.235, 3087.11	renumbered as
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	3999.236, 3087.12	renumbered as
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	3999.237, 3350	renumbered as
09/13/18	AMEND: 1006, 1029, 1041, 1050, 1069, 1206	3999.200(a), 3350.1	renumbered as
08/20/18	AMEND: 3294.5	3999.200(b), (c), and (d), 3350.2	renumbered as
08/13/18	AMEND: 3000, 3190, 3213	3999.200(f), (g), and (h), 3351	renumbered as
08/06/18	ADOPT: 3999.98, 3999.99, 3999.320 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 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		
	<b>Title 16</b>		
	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		

08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886  
 08/08/18 REPEAL: 1399.531, 1399.532  
 08/02/18 AMEND: 3340.17, 3340.41, 3340.45  
 08/01/18 AMEND: 2070, 2071

**Title 17**

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

**Title 18**

11/20/18 AMEND: 25137-1, 17951-4  
 10/23/18 ADOPT: 35201  
 09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5  
 09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828,

4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256  
 09/10/18 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832  
 08/28/18 AMEND: 2460, 2461, 2462  
 08/20/18 AMEND: 301  
 08/20/18 AMEND: 469

**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

**Title 22**

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: 66720.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147
- 10/22/18 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75 REPEAL: 66273.90, 66273.91, 66273.100, 66273.101
- 09/04/18 ADOPT: 68400.5, 69020, 69021, 69022
- 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, 98382, 98400, 98410, 98411, 98412, 98413
- Title 22, MPP**
- 11/15/18 AMEND: 35000, 35011, 31-005, 31-405, 31-420, 31-425
- 08/24/18 ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631
- 08/22/18 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
- 07/12/18 AMEND: 87211
- Title 23**
- 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
- 11/29/18 ADOPT: 3919.18
- 11/14/18 AMEND: 3006
- 11/05/18 AMEND: 2200, 2200.4, 2200.6
- 11/01/18 AMEND: 1062, 1063, 1064, 1066, 1068
- 09/24/18 ADOPT: 3979.10
- 09/20/18 AMEND: 315, 316
- 08/27/18 ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672, 2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646
- 08/22/18 AMEND: 3920
- 07/12/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18
- Title 27**
- 11/27/18 AMEND: 25603
- 08/30/18 REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25603.3, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2.
- 08/02/18 ADOPT: 25501.1
- 07/17/18 AMEND: 25805
- Title MPP**
- 09/26/18 AMEND: 31-206, 31-525