



# California Regulatory Notice Register

REGISTER 2019, NO. 5-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 1, 2019

## PROPOSED ACTION ON REGULATIONS

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Peach Fruit Fly Eradication Area — Contra Costa County — Notice File No. Z2019-0122-02* ..... 187

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*General Industry Safety Orders (GISO) Section 3203 — Notice File No. Z2019-0118-01* ..... 189

### TITLE 22. DEPARTMENT OF SOCIAL SERVICES

*Adoptions Regulations Revisions — Notice File No. Z2019-0122-05* ..... 193

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF AGING

*Renewal of the 1915(c) HCBS — Multipurpose Senior Services Program (MSSP) Waiver* ..... 198

### DEPARTMENT OF FISH AND WILDLIFE

*California Endangered Species Act (CESA) Consistency Determination Request for Cielo Vista Development Project 2080-2019-001-05, Orange County* ..... 199

### DEPARTMENT OF FISH AND WILDLIFE

*California Endangered Species Act Consistency Determination No. 2080-2018-016-02, Cottonwood Creek Bridge Replacement, Butte County* ..... 199

## OAL REGULATORY DETERMINATION

### DEPARTMENT OF STATE HOSPITALS

*2019 OAL DETERMINATION NO. 1(S) SUMMARY DISPOSITION  
DSH-C Hospital Specific Contraband Justification* ..... 202

(Continued on next page)

*Time-  
Dated  
Material*

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State .....	203
Sections Filed, August 22, 2018 to January 23, 2019 .....	206

## NOTICE OF EDITORIAL CORRECTION

FISH AND GAME COMMISSION .....	212
--------------------------------	-----

---

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

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

## PROPOSED ACTION ON REGULATIONS

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

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3591.12 of the regulations in Title 3 of the California Code of Regulations pertaining to Peach Fruit Fly Eradication Area as an emergency action that was effective on October 2, 2018. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 3, 2019.

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

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on March 18, 2019. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

Following the public hearing if one is requested or following the written comment period if no public hear-

ing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

#### Anticipated Benefits from This Regulatory Action

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

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

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

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

Existing law, CCR Section 3591.12, defines the state's eradication areas for peach fruit fly.

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

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control, and eradication activities against peach fruit fly in Contra Costa County.

The implementation of this regulation will prevent:

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

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

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

#### AMENDED TEXT

This emergency rulemaking action added Contra Costa County to the Peach Fruit Fly Eradication Area. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against peach fruit fly in the county of Contra Costa.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

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

#### *Small Business Determination*

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

Significant effect on housing costs: None.

#### Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

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

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

#### ALTERNATIVES CONSIDERED

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

#### AUTHORITY

The Department proposes to amend subsections 3591.12 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

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

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**General Industry Safety Orders  
Section 3203**

**Employee Access to Injury and Illness  
Prevention Program**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **March 21, 2019** in the **Council Chambers of the Pasadena City Hall, 100 North Garfield Avenue, Pasadena, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **February 1, 2019** and closes at 5:00 p.m. on **March 21, 2019**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On June 15, 2017, the Board adopted the Proposed Petition Decision regarding Petition File No. 562. The

petition decision directed Board staff to convene an advisory committee for the purpose of developing a rule-making proposal to ensure timely employee access to the employer’s injury and illness prevention program (IIPP).

Section 3203 *Injury and Illness Prevention Program* does not explicitly state that employees are entitled to receive, review, or copy their employer’s IIPP. The current proposal is intended to ensure employee access to the IIPP by specifying who can request such access, what information is to be provided, and a timeframe for requests to be fulfilled. The amendments are necessary to clarify that employees have a right of access to the employer’s IIPP, and what that access entails.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemakings be channeled through a single entity (the Standards Board).

The proposed rulemaking differs from federal regulations in that there is no comparable federal regulation.

**Anticipated Benefits**

The anticipated benefit of the proposal is to clarify to employers that employees have the right to access the IIPP as an integral part of an effective IIPP. Ensuring that employees have sufficient access to the employer’s IIPP is beneficial because it will: (1) help employees understand how to communicate hazards to their employer, and (2) aid in the understanding of the IIPP and the role of the employee in creating a safe workplace.

The specific changes are as follows:

**Section 3203. Injury and Illness Prevention Program.**

Section 3203 requires employers to establish, implement, and maintain an effective IIPP. The section requires employers to identify and correct workplace hazards, develop a means to communicate hazards to employees, ensure employee compliance with provisions of the IIPP, investigate injuries and illnesses, and provide training and instruction to affected employees. The employer must also identify a person (or persons) with the authority and responsibility to implement the IIPP.

The proposed amendments provide means for employees to receive access to their employer’s IIPP, if they so choose. The amendments also provide employees the option of obtaining such access through the use

of a third-party representative. Furthermore, details for providing access are included, such as a time frame for providing the IIPP, employer protections for repeat requests, and provisions for some employers to provide the required access online.

Subsection 3203(a)(8) is proposed to be added to clarify to employers that employees have the right to access the IIPP as an integral part of an effective IIPP. Ensuring that employees have sufficient access to the employer’s IIPP will: (1) help employees understand how to communicate hazards to their employer, and (2) aid in the understanding of the IIPP and the role of the employee in creating a safe workplace.

Subsection 3203(a)(8)(A) provides definitions for use in complying with the proposed amendments. The definitions for “access” and “designated representative” are based substantially on corresponding definitions found in Section 3204 *Access to Employee Exposure and Medical Records*. A third definition, “written authorization,” is also based on information from Section 3204 [see subsection 3204(c)(12)]. The definitions will aid employers in understanding key terms, which are important for compliance with the proposed amendments.

Subsection 3203(a)(8)(B) requires the employer to provide access to the IIPP using one of two options. The first option, subsection 3203(a)(8)(B)1.(a) and (b), requires the employer to provide a printed copy of the IIPP, free of charge, within five business days of receipt of the request. Where an employee (or designated representative) agrees to receive an electronic copy of the IIPP in lieu of a printed copy, the employer has the option of providing the IIPP electronically. The proposed language will ensure that employees and their designated representatives have timely access to the IIPP, at no cost to themselves.

Subsection 3203(a)(8)(B)1.b reduces the likelihood of repeated requests for an IIPP, which has not been updated, by allowing the employer to charge for additional copies requested within one year of a previous request. Employers are prohibited from charging for an IIPP which has been updated with new information since the last copy was provided, even if the request comes within one year of a previous request.

The second option for providing access to the IIPP only applies to employers whose employees predictably and routinely use electronic means to communicate with coworkers or management and as part of their work duties. Proposed subsection 3203(a)(8)(B)2. allows employers to comply with the proposed access requirements by providing unobstructed access to the IIPP through a company server or website.

Because of the growing trend of businesses toward paperless communication, employers are increasingly likely to provide access to the IIPP using barrier-free

electronic means. The requirement is designed to allow employees that do not work at a single workstation with printing capabilities to utilize the online access option as long as the employee predictably and routinely has access to the electronic means necessary to review, email, and print the IIPP.

The second option was developed for businesses whose employees typically use electronic means for communication with management or coworkers and as part of their work duties. The subsection will provide reasonable and less burdensome means for ensuring employee access to the IIPP. Employers are required to provide the same information to employees, whether the IIPP is provided via the first or second option.

The proposed language of subsection 3203(a)(8)(C) places limitations on the information an employer is required to provide as part of the IIPP. The language will inform employers that only the program elements required by subsection 3203(a) are required to be provided for compliance with this subsection, and not the records of any steps taken to implement or maintain the IIPP.

Proposed subsection 3203(a)(8)(D) allows employers with multiple programs to provide only the IIPP (or IIPPs) applicable to the employee requesting access. Allowing employers to provide only the information applicable to the requesting employee will ensure that the employee is provided with the appropriate and relevant access to the IIPP.

Subsection 3203(a)(8)(E) requires employers to inform employees of their right to access the IIPP. The subsection also requires the employer to establish a procedure for providing such access. Requiring employers to inform employees of their right to access the IIPP and the procedure to obtain such access will ensure employees can access the information contained in the IIPP.

Subsection 3203(a)(8)(F) informs and clarifies that the proposed amendments are not intended to infringe upon the rights of collective bargaining agents to collectively bargain for more access to safety and health information than is provided by the current proposal. The subsection will ensure that existing and future collective bargaining rights are not affected by the proposal.

DISCLOSURES REGARDING THE PROPOSED ACTION

**Mandate on Local Agencies and School Districts:** None.

**Costs or Savings to State Agencies:** None.

**Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:** None.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

**Cost or Savings in Federal Funding to the State:** None.

**Cost Impacts on a Representative Private Person Or Business:**

The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. A representative business would necessarily need to inform its employees of their right to access the IIPP, and the procedure to obtain such access. When requested, the business may need to provide the employee, or his/her designated representative, with a printed copy of the IIPP.

The Board estimates that informing employees of the right and procedure to access the IIPP could have a one-time cost impact of up to \$10 per business, and that each printed copy supplied will cost about \$0.25. A limited number of printed copies are anticipated to be requested, however, because many employers already provide access to the IIPP by making it available in employee common areas and/or online.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses or individuals, including the ability of California businesses to compete with businesses in other states. All businesses will need to inform their employees of the right to access the IIPP and the procedure to obtain such access. When requested, the business may need to provide the employee, or his/her designated representative, with a printed copy of the IIPP.

The Board estimates that informing employees of the right and procedure to access the IIPP could have a one-time cost impact of up to \$10 per business, and that each printed copy supplied will cost about \$0.25. A limited number of printed copies are anticipated to be requested, however, because many employers already provide access to the IIPP by making it available in employee common areas and/or online.

**Significant Effect on Housing Costs:** None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment may affect small businesses; however, no significant economic impact is anticipated. All businesses will need to inform their employees of the right to access the IIPP and the procedure to obtain such access. When requested, the business may need to provide the employ-

ee, or his/her designated representative, with a printed copy of the IIPP.

The Board estimates that informing employees of the right and procedure to access the IIPP could have a one-time cost impact of up to \$10 per business, and that each printed copy supplied will cost about \$0.25. A limited number of printed copies are anticipated to be requested, however, because many employers already provide access to the IIPP by making it available in employee common areas and/or online.

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

The proposed regulation will not affect the: (1) creation or elimination of California jobs, (2) creation of new businesses or elimination of existing California businesses, or (3) expansion of existing California businesses. The proposed amendments clarify that employers must make the IIPP available to employees and their designated representatives, but do not place significant additional requirements on them.

Many employers already provide employee access to the IIPP through the readily available printed and/or electronic copies. For employers that do not currently provide such access, they will need to ensure that employees can access a copy of the IIPP directly or through a designated representative, upon request.

#### BENEFITS OF THE PROPOSED ACTION

The proposal promotes worker safety by ensuring that employees have sufficient access to the employer's IIPP, which helps employees understand how to communicate hazards to their employer and aids in the understanding of the IIPP and the role of the employee in creating a safe workplace. Employees who may have difficulty understanding the IIPP and its implementation, or who may be hesitant to ask a supervisor for clarification of a matter related to the IIPP, now have an explicit right to obtain a copy of the IIPP for review. No significant environmental impact is anticipated from the proposed action.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would

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

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

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Christina Shupe (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXTS OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice of Proposed Action is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board 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 at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

ORD# 116-15

ITEM #1 Adoptions Regulations Revisions

The California Department of Social Services (CDSS or Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on March 20, 2019, at the following address:

Office Building #8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments related to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 20, 2019.

Following the public hearing, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

CHAPTERS

California Code of Regulations, Title 22, Division 2, Chapter 3, Sections 35000 (Definitions), 35001 (Definitions — Forms), 35002 (Making Corrections or Alterations to the Relinquishment or Consent Form), 35003 (Procedures for Parents Who Cannot Read English or Cannot Read any Language), 35021 (Compliance with CCR Requirements for the Staffing of Adoption Agencies), 35037 (Fees), 35043 (Maternity Care), 35045 (Compliance with CCR Requirements for Content of Case Record), 35047 (Additional Requirements for Adoptions Case Records), 35049 (Releasing Information from an Adoption Case Record), 35050 (Providing Updated Medical Information to Adoptive Parents Post Finalization), 35051 (Providing a Medical Report Upon Request), 35053 (Disclosing Information to the Adoptee), 35055 (Disclosing Information to the Birth Parent), 35059 (Statutory Requirements for Furnishing Information and Access to Case Records), 35061 (Statutory Requirements for the Release of Personal Property), Disclosure of Information to a Sibling), 35063 (Disclosure of Information to a Sibling), 35065 (Services to be Provided Following Finalization of an Adoption), and 35078 (Adoption Facilitators).

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Current law and regulations allow a child who is legally freed to be adopted. California currently regulates adoptions through either an agency, independent, or intercountry adoption. Existing regulations provide procedures for the Department, county, and licensed adoption agencies to provide adoption services of children who are dependents of the juvenile court, relinquished, or placed for adoption.

The proposed regulations revise specific provisions and adopt new language in Title 22, Division 2, Chapter 3, Sections 35000 through 35078. These proposed regulations also incorporate by reference numerous adoption forms and other program-required forms. There have been many enacted legislation that have affected the adoption program regulations since the last major revision.

In 1996, the legislature enacted:

Assembly Bill (AB) 1832 (Chapter 1062, Statutes of 1996). It amended Family Code (FC) section 7576 to state that a man executing a declaration of paternity is conclusively presumed to be the child's father and has the same force and effect as the presumption under FC section 7540, and

AB 2165 (Chapter 510, Statutes of 1996). It adopted FC section 8811.5 to allow a licensed adoption agency to certify prospective adoptive parents by a pre-placement evaluation.

Senate Bill (SB) 2035 (Chapter 1135, Statutes of 1996). It adopted FC sections 8623, 8626, 8636 and 8638 regarding adoption facilitators.

In 2000, AB 2433 (Chapter 937, Statutes of 2000) was enacted. It amended FC section 8801.3 to allow an adoption placement agreement form be signed out of the country and in front of a notary for the purposes of identification of the birth parent only. It also amended FC section 9102 to change the allowed period of setting aside an adoption dealing with fraud from three years to five years.

In 2001, Senate Bill (SB) 104 (Chapter 688, Statutes of 2001) was enacted. It amended FC sections 8801.3 and 8814.5 to change the right to revoke a consent to adoption from 90 days to 30 days.

In 2003, SB 947 (Chapter 469, Statutes of 2003) was enacted. It adopted FC section 8620 to implement the requirements of the Indian Child Welfare Act (ICWA) in regards to proper noticing requirements.

In 2004, SB 1357 (Chapter 858, Statutes of 2004) was enacted. It adopted FC section 7660.5 to allow a presumed father to waive his right to notice. It also amended FC section 8502 to allow an individual who resides outside of the United States who is licensed or certified

to act as an Adoption Service Provider. It further amended FC section 8802 to require any post-adoption contact agreement to be filed with a petition for adoption.

In 2006, the legislature enacted:

SB 678 (Chapter 838, Statutes of 2006). It adopted FC section 8606.5 to implement requirements of the ICWA regarding adoption of Indian children. It also amended FC section 8620 to state all noticing under the ICWA must comply with FC section 180, and

SB 1758 (Chapter 754, Statutes of 2006). It adopted FC section 8632.5 to require all adoption facilitators that operate independently from a licensed public or private adoption agency or an attorney in California to register with the Department.

In 2008, the legislature enacted:

AB 1279 (Chapter 759, Statutes of 2008). It amended FC section 8810 to reduce the statewide income requirement from median to lower income, to allow petitioners to apply for a fee waiver, and

SB 1726 (Chapter 534, Statutes of 2008). It amended FC section 7660.5 to state that a presumed father may waive the right to notice of any adoption proceeding and allow a representative of the Department or a licensed public or private adoption agency to witness the signing of the waiver before or after the birth of the child. It also states that there is no need to terminate parental rights of an alleged father if he signs either a waiver notice, denial of paternity, relinquishment, or consent to the adoption of the child. This bill also adopted FC section 8639 regarding civil penalties charged to the adoption facilitator if they refuse to be included on the adoption facilitator registry. Furthermore, it amended FC section 8814.5 to allow an adoption service provider to witness the signing of the waiver of the right to revoke consent when the birth parent is represented by legal counsel.

In 2011, AB 687 (Chapter 462, Statutes of 2011) was enacted. It amended FC section 7663 to state that the court require an inquiry be made to the mother to identify any presumed or alleged father and that efforts must be made to give notice of the proposed adoption. It also amended FC section 9102 to add that an adoption can be set-aside, vacated, or nullified within 90 days of discovery of the fraud.

In 2012, the legislature enacted:

AB 1757 (Chapter 638, Statutes of 2012). It adopted FC section 8609.5 to state the location of where an adoption petition of a non-dependent

child can be filed. This information was previously located in FC sections 8714 and 8810, and

SB 1013 (Chapter 35, Statutes of 2012). It amended FC sections 8506, 8509, and 8524 to include a county adoption agency to the definition of agency adoption, applicant, and independent adoption. It also adopted FC section 8513 to include the definition of county adoption agency. It further amended FC section 8515 to delete “licensed” from the definition of delegated county adoption agency. In addition, it amended FC section 8530 to delete county adoption agency from the definition of licensed adoption agency. Furthermore, it amended FC 8608 to include county adoption agencies as an agency required to transmit pertinent medical information to adoptees and prospective adoptive parents. Finally, it amended FC section 8620 to include county adoption agencies as one of the agencies responsible for ICWA inquiry.

In 2013, AB 1403 (Chapter 510, Statutes of 2013) was enacted. It amended FC section 7611 to change the definition of “presumed father” to “presumed parent.” It also amended FC section 7661 to change the term to “the other parent” in regards to their relinquishment or consent.

In 2014, AB 1701 (Chapter 763, Statutes of 2014) was enacted. It amended FC section 8807 to state that if petitioners have a valid pre-placement evaluation or agency adoption home study, the investigation agency may elect not to reinvestigate if there is no new information. Any information already covered by the preplacement/home study is acceptable except for completing all background clearances required by law.

These proposed regulations are necessary to implement state and federal laws for the administration of the adoptions program and will help ensure the safety of children adopted through the California adoption process.

The Department conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with the adoption programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state and federal regulations.

The following forms included in these regulations have been amended and are being incorporated by reference:

AD 1A (4/15) — Parental Consent to Adoption (In or Out-of-California)

AD 1F (4/15) — Parental Consent to Adoption (Outside California in the Armed Forces)

AD 20 (4/15) — Refusal to Give Parental Consent to Adoption (Birth Mother/Presumed/Biological Father/Legal Parent)

AD 20B (5/15) — Refusal to Give Parental Consent to Adoption — Alleged Father

AD 42I (3/02) — Independent Adoption Program — Individual Case Report

AD 67 (5/15) — Information About the Birth Mother

AD 67A (7/15) — Information About the Birth Father

AD 90 (6/13) Supporting Information for Issuance of California Department of Social Services Acknowledgment and Confirmation of Receipt of Child Freeing Documents

AD 100 (7/10) — Authorization for Use and/or Disclosure of Information Independent Adoption Program

AD 165 (3/15) — Presumed Father’s Consent to Adoption When Denying He is the Biological Father (In or Out-of-California)

AD 512 (1/14) — Psychosocial and Medical History of Child

AD 588 (4/15) — Denial of Paternity by Alleged Father (In or Out-of-California)

AD 590 (4/15) — Waiver of Right to Further Notice of Adoption Planning (Alleged Father In or Out-of-California)

AD 594 (3/15) — Alleged Father’s Consent to Adoption (In or Out-of-California)

AD 842 (7/15) — Alleged Father’s Consent to Adoption (Outside California in the Armed Forces)

AD 859 (8/15) — Parental Consent to Adoption of Indian Child (In or Out-of-California)

AD 860 (8/15) — Presumed Father’s Consent to Adoption of Indian Child (In-or-Out of California)

AD 861 (8/15) — Alleged Father’s Consent to Adoption of Indian Child (In or Out-of-California)

AD 880 (9/15) — Declaration of Mother

AD 887 (3/18) — Statement of Understanding — Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Child to the Prospective Adoptive Parent(s))

AD 887A (3/18) — Statement of Understanding — Independent Adoptions Program (Parent Who Did Not Give Physical Custody (Non-Custodial Parent) of the Child to the Prospective Adoptive Parent(s))

AD 887B (3/18) — Statement of Understanding — Independent Adoptions Program (Alleged Father)

AD 900 (3/18) — Statement of Understanding — Independent Adoptions Program (Parent Who Gave Physical Custody (Custodial Parent) of the Indian Child to the Petitioner(s))

AD 900A (3/18) Statement of Understanding — Independent Adoptions Program (Parent Who Did Not

Give Physical Custody (Non-Custodial) of the Indian Child to the Petitioner(s))

AD 900B (3/18) — Statement of Understanding — Independent Adoptions Program (Alleged Father of Indian Child)

AD 904 (7/11) — Consent for Contact

AD 904A (12/10) — Waiver of Rights to Confidentiality for Siblings

AD 908 (9/15) — Adoptions Information Act Statement

AD 924 (5/15) — Independent Adoption Placement Agreement

AD 925 (8/15) — Independent Adoption Placement Agreement (Indian Child)

AD 926 (1/18) — Statement of Understanding — Independent Adoption Program (Parent Who Places the Child with the Prospective Adoptive Parent(s))

AD 927 (3/18) — Statement of Understanding — Independent Adoption Program (Parent of Indian Child Who Places the Child with the Prospective Adoptive Petitioner(s))

AD 928 (7/02) — Revocation of Consent — Independent Adoption Program

AD 929 (11/16) — Waiver of Right to Revoke Consent — Independent Adoption Program

AD 930 (7/11) — Independent Adoption Placement Agreement Transmittal

AD 4333 (8/14) — Acknowledgement or Confirmation of Receipt of Child Freeing Documents

AD 4336 (4/15) — Presumed Father's Consent to Adoption When Denying He is the Biological Father (Outside California in the Armed Forces)

FC 3 (11/04) — Determination of Federal AFDC-FC Eligibility

ICPC 100A (8/2001) — Interstate Compact On The Placement Of Children Request

ICPC 100B (8/2001) — Interstate Compact On The Placement of Children Report on Child's Placement Status

I-600 (02/15) — Petition to Classify Orphan as an Immediate Relative

Adopt-200 (1/16) — Adoption Request

Adopt-210 (1/16) — Adoption Agreement

Adopt-215 (1/16) — Adoption Order

Adopt-220 (7/10) — Adoption of Indian Child

Adopt-230 (1/07) — Adoption Expenses

Adopt-310 (1/03) — Contact after Adoption Agreement

JV-505 (1/08) — Statement Regarding Parentage (Juvenile)

VS 44 (1/16) — Court Report of Adoption

The following forms included in these regulations have been adopted:

AD 8 (10/01) — Marriage/Divorce Verification

AD 9 (11/07) — Independent Adoption Questionnaire

AD 10 (9/03) — Request for Reference

AD 65 (2/02) — Parent's Authorization for Medical and Surgical Care

AD 70 (11/15) — Adoption Facilitator Registry Application

AD 71 (11/15) — Adoption Facilitator Registry — Trainee Application

AD 72 (11/15) — Adoption Facilitator Complaint Form

AD 898 (1/11) — Consent of CDSS or Delegated County Adoption Agency — Independent Adoptions Program

AD 904B (1/11) — Waiver of Rights to Confidentiality for Siblings — Under the Age of 18

AD 908A (1/11) — Adoptions Information Act Statement (Adult Adoptee (age 21 or older))

ADM 36 (6/99) — Medical Report Regarding Child to be Adopted

BCIA 8016 (01/2011) — Request for Live Scan Service

BCIA 8302 (8/2016) — No Longer Interested (NLI) Notification (For Non-Department of Justice Applicants)

BCII 9004 (3/05) — Request for Exemption from Mandatory Electronic Fingerprint Submission Requirement

FD 258 (9/9/13) — fingerprint card

Adopt-225 (1/05) — Parent of Indian Child Agrees to End Parental Rights

ICWA-010(A) (1/08) — Indian Child Inquiry Attachment

ICWA-020 (1/08) — Parental Notification of Indian Status

ICWA-030 (1/08) — Notice of Child Custody Proceeding for Indian Child

ICWA-030(A) (1/08) — Attachment to Notice of Child Custody Proceedings for Indian Child

The following forms included in these regulations have been repealed:

AD 1C (1/95) — Consent to Adoption by Parent(s) Outside California

AD 42 ICA (7/95) — Intercountry Adoption Program — Individual Case Report

AD 166 (1/95) — Consent to Adoption by Father Outside California

AD 585 ENG/SP (8/95) — Relinquishment (Presumed Father Denies He is the Birth Father)

AD 831 (7/87) — Private Adoption Agency Cost Justification for Adoptive Placement

AD 865 (1/92) — Relinquishment of Indian Child (Birth Mother and/or Presumed Father) Out of County

AD 873 (7/95) — Relinquishment of Indian Child (Presumed Father Denies He is Birth Father) Out of County

AD 920 ENG/SP (2/93) — Relinquishment — In or Out of County (Alleged Natural Father in California) — Parent Identifying Adopting Parent(s)

AD 921 ENG/SP (1/93) — Relinquishment (Birth Mother and/or Presumed Father) — Parent Identifying Adopting Parent(s)

AD 922 ENG/SP (3/97) — Relinquishment Addendum for Parent Identifying Adopting Parent(s)

AD 4311 (1/98) — Information on American Indian Child (Adoption Program)

BID 7-A (5/90) — fingerprint card

DHS 6155 (10/90) — Health Insurance Questionnaire

#### COST ESTIMATE

1. Costs or Savings to State Agencies: These regulations reflect statutory changes made as far back as 1999. Appropriate funding was provided at the time of enactment. Therefore, no current funding adjustments are needed.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: These regulations reflect statutory changes made as far back as 1999. Appropriate funding was provided at the time of enactment. Therefore, no current funding adjustments are needed.
4. Federal Funding to State Agencies: These regulations reflect statutory changes made as far back as 1999. Appropriate funding was provided at the time of enactment. Therefore, no current funding adjustments are needed.

#### LOCAL MANDATE STATEMENT

These regulations do not impose a new mandate on local agencies or on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code because these regulations make clear existing practice and only make technical and clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

#### SMALL BUSINESS IMPACT STATEMENT

The Department has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action are primarily greater safeguards for the health and welfare of California residents by improving the well-being and outcomes for adopted children in California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives as there were no other alternatives proposed.

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

The Department adopts these regulations under the authority granted in Sections 10553, 10553.1, 10554, 16118, and 16120, Welfare and Institutions Code; Section 1530, Health and Safety Code; Sections 8608, 8619, 8621, 8632.5, and 8901, Family Code; and Sections 996.310–996.360, California Code of Civil Procedure. Subject regulations implement and make specific Sections 224.1, 224.3, 361.5, 366.21, 366.22, 366.24, 366.25, 366.26, 366.3, and 366.31, Welfare and Institutions Code; Sections 177, 180, 7540, 7541, 7550, 7551, 7551.5, 7552, 7552.5, 7553, 7554, 7555, 7556, 7557, 7558, 7571, 7573, 7576, 7611, 7611.5, 7612, 7660.5, 7662, 7663, 7667, 7900 et seq., 8502, 8503, 8506, 8509, 8513, 8514, 8515, 8530, 8533, 8539, 8542, 8608, 8609.5, 8612, 8616.5, 8620, 8623, 8625, 8626, 8627, 8628, 8629, 8631, 8632.5, 8636, 8638, 8700, 8700.5, 8702, 8706, 8712, 8714, 8714.5, 8714.7, 8730, 8801, 8801.3, 8801.5, 8802, 8807, 8808, 8810, 8811, 8811.5, 8814, 8814.5, 8816, 8817, 8818, 8902, 8908, 8909, 8911, 8912, 9000, 9200, 9202, 9203, 9204, 9205, and 9206, Family Code; Sections 1283, 1505.2, 1506, 1522, and 123800 et seq., Health and Safety Code; and Sections 1183 and 1183.5, Civil Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:

Everardo Vaca  
(916) 657–2586

Backup:

Sylvester Okeke  
(916) 657–2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF AGING

PUBLIC NOTICE — RENEWAL OF MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) WAIVER

The Department is seeking to renew the MSSP Waiver for frail older adults.

Changes to the MSSP Waiver include:

- The time frame that MSSP sites have fiscal audits is being changed to at least every three years instead of every two. This change aligns with W&I Code section 14170(a)(1).
- The “Unduplicated Number of Participants” and “Maximum Number of Participants” will be updated to reflect the change with the transition of the sites in CCI counties to managed care.
- Non-medical Home Equipment (2.3) language is being updated to delete example items, to clarify this is not an exhaustive list. The CMS suggested core definition is being used for this service category, and listed items are not required unless the intent is to create an exhaustive list.
- All language related to Residential Care Facility for the Elderly will be removed, since all instances when a participant lives in a RCFE are disallowed.
- The performance measure related to annual staff training and certification is being updated to measure the number of sites that train/certify their staff.
- The performance measure related to documentation on freedom of choice will have the “State Fair Hearing process” removed since it does not pertain to the sub-assurance.
- Language in the performance measure related to critical incidents is being updated to remove the terms, “validated or substantiated.”
- The performance measure related to an incident management system is being updated to, “Percent of critical incidents where the root cause was identified.”
- The performance measure related to health care trends is being updated to, “Percent of participants who report that their health and safety needs are being met by the waiver.”

If you would like to view the Waiver Renewal in person or request a hard copy, please visit the California Department of Aging (<http://www.aging.ca.gov>) or submit a request by mail to the department at the ad-

dress below. A link to the Waiver application can be found at: [https://aging.ca.gov/Docs/MSSP/Letter/Application%20for%201915\(c\)%20HCBS%20Waiver%20CA\\_0141\\_R05\\_02%20-%20Jul%2001.%202016.pdf](https://aging.ca.gov/Docs/MSSP/Letter/Application%20for%201915(c)%20HCBS%20Waiver%20CA_0141_R05_02%20-%20Jul%2001.%202016.pdf).

Comments regarding the proposed MSSP Waiver Renewal will be accepted for a period of thirty (30) days ending March 4, 2019 and can be sent via email to [MSSPService@aging.ca.gov](mailto:MSSPService@aging.ca.gov) or via hard copy to:

California Department of Aging  
MSSP Branch  
1300 National Drive #200  
Sacramento, CA 95834  
ATTN: Amber Kraw

**DEPARTMENT OF FISH  
AND WILDLIFE**

CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Cielo Vista Development Project  
2080-2019-001-05  
Orange County

The California Department of Fish and Wildlife (CDFW) received a notice on January 17, 2019 that North County BRS Project, LLC proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves development of 80 single family homes and associated infrastructure on about 34.36 acres within an 84.78-acre property. An additional 8.04 acres beyond the development footprint will be maintained within a fuel modification zone and water quality basin. The project also includes restoration, preservation, and long-term management of 33.59 acres of open space, located to the north of the proposed development. Proposed activities will include, but are not limited to, grading of the site vegetation removal, and construction activities. The proposed project will occur on unincorporated land within the City of Yorba Linda's sphere of influence, Orange County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. FWS-OR-12B0346-18F0405) in a memorandum to the U.S. Army Corps of Engineers on December 21, 2018, which considered the effects of the proposed project on state and federally endangered least Bell's vireo (*Vireo bellii pusillus*).

Pursuant to California Fish and Game Code section 2080.1, North County BRS Project, LLC is requesting a

determination that the BO and its associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consistent with CESA for the proposed project, North County BRS Project, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH  
AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2018-016-02**

**Project:** Cottonwood Creek Bridge Replacement  
**Location:** Butte County  
**Applicant:** California Department of Transportation,  
District 3

**Background**

The California Department of Transportation (Applicant) proposes to replace the existing bridge over Cottonwood Creek. The Cottonwood Creek Bridge Replacement (Project) includes bridge construction approximately 100 feet east of the existing bridge alignment and demolition of the existing crossing. The Applicant will install no more than 36, maximum diameter 24-inch cast-in-steel-shell concrete piles to support the new abutments and bridge structure. The Applicant will pour a five-span (40-foot wide) cast-in-place slab deck on the new abutments and piles. The Applicant will realign the roadway to the east to accommodate the new bridge offset and construct a temporary in-water trestle platform to facilitate bridge work. The Project area covers approximately 17 acres and is located on State Route (SR) 99 at Post Mile (PM) 15.41 over Cottonwood Creek. Construction will have a duration of approximately 135 working days, scheduled to begin in summer 2019 and continue through 2021.

The California Department of Fish and Wildlife (CDFW) expects the Project activities described above to incidentally take<sup>1</sup> giant garter snake (*Thamnophis gigas*; hereafter GGS) where those activities take place within the Project areas. In particular, the Applicant could incidentally take GGS as a result of grading, ex-

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

cavating, pile driving, capture and relocation, crushing by vehicles or heavy equipment, and entombment in burrows through the installation of Project components. GGS are designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(E)).

GGS individuals are documented as present within 2.7 miles of the Project areas. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of GGS habitat within the Project areas, the United States Fish & Wildlife Service (USFWS) determined that GGS are reasonably certain to occur within the Project areas and that Project activities are expected to result in the incidental take of GGS.

The Project will result in the temporary loss of 6 acres of suitable upland and aquatic habitat, and the permanent loss of 3.82 acres of suitable upland and aquatic habitat.

Because the Project is expected to result in take of a species designated as threatened under the ESA, the Federal Highway Administration (FHWA) consulted with the USFWS as required by the ESA. On August 1, 2018, the USFWS issued a biological opinion (USFWS file No. 08ESMF00-2017-F-3174-R001-1) (BO) to the California Department of Transportation. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

The BO also requires the Applicant to implement and adhere to measures contained within the Biological Assessment dated July 17, 2018.

On December 21, 2018, the Director of CDFW received a notice from 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 GGS. (Cal. Reg. Notice Register 2019, No. 1-Z, p. 40.)

**Determination**

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and GGS because the mitigation measures contained in the BO and ITS as well as the conditions in the BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of GGS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO and ITS, and BA will minimize and fully mitigate the impacts of the authorized take, are roughly proportional in extent to the impact of the authorized taking, and are capable of successful implementation;

(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 GGS. The mitigation measures in the BO, ITS, and BA include, but are not limited to, the following (with page numbers noted for mitigation measures in the BA):

Avoidance, Minimization, and Mitigation Measures

- The Applicant shall compensate for the permanent loss of 3.82 acres and temporary loss of 6 acres, of suitable GGS habitat. To compensate for the permanent loss of GGS habitat, before Project activities begin, the Applicant shall purchase 11.46 acres of GGS habitat preservation credits equal to 11.46 acres of GGS habitat from a USFWS- and CDFW-approved Conservation Bank or Mitigation Site with a bill of sale provided to USFWS and CDFW prior to beginning work. (BA, p. 31).
- A USFWS- and CDFW-approved biologist will perform pre-construction surveys for GGS and oversee all ground-disturbing activities. Surveys of the Project area will be repeated if a two-week or greater lapse in construction activity occurs. If GGS is encountered during construction, activities will cease until appropriate corrective measures have been completed or it has been determined that the GGS will not be harmed. Any sightings and any incidental take will be reported to the USFWS and CDFW immediately by telephone at (916) 414-6631 or (916) 358-2900, respectively, and email or written letter addressed to the Chief, Sacramento Division (USFWS) or North Central Region (CDFW), within one working day of the incident. (BA, p. 30.)
- Construction activity will be conducted between May 1 and October 1, which is the active season for GGS, in a manner that minimizes impacts to the species. Snake exclusion fencing will be placed around the action area (fenced area) before construction during the active period for GGS (May 1–October 1) and be maintained through the construction period until the project has been completed.
- Prior to construction activities, construction personnel will receive worker awareness training conducted by a USFWS- and CDFW-approved biologist. The education program will instruct workers to recognize GGS and GGS habitat that construction personnel may encounter during the proposed projects, and will cover and guidelines that crews must follow to avoid or minimize effects. (BA, p. 30.)

- Upon completion of the Project, all disturbed areas within the action area will be revegetated using native plant species, and post-monitoring work and pictures will be reported to USFWS and CDFW showing that temporary impacts have been restored to pre-construction conditions. (BA, p. 31.)

Monitoring and Reporting Measures

- The Applicant will notify CDFW 5 days prior to when construction is scheduled to commence. (BA, p. 30.)
- As stated in the ITS, USFWS requires the Applicant to immediately reinitiate consultation if at least 1 GGS is found dead or injured during Project activities. Although not a condition of the BO, CDFW requests to be included in this consultation.
- The Applicant's USFWS/CDFW approved biologist will submit a monthly compliance report during construction to the USFWS and CDFW including documentation of environmental awareness training, pre-construction surveys, and the current implementation status of each mitigation measure. (BA, p. 32.)
- The Applicant shall immediately contact USFWS at (916) 414-6631 and North Central Region CDFW at (916) 358-2900 to report direct encounters between GGS and project workers and/or their equipment whereby incidental take in the form of harassment, harm, injury, or mortality occurs. If the encounter occurs after normal working hours, Caltrans shall contact the USFWS and CDFW at the earliest possible opportunity the next working day. When injured or killed GGS individuals are found, Caltrans shall follow the steps outlined in the Salvage and Disposition of Individuals section in the ITS. (BA, p. 32.)
- For those components of the action that will require the capture and relocation of any GGS, the Applicant shall immediately contact USFWS at (916) 414-6631 and North Central Region CDFW at (916) 358-2900 to report the action. If capture and relocation need to occur after normal working hours, Caltrans shall contact the agencies at the

earliest possible opportunity the next working day. (BA, p. 32.)

- No later than 45 days after completion of all mitigation measures, Applicant shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a table with notes showing when each of the mitigation measures was implemented; (2) all available information about Project-related incidental take of the Covered Species; (3) information about other Project impacts on the Covered Species; (4) beginning and ending dates of Covered Activities; (5) an assessment of the effectiveness of Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (6) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts Of future projects on the Covered Species; and (7) any other pertinent information. (BA, p. 32.)

Financial Assurances

- The Applicant will provide proof of financial assurances consistent with CESA in the form of a completed purchase of 11.46 acres of conservation credits from a USFWS-and CDFW-approved Conservation Bank or Mitigation Site to be documented with a Bill of Sale provided to CDFW and USFWS, prior to beginning work. (BA, p. 31.)

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of GGS, 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, ITS and the BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the USFWS amends or replaces the BO and ITS or the BA, 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 and 2081, subds. (b) and (c)).

**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](mailto:mmolina@oal.ca.gov).

**DEPARTMENT OF STATE HOSPITALS**

Date: January 18, 2019  
 To: Sam Consiglio  
 From: Chapter Two Compliance Unit  
 Subject: **2019 OAL DETERMINATION  
NO. 1 (S)  
(CTU2018-1119-03)**  
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation the DSH-C Hospital Specific Contraband Justification, issued by Department of State Hospitals, Coalinga.

On November 19, 2018, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the DSH-C Hospital Specific Contraband Justification, issued by Department of State Hospitals, Coalinga, constitutes an underground regulation. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as

defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not, adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

(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.* [Emphasis added.]

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. The Legislature has enacted an exemption with respect to the control and elimination of contraband at state hospitals. Welfare and Institutions Code section 7295(j), establishes exemptions expressly for the California Department of State Hospitals (DSH):

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the hospital and the department may implement, interpret, or make specific this section without taking regulatory action [Emphasis added].

This exemption applies when a rule is adopted by a hospital to implement, interpret, or make specific Welfare and Institutions Code section 7295(a), which specifically deals with the control of contraband items at state hospitals:

(a) To ensure its safety and security, a state hospital that is under the jurisdiction of the State Department of State Hospitals, as listed in Section 4100, may develop a list of items that are deemed contraband and prohibited on hospital grounds

<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.

and control and eliminate contraband on hospital grounds.

Pursuant to the provisions of Welfare and Institutions Code section 7295(a), the development and issuance of the attached DSH–C Hospital Specific Contraband Justification, and prohibiting patient access to those items identified on the list by the Department of State Hospitals–Coalinga, is not an underground regulation.<sup>2</sup>

For the reasons discussed above, we find that the rule challenged by your petition is not an underground regulation.

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

January 18, 2019

/s/

Debra M. Cornez  
Director

/s/

Elizabeth A. Heidig  
Assistant Chief Counsel

Copy: Stephanie Clendenin, A.D., DSH  
Brandon Price, E.O. DSH–Coalinga  
Patrice Huber, Esq.

<sup>2</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.]

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2018–1203–03

BUREAU OF CANNABIS CONTROL

Medicinal and Adult–Use Cannabis Regulation

This is an action to make permanent the emergency regulations adopted in OAL no. 2017–1127–05E (readopted in OAL no. 2018–0525–01EE) to implement, interpret, and make specific the Medicinal and Adult–Use Cannabis Regulation and Safety Act (MAUCRSA), found in Business & Professions Code, section 26000 et seq. These regulations provide licensing and enforcement criteria for commercial cannabis businesses in California, including distributors, retailers, microbusinesses, temporary cannabis events, and testing laboratories. These regulations inform applicants for licensure of the applicable meaning of key statutory terms, identify the documents and supplemental information required in an application, and provide specific clarification of terms, prohibitions, and conditions for compliance with MAUCRSA.

#### Title 16

ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5007.1, 5007.2, 5008, 5009, 5010, 5010.1, 5010.2, 5010.3, 5011, 5012, 5013, 5014, 5015 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5024.1, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5040.1, 5041, 5041.1, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5052.1, 5053, 5054, 5300, 5301, 5302, 5303, 5303.1, 5304, 5305, 5305.1, 5306, 5307, 5307.1, 5307.2, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5402, 5403, 5403.1, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5415.1, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5506.1, 5507, 5600, 5601, 5602, 5603, 5604, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731,

5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739,  
5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807,  
5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815,  
5900, 5901, 5902, 5903, 5904, 5905

Filed 01/16/2019

Effective 01/16/2019

Agency Contact: Kaila Fayne (916) 465-9120

File# 2018-1210-03

BUREAU OF ELECTRONIC AND APPLIANCE  
REPAIR, HOME FURNISHINGS AND THERMAL  
INSULATION

Amendment of Flammability Standards

This action by the Bureau of Electronic and Appli-  
ance Report, Home Furnishings and Thermal Insulation  
amends furniture flammability standards by removing  
requirements of Technical Bulletin 133, entitled  
“Flammability Test Procedure for Seating Furniture  
For Use in Public Occupancies,” dated 1991.

Title 4

AMEND: 1374, 1374.3

Filed 01/22/2019

Effective 01/22/2019

Agency Contact: Diana Godines (916) 999-2068

File# 2018-1204-04

CALIFORNIA DEBT LIMIT ALLOCATION  
COMMITTEE

Changed Statutes and Superseded Names

This action without regulatory effect by the Califor-  
nia Debt Limit Allocation Committee deletes text and  
forms to align with changes to state and federal law.  
Reference to the California Industrial Development Fi-  
nance Advisory Commission are deleted in text and  
forms in response to the passage of Assembly Bill 1547  
(Stats. 2018, ch. 645), which abolished this commis-  
sion. Additionally, Congress removed the authority for  
Qualified Energy Conservation Bonds by repealing  
section 54 in Title 26 of the Internal Revenue Code.  
CDLAC also makes several changes to forms to remove  
duplicative and unnecessary text.

Title 4

AMEND: 5000, 5033, 5060, 5100, 5170, 5260,  
5350, 5450, 5500, 5540, 5600

REPEAL: 5361, 5362, 5363, 5380, 5560, 5570,  
5571, 5572, 5573, 5580, 5590

Filed 01/16/2019

Agency Contact: Felicity Wood (916) 651-8484

File# 2018-1204-02

CALIFORNIA HEALTH FACILITIES FINANCING  
AUTHORITY

Lifeline Grant Program

The California Health Facilities Financing Authority  
submitted this timely certificate of compliance action to  
make permanent emergency regulations that provide el-  
igibility and evaluation criteria and an application and  
related procedures for specified small and rural health  
facilities to receive grants through the Lifeline Grant  
Program, which implements the Clinic Lifeline Act of  
2017, enacted in Government Code section 15438.11.

Title 4

ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220,  
7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

Filed 01/16/2019

Effective 01/16/2019

Agency Contact: Rosalind Brewer (916) 653-8243

File# 2018-1207-07

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION

Milestone Completion Credit Schedule

This certificate of compliance action makes perma-  
nent the prior emergency action amending the Mile-  
stone Completion Credit Schedule to add new pro-  
grams, discontinue programs that are no longer avail-  
able to inmates, amend the number of credits earned for  
some programs, and reorganize the schedule. (See OAL  
File No. 2018-0608-02EON.)

Title 15

AMEND: 3043.3

Filed 01/23/2019

Effective 01/23/2019

Agency Contact: Josh Jugum (916) 445-2228

File# 2018-1203-02

DEPARTMENT OF FOOD AND AGRICULTURE  
Cannabis Cultivation Licensing

The Department of Food and Agriculture submitted  
this timely certificate of compliance action to make per-  
manent emergency regulations that implement statutes  
under the Medicinal and Adult-Use Cannabis Regula-  
tion and Safety Act. The proposed regulations address  
the licensing of commercial cannabis cultivation opera-  
tions in California, including application and licensing  
requirements and related fees, cultivation site require-  
ments, inspection, investigation, audit, and enforce-  
ment provisions, and establish the statewide track-and-  
trace system, which will track activities of commercial  
cannabis and cannabis products from cultivation  
through the distribution chain.

Title 3

ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609

Filed 01/16/2019

Effective 01/16/2019

Agency Contact: Amanda Brown (916) 263-0801

File# 2018-1204-07

DEPARTMENT OF FOOD AND AGRICULTURE  
Animal Biologics

This change without regulatory effect repeals all regulations in chapter 8, division 2 of title 3 of the California Code of Regulations, for which all rulemaking authority was removed with the passage of AB 1709 (Stats. 2010, Ch. 235).

Title 3

REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12

Filed 01/17/2019

Agency Contact: Thami Rodgers (916) 698-3276

File# 2018-1203-04

DEPARTMENT OF PUBLIC HEALTH  
Cannabis Manufacturing Licensing

The Department of Public Health submitted this timely certificate of compliance action to make permanent the changes adopted in OAL File Nos. 2017-1127-04E, 2018-0403-03E, 2018-0525-02EE, and 2018-1001-02EE. This action makes permanent ninety four sections in chapter 13 of division 1 of title 17 of the California Code of Regulations that implement the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Senate Bill 94, Stats. 2017, Ch. 27). This action will: 1) establish the licensing scheme, including temporary licenses, for manufacturers of manufactured cannabis products, including the requirements for applications and the individuals or entities that are required to submit applications; 2) establish licensing fees; 3) set minimum standards for extraction processes; 4) set minimum standards for sanitary manufacturing practices; 5) establish licensee responsibilities for operations including requirements related to security, training, recordkeeping, and disposal; 6) establish quality and safety standards for finished manufactured

cannabis products; and 7) establish packaging and labeling standards for manufactured cannabis products.

Title 17

ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500, 40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570

Filed 01/16/2019

Effective 01/16/2019

Agency Contact: Linda M. Cortez (916) 440-7807

File# 2018-1206-01

NEW MOTOR VEHICLE BOARD  
Case Management

As a change without regulatory effect, the New Motor Vehicle Board amends four sections dealing with definitions and hearings or protests. The amendments remove references to Vehicle Code sections that were contained in article 6 ((commencing with section 3085) in chapter 6 of division 2) that expired by operation of law on 1/1/2019. (Veh. Code, sec. 3085.10, Stats. 2015, ch. 526, sec. 8.)

Title 13

AMEND: 550, 551.8, 551.12, 590

Filed 01/16/2019

Agency Contact:

Danielle R. Phomsopha (916) 327-3129

File# 2018-1207-04

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; Regulation Section 1859.51(e)

The State Allocation Board re-submitted this certificate of compliance action to make permanent emergency amendments to a regulation relating to the processing of new construction funding applications submitted by California school districts.

Title 2

AMEND: 1859.51(e)

Filed 01/22/2019

Effective 01/22/2019

Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN August 22, 2018 TO  
January 23, 2019**

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**

- 01/22/19 AMEND: 1859.51(e)
- 01/14/19 AMEND: 18756
- 01/07/19 AMEND: 60802, 60803, 60807, 60808, 60824, 60825, 60827, 60831, 60832, 60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120
- 12/18/18 AMEND: 1859.76
- 12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21
- 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
- 09/11/18 AMEND: 1859.77.3

**Title 3**

- 01/17/19 REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12
- 01/16/19 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609
- 01/07/19 AMEND: 3439
- 12/18/18 ADOPT: 4921
- 11/29/18 AMEND: 3899
- 11/06/18 AMEND: 3435(b)
- 10/08/18 AMEND: 3591.12
- 10/02/18 AMEND: 3591.12
- 09/13/18 AMEND: 6502
- 09/12/18 AMEND: 3591.13
- 09/12/18 AMEND: 3591.12
- 09/06/18 AMEND: 3601
- 08/22/18 AMEND: 3591.2

**Title 4**

- 01/22/19 AMEND: 1374, 1374.3
- 01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
- 01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
- 01/02/19 AMEND: 12200, 12201, 12220, 12221
- 12/17/18 ADOPT: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14

**CALIFORNIA REGULATORY NOTICE REGISTER 2019, VOLUME NO. 5-Z**

12/12/18	ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7	<b>Title 8</b>	01/07/19	AMEND: 11140
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		01/03/19	AMEND: 336
11/26/18	ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429		12/26/18	AMEND: 9789.19
11/20/18	AMEND: 1632		11/26/18	AMEND: 9789.25
11/20/18	AMEND: 1843.3		11/15/18	AMEND: 344, 344.1, 344.2
11/20/18	AMEND: 8078.3, 8078.15		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
11/19/18	ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229		11/01/18	AMEND: 14300.35, 14300.41
11/02/18	AMEND: 8078.8, 8078.10		10/30/18	ADOPT: 9792.24.5 AMEND: 9792.22
10/31/18	AMEND: 7051, 7054, 7055, 7056, 7063, 7071		10/10/18	AMEND: 344.18
10/18/18	AMEND: 1843.2		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
10/18/18	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.14	<b>Title 9</b>	01/15/19	ADOPT: 4011, 4012, 4013, 4014, 4014.1, 4015
09/26/18	AMEND: 12205.1		10/04/18	AMEND: 4350
09/21/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259	<b>Title 10</b>	01/14/19	AMEND: 2318.6, 2353.1, 2354
09/18/18	AMEND: 7051, 7054, 7055, 7056, 7063, 7071		01/14/19	AMEND: 2318.6
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		12/31/18	AMEND: 2632.5, 2632.11
08/22/18	ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229		12/26/18	ADOPT: 2238.10, 2238.11, 2238.12
<b>Title 5</b>			11/29/18	ADOPT: 2509.80, 2509.81, 2509.82
12/31/18	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		11/27/18	AMEND: 3704
12/05/18	AMEND: 19810		11/20/18	AMEND: 8000, 8030
10/22/18	ADOPT: 20236 AMEND: 20101, 20105, 20107, 20116, 20118, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20180, 20185, 20190, 20203, 20205, 20235 REPEAL: 20119, 20158, 20125, 20216, 20217, 20251, 20251, 20255, 20251, 20260, 20265		11/19/18	ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007
10/17/18	AMEND: 18600		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
		<b>Title 11</b>	01/08/19	ADOPT: 5460
			12/31/18	AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2107

**CALIFORNIA REGULATORY NOTICE REGISTER 2019, VOLUME NO. 5-Z**

12/28/18 AMEND: 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517  
 10/24/18 AMEND: 1953, 1955  
 09/26/18 AMEND: 44.2  
 08/23/18 AMEND: 1004, 1005, 1081

**Title 12**

01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)  
 01/03/19 AMEND: 553.70  
 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**

01/16/19 AMEND: 550, 551.8, 551.12, 590  
 01/08/19 ADOPT: 182.02, 182.03 AMEND: 182.01, 182.02 (renumbered to 182.04)  
 01/03/19 AMEND: 553.70  
 12/26/18 AMEND: 2025  
 12/26/18 AMEND: 1152.7, 1152.7.1  
 12/20/18 ADOPT: 1217.2, 1263.2  
 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

**Title 13, 17**

01/04/19 ADOPT: title 17: 95483.2, 95483.3, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95500,

95501, 95502, 95503 AMEND: title 13: 2293.6; title 17: 95481, 95482, 95483, 95483.1, 95484, 95485, 95486, 95487, 95489, 95491, 95492, 95493, 95494, 95495 REPEAL: title 17: 95483.2, 95488, 95496

**Title 14**

01/02/19 AMEND: 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10, 150.16  
 12/28/18 ADOPT: 15064.3, 15234 AMEND: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, Appendix G, Appendix M, Appendix N  
 12/17/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 12/17/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 12/17/18 ADOPT: 820.02  
 12/17/18 ADOPT: 817.04 AMEND: 790  
 12/14/18 ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2  
 12/13/18 AMEND: 2975  
 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

**CALIFORNIA REGULATORY NOTICE REGISTER 2019, VOLUME NO. 5-Z**

10/15/18	AMEND: 895, 895.1, 912.9, 932.9, 952.9	3335, 3337, 3341, 3341.2, 3341.3,
09/17/18	ADOPT: 18660.44, 18660.45, 18660.46	3341.5, 3341.6, 3341.8, 3341.9, 3375,
	AMEND: 18660.5, 18660.6, 18660.7,	3375.1, 3375.2, 3376, 3376.1, 3378,
	18660.8, 18660.9, 18660.10, 18660.12,	3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
	18660.13, 18660.15, 18660.16,	3378.6, 3378.7, 3378.8 REPEAL: 3334
	18660.17, 18660.18, 18660.19,	10/03/18
	18660.20, 18660.21, 18660.22,	ADOPT: 3378.9, 3378.10 AMEND:
	18660.24, 18660.25, 18660.30,	3000, 3023, 3043.8, 3044, 3084.9, 3269,
	18660.31, 18660.32, 18660.33,	3335, 3337, 3341, 3341.2, 3341.3,
	18660.35, 18660.36, 18660.37,	3341.5, 3341.6, 3341.8, 3341.9, 3375,
	18660.39, 18660.41 REPEAL: 18660.23	3375.1, 3375.2, 3376, 3376.1, 3378,
09/06/18	AMEND: 1104.1	3378.1, 3378.2, 3378.3, 3378.4, 3378.5,
		3378.6, 3378.7, 3378.8 REPEAL: 3334
<b>Title 15</b>		09/13/18
01/23/19	AMEND: 3043.3	AMEND: 1006, 1029, 1041, 1050, 1069,
01/15/19	AMEND: 3177, 3315	1206
01/09/19	AMEND: 3043, 3043.3, 3043.4, 3043.5	<b>Title 16</b>
01/07/19	AMEND: 3999.98, 3999.200	01/16/19
01/07/19	AMEND: 8000	ADOPT: 5000, 5001, 5002, 5003, 5004,
12/26/18	ADOPT: 2249.30, 2449.31, 2449.32,	5005, 5006, 5007, 5007.1, 5007.2, 5008,
	2449.33, 2449.34, 3495, 3496, 3497	5009, 5010, 5010.1, 5010.2, 5010.3,
	AMEND: 2449.1, 3490, 3491	5011, 5012, 5013, 5014, 5015 5016,
11/14/18	ADOPT: 1350.5, 1352.5, 1354.5, 1358.5,	5017, 5018, 5019, 5020, 5021, 5022,
	1408.5, 1418, 1437.5 AMEND: 1302,	5023, 5024, 5024.1, 5025, 5026, 5027,
	1303, 1304, 1321, 1322, 1324, 1325,	5028, 5030, 5031, 5032, 5033, 5034,
	1327, 1328, 1329, 1341, 1343, 1350,	5035, 5036, 5037, 5038, 5039, 5040,
	1351, 1352, 1353, 1354, 1355, 1356,	5040.1, 5041, 5041.1, 5042, 5043, 5044,
	1357, 1358, 1359, 1360, 1361, 1362,	5045, 5046, 5047, 5048, 5049, 5050,
	1370, 1371, 1372, 1373, 1374, 1376,	5051, 5052, 5052.1, 5053, 5054, 5300,
	1377, 1390, 1391, 1400, 1401, 1402,	5301, 5302, 5303, 5303.1, 5304, 5305,
	1403, 1404, 1406, 1407, 1408, 1412,	5305.1, 5306, 5307, 5307.1, 5307.2,
	1413, 1415, 1416, 1417, 1430, 1431,	5308, 5309, 5310, 5311, 5312, 5313,
	1432, 1433, 1434, 1436, 1437, 1438,	5314, 5315, 5400, 5402, 5403, 5403.1,
	1439, 1452, 1453, 1454, 1460, 1461,	5404, 5405, 5406, 5407, 5408, 5409,
	1462, 1464, 1465, 1467, 1480, 1482,	5410, 5411, 5412, 5413, 5414, 5415,
	1483, 1484, 1485, 1487, 1500, 1510,	5415.1, 5416, 5417, 5418, 5419, 5420,
	1511 REPEAL 1378	5421, 5422, 5423, 5424, 5426, 5427,
11/13/18	ADOPT: 8200, 8201, 8202, 8203, 8204,	5500, 5501, 5502, 5503, 5504, 5505,
	8205, 8206, 8207, 8208, 8209, 8210,	5506, 5506.1, 5507, 5600, 5601, 5602,
	8211, 8212, 8213, 8214, 8215 AMEND:	5603, 5604, 5700, 5701, 5702, 5703,
	8000, 8004.3, 8106, 8106.1 amended and	5704, 5705, 5706, 5707, 5708, 5709,
	renumbered as 8207, 8106.2 amended	5710, 5711, 5712, 5713, 5714, 5715,
	and renumbered as 8106, 8198 amended	5717, 5718, 5719, 5720, 5721, 5722,
	and renumbered as 8298, 8199 amended	5723, 5724, 5725, 5726, 5727, 5728,
	and renumbered as 8299	5729, 5730, 5731, 5732, 5733, 5734,
11/01/18	ADOPT: 3999.25	5735, 5736, 5737, 5738, 5739, 5800,
10/30/18	ADOPT: 3329.5	5801, 5802, 5803, 5804, 5805, 5806,
10/29/18	REPEAL: 3999.20	5807, 5808, 5809, 5810, 5811, 5812,
10/22/18	ADOPT: 2150, 2151, 2152, 2153, 2154,	5813, 5814, 5815, 5900, 5901, 5902,
	2155, 2156, 2157	5903, 5904, 5905
10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044	01/15/19
	REPEAL: 3371.1	ADOPT: 1483.1, 1483.2, 1486 AMEND:
10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1	1480, 1481, 1482, 1483, 1484
10/03/18	ADOPT: 3378.9, 3378.10 AMEND:	12/21/18
	3000, 3023, 3043.8, 3044, 3084.9, 3269,	ADOPT: 1399.515
		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	10/09/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196
12/03/18 AMEND: 18	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
11/28/18 AMEND: 1399.514	09/24/18 AMEND: 60201, 60205, 60210
11/20/18 AMEND: 2450	09/05/18 ADOPT: 100650
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	08/29/18 AMEND: 60065.18, 60075.17
10/16/18 AMEND: 2070, 2071	<b>Title 18</b>
10/15/18 AMEND: 1417	01/03/19 AMEND: 1533.2, 1598
10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430	01/02/19 ADOPT: 30000, 30101, 30102, 30103, 30104, 30105, 30106, 30201, 30202, 30203, 30204, 30205, 30206, 30207, 30208, 30209, 30210, 30211, 30200.5, 30212, 30213, 30213.5, 30214, 30214.5, 30215, 30216, 30217, 30218, 30219, 30220, 30221, 30222, 30223, 30224, 30301, 30302, 30303, 30304, 30310, 30311, 30312, 30313, 30314, 30315, 30316, 30401, 30402, 30403, 30404, 30405, 30410, 30411, 30412, 30420, 30421, 30430, 30431, 30432, 30433, 30501, 30502, 30503, 30504, 30505, 30601, 30602, 30603, 30604, 30605, 30606, 30607, 30701, 30702, 30703, 30704, 30705, 30706, 30707
09/17/18 AMEND: 1735.2	12/27/18 ADOPT: 3702
09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355	12/17/18 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,
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	
<b>Title 17</b>	
01/16/19 ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500, 40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570	
01/10/19 AMEND: 3030	
12/31/18 AMEND: 94506, 94509, 94513, 94515	
12/27/18 ADOPT: 95371, 95372, 95373, 95374, 95375, 95376, 95377	
10/10/18 AMEND: 35095	

5261, 5626, 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

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

**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

**Title 22**  
 12/31/18 AMEND: 66272.62  
 12/19/18 AMEND: 66262.41  
 12/19/18 AMEND: 72329.2  
 12/13/18 ADOPT: 51002.5 AMEND: 51003.1  
 12/04/18 ADOPT: 69511.3 AMEND: 69511  
 12/04/18 AMEND: 20100.5  
 11/29/18 ADOPT: 96060, 96061, 96062, 96065,  
 96070, 96071, 96075, 96076, 96077,  
 96078, 96080, 96081, 96082, 96083,  
 96084, 96085, 96086, 96087

10/31/18 ADOPT: 66264.121, 66265.121,  
 66270.28 AMEND: 66264.90,  
 66264.110, 66265.90, 66265.110,  
 66270.1, 66270.14

10/31/18 AMEND: 97215, 97216, 97217, 97221,  
 97222, 97223, 97224, 97225, 97226,  
 97227, 97228, 97229, 97232, 97248

10/24/18 ADOPT: 66270.14, 66271.50, 66271.51,  
 66271.52, 66271.53, 66271.54,  
 66271.55, 66271.56, 66271.57 AMEND:  
 66260.10, 66264.16, 66264.101,  
 66264.143, 66264.144, 66264.145,  
 66264.146, 66264.147, 66264.151,  
 66265.16, 66265.143, 66265.144,  
 66265.145, 66265.146, 66265.147

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

09/04/18 ADOPT: 68400.5, 69020, 69021, 69022  
 09/04/18 AMEND: 51490.1

**Title 22, MPP**

- 01/15/19 ADOPT: 35064 AMEND: 31-002, 35000, 35001, 35129, 35129.1, 35152.1, 35152.2, 35177, 35179, 35181, 35183, 35211, 35215, 35315
- 01/08/19 AMEND: 87224, 87412
- 01/02/19 ADOPT: 85175, 85318, 85320, 85340, 85342, 85364, 85368.1, 85368.4, 85370, 85387, 85390, 85102, 85161, 85168, 85168.3, 85169 AMEND: 85000, 85068.2, 85375, 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190, 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369
- 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

**Title 23**

- 01/15/19 AMEND: 597
- 12/19/18 AMEND: 315, 316
- 12/13/18 ADOPT: 3939.56
- 12/13/18 ADOPT: 3939.55
- 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

**Title 27**

- 12/27/18 AMEND: 27001
- 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.

**Title MPP**

- 01/09/19 AMEND: 42-207, 42-213, 42-215, 42-221, 80-310
- 12/20/18 AMEND: 40-105, 40-171, 80-301 REPEAL: 40-026
- 09/26/18 AMEND: 31-206, 31-525

**NOTICE OF EDITORIAL CORRECTION**

**FISH AND GAME COMMISSION**

In the January 18, 2019 Notice Register 2019, 3-Z, under the PROPOSED ACTION ON REGULATIONS, the wrong notice file number was inadvertently listed for the Fish and Game Commission notice concerning Klamath River Basin Sport Fishing Regulations. The correct notice file number is Z2019-0108-02.

We regret the error and apologize for any inconvenience.