



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Butte Water District

A written comment period has been established commencing on June 16, 2017, and closing on July 31, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Jones, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the pro-

posed conflict-of-interest code(s). Any written comments must be received no later than July 31, 2017. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cynthia Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commis-

sion should be made to Cynthia Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 5. EDUCATION AUDIT
APPEALS PANEL**

*Audits of K-12 Local Education Agencies
Fiscal Year 2017-18*

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2017-18 using the existing 2016-17 Guide with changes as described below, as well as the Guide’s incorporating regulation, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Mary Kelly.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at **5:00 p.m. Monday, July 31, 2017**. EAAP will consider only written comments received by that time. Written comments for EAAP’s consideration should be directed to:

Mary Kelly, Executive Officer
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814
Fax: (916) 445-7626
e-mail: mkelly@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.
Reference: Sections 14501, 14502.1, 14503, and 41020 of the Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

This rulemaking amends title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language and make reference to the audit guide. It also adopts the Audit Guide for 2017-18 which makes clarifying revisions and addresses legislative changes that will affect audit and possibly the conditions of apportionment of school funding.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP and the additional laws and Constitutional provision listed under “Authority cited” below the proposed amended text of Section 19810 as shown below. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K-12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed changes from the previous year’s audit guide to be reflected in the 2017-18 audit guide. The proposed changes derive from the Controller’s proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

**Title 5, Division 1.5
Chapter 3. Audits of California K-12 Local
Education Agencies
Article 2 Audit Reports**

§ 19810. Annual Audit Guides.

The “~~2016-17~~2017-18 Guide for Annual Audits for K-12 Local Education Agencies and State Compliance Reporting,” (~~March 1, 2017~~)(July 1, 2017), adopted by the Education Audit Appeals Panel, is incorporated by reference. The guide provides the audit steps, reporting requirements, and other guidance, for the required annual financial and compliance audits, subject to auditor

judgment where alternative or additional audit steps may be appropriate. The annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide and any applicable supplement are available on www.eaap.ca.gov/audit-guide, with paper or electronic copies available on request.

Note: Authority cited: Education Code Sections 14502.1, 47612; California Constitution, Article XIII, Section 36, subdiv. (e), subpara. 7, and Article XIII A, Section 1, subdiv. (b), subparas. 3(C) and 3(D).

Reference: California Constitution, Article XIII B, Section 1.5; Education Code Sections 8482.3(c)(5), 2574(b)(3)(C), 14501, 14502.1, 14503, 15286, 41020, 42238.02(b)(3)(B), 47612.5, and 47634.2.

Audit Guide Amendments

The proposed annual 2017–18 Audit Guide uses the text of existing 2016–17 Audit Guide with the following amendments:

Amendments:

- *Report Components, para. 4(g)* includes a technical amendment to require inclusion of each charter school number in any report involving one or more charter schools.
- *Section C. Kindergarten Continuance* is amended to provide a simpler procedure consistent with Section 48000 of the Education Code and its cited kindergarten cutoff date of September 1.
- *Section Q. Mental Health Expenditures* is deleted from the 2017–18 Audit Guide. Governing legislation, codified as Education Code Section 14509 called specifically for this item in 2016–17 audits and left it to the State Controller’s discretion whether to include it for subsequent years. After consulting the audit advisory committee, the Controller elected not to extend this requirement to fiscal year 2017–18.
- *Section R. Educator Effectiveness* is amended to include LEAs adopting an expenditure plan for Educator Effectiveness funds in any of three years up to and including 2017–18. The legislation, enacted in 2015, requires each LEA to submit a report on or before July 1, 2018, covering this three–year program (Stats. 2015, chap. 13, section 58(b)(3)). Since 2017–18 is the last year, the section is amended to require any audit finding to include any funds disallowed.
- *Section S. California Clean Energy Jobs* is amended to update references to a document on the Department of Education’s website and to guidelines applicable to the audit year published by California Energy Commission; and further to require an audit finding if the LEA has not

submitted a final project report, or for unfinished products, an Annual Progress Report, to the California Energy Commission, consistent with the guidelines. Also, reference to submission of reports to the Citizen’s Oversight Board is deleted as it was not necessary to the tested compliance.

- *Section T. After School Education and Safety Program* is amended to authorize use of a sample of daily attendance within each of a sample of schools in the LEA, and reorganized.
- *Section X. Local Control and Accountability Plan* is amended to update the names for the plan and update.
- *Section Y. Independent Study — Course Based* is enhanced by an introductory provision making the terms of the Materiality Level table inapplicable until the LEA has been audited for two consecutive years under this section.
- *Section Z. Immunizations* is deleted from the 2017–18 Audit Guide. The Departments of Education and Public Health found that compliance levels were such that further testing at this time is not needed.

Name of document incorporated by reference: 2017–18 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting (July 1, 2017).

DISCLOSURES REGARDING THE PROPOSED ACTION

1. Mandate on local agencies and school districts: None.
2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment:
 - (a) Adoption of these regulations will not:
 - create or eliminate jobs within California;
 - create new businesses or eliminate existing businesses within California; or
 - affect the expansion of businesses currently doing business within California.

- (b) Benefit of the proposed regulation to the health and welfare of California residents, worker safety, or the State’s environment and quality of life: As stated under the “Informative Digest/Policy Statement Overview” above, the proposed regulations will update and improve audit procedures of K–12 local education agencies, which would ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements.
9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney III, at (916) 445–7745 or by e–mail: tmorgan@eaap.ca.gov, or Mary C. Kelly, Executive Officer, at (916) 445–7745.

AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP’s office at the above address. As of the

date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: www.eaap.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

Date: June 16, 2017
CDI Regulation File: REG–2016–00024

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that the California Department of Insurance (Department) will hold a public hearing regarding the adoption of amendments to the California Code of Regulations (C.C.R.) Title 10, Chapter 5, Subchapter 3, Article 3, sections 2303, 2303.1, 2303.2, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.17, 2303.19, 2303.21, 2303.22, [existing] 2303.23 [renumbered as 2303.30] and the addition of sections 2303.23, 2303.24, 2303.25, 2303.26, 2303.27, and 2303.28, hereinafter referred to as “Reinsurance Oversight Regulations”.

The Department will consider any and all comments, objections, or recommendations that may be timely submitted regarding this proposed action.

AUTHORITY AND REFERENCE

The Department proposes to adopt amendments to C.C.R. sections 2303 *et seq.* pursuant to the rulemaking authority vested in him by California Insurance Code (Insurance Code) sections 720, 730, 736, 739.9, 922.8, 922.85, 923, 924, 1011.5, 1215.9, 1781.12, 10489.94, 12921 and *CalFarm Insurance Company v. Deukmejian*, 48 Cal. 3d 805 (1989), and *20th Century Insurance Company v. Garamendi*, 8 Cal. 4th 216 (1994). The Department's proposed amendments to C.C.R. sections 2303 *et seq.* will implement, interpret, and make specific the provisions of Insurance Code sections 700, 701, 717, 717.5, 730, 733, 736, 739, 900, 922.1, 922.2, 922.3, 922.31, 922.4, 922.41, 922.42, 922.43, 922.5, 922.6, 922.7, 922.8, 922.85, 922.9, 923, 924, 925, 925.2, 925.4, 1011, 1011.5, 1215.5(b)(3), 1215.5(f), 1781.10, 10489.1, 10489.12, 10489.96 and 12921.

PUBLIC HEARING DATE AND LOCATIONS

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed amendments to C.C.R. sections 2303 *et seq.*, as follows:

Date and time: **Monday, July 31, 2017 at 10:00 a.m.**

Northern California

Location: California Department of Insurance
 Administrative Hearing Room
 45 Fremont Street, 22th Floor
 San Francisco, CA 94105

California Department of Insurance
 300 Capitol Mall, 17th Floor
 Video Conference Room #17005
 Sacramento, CA 95814

Southern California

Location: California Department of Insurance
 300 South Spring Street, 14th Floor
 Video Conference Room #14330
 Los Angeles, California 90013

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN COMMENTS;
 CONTACT PERSONS**

All persons are invited to submit written comments on the proposed amendments and additions to C.C.R. 2303 *et seq.* during the public comment period. The public comment period closes at **5:00 p.m. on Monday, July 31, 2017**. Comments must be received by the contact person no later than 5:00 p.m. on July 31, 2017. Any written materials received after that time may not be considered. Please direct all written comments to the following contact person:

Monica Macaluso, Attorney
 California Department of Insurance
 45 Fremont Street, 24th Floor
 San Francisco, CA 94105
 Telephone: (415) 538-4118
 Fax: (415) 538-5729
 Email: monica.macaluso@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Jennifer Chambers, Attorney III
 California Department of Insurance
 45 Fremont Street, 24th Floor
 San Francisco, CA 94105
 Telephone: (415) 538-4145
 Fax: (415) 538-5729
 Email: jennifer.chambers@insurance.ca.gov

Access to Hearing Rooms

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**A. Summary of Existing Law and Regulations Related to the Proposed Action**

Reinsurance is an arrangement wherein the insurer, or cedent, transfers some or all of the risk that it has assumed under a policy or group of policies to a reinsurer. In this contractual relationship between the insurer and the reinsurer, the reinsurer agrees to indemnify the cedent for a portion of the premium as consideration for the risk assumed. As a contract of indemnity, the reinsurer's obligation is to reimburse the cedent for the agreed upon percentage of assumed risk, meaning the reinsurer does not owe the cedent anything unless and until the specific contractual requirements have been met. The reinsurer does not have any contractual liability to the policyholder as there is no privity of contract between the reinsurer and the insured, the obligations run solely between the insurer and the reinsurer, unless otherwise specified in the contract.

Every insurer doing business in a state must file financial statements exhibiting its condition and affairs as of the previous December 31. In California the requirement to make financial statement filings is found in section 900 of the Insurance Code. The determination of the provision of credit for reinsurance on a cedent's financial statement is based on statutory accounting principles and regulatory requirements. These rules and laws determine when credit will be allowed to the cedent for reinsurance ceded as either an asset or a deduction from liability. In California, sections 922.1 *et seq.* provide when credit for reinsurance will be allowed to a domestic ceding insurer as an asset or a deduction from liability on account of reinsurance ceded when specific requirements are met

The Reinsurance Oversight Regulations found in Title 10, sections 2303 *et seq.*, of the California Code of Regulations became operative on November 23, 2006, to establish requirements of substance and procedure in accounting for reinsurance on insurer financial statements, the general requirements for reinsurance arrangements, and related sanctions and oversight as required by Insurance Code sections 700, 701, 717, 717.5, 730, 733, 736, 900, 922.1, 922.2, 922.3, 922.4, 922.5, 922.6, 922.7, 922.8, 922.9, 923, 924, 925, 925.2, 925.4, 1011, 1011.5, 1215.5, 1781.10, 12921.

The Reinsurance Oversight Regulations were impacted by Bulletin No. 2011-2, which became effective on July 1, 2011, to detail how the Insurance Commissioner (Commissioner) would exercise his regulatory discretion to comply with the requirements of Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act, subtitled the Nonadmitted and Reinsur-

ance Reform Act, 15 U.S.C. §§ 8221-8223 (NRRA). The NRRA provides that the laws of nondomestic states, except those with respect to taxes and assessments, are preempted to the extent they apply to reinsurance agreements. Bulletin No. 2011-2 addresses how the Commissioner will exercise his discretion in sections 2303 *et seq.* in order to comply with the NRRA.

Changes without regulatory effect were filed pursuant to Title 1, section 100, of the California Code of Regulations, on March 25, 2015, to bring the Reinsurance Oversight Regulations into compliance with California law, which changed as a result of SB 1216 (Lowenthal). SB 1216 became effective January 1, 2013, and made significant changes to the credit for reinsurance statutes found in sections 922.1 through 922.8 of the Insurance Code. In particular, section 922.6 of the Insurance Code, which gave the Commissioner the authority to impose specific credit for reinsurance accounting requirements on foreign insurers, was amended such that the Commissioner could no longer deny financial statement credit to a foreign ceding insurer to the extent that credit was recognized by the cedent's domestic state. SB 1216 also established certified reinsurers as a new type of reinsurer that domestic cedents could take financial statement credit for cessions made to these entities. The change without regulatory effect thus amended the Reinsurance Oversight Regulations to comply with section 922.6 regarding reinsurance accounting, and included references to certified reinsurers to comply with sections 922.4, 922.41, 922.42, 922.43, and 922.85. Sections 2303.14 and 2303.15 of the regulations have references to foreign insurers, but because they relate specifically to the Commissioner's licensing authority in Insurance Code sections 700 and 717, rather than his accounting credit authority in 922.6, they could not be changed through a change without regulatory effect. The proposed rulemaking amends sections 2303.14 and 2303.15 to bring them into compliance with Bulletin 2011-2.

The proposed rulemaking adopts in sections 2303.23 through 2303.28 NAIC Model Regulation #787 (Model #787), also known as the Term and Universal Life Insurance Reserve Financing Model Regulation, pursuant to the authority granted to the Commissioner in section 922.85 of the Insurance Code. Model #787 was based on Actuarial Guideline XLVIII *Actuarial Opinion and Memorandum Requirements for the Reinsurance of Policies Required to be Valued under Sections 6 and 7 of the NAIC Valuation of Life Insurance Policies Model Regulation (Model 830)* (AG 48), which became effective January 1, 2015. AG 48 is part of the NAIC *Accounting Practices and Procedures Manual* in Appendix C, meaning that provisions similar to Model #787 have been effective in all states since January 1, 2015.

B. Comparable Federal Regulations or Statutes

The Department has conducted a review of federal regulations and statutes and determined there are no comparable federal regulations or statutes.

C. Policy Statement Overview and Specific Benefits of Proposed Rulemaking

The broad objectives of the proposed amendments and additions to the Reinsurance Oversight Regulations are to increase consumer protection and to provide clarification of regulatory oversight procedures and requirements related to determining credit for reinsurance ceded.

The effect of the proposed amendments and additions is to make the regulations more clear, consistent and up-to-date with changes in federal law, and the NAIC Credit for Reinsurance Model Law and Regulation.

Changes to the regulations include, but are not limited to, proposed amendments to remove defunct terms and requirements for foreign or “volume insurers” to memorialize Bulletin No. 2011–2 regarding how the Commissioner has exercised his regulatory discretion to comply with the requirements of the NRRA.

The proposed regulations will also include, but are not limited to, changes to better reflect the Commissioner’s practices and discretion. Examples include language in section 2303.15(b) which is proposed to be amended to provide more accurate terminology, or language in section 2303.15(g) to allow for 100% cessions of direct written premium on prospective business from a California domestic to an affiliate or an intercompany pool without being conditioned on a 10% retrocession.

Sections 2303.22 relating to severability and 2303.23 regarding the effective date are proposed to be moved to sections 2303.29 and 2303.30, respectively, in order to include the proposed new sections 2303.23 through 2303.28 into the regulatory scheme.

The Department also proposes to make various technical amendments to the Reinsurance Oversight Regulations in sections such as 2303.1, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.17, and any other relevant sections, to update cross citations, typographical errors, and authority and reference citations. New definitions related to sections 2303.23 through 2303.28 are proposed to be added to section 2303.2. Additionally, procedures for certified reinsurer applications, as described in Insurance Code section 922.41, and notification of reinsurance recoverables, described in Insurance Code section 922.31, are added to section 2303.21(h) and (l), respectively.

The Department is proposing to add sections 2303.23 through 2303.28 to clarify the provision of credit for reinsurance for term and universal life insurance reserve financing arrangements. The addition of sections

2303.23 through 2303.28 require amendment of section 2303 to add reference to the regulation of reserve financing arrangements in the Reinsurance Oversight Regulations. The adoption of 2303.23 through 2303.28 are necessary to interpret, clarify, and make specific Insurance Code sections 922.4 and 922.5, which establish when credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded to specific reinsurers when specific forms of collateral have been posted in relation to term and universal life insurance reserve financing arrangements. Proposed sections 2303.23 through 2303.28 would adopt NAIC Model Regulation #787, also known as the Term and Universal Life Insurance Reserve Financing Model Regulation.

The specific benefits of the proposed rulemaking are many. An increase in the transparency and openness in business and government as requirements and procedures are made clear is anticipated. Additionally, the proposed regulations support the welfare of California consumers by ensuring that reserves for specific life insurance policies are appropriately securitized. Finally, when Model #787 becomes an accreditation standard California will already be compliant, ensuring continued NAIC accreditation status.

D. Evaluation of Consistency and Compatibility with Existing State Regulations

In reviewing other state regulations, the Department has determined that the regulatory proposal is consistent and compatible with other state regulations. Section 2303 *et seq.* are the only regulations that relate to the provision of credit for reinsurance.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed amendments and additions to the regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL DISTRICTS OR IN FEDERAL FUNDING

The Department has determined that the proposed amendments will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESSES, INCLUDING THE ABILITY OF
CALIFORNIA BUSINESSES TO COMPETE

The Department has made an initial determination that the adoption and amendment of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected by the adoption and amendment of the proposed regulations are property and casualty insurers, life and health insurers, and reinsurers. The Department has not considered proposed alternatives that would lessen any adverse economic impact on business and invites the submission of proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

The Department is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State, the creation of new businesses or elimination of existing businesses in the State, the expansion of businesses currently doing business in the State, and the benefits of the proposed regulations to the health and welfare of California residents, worker safety, and the State's environment.

The Department has determined that the proposed amended regulations will have a negligible impact on the creation or elimination of jobs in the State. The proposed regulations are not expected to impact the creation of new businesses or the elimination of existing businesses within California, and the Department has determined that the proposed regulations will not affect California businesses' ability to expand. The Department has determined that the proposed regulations will be beneficial to the welfare of California residents, and that the proposed regulations will not impact the health of California residents, worker safety, or the State's environment.

The full text of the Department's assessment is set forth in the Economic Impact Assessment (May 1, 2017), which is included in the rulemaking record.

POTENTIAL COST IMPACT ON
REPRESENTATIVE PRIVATE PERSONS OR
ENTITIES/BUSINESSES

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

FINDING OF NECESSITY

The Department finds that it is necessary for the welfare of the people of the state that the regulations, as amended, apply to businesses.

IMPACT ON SMALL BUSINESS

The proposed regulations are not anticipated to have any adverse statewide estimated economic impact on small business because insurers are not considered small businesses by law. *See* Cal. Gov. Code § 11342.610(b)(2).

IMPACT ON HOUSING COSTS

The proposed amendments and additions will have no significant impact on housing costs.

ALTERNATIVES

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

AVAILABILITY OF THE RULEMAKING FILE

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The Department is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations with proposed additions in underlined text and proposed deletions in strikethrough text;
2. A copy of this Notice;
3. A copy of the Initial Statement of Reasons; and
4. The information upon which the proposed rulemaking is based.

Written comments, data or other factual information, and studies or reports that are received by the Department after the rulemaking file is opened will be added to the rulemaking file. The rulemaking file is available for public inspection and copying, by appointment, at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the regulations adopted by the Department differ from those which have originally been made available 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. Interested persons should request a copy of these amended regulations from the contact person listed above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests for the Final Statement of Reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of the proposed amendments to this Notice, including the Informative Digest, which contains the general substance of the proposed amendments to the regulation, will be automatically sent to all persons who have previously filed a request to receive notice of proposed rulemaking with the Department.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department’s website at www.insurance.ca.gov. Go to the drop-down tab at the top titled “Insurers”, and click on “Legal Information”. Click the third bullet at

the top of the page under Legal Information titled “Proposed Regulations”. On the next page click the hyperlink titled “Search for Proposed Regulations”. On this page you can either browse through a list of Department regulations or conduct a search.

To browse the Department’s most current regulations, click the hyperlink “Currently Proposed Regulations”. A list of hyperlinks to the Department’s most current regulation projects will appear. Click on the link titled “Reinsurance Oversight Regulations” for the documents associated with this proceeding.

To search, enter “REG-2016-00024” in the search field. Alternatively, search by keyword, such as “reinsurance oversight”. Then, click on the “Submit” button to display links to the rulemaking documents.

TITLE 20. CALIFORNIA ENERGY COMMISSION

Residential Air Filters, Residential Pool Pump and Motor Combinations, and Replacement Residential Pool Pump Motors

California Energy Commission
Docket No. 17-AAER-14

The California Energy Commission seeks to modify existing appliance efficiency regulations to delay the date by which residential air filters must comply with testing, certification, and marking requirements, and to allow certification of permanent magnet synchronous motors used in residential pool pump and motor combinations or used as replacement residential pool pump motors.

NOTICE THAT A PUBLIC HEARING IS SCHEDULED

The date set for the adoption of regulations at a public hearing is as follows:

Energy Commission Business Meeting
August 9, 2017
10:00 a.m. (Pacific Time)

California Energy Commission
1516 9th Street
Sacramento, CA 95814
Rosenfeld Hearing Room
(Wheelchair accessible)

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

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 at least 5 days in advance.

ORAL AND WRITTEN STATEMENTS

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the hearing, or may submit written comments to the Energy Commission for consideration on or prior to 5:00 p.m. on July 31, 2017. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments to the Energy Commission using the Energy Commission's e-commenting feature by going to the Energy Commission's 2017 Appliance Efficiency Rulemaking webpage <http://energy.ca.gov/appliances/2017-AAER-14/rulemaking> and clicking on the "Submit e-comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the "Agree & Submit Your Comment" button to submit the comment to the Energy Commission's Docket Unit.

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

You are encouraged to use the electronic filing system, described above, to submit comments. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 2017-AAER-14
1516 9th Street, MS-4
Sacramento, CA 95814

Or e-mail to: DOCKET@energy.ca.gov
Or fax to Dockets at (916) 654-4354

PUBLIC ADVISER

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

STATUTORY AUTHORITY AND REFERENCE

Government Code section 11346.5(a)(2) and California Code of Regulations, title 1, section 14

Authority: Public Resources Code sections 25213, 25218(e) and 25402(c).

Reference: Public Resources Code sections 25216.5(d) and 25402(c).

INFORMATIVE DIGEST

Government Code section 11346.5(a)(3)

Existing laws and regulations related directly to the proposed action and effect of the proposed rulemaking — Government Code section 11346.5(a)(3)(A).

Existing law (Public Resources Code section 25402(c)) requires the Energy Commission to reduce the inefficient consumption of energy by prescribing standards for minimum level of operating efficiency and other cost-effective measures, such as energy consumption labeling requirements, for appliances that require a significant amount of energy to operate on a statewide basis.

The Appliance Efficiency Regulations (California Code of Regulations, title 20, sections 1601-1609) contain definitions, test procedures, efficiency standards, marking, and certification requirements for state and federally regulated appliances. Appliance manufacturers are required to certify to the Energy Commission that their products meet all applicable state and federal regulations pertaining to energy efficiency before their products can be included in the Energy Commission's database of approved appliances to be sold or offered for sale within California.

Residential Air Filters

Existing law requires testing, marking, and certification of residential air filters for use in forced-air heating or forced-air cooling equipment, also referred to as Heating, Ventilation, and Air Conditioning (HVAC) equipment, which are sold or offered for sale in California. Specifically, California Code of Regulations, title 20, section 1604(c)(4) provides the test methods for air filters and requires that manufacturers test small, medium, and large size air filters for each grade. California Code of Regulations, title 20, section 1606, Table X, subsection C, requires manufacturers to certify air filters sold or offered for sale in California by reporting the following data into the Energy Commission's database: air filter sizes tested, minimum efficiency reporting value, test procedure used to determine air filter efficiency performance, face velocity utilized for the test procedure, initial resistance at air flow rate of values 1 through 5, final resistance, and dust holding capacity at the maximum rated airflow rate. Lastly, California

Code of Regulations, title 20, section 1607(d)(12) states that each unit of air filter manufactured on or after July 1, 2016, shall be marked permanently and legibly with the information specified in Sections 1607(d)(12)(A)–(B).

The Energy Commission has adopted emergency regulations to change the date by which residential air filters sold or offered for sale in California must comply with the testing, marking, and certification requirements from July 1, 2016, to April 1, 2019. Specifically, the Energy Commission's emergency regulatory action amended California Code of Regulations, title 20, section 1607(d)(12) to state that each unit of residential air filters manufactured on or after April 1, 2019, shall be marked, permanently and legibly, with the information specified in Sections 1607(d)(12)(A)–(13). In addition, through the emergency regulatory action, the Energy Commission amended California Code of Regulations, title 20, section 1606, Table X, subsection C, to limit its effect so that only those residential air filters manufactured on or after April 1, 2019, as opposed to all residential air filters, that are sold or offered for sale in California, must be certified to the Energy Commission.

The emergency regulations delayed the date when residential air filters must comply with the existing regulations to provide the Energy Commission time to collaborate with stakeholders to study, address, and resolve manufacturers' concerns with the existing testing requirements in California Code of Regulations, title 20, section 1604(c)(4). The emergency regulations have allowed manufacturers to continue to supply residential air filters to the California market while the Energy Commission evaluates whether the testing requirements for residential air filters lack specificity and if it is necessary to develop and adopt regulations to address the concerns with the testing requirements. The emergency regulations will expire on September 26, 2017.

The Energy Commission has initiated this rulemaking to make the emergency regulations permanent pursuant to Government Code section 11346.1(e). The proposed regulations would delay the date by which residential air filters that are sold or offered for sale in California must comply with the testing, marking, and certification requirements in the Appliance Efficiency Regulations. Like the emergency regulations, the proposed regulations would delay the date when residential air filters must comply with the existing regulations from July 1, 2016, to April 1, 2019.

Residential Pool Pump and Motor Combinations and Replacement Residential Pool Pump Motors

Existing law establishes definitions, test methods, efficiency standards, and certification and marking requirements for residential pool pump motor combinations and replacement residential pool pump motors

that are sold or offered for sale in California. Specifically, California Code of Regulations, title 20, section 1602(g) provides definitions to describe the permissible motor construction types for residential pool pump and motor combinations and replacement residential pool pump motors. California Code of Regulations, title 20, section, 1604(g)(3) sets forth the test method for residential pool pumps. California Code of Regulations, title 20, section 1605.3(g)(5) establishes the motor efficiency standards for residential pool pump and motor combinations and replacement residential pool pump motors. California Code of Regulations, title 20, section 1606, Table X, subsection G, requires that manufacturers certify residential pool pump and motor combinations and replacement residential pool pump motors sold or offered for sale in California by reporting the following data into the Energy Commission's database: motor construction type, motor design, frame, speed, motor capability, unit type, pool pump motor capacity, motor service factor, motor efficiency, nameplate horsepower, pump control speed, and flow power and energy factors for curves A, B and C. Lastly, California Code of Regulations, title 20, sections 1607(a), 1607(b) and 1607(d)(9)(B) include marking requirements for residential pool pump and motor combinations and replacement residential pool pump motors.

The Energy Commission has adopted emergency regulations to allow the certification of permanent magnet synchronous (PMS) motors used in residential pool pump and motor combinations or used as replacement residential pool pump motors that are sold or offered for sale in California. Specifically, the Energy Commission's emergency regulatory action amended California Code of Regulations, title 20, section 1602(g) to define PMS motors. In addition, the Energy Commission amended California Code of Regulations, title 20, section 1606, Table X, subsection G to add PMS motors as a permissible motor construction type for residential pool pump and motor combinations and replacement residential pool pump motors. The emergency regulations provided consumers access to pump and motor sets that include PMS motors, which are often used for storable pools, and which are less costly and as efficient as other types of compliant pool pump motors. The emergency regulations will expire on September 26, 2017.

The Energy Commission has initiated this rulemaking to make the emergency regulations permanent pursuant to Government Code section 11346.1(e). Like the emergency regulations, the proposed regulations would define PMS motors and add PMS motors as a permissible motor construction type. The proposed regulations would allow manufacturers to certify PMS motors used

in residential pool pump and motor combinations or used as replacement residential pool pump motors.

Difference from existing comparable federal regulation or statute — Government Code section 11346.5(a)(3)(B).

Residential Air Filters

The Energy Commission has determined that there are no existing, comparable federal regulations or statutes that address the testing, certification, and marking requirements in California Code of Regulations, title 20, section 1606, Table X, subsection C, and section 1607(d)(12), for residential air filters.

Residential Pool Pump and Motor Combinations and Replacement Residential Pool Pump Motors

The Energy Commission has determined that there are no existing, comparable federal regulations or statutes, which are currently effective, that address the definitions and certification requirements in California Code of Regulations, title 20, section 1602(g), and section 1606, Table X, subsection G, for residential pool pump and motor combinations. The U.S. Department of Energy has adopted regulations establishing efficiency standards for pool pump and motor combinations (referred to as dedicated-purpose pool pumps) with a compliance date of July 19, 2021. (82 Fed. Reg. 5650 (January 18, 2017).) Because these federal efficiency standards are not yet effective, they do not preempt or affect current state efficiency standards for residential pool pump and motor combinations, including the existing efficiency standard prohibiting split-phase and capacitor start-induction run type motors. Moreover, federal appliance regulations do not preempt state certification requirements, which is the purpose of this rulemaking — to modify existing regulations to allow the certification of PMS motors used in residential pool pump and motor combinations and used as replacement residential pool pump motors.

The Energy Commission has determined that there are no existing, comparable federal regulations or statutes that address the definitions and certification requirements in California Code of Regulations, title 20, section 1602(g), and section 1606, Table X, subsection G, for replacement residential pool pump motors.

Absent such federal regulation or statute, there is no basis for comparison with and nothing related to the proposed regulations.

Policy statement overview regarding broad objectives of the regulations and the specific benefits anticipated by the proposed amendments — Government Code section 11346.5(a)(3)(C).

Residential Air Filters

The broad objective of this rulemaking is to prevent adverse effects to California residents by allowing man-

ufacturers to supply residential air filters to the California market while the Energy Commission undertakes a separate rulemaking to establish regulations that clarify and make specific the testing requirements for residential air filters. To meet this objective, the Energy Commission proposes to delay the date by which residential air filters, sold or offered for sale in California, must comply with testing, marking, and certification requirements in the Appliance Efficiency Regulations from July 1, 2016, to April 1, 2019.

The Energy Commission adopted the existing regulations for residential air filters on May 13, 2015. The regulations require that residential air filters manufactured on or after July 1, 2016, comply with testing, marking, and certification requirements, but do not set a specific efficiency or design standard for residential air filters. The existing regulations seek to address the lack of marking specifications on replacement residential air filters which may result in installing improper filters in HVAC equipment, wasting energy, and damaging equipment prematurely. The purpose of the regulations is to provide information to consumers regarding an air filter's ratings for metrics such as filter efficiency by particle size or initial resistance to airflow. This information allows consumers to better compare the rated performance of replacement air filters and to match a replacement air filter with the specific design requirements of the consumers' HVAC equipment.

In September 2016, Energy Commission staff learned that manufacturers of residential air filters faced barriers to compliance with the testing, marking, and certification requirements for residential air filters. The existing regulations were meant to provide manufacturers flexibility when conducting the required tests. However, Energy Commission staff recently determined that the regulations should be more specific with respect to identification and selection of a manufacturer's air filters to be tested and with respect to the application of the resulting test results to a manufacturer's air filters which are in the same product family but of a different size. The lack of an industry standard or accurate methodology to extrapolate test results to different filter sizes has made it difficult for manufacturers to comply with the existing regulations. If manufacturers use a dissimilar manner to choose air filters for testing or if they apply the test data to other air filters in a dissimilar manner, then marking information would not be comparable, as intended by the regulations. This will not be helpful to consumers, will introduce additional confusion to the market, and will contravene the purpose of the regulations.

Prior to the adoption of the emergency regulations that delay the compliance date of the existing regulations, most manufacturers of air filters had to choose either to supply the California market with non-compli-

ant residential air filters or to remove all residential air filters manufactured on or after July 1, 2016, from the California market. Manufacturers that supplied non-compliant residential air filters to the California market could have been subject to penalties through an enforcement action by the Energy Commission. If manufacturers removed residential air filters manufactured on or after July 1, 2016, from the California market, there would have been an insufficient supply to meet the needs of consumers for replacement residential air filters.

The specific benefits from the proposed regulations are threefold. First, the proposed regulations will benefit California residents by preventing a shortage of residential air filters which are necessary to reduce energy use and expense, protect HVAC equipment, and remove particulate pollutants to help maintain acceptable indoor air quality. Second, the proposed regulations provide the Energy Commission adequate time to develop and adopt regulations in a separate rulemaking to provide clarity to the existing regulations. Third, the proposed regulations will benefit manufacturers by allowing them to sell residential air filters in California and avoid enforcement actions.

Residential Pool Pump and Motor Combinations and Replacement Residential Pool Pump Motors

The broad objective of this rulemaking is to prevent adverse effects to California residents by allowing manufacturers to supply PMS motors used in residential pool pump and motor combinations and as replacement residential pool pump motors to the California market. To achieve this objective, the Energy Commission proposes to permit the certification of PMS motors by allowing manufacturers to select the PMS motor construction type when submitting data to the Energy Commission.

The Energy Commission adopted the existing regulations on December 15, 2004, which require residential pool pump motors manufactured on or after January 1, 2006 and sold or offered for sale in California to comply with testing, efficiency, marking, and certification requirements in the Appliance Efficiency Regulations. The regulations set design standards for residential pool pump and motor combinations and residential replacement pool pump motors. The design standards prohibit the sale or offer for sale of two types of inefficient residential pool pump motors — split phase and capacitor start-induction run type motors — to encourage the use of more efficient residential pool pump motors. The Energy Commission monitors compliance with the design standards by requiring manufacturers to certify the motor construction type by choosing from a list of five motor construction types. Prior to the adoption of the emergency regulations, PMS motors were not included in

this list of permissible motor construction types and therefore could not be sold or offered for sale in California.

In November 2015, the Energy Commission staff learned that manufacturers were unable to certify PMS motors. In February 2017, manufacturers communicated to Energy Commission staff that PMS motors are supplied with the vast majority of pump and motor sets for storable pools, and exclusively with storable pools that cost between \$149 and \$500; PMS motors sold separately as replacement residential pool pump motors cost between \$29 and \$69. Customers prefer this pump and motor set for storable pools because of its low cost, and it is the most affordable option for low-income customers.

The storable pool pump industry uses two filtering technologies — cartridge filter and sand filter. The cartridge filter technology uses the PMS motor technology exclusively while the sand filter technology uses the capacitor-start/capacitor-run (CSCR) motor type. The PMS motor is as efficient as other compliant pool pump motors, such as the CSCR motors, when designed for the same capacity (size) pool. CSCR motors can be certified to the Energy Commission while PMS motors could not. This was not the intent of the regulations, which is to encourage the use of efficient residential pool pump motors. If the PMS motor is not included in this list of permissible motor construction types, manufacturers can choose not to sell small storable pools in California, to the disadvantage of lower-income consumers.

The specific benefits of the proposed regulations include providing California residents, especially low-income residents, access to more affordable and equally efficient PSM motors used for storable pools. The regulations will benefit manufacturers by allowing them to comply with the regulations and to sell and offer for sale PMS motors in California.

Inconsistency or incompatibility with existing state regulations — Government Code section 11346.5(a)(3)(D).

The proposed regulations are not inconsistent or incompatible with existing state regulations. There are no other state regulations that address the definitions and certification requirements in California Code of Regulations, title 20, section 1602(g), and section 1606, Table X, subsection G, for residential pool pump and motor combinations and replacement residential pool pump motors.

There are regulations in the California Code of Regulations, title 24, part 6 (Building Energy Efficiency Standards) that apply to the installation of residential air filters in newly constructed residential buildings. The proposed regulations that address the testing, certifica-

tion, and marking requirements in California Code of Regulations, title 20, section 1606, Table X, subsection C, and section 1607(d)(12), for residential air filters apply to the sale or offer for sale of residential air filters in California. These proposed regulations are intended to harmonize with and complement the regulations in Title 24, part 6. Title 24, part 6 covers only air filters installed in newly constructed residential buildings, whereas, the Title 20 regulations cover all residential air filters sold or offered for sale in the state. For consumers who have HVAC equipment and air filters installed pursuant to Title 24, part 6, the air filter marking required by Title 20 will allow the consumer to better match replacement air filters with their originally installed air filter. Therefore, the proposed regulations are neither inconsistent nor incompatible with the regulations in Title 24 or any other existing state regulations. The regulations merely delay the date by which residential air filters must comply with the Appliance Efficiency Regulations.

**DOCUMENTS INCORPORATED
BY REFERENCE**

California Code of Regulations, title 1,
section 20(c)(3)

The following documents are incorporated by reference: None.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

Government Code section 11346.2(c)

None.

OTHER STATUTORY REQUIREMENTS

Government Code section 11346.5(a)(4)

None.

LOCAL MANDATE DETERMINATION

Government Code section 11346.5(a)(5)

The proposed regulations will not impose a mandate on local agencies or school districts.

FISCAL IMPACTS

Government Code section 11346.5(a)(6)

Cost or Savings to Any State Agencies. The Energy Commission does not anticipate any costs or savings to any state agency as a result of the proposed regulations.

Cost to Local Agencies or School Districts Requiring Reimbursement. The proposed regulations will not impose on local agencies or school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Other Nondiscretionary Cost or Savings Imposed Upon Local Agencies. The proposed regulations will not result in other nondiscretionary cost or savings to local agencies.

Cost or Savings in Federal Funding to the State. The proposed regulations will not result in any cost or savings in federal funding to the state.

HOUSING COSTS

Government Code section 11346.5(a)(12)

The proposed regulations will not have an effect on housing costs.

**INITIAL DETERMINATION REGARDING
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

Government Code sections 11346.3(a),
11346.5(a)(7), and 11346.5(a)(8)

The Energy Commission has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulations merely delay the date by which all manufacturers must comply with testing, certification, and marking requirements for residential air filters and allow manufacturers to certify and sell their pool pumps powered by PMS motors in California.

**COST IMPACTS ON REPRESENTATIVE
PERSONS OR BUSINESSES**

Government Code section 11346.5(a)(9)

For residential air filters, the proposed regulations only delay the date by which residential air filters for use in forced-air heating or forced-air cooling equipment must comply with the Appliance Efficiency Regu-

lations. There will be no costs as a result of this delay. The existing regulations require the testing, certification, and marking of residential air filters. The costs and benefits associated with these requirements were fully analyzed in the original rulemaking.¹ The delay in compliance date would not result in any additional costs or savings; it would merely delay when those costs or savings would occur.

For residential pool pump and motor combinations and replacement residential pool pump motors, the proposed regulations will provide California consumers access to residential pool pumps powered by PMS motors. Manufacturers of residential pool pumps powered by PMS motors will be able to certify their products to the Energy Commission. Retailers and distributors will be able to sell and offer for sale these products. There will not be any costs to small businesses or individuals due to the allowance to sell additional types of pool products. The three companies that manufacture the majority of the PMS motors used in residential pool pump and motor combinations and used as replacement residential pool pump motors may each incur testing costs up to \$12,500 (up to \$2,500 per PMS motor) for products not previously certified to the Energy Commission. However, these testing costs apply to all compliant pool pump motor types and are the result of the underlying pool pump motor efficiency standards established in a 2004 rulemaking, not these proposed regulations. There will be no new costs as a result of allowing an additional pool pump motor type to comply with the existing regulations.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT
Government Code section 11346.5(a)(10)

Creation or elimination of jobs within the state:

No new jobs will be created and no existing jobs will be eliminated by the proposed regulations. For residential air filters, the proposed regulations only delay the compliance date of an existing regulation. For residential pool pump and motor combinations and replacement residential pool pump motors, the affected retailers, distributors, and manufacturers have indicated that

they do not anticipate any jobs to be created or eliminated due to the proposed regulations.

Creation of new businesses or the elimination of existing businesses within the state:

No new businesses will be created and no existing businesses will be eliminated by the proposed regulations. For residential air filters, the proposed regulations only delay the compliance date of an existing regulation. For residential pool pump and motor combinations and replacement residential pool pump motors, manufacturers and retailers currently sell a variety of pool products and the proposed regulations would allow for the sale of an additional type of residential pool pump motor. The proposed regulations do not affect existing compliant products.

Expansion of businesses currently doing business within the state:

The Energy Commission estimates that no new businesses will be created and no existing businesses will expand due to the proposed regulations. For residential air filters, the proposed regulations only delay the compliance date of an existing regulation. For residential pool pump and motor combinations and replacement residential pool pump motors, manufacturers and retailers currently sell a variety of pool products and the proposed regulations would allow for the sale of an additional type of residential pool pump motor. The proposed regulations do not affect existing compliant products.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:

The proposed regulations will benefit California residents by allowing access to residential air filters which are necessary to reduce energy use and expense, protect HVAC equipment, and remove particulate pollutants to help maintain acceptable indoor air quality. In addition, the proposed regulations will benefit California residents, especially low-income residents, by allowing access to pump and motor sets that include PMS motors, which are often used for storable pools, and which are less costly and are as efficient as other types of pool pump motors designed for the same capacity (size) pool. The Energy Commission does not anticipate any benefits to worker safety as a result of the proposed regulations because this regulatory action will not impact working conditions or worker safety. The proposed regulations do not result in new benefits to the state's environment but improve the implementation of existing regulations which reduce energy consumption, and

¹ Singh, Harinder, Ken Rider, 2015. Staff Analysis of HVAC Air Filters, Dimming Fluorescent Ballasts, and Heat Pump Water Chilling Packages, California Energy Commission. Publication Number: CEC-400-2015-007, pp. 20-24, available at: http://docketpublic.energy.ca.gov/PublicDocuments/15-AAER-01/TN203717_20150220T141247_Staff_Analysis_of_HVAC_Air_Filters_Dimming_Fluorescent_Ballasts.pdf.

therefore lower emissions of air pollutants, including greenhouse gases.

BUSINESS REPORT

Government Code sections 11346.5(a)(11) and 11346.3(d)

The proposed regulations will not impose any new reporting requirements.

EFFECT ON SMALL BUSINESS

California Code of Regulations, title 1, sections 4(a) and (b)

The Energy Commission has determined that the proposed regulations pertaining to residential air filters will affect small business because some retailers of residential air filters are small businesses and they will be required to comply with the proposed regulations. The proposed regulations will allow retailers to continue selling and offering for sale residential air filters. The regulations do not uniquely affect small businesses and will not yield any costs or savings to small businesses.

The Energy Commission has determined that the proposed regulations regarding residential pool pump and motor combinations and replacement residential pool pump motors will affect small business because many retailers of pool supply products are small businesses and they will be required to comply with the proposed regulations. The proposed regulations will allow retailers to sell and offer for sale an additional type of residential pool pump motor. The regulations do not uniquely affect small businesses and will not yield any costs or savings to small businesses.

ALTERNATIVES STATEMENT

Government Code section 11346.5(a)(13)

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

CONTACT PERSON

Government Code section 11346.5(a)(14)

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the rulemaking is based, should be directed to Patrick Saxton at Patrick.Saxton@energy.ca.gov or (916) 654-4274. The designated backup contact person is Sean Steffensen who can be reached at Sean.Steffensen@energy.ca.gov or (916) 651-2908.

COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT OF THE PROPOSED REGULATIONS

Government Code section 11346.5(a)(16)

The Energy Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons, the express terms of the proposed regulations, or any other rulemaking document please visit the Energy Commission's website at: <http://energy.ca.gov/appliances/2017-AAER-14/rulemaking> or contact Angelica Romo-Ramos at Angelica.Romo@energy.ca.gov or at (916) 654-4147. Additionally, all rulemaking documents can be obtained from the Docket Office at the above address or by calling (916) 654-5076.

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

Government Code section 11346.5(a)(18)

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

COPY OF THE FINAL STATEMENT OF REASONS

Government Code section 11346.5(a)(19)

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has

been prepared by visiting the Energy Commission’s website at: <http://energy.ca.gov/appliances/2017-AAER-14/rulemaking> or contacting Angelica Romo-Ramos at Angelica.Romo@energy.ca.gov or at (916) 654-4147.

INTERNET ACCESS

Government Code sections 11346.4(a)(6) and
11346.5(a)(20)

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, and the Initial Statement of Reasons, as well as other documents in the rulemaking file have been posted at: <http://energy.ca.gov/appliances/2017-AAER-14/rulemaking>.

**RULEMAKING PETITION
DECISION**

**DIVISION OF WORKERS’
COMPENSATION**

**NOTICE OF DECISION ON PETITION FOR
RECONSIDERATION
(Government Code section 11340.7)**

**TITLE 8, CALIFORNIA CODE OF
REGULATIONS, SECTION 10134,
ARTICLE 8 OF CHAPTER 4.5,
SUBCHAPTER 1.5**

PETITIONER: Brendan Patrick Maloney

By letter dated May 4, 2017, Brendan Patrick Maloney (Petitioner) requested reconsideration of a previously denied Petition for Regulatory Action. The Petitioner requests that DWC reconsider its April 28, 2017 decision to deny petitioner’s March 31, 2017 petition to promulgate a written attorney disclosure form.

AUTHORITY

Labor Code section 5307.3 provides that the Administrative Director of DWC may adopt, amend, or repeal any rule or regulation that is reasonably necessary to enforce Division 4 of the Labor Code. Division 4 sets forth the “complete system” of workers’ compensation in

this State as required by Section 4 of Article XIV of the California Constitution. (See Labor Code section 3201.)

Labor Code section 4906 requires the Administrative Director to promulgate a written attorney disclosure form that must be provided to an injured worker at the time of their initial consultation. The form must contain such information as the procedures available to the injured worker, the range of attorney fees to be paid, the requirement that the Workers’ Compensation Appeals Board (WCAB) must approve the fee arrangement, and the DWC District Office where the injured worker’s case will be filed. The form must be signed under penalty of perjury.

CONTACT PERSON

Please direct any inquiries regarding this action to Yvonne Hauscarriague, Acting Chief Counsel, Division of Workers’ Compensation, Legal Unit, P.O. Box 420603, San Francisco, CA 94142-0603.

AVAILABILITY OF PETITION

The petition for reconsideration is available upon request directed to DWC’s contact person.

**SUMMARY OF THE PETITION
FOR RECONSIDERATION**

Petitioner contends that the current version of the DWC Form 3, the disclosure form incorporated by reference in California Code of Regulations, title 8 (8 C.C.R.), section 10134, is procedurally invalid because the DWC did not hold a public hearing prior to the recent amendment of that form. Petitioner requests that the form be properly adopted through emergency rulemaking. Petitioner further states that his review of completed disclosure forms revealed that attorneys have altered the DWC Form 3 to reflect a higher range of attorney’s fees than that set forth on the form.

DEPARTMENT DECISION

DWC denies the petition for reconsideration for the reasons set forth in its April 28, 2017 decision.

DISAPPROVAL DECISIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions is available at www.oal.ca.gov under the “Publications” button. You may also request a

copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, PHONE (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

BOARD OF FORESTRY AND FIRE PROTECTION

In re:

Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1094.16(d)(6)

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2017-0420-02

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

In this rulemaking action, the Board of Forestry and Fire Protection adopts and amends numerous regulations in Title 14 of the California Code of Regulations (CCR) to implement Assembly Bill 904, Chapter 648 of 2013, and Assembly Bill 2239, Chapter 291 of 2014, and creates the Working Forest Management Plan program. Among other things, the purposes of the program are to assure the continuous growing and harvesting of commercial forest tree species and to protect soil, air, fish and wildlife, and water resources.

DECISION

The Office of Administrative Law (OAL) disapproved the proposed adoption of section 1094.16(d)(6) of Title 14 of the CCR in the above-described rulemaking action for failure to comply with the clarity standard of the Administrative Procedure Act, pursuant to Government Code sections 11349(c) and 11349.1(a)(3).

CONCLUSION

For the foregoing reasons, OAL disapproved the proposed adoption of section 1094.16(d)(6) in the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Board may resubmit a revised section 1094.16(d)(6) within 120 days of its receipt of this Decision of Disapproval. Prior to that, the Board shall make all substantial regulatory text

changes, which are sufficiently related to the originally proposed text, available for at least 15 days for public comment pursuant to Government Code section 11346.8 and Title 1 CCR section 44. OAL reserves the right to review the Board's resubmitted regulation and the rulemaking record for compliance with all substantive and procedural requirements of the APA. A copy of this Decision will be emailed to the Board on the date indicated below.

Date: June 7, 2017

Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Matt Dias
Copy: Thambi Borras

BUREAU OF AUTOMOTIVE REPAIR

In re:

Bureau of Automotive Repair

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 3351.7.1, 3351.7.2, 3351.7.3

Amend sections: 3371.1

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2017-0417-04

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

On April 17, 2017, the Bureau of Automotive Repair (Bureau) submitted to the Office of Administrative Law (OAL) this proposed regulatory action to adopt and amend various sections in Title 16 of the California Code of Regulations (CCR). These regulatory changes are proposed to establish registration, advertising, and other standards for automotive repair dealers who engage in the business of mobile automotive repair and who do not operate a currently registered place of business where the diagnosis or repair of motor vehicles is performed.

DECISION

On May 30, 2017, OAL notified the Bureau that OAL disapproved the proposed regulations because the Bureau failed to follow procedural requirements of the California Administrative Procedure Act (APA). This

Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

CONCLUSION

For these reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Bureau may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval.

A copy of this Disapproval Decision will be emailed to the Bureau on the date indicated below. If you have any questions, please do not hesitate to contact me at (916) 323-6824.

Date: June 6, 2017

Thanh Huynh
Senior Attorney

For: Debra M. Cornez
Director

Original: Patrick Dorais
Copy: Brian Clark

DENTAL BOARD OF CALIFORNIA

In re:
Dental Board of California

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1021, 1022

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2017-0413-02

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

In this rulemaking action the Dental Board of California (Board) is proposing to amend sections 1021 and 1022 of title 16 of the California Code of Regulations (CCR). These amendments increase the fees for dentists and dental assistants. This rulemaking action also proposes to remove some fees and adopt other new fees.

DECISION

On April 13, 2017, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On May 25, 2017, OAL

notified the Board of the disapproval of this regulatory action. The reason for the disapproval was failure to comply with the "necessity" standard of Government Code section 11349.1. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

CONCLUSION

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this disapproval decision will be e-mailed to the Board contact person on the date this decision is signed as specified below.

If you have any questions, please contact me at (916) 323-6225.

Date: June 1, 2017

Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Karen Fisher
Copy: Sarah Wallace

**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# 2017-0425-02
ACUPUNCTURE BOARD
Sponsored Free Health Care Events

This rulemaking action by the California Acupuncture Board adopts sections 1399.407, 1399.407.1, 1399.407.2, and 1399.407.3 in title 16 of the California Code of Regulations regarding requirements for participation in sponsored free health care events. The Board is also incorporating by reference two forms that will be utilized as part of the registration process.

Title 16
ADOPT: 1399.407, 1399.407.1, 1399.407.2,
1399.407.3
Filed 06/07/2017
Effective 10/01/2017
Agency Contact: Marc Johnson (916) 515-5216

File# 2017-0419-04
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS
Examination Appeal

This action by the Board for Professional Engineers, Land Surveyors, and Geologists repeals regulations that permit applicants for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who fail their examination to inspect the exam and appeal their exam results. This action also deletes two sections related to the geologist exam inspection and appeal that were repealed by their own terms on December 31, 1999.

Title 16
REPEAL: 3036.1, 3036.2, 3037.1, 3037.2
Filed 05/31/2017
Effective 07/01/2017
Agency Contact: Billie Baldo (916) 263-2277

File# 2017-0421-01
BOARD OF EDUCATION
English Language Proficiency Assessments for California (ELPAC)

This rulemaking action by the State Board of Education implements the new English Language Proficiency Assessments for California (ELPAC) in accordance with Senate Bill (SB) 201 (Stats 2013, ch. 478).

Title 5
ADOPT: 11517.6, 11518, 11518.5, 11518.10,
11518.15, 11518.20, 11518.25, 11518.30, 11518.35,
11518.40, 11518.45, 11518.50, 11518.55, 11518.60,
11518.65, 11518.70, 11518.75, 11518.80, 11519,
11519.5
Filed 06/05/2017
Effective 10/01/2017
Agency Contact: Hillary Wirick (916) 319-0644

File# 2017-0523-02
BOARD OF EDUCATION
California High School Proficiency Examination

This emergency action by the Board of Education adopts and amends regulations to implement the statutory fee waiver process and documentation requirements for foster youths taking the California High School Proficiency Examination pursuant to Education

Code section 48412 (as amended by Stats. 2016, Ch. 697, Sec. 1 (AB 2656)).

Title 5
ADOPT: 11526 AMEND: 11520, 11524, 11525
Filed 06/02/2017
Effective 06/02/2017
Agency Contact: Hillary Wirick (916) 319-0644

File# 2017-0420-02
BOARD OF FORESTRY AND FIRE PROTECTION
Working Forest Management Plan

In this rulemaking action, the Board of Forestry and Fire Protection adopts and amends numerous regulations in Title 14 of the California Code of Regulations to implement Assembly Bill 904, Chapter 648 of 2013, and Assembly Bill 2239, Chapter 291 of 2014, and creates the Working Forest Management Plan program. Among other things, the purposes of the program are to assure the continuous growing and harvesting of commercial forest tree species and to protect soil, air, fish and wildlife, and water resources.

Title 14
ADOPT: 1090.28, 1094, 1094.1, 1094.2, 1094.3,
1094.4, 1094.5, 1094.6, 1094.7, 1094.8, 1094.9,
1094.10, 1094.11, 1094.12, 1094.13, 1094.14,
1094.15, 1094.16(a)-(d)(5), 1094.17, 1094.18,
1094.19, 1094.20, 1094.21, 1094.22, 1094.23,
1094.24, 1094.25, 1094.26, 1094.27, 1094.28,
1094.29, 1094.30, 1094.31, 1094.32, 1094.33,
1094.34, 1094.35 AMEND: 895, 895.1, 913.11
[933.11, 953.11], 916.5 [936.5, 956.5], 919.9
[939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3
[943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5,
963.5], 923.9 [943.9, 963.9] 929 [949, 969], 945.1,
1038, 1090.26, 1104.1, 1115.3
Filed 06/02/2017
Effective 01/01/2018
Agency Contact: Thembi Borrás (916) 653-9633

File# 2017-0424-01
BOARD OF PHARMACY
Prescription Drug Take-Back Programs

The Board of Pharmacy is adopting a new article with seven new sections into title 16 of the California Code of Regulations. This new article establishes specific requirements to allow pharmacies to establish prescription drug take-back services to combat prescription drug abuse in California.

Title 16
ADOPT: 1776, 1776.1, 1776.2, 1776.3, 1776.4,
1776.5, 1776.6
Filed 06/06/2017
Effective 06/06/2017
Agency Contact: Lori Martinez (916) 574-7917

File# 2017-0424-02
 BOARD OF PSYCHOLOGY
 Verification of Experience Forms

This action by the Board of Psychology amends procedures relating to supervised professional experience plans and agreements.

Title 16
 AMEND: 1387, 1387.1
 Filed 06/05/2017
 Effective 10/01/2017
 Agency Contact: Jason Glasspiegel (916) 574-7137

File# 2017-0421-04
 CALIFORNIA HORSE RACING BOARD
 Jockey's Riding Fee

This action by the California Horse Racing Board (Board) amends minimum jockey riding fees for losing mounts and provides direction for calculating jockey riding fees for second and third place mounts. This action is a resubmittal of previously disapproved Matter No. 2016-1201-03S.

Title 4
 AMEND: 1632
 Filed 05/31/2017
 Effective 05/31/2017
 Agency Contact:
 Nicole Lopes-Gravely (916) 263-6397

File# 2017-0421-05
 CALIFORNIA HORSE RACING BOARD
 Third Party Race-Day Administration of Furosemide

The California Horse Racing Board filed this action to amend sections 1433 and 1845 of title 4 of the California Code of Regulations to implement third-party race-day administration of furosemide to horses entered to race.

Title 4
 AMEND: 1433, 1845
 Filed 06/01/2017
 Effective 12/26/2017
 Agency Contact: Harold Coburn (916) 263-6026

File# 2017-0425-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Peach Fruit Fly Eradication Area

This certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action (OAL File No.: 2016-1026-02E) that added San Mateo County to the list of proclaimed eradication areas with respect to the peach fruit fly, *Bactrocera zonata*. The effect of this action provides authority for the state to perform eradication activities against the peach fruit fly within this county.

Title 3
 AMEND: 3591.12
 Filed 06/01/2017
 Effective 06/01/2017
 Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0428-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This certificate of compliance by the Department of Food and Agriculture makes permanent the emergency actions, 2016-0801-01E and 2017-0123-01EE, that established the quarantine for the Asian Citrus Psyllid (ACP), *Diaphorina citri*, in the Livingston area of Merced County. The effect of this action provides authority for the state to perform quarantine activities against ACP within this area.

Title 3
 AMEND: 3435(b)
 Filed 06/07/2017
 Effective 06/07/2017
 Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0428-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 West Indian Fruit Fly Eradication Area

This certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action (2016-1026-01E) that established Los Angeles County as an eradication area for the West Indian fruit fly. The effect of this action provides authority for the state to perform control and eradication activities against the West Indian fruit fly within this county.

Title 3
 ADOPT: 3591.28
 Filed 06/05/2017
 Effective 06/05/2017
 Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0523-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency readopt action by the Department of Food and Agriculture maintains the changes adopted in OAL File No. 2016-1212-02E that prohibited the movement of bulk citrus within quarantine areas, except for shipments moved under the terms of a special permit as authorized under section 3154 of title 3 of the CCR.

Title 3
 AMEND: 3435(d)
 Filed 06/02/2017
 Effective 06/02/2017
 Agency Contact: Dean Kelch (916) 403-6650

File# 2017-0424-07

DEPARTMENT OF JUSTICE

Department of Insurance Bond Form

This file and print action amends section 50.10 of title 11 of the California Code of Regulations and is the Department of Justice's approval and printing of the revised Instructions For Execution of Surety Bonds By Certain Holders of or Applicants For a Certificate of Authority or Certificate of Exemption for the Department of Insurance.

Title 11

AMEND: 50.10

Filed 06/01/2017

Effective 06/01/2017

Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-10

DEPARTMENT OF JUSTICE

Department of Insurance Bond Form

This file and print action amends section 50.13 of title 11 of the California Code of Regulations and is the Department of Justice's approval and printing of the revised Bond of Special Lines' Surplus Line Broker.

Title 11

AMEND: 50.13

Filed 06/01/2017

Effective 06/01/2017

Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-14

DEPARTMENT OF JUSTICE

Department of Insurance Bond Form

The Department of Justice submitted this file and print action, pursuant to Government Code section 11343.8, to repeal the Department of Insurance "Bond of Life Insurance Analyst" surety bond form in California Code of Regulations, title 11, section 50.18.

Title 11

REPEAL: 50.18

Filed 05/31/2017

Effective 05/31/2017

Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0421-07

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Use of Hook-On and Attachable Ladders with Scaffolds and Rest Platforms — HORCHER

This action amends state hook-on and attachable ladder regulations to align with federal OSHA regulations concerning the use of hook-on and attachable ladders with scaffolding. The regulations are exempt from the Administrative Procedure Act as being substantially

the same as the applicable federal standards. (Labor Code, § 142.3(a)(3).)

Title 8

AMEND: 1637

Filed 06/05/2017

Effective 06/05/2017

Agency Contact: Marley Hart (916) 274-5721

File# 2017-0421-08

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Emergency Action Plan

This action amends state Emergency Action Plan (EAP) regulations to align with federal OSHA regulations concerning procedures for employees performing rescue or medical duties. The regulations are exempt from the Administrative Procedure Act as being substantially the same as the applicable federal standards. (Lab. Code, § 142.3(a)(3).)

Title 8

AMEND: 3220

Filed 06/05/2017

Effective 06/05/2017

Agency Contact: Marley Hart (916) 274-5721

File# 2017-0426-02

STATE PERSONNEL BOARD

Job Applications

This file and print action by the State Personnel Board adopts a new section regarding the filing of job applications. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 18211.

Title 2

ADOPT: 249.8

Filed 05/31/2017

Effective 07/01/2017

Agency Contact: Jeanne Wolfe (916) 651-0924

File# 2017-0523-03

SUPERINTENDENT OF PUBLIC INSTRUCTION
High School Equivalency Test

This action adopts and amends regulations to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test.

Title 5

ADOPT: 11534.1 AMEND: 11530, 11533, 11534

Filed 06/02/2017

Effective 06/02/2017

Agency Contact: Hillary Wirick (916) 319-0860

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 4 2017 TO
June 7, 2017**

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

05/31/17 ADOPT: 249.8
 05/26/17 AMEND: 11030, 11031, 11034
 04/10/17 ADOPT: 552.1
 03/27/17 ADOPT: 11017.1 AMEND: 11017
 03/22/17 AMEND: 58000
 03/21/17 ADOPT: 2299.01, 2299.02, 2299.03, 2299.04, 2299.05, 2299.06, 2299.07, 2299.08, 2299.09
 03/03/17 ADOPT: 599.829.1
 02/28/17 AMEND: 2270, 2271
 02/16/17 ADOPT: 59820
 01/31/17 ADOPT: 547.60.1 AMEND: 547.60
 01/30/17 AMEND: 58600
 01/23/17 ADOPT: 1896.15, 1896.17 AMEND: 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22, 1896.62, 1896.71, 1896.73, 1896.80, 1896.82 REPEAL: 1896.83
 01/11/17 ADOPT: 59810
 01/11/17 ADOPT: 11140, 11141, 11142, 11143, 11144, 11145, 11146, 11147, 11148, 11149, 11150, 11151, 11153, 11154, 11155, 11157, 11158, 11159, 11161, 11162, 11165, 11166, 11167, 11168, 11170, 11171, 11172, 11173, 11174, 11175, 11176, 11177, 11178, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11180, 11181, 11182, 11183, 11184, 11187, 11188, 11189, 11190, 11191, 11192, 11193, 11194, 11195, 11196, 11197, 11198, 11199, 11200

Title 3

06/07/17 AMEND: 3435(b)
 06/05/17 ADOPT: 3591.28
 06/02/17 AMEND: 3435(d)
 06/01/17 AMEND: 3591.12
 05/30/17 AMEND: 3439(b)

05/15/17 AMEND: 3435(b)
 05/15/17 AMEND: 3435(b)
 05/09/17 AMEND: 3435(b)
 05/08/17 AMEND: 1402.7, 1402.8
 05/08/17 AMEND: 3439(b)
 05/04/17 AMEND: 3435(b)
 05/04/17 AMEND: 3435(b)
 05/04/17 AMEND: 3591.15
 04/24/17 AMEND: 3435(b)
 04/24/17 AMEND: 3435(b)
 04/20/17 AMEND: 3435(b)
 04/18/17 AMEND: 3435(b)
 04/17/17 AMEND: 3435(b)
 04/17/17 AMEND: 3435(b)
 04/07/17 AMEND: 3435(b)
 04/04/17 AMEND: 3435(b)
 03/30/17 AMEND: 3435(b)
 03/30/17 AMEND: 3435(b)
 03/28/17 AMEND: 3435(b)
 03/28/17 AMEND: 3406(c), 3591.5(b)
 03/24/17 AMEND: 3435(b)
 03/14/17 AMEND: 3061
 03/13/17 ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
 03/07/17 AMEND: 3435(b)
 03/02/17 AMEND: 3435(b)
 02/28/17 ADOPT: 3070
 02/27/17 ADOPT: 751, 751.1, 754.3, 754.4, 820.1, 830, 830.1, 830.2, 830.3, 830.4, 831, 831.1, 831.2, 831.3, 831.4, 831.5, 837, 838, 1302, 1302.1, 1302.2, 1302.3, 1302.4 AMEND: 752, 752.1, 752.2, 752.3, 752.4, 752.5, 752.6, 753, 753.1, 753.2, 754, 754.1, 754.2, 755, 755.1, 755.4, 756, 756.1, 758, 820, 820.3, 820.4, 820.5, 820.55, 820.6, 820.7 REPEAL: 753.3, 755.2, 755.3, 756.2, 756.3, 757, 758.1, 820.1, 820.2
 02/24/17 AMEND: 3435(b)
 02/21/17 AMEND: 3435(b)
 02/16/17 AMEND: 3435(b)
 02/13/17 AMEND: 3435(b)
 02/13/17 AMEND: 3435(b)
 02/06/17 AMEND: 3435(b)
 02/02/17 AMEND: 3435(b)
 01/31/17 AMEND: 3435(b)
 01/30/17 AMEND: 3435(b)
 01/19/17 AMEND: 3439(b)
 01/12/17 AMEND: 3435(b)
 01/10/17 AMEND: 3435(b)
 01/10/17 AMEND: 3435(b)
 01/10/17 AMEND: 3435(b)
 01/09/17 AMEND: 3591.12
 01/05/17 AMEND: 6625
 01/04/17 AMEND: 3435(b)

Title 4

06/01/17 AMEND: 1433, 1845
 05/31/17 AMEND: 1632
 05/30/17 ADOPT: 5145, 5146, 5233 AMEND:
 5000, 5020, 5031, 5033, 5050, 5051,
 5054, 5061, 5062, 5063, 5106, 5144,
 5170, 5191, 5192, 5194, 5200, 5220,
 5230, 5240, 5250, 5255, 5258, 5260,
 5300, 5342, 5350, 5370, 5400, 5450,
 5560, 5600 REPEAL: 5221
 05/08/17 ADOPT: 8078.8, 8078.9, 8078.10,
 8078.11, 8078.12, 8078.13, 8078.14
 05/04/17 AMEND: 10031, 10032, 10033, 10035,
 10036
 05/02/17 ADOPT: 10325.5 AMEND: 10337
 04/20/17 AMEND: 1581, 1843
 04/10/17 AMEND: 10170.3, 10170.8, 10170.9,
 10170.10, 10170.14
 03/14/17 ADOPT: 299 AMEND: 297, 300
 02/28/17 ADOPT: 6000, 6010, 6011, 6012, 6013,
 6014, 6020, 6021, 6022, 6023, 6024,
 6030, 6040, 6041, 6042, 6043, 6050,
 6051, 6052, 6053, 6060, 6061, 6062
 02/15/17 ADOPT: 8078.8, 8078.9, 8078.10,
 8078.11, 8078.12, 8078.13, 8078.14
 02/09/17 AMEND: 10302, 10315, 10317, 10320,
 10322, 10325, 10326, 10327, 10330,
 10335, 10337
 02/07/17 AMEND: 10031, 10032, 10033, 10035,
 10036
 01/23/17 AMEND: 1581, 1843
 01/09/17 AMEND: 8034, 8035
 01/05/17 ADOPT: 610

Title 5

06/05/17 ADOPT: 11517.6, 11518, 11518.5,
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 03/14/17 AMEND: 15495 REPEAL: 15497.5
 02/06/17 AMEND: 22000
 02/02/17 AMEND: 851, 853.5, 853.7, 855, 856
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 05/23/17 ADOPT: 20169 AMEND: 20170, 20234,
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 03/27/17 AMEND: 9701, 9702
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 02/24/17 ADOPT: 10770.7 AMEND: 10770
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05/16/17	REPEAL: 50.22	05/08/17	ADOPT: 18651.10, 18657.0, 18657.1
05/16/17	ADOPT: 50.22		AMEND: 18600, 18601, 18611, 18612, 18613, 18614, 18614.1, 18616, 18619.1, 18619.2, 18619.3, 18619.4, 18619.5, 18620, 18621, 18622, 18623, 18624, 18625, 18626, 18627, 18631, 18632, 18633, 18634, 18641, 18642, 18643.0, 18643.2, 18643.3, 18643.4, 18643.5, 18643.6, 18643.7, 18650.1, 18650.2, 18650.3, 18650.4, 18650.5, 18650.6, 18650.61, 18650.7, 18650.8, 18650.9, 18651.0, 18651.1, 18651.2, 18651.3, 18651.4, 18651.5, 18651.6, 18651.7, 18651.8, 18651.9, 18653.0, 18653.1, 18653.2, 18653.3, 18653.4, 18653.5, 18653.6, 18655.1, 18655.2, 18655.3, 18655.5, 18655.51, 18655.6, 18655.7, 18655.8, 18656.0
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04/19/17	AMEND: 26.01, 26.02	18659.5	
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02/22/17	AMEND: 1153	05/01/17	AMEND: 27.80
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02/21/17	AMEND: 553.70	04/18/17	AMEND: 1038
02/16/17	ADOPT: 15.01 AMEND: 15.00	04/13/17	ADOPT: 3805.1
02/02/17	AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8, 2467.9	04/12/17	ADOPT: 111
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01/19/17	AMEND: 170.12	03/27/17	AMEND: 27.80
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		03/02/17	ADOPT: 54.00, 54.01, 54.02, 54.03, 122.1, 122.2 AMEND: 29.80, 29.90, 121, 121.5, 122, 705
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		05/30/17	AMEND: 1703
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		05/24/17	ADOPT: 1001.1, 1001.2
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04/03/17	ADOPT: 3999.22	02/23/17	AMEND: 1399.672
03/22/17	AMEND: 8006	02/09/17	AMEND: 9.1
03/21/17	ADOPT: 8900 AMEND: 8901	01/31/17	AMEND: 1744
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03/07/17	AMEND: 3332, 3343	01/05/17	AMEND: 1361
02/22/17	AMEND: 3173.2	01/04/17	AMEND: 1508.1
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05/15/17 AMEND: 1051

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05/11/17 ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2, 100061, 100062, 100063, 100064, 100069, 100070, 100072, 100073, 100074, 100075, 100079, 100080, 100081, 100083

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04/10/17 ADOPT: 64300, 64305, 64310, 64315

03/27/17 AMEND: 51121

03/16/17 AMEND: 20100.5

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