



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. CALIFORNIA
AFRICAN–AMERICAN MUSEUM**

NOTICE IS HEREBY GIVEN that the **California African–American Museum**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on May 12, 2017 and closing on June 26, 2017. All inquiries should be directed to the contact listed below.

The **California African–American Museum** proposes to amend its conflict–of–interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict–of–interest code include updating position titles, deleting abolished positions, updating disclosure category assignments, and makes other technical changes.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than June 26, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than June 11, 2017.

The **California African–American Museum** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.

6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Sheryl A. Meline, Executive Assistant, 213.744.7632; smeline@caamuseum.org.

**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

STATE AGENCY: California African American Museum
California Collaborative for Educational Excellence

A written comment period has been established commencing on May 12, 2017, and closing on June 26, 2017. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 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 proposed conflict–of–interest code(s). Any written com-

ments must be received no later than June 26, 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 Cesar Cuevas, 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 Cesar Cuevas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. OCEAN PROTECTION COUNCIL

NOTICE IS HEREBY GIVEN that the **Ocean Protection Council**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on May 12, 2017 and closing on June 26, 2017. All inquiries should be directed to the contact listed below.

The **Ocean Protection Council** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: accurately reflecting the location of where the Form 700s are stored, accurate staff classifications and disclosure categories, and other technical changes.

Information on the code amendment is available on the agency’s intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than June 26, 2017, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than June 9, 2017.

The **Ocean Protection Council** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Joanna Stone, Analyst, 916-653-0537; joanna.stone@resources.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huang-longbing (HLB) Disease Interior Quarantine as an emergency action that was effective on January 19, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than July 18, 2017.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on June 26, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Sara.Khalid@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Existing law provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code [FAC] Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

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

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (FAC Section 5761).

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

The specific anticipated benefits of the amendment of this regulation are:

The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB infested host material from the environment. By removing the sources of HLB inocula it is biologically feasible to confine HLB's devastating impacts to the smallest area possible.

FAC Section 401.5 states, "The department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state." The adoption of this regulation is one step to mitigate the spread of HLB through its vector, the Asian citrus psyllid (ACP). This prevents the ACP from naturally spreading and increases the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants (*Murraya* spp.), any other host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices.

The Department considered any other possible related regulations in this area; we find that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is consistent and compatible with existing state regulations. There is no existing, comparable federal regulation or statute regulating the intrastate movement of ACP hosts.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Cerritos area of Los Angeles and Orange counties by approximately 95 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 275 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

Small Business Determination

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State’s economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would neither be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to affected private persons nor would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 220, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sara.khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa/pendingregs).

TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY

The California Alternative Energy and Advanced Transportation Financing Authority (“Authority”) — pursuant to the authority vested in it by Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011.8 to establish a sales and use tax exclusions (“STE”) program for Qualified Property if at least 50 percent of its use is either to process Recycled feedstock that is intended to be reused in the production of another product or using Recycled feedstock in the production of another product or soil amendment, or tangible personal property that is used in the state for the design, manufacture, production, or assembly of Advanced Manufacturing, Advanced Transportation technologies, or Alternative Source products, components, or systems, as defined in Section 26003 — proposes to amend and adopt the reg-

ulations described below after considering all comments, objections, and recommendations regarding the proposed action.¹

PROPOSED REGULATORY ACTION

The Authority proposes to amend Title 4, Division 13, Article 2, Sections 10031, 10032, 10033, 10035, and 10036 of the California Code of Regulations (“Regulations”) concerning the implementation of the Sales and Use Tax Exclusion Program. These regulations were initially adopted under the emergency regulation process on August 9, 2016 (OAL File # 2019-0801-06E) and re-adopted on February 7, 2017 (OAL File # 2017-0201-01EE), pursuant to Public Resources Code Section 26011.8(i). In addition, the Authority submitted a second re-adoption of these regulations to OAL for its consideration on April 25, 2017 (OAL File # 2017-0425-03EE). These proposed regulations make modifications to Title 4, Division 13, Article 2, Sections 10031(aa) and 10032(a)(4) of the regulations initially adopted on August 9, 2016 under the emergency rulemaking process. The Authority is soliciting input for any modifications or amendments to the regulations adopted under the emergency rulemaking process on August 9, 2016, and the two additional changes made in the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Public Resources Code Sections 26009 and 26011.8. Revenue and Taxation Code Section 6010.8. Public Resources Code Section 26009 authorizes CAEATFA to adopt necessary regulations relating to its authority established by the Act, and Public Resources Codes Section 26011.8 provides the authority to develop the Sales and Use Tax Exclusion Program. Revenue and Taxation Code Section 6010.8 provides CAEATFA the ability to provide financial assistance in the form of sales and use tax exclusions.

Reference: Section 26011.8 of the Public Resources Code. This regulation will implement, interpret, and make specific section 26011.8 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Law in existence before the passage of Assembly Bill (“AB”) 199 (Eggman, Chapter 768, Statutes of 2015) establishes the California Alternative Energy and Advanced Transportation Financing Authority and autho-

¹ All capitalized terms not defined here are defined in the Program’s statute and proposed emergency regulations.

rizes the Authority to provide financial assistance, as defined, to Participating Parties, as defined in Public Resources Code Sections 26003(a)(7), for Alternative Source, Advanced Transportation, and Advanced Manufacturing Projects under the Program (See Public Resources Code Sections 26003(a) and 26011.8(a), and Revenue and Taxation Code Section 6010.8). Existing law limits the amount of sales and use tax exclusion (“STE”) that may be granted in each calendar year to \$100 million (Public Resources Code Section 26011.8(h)). Subsequent to the passage of AB 199, staff conducted public workshops in March and June 2016 to solicit input on appropriate Program design. The proposed modifications to the regulations further clarify and specify the provisions set forth in statute, and address “lessons learned” from earlier implementation of the Program. The proposed regulations address three issues:

1. The incorporation of Recycled Resource Extraction Projects into the Program
2. Program oversubscription
3. Streamlining of Program

First, the proposed regulations will incorporate Recycled feedstock Projects into the existing Program. AB 199, as codified in Public Resources Code Sections 26003 and 26011.8, expanded the pre-existing Program, which initially enabled the Authority to award a sales and use tax exclusion to manufacturers of Alternative Source and Advanced Transportation products under Senate Bill 71 (Padilla, Chapter 10, Statutes of 2010) and then to Advanced Manufacturing Projects under SB 1128 (Padilla, Chapter 677, Statutes of 2012). The expansion of the Program extends eligibility to Recycled feedstock Projects. The proposed regulations will incorporate a Recycled feedstock application process into the Program, and will establish a process for evaluating Recycled feedstock applications.

Secondly, the proposed regulations will address historic Program oversubscription. Public Resources Code Section 26011.8(h) limits the Authority to awarding \$100 million in sales and use tax exclusions in each calendar year. The Program received Applications exceeding this limit in 2015, and again in 2016. Because the limit had not been reached before, the Program lacked regulations detailing how to address oversubscription. The proposed regulations place limits on the Program to prevent single entities from using the entire \$100 million, and detail a process for dealing with Program oversubscription if and when it occurs.

Thirdly, the proposed regulations incorporate lessons learned from five years of Program implementation. The proposed regulations cut down on unneeded Program Application requirements, add a simpler Applica-

tion process for biofuels Applicants, and provide the Authority appropriate tools to enforce compliance.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The broad objective of the regulation is to allow the Authority to continue to offer financial assistance to Alternative Source, Advanced Transportation, Advanced Manufacturing, and Recycled feedstock Projects. By promoting these types of Projects the Authority promotes California-based manufacturing, California-based jobs, the reduction of greenhouse gas emissions, or the reduction in air and water pollution or energy consumption.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

Government Code Section 11346.5(a)(3)(D) requires that the notice of proposed rulemaking shall include “an evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations.” Authority staff reviewed the California Code of Regulations and found no existing regulations dealing with this issue. Therefore, the Authority believes that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None. The authorizing statute and Program regulations require that the Authority’s approval of Financial Assistance be limited to applications/projects that produce a net fiscal and environmental benefit to the State. It is anticipated that this Program will produce a net fiscal benefit to the State.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed on local agencies: None. While the sales and use tax that is excluded could be seen as “lost revenue”; the program regulations limit the financial assistance to those applications/projects that are anticipated to have a net fiscal and environmental benefit for the State.

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

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made the determination that the Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Participation in the Program is voluntary for California businesses. For those businesses who chose to apply and are awarded a sales and use tax exclusion, the Program provides an incentive, which reduces their capital purchasing costs. In fact, the Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased economic activity of Advanced Manufacturing and Recycled Resource Extraction Projects and production of Alternative Source and Advanced Transportation products. This determination is based on a review of the public comments received and analysis performed by the consultant hired by the Authority to assist with the development of these proposed regulations.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The Regulations are unlikely to have a negative effect on the creation or elimination of jobs in California, are unlikely to significantly affect the creation of new businesses or elimination of existing businesses within California, and are unlikely to significantly affect the expansion of businesses currently doing business within California. The Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased production of Alternative Source and Advanced Transportation products, and increased economic activity of Advanced Manufacturing and Recycled Resource Extraction Projects. This determination is unquantifiable at this time, and is based on a review of stakeholder comments received and analysis performed by the consultant hired by the Authority to assist with the development of these proposed regulations. The regulation will benefit the health and welfare of California residents, worker safety, and the state's environment by promoting California-based manufacturing, California-based jobs, the reduction of greenhouse gas

emissions, and the reduction in air and water pollution and energy consumption.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative private person would incur as a result of compliance with the proposed action. Business entities applying for the Program would incur costs associated with applying for Financial Assistance and complying with the proposed regulations; however, these costs would constitute a small fraction of the amount of Financial Assistance awarded.

Small Business: The Regulations will not have an adverse impact on small business in California and will not affect small businesses since they do not impose additional restrictions or costs on small businesses.

CONSIDERATION OF ALTERNATIVES

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

The Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Regulations shall be submitted or directed to:

Alejandro Ruiz, Program Manager
California Alternative Energy and Advanced
Transportation Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: 916-651-5101
Email: caeatfa@treasurer.ca.gov

Ellen Hildebrand, Analyst
California Alternative Energy and Advanced
Transportation Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: 916-651-3757
Email: aruiz@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations ends on **June 26, 2017**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the fee structure during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

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

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority’s office at 801 Capitol Mall, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority’s website located at <http://www.treasurer.ca.gov/caeatfa/>.

PUBLIC HEARING

A public hearing regarding the Regulations has been scheduled for **10:00 a.m. until business is concluded on June 27th, 2017 at 801 Capitol Mall, Room 150, Sacramento, CA 95814**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and the written comment period ends, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly

indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

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

All the information upon which the proposed regulations are based, including studies or documents relied upon, is contained in the rulemaking file, which is available for public inspection by contacting the Agency Contact Person designated in this Notice. Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority’s website at <http://www.treasurer.ca.gov/caeatfa/>.

TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the Department of Justice (DOJ) proposes to adopt sections 999.500 through 999.512 of Title 11, Division 1, Chapter 19, of the California Code of Regulations (CCR) concerning the confirmation of non-exempted individuals acting in the capacity of Custodian of Records (COR) pursuant to the authority in Penal Code (PC) section 11102.2(b).

PUBLIC HEARING

The DOJ has not scheduled a public hearing on this proposed action. However, the DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days before the close of the written comment period. The request must be in writing and must comply with the requirements of Government Code (GC) section 11346.8(a). If a public hearing is requested, a notice of the time, date, and place of the hearing will be provided by separate notice.

WRITTEN COMMENT PERIOD

The public comment period for this regulatory action will begin on May 12, 2017. Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments on this regulatory proposal

must be received no later than June 26, 2017 at 5:00 p.m., and addressed to the following:

Amber Lozano, DOJ Administrator II
 California Department of Justice
 California Justice Information Services Division
 P.O. Box 903387
 Sacramento, CA 94203-3870
 Telephone: (916) 210-4067

Or

Yvonne Wright, Criminal Identification and
 Intelligence Supervisor
 California Department of Justice
 4949 Broadway, Room H-119
 Sacramento, CA 95820
 Telephone: (916) 210-4064

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

AUTHORITY AND REFERENCE

The DOJ proposes to adopt Sections 999.500-999.512, Articles 1-4, Chapter 19, of Division 1, Title 11, of the CCR, pursuant to the authority vested in it by PC section 11102.2. The proposed regulatory action will implement, interpret, and make specific the provisions of PC section 11102.2.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and Effect of the Proposed Rulemaking:

A COR is an individual designated by an agency as responsible for the security, storage, dissemination, and destruction of the criminal offender record information (CORI) furnished to the agency and who serves as the primary contact for the DOJ for any related issue. Currently, section 703, Chapter 7, Division 1, Title 11 of the CCR requires record checks be conducted on all personnel with access to CORI.

The proposed regulatory action will accomplish the following functions:

- Make specific the methods for implementation and regulation for the COR Confirmation Program.
- Clarify the requirements for obtaining a COR confirmation through the DOJ.

- Specify the process for denial of an application and the revocation or suspension of an existing COR confirmation.

Comparable Federal Regulations:

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

Objectives and Benefits of the Proposed Rulemaking:

The objective of the proposed rulemaking action is to clarify the requirements for individuals acting in the capacity of COR who are responsible for the security, storage, dissemination, and destruction of CORI, thus protecting the privacy of the citizens of California. The proposed action will ensure that only individuals who have undergone confirmation by the DOJ are able to obtain and view confidential information regarding criminal history records.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The DOJ has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the DOJ has concluded that these are the only regulations that concern the confirmation of non-exempt individuals designated by a public or private agency as a COR in California.

Documents Incorporated by Reference:

The following documents would be incorporated in the regulation by reference as specified by section:

1. Custodian of Records Application for Confirmation, Form BCIA 8374, April 2017, section 999.504 and section 999.507.
2. No Longer Interested (NLI) Notification, Form BCIA 8302, February 2017, section 999.506.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed regulations are not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The DOJ has made the following initial determinations:

Fiscal Impact / Local Mandate:

The DOJ has determined that the proposed regulatory action would not create costs or savings to any State

agency or in federal funding to the State, costs or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to GC, Title 2, Division 4, Part 7 (commencing with section 17500), or other nondiscretionary costs or savings to State or local agencies.

Housing Costs:

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

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete:

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

Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Sec. 113463(b):

Effect on Jobs/Businesses:

The DOJ has determined that the proposed regulatory action would not affect the creation or elimination of jobs or businesses within the State of California or the expansion of businesses currently doing business within the State of California. This determination is based on the fact that this proposed action will not impose any significant cost or other adverse economic impact on public or private agencies who designate an individual as a COR, as COR applicants are already statutorily mandated to submit fingerprints to the DOJ. Furthermore, this proposed action would have no impact on any other businesses or jobs.

Benefits of the Proposed Regulation:

The regulations proposed in this rulemaking action would standardize the procedures and processes for obtaining a COR confirmation through the DOJ and set forth procedures for the denial, suspension, or revocation of an application. The proposed regulatory action will positively impact the safety of California residents.

Cost Impacts on Representative Private Persons or Business:

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

Business Report:

These regulations do not require a report that applies to businesses.

Small Business Determination:

The DOJ has also determined, pursuant to California Code of Regulations, Title 1, Section 4, that the proposed regulatory action would not affect small business, because current procedures for the COR confirmation process would not change for those entities defined as a small business in Government Code section 11342.610(a).

ALTERNATIVES

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

The DOJ invites interested persons to present statements or arguments, with respect to alternatives, to the proposed regulations during the 45-day written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact person: Amber Lozano, DOT Administrator II, California Department of Justice, California Justice Information Services Division, at (916) 210-4067. The back-up contact for these inquiries is Yvonne Wright, Criminal Identification and Intelligence Supervisor, California Department of Justice, California Justice Information Services Division, at (916) 210-4064.

AVAILABILITY OF DOCUMENTS

The DOJ has prepared an Initial Statement of Reasons (ISOR) for the proposed rulemaking action and a listing of the exact regulations proposed.

Copies of the ISOR and the full text of the proposed regulatory language, or other information upon which the rulemaking is based, may be obtained from the DOJ contact persons in this notice, or may be accessed through the Attorney General's website below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure

Act, GC, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340).

After the DOJ analyzes all timely and relevant comments received during the 45-day public comment period, the DOJ will either adopt the regulations as described in this notice, or make modifications based on the comments. If the DOJ makes modifications which are sufficiently related to the original text of the proposed regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15-day public comment period, before the DOJ adopts the regulations. The DOJ will accept written comments on the modifications to the regulations during the 15-day public comment period.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the ISOR, and all subsequent regulatory documents for this rulemaking are available on the Attorney General's website at <http://oag.ca.gov/meetings/public-participation>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 430.00 and 431.00 in Article 6.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to the fee for recording notices of delinquent parking violations and delinquent toll evasion violations.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **June 26, 2017**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 4763 and 4773.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In September 1993, the department adopted Section 430.00 to establish the \$3.00 assessed on processing agencies for each notice of delinquent parking violation filed with the department. In May 1999, the department adopted Section 431.00 to establish the \$3.00 fee assessed on processing agencies for each notice of delinquent toll evasion violation filed with the department.

Assembly Bill 516 (Chapter 90; Statutes of 2016) amended Vehicle Code section 4763 and 4773 to require the department to develop an operational system that allows a dealer or lessor/retailer to electronically report the sale of a vehicle and provide a temporary license plate. AB 516 also authorizes the department to assess an administrative fee on parking and toll evasion processing agencies to support the administration of the report of sale system. Both fees have remained unchanged since their adoption; however, with the implementation of the report of sale system, the department has determined it necessary to increase the delinquent parking violation fee and the delinquent toll evasion violation fee to ensure the report of sale system is adequately funded.

The department anticipates this fee increase will be temporary, lasting until the report of sale system is completely operational and fully funded, at which time regulations will be amended to return each fee to \$3.00 per notice.

Problems this Department Intends to Address and Benefits Anticipated From the Regulatory Action

Currently, new vehicles are allowed to drive on the state's roadways without license plates. Not only is this unsafe, the lack of being able to identify the vehicle, such as with electronic toll collection systems, causes local agencies to lose toll violation and parking viola-

tion revenue, as drivers can use the toll lanes without paying a fee because there's no way to trace the vehicle to the vehicle owner. Without increasing the fee for the recording of notices, the department will not be able to adequately fund the creation of the report of sale system, as required by the provisions of AB 516.

The fee increase proposed in this regulatory action will fund a report of sale program that allows vehicle dealers to issue temporary license plates to new vehicles. The temporary license plate will allow law enforcement to identify these vehicles.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined that there are no other regulations related to the fee for recording notices of delinquent parking violations and delinquent toll evasion violations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

There are no existing federal statutes or regulations that govern the administrative fee charged by the department to record notices of delinquent violations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.

- *Impacts Directly Affecting Businesses:* The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This regulation may affect small business.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

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

This proposed action will not 1) create or eliminate jobs in California, 2) create or eliminate existing businesses within California, or 3) expand businesses currently doing business in California. This proposed action is also unlikely to benefit the health and welfare of California residents; however, the purpose for which the fee increase is necessary will benefit residents. The fee increase is necessary to fund the temporary license plate fund. When new vehicles have temporary plates, local agencies are able to better identify unsafe drivers.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

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

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would

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

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
 Department of Motor Vehicles
 Legal Affairs Division
 PO Box 932382, MS C-244
 Sacramento, CA 94232-3820

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

Telephone: (916) 657-8898
 Facsimile: (916) 657-6243
 E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
 Department of Motor Vehicles
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

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

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Section 180.00 in Article 3.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to Special Interest License Plates.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **June 26, 2017**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 1651, 1652 and 5002.6.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current state law authorizes the department to establish and prescribe forms necessary to facilitate licensing and registration transactions. The information solicited on departmental forms allows the department to, among other things, verify the appropriate records are being updated and ensure the correct plates, cards, placards, documents or other departmental indicia are being issued. The department's regulations identify forms by name, form number and revision date, to ensure interested parties are aware of the current version of that form that is to be submitted to the department at the time of application. In many cases, applicants can expedite their field office visit by printing the forms at home from the department's website and bringing them to the department already completed. Because so many departmental forms are available online, it is necessary for clarity that the regulations identify the correct revision date.

Section 180.00 in Article 3.1 incorporates by reference the Application for Duplicate or Substitute, form REG 156. This is the department-designated form used by applicants requesting duplicate or substitute plates, documents, or stickers. Current regulation identifies the revision date of the form REG 156 as 4/1992. The 1992 version of the form was limited to requesting duplicate or substitute license plates, vehicle and vessel stickers, disabled person placards and identification cards, registration cards and vessel certificates of number. The 1992 version of the form also allowed the applicant to indicate whether the replacement is due to the original being lost or stolen, destroyed or mutilated, not received, or reassigned. Since then, the REG 156 has undergone extensive amendments to allow for the duplicate or substitute issuance of many other plates, documents, and stickers that are currently issued by the department.

PROBLEMS THIS DEPARTMENT INTENDS TO
ADDRESS AND BENEFITS ANTICIPATED FROM
THE REGULATORY ACTION

The form REG 156 is one of the more commonly used departmental forms necessary to facilitate the process of replacing several types of plates, placards, cards and other documents. An outdated form in regulation could cause unnecessary confusion to affected applicants. This amendment will ensure applicants are aware of the current, valid version of the form REG 156 prior to their office visit.

The department anticipates no significant benefits such as the protection of public health and safety, worker safety, or the environment.

COMPARABLE FEDERAL STATUTES
OR REGULATIONS

The department conducted a review of comparable federal regulations and statutes and has determined that no other regulations address the issuance, replacement or duplication of department-issued plates, placards, cards or registration related documents.

CONSISTENCY AND COMPATIBILITY WITH
OTHER STATE REGULATIONS

The department conducted a review of comparable state regulations and has determined that no other regulations address the issuance, replacement, or duplication of department-issued plates, placards, cards, or registration related documents. Therefore, this proposed action is neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

The following document is incorporated by reference:

- Application for Replacement Plates, Stickers, Documents, form REG 156 (Rev. 11/2016)

This document will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL
IMPACT DETERMINATIONS

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.

- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Effects on Housing Costs:* None.
- *Local Agency/School District Mandates:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Small Business Impact:* This regulation may impact small business.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* This action is unlikely to have any significant statewide adverse economic impact on businesses as the amendments only update the revision date of a departmental form.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has considered the economic impact to this proposed action and has determined that there are no impacts to, 1) the creation or elimination of jobs within California, 2) the creation or elimination of existing businesses within California, 3) the expansion of businesses currently doing business in California, or 4) as stated above under the Informative Digest/Policy Statement Overview, the benefits of this regulation will ensure the public is knowledgeable as to the appropriate document needed to facilitate their replacement transaction. Identifying the appropriate form in regulation will allow the customer to complete the application prior to their office visit which will streamline the issuance process and save the customer time.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

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

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

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

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

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regula-

tory Action, Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

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

TITLE 16. BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the California Guide Dog Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on June 26, 2017**, or must be received by the Board at the hearing if a hearing is requested.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 7208 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 144, 7200.5, 7209 and 7211 of the BPC, the Board is considering adopting section 2262.2, Article 2 of Division 22 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

In accordance with the provisions of the Administrative Procedure Act, BPC §7208 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into effect the procedures of the Board.

This proposal would add regulations to govern the renewal process for an Instructor’s license.

Specifically, the Board is proposing the following:

- Add Section 2262.2 of Article 2 Division 22 of Title 16 of the CCR (Fingerprint Requirement)

The proposed language would require as a condition of renewal of a Guide Dog Instructor license, all Instructors to submit electronic fingerprints to the California Department of Justice if they have not done so already.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The Board is responsible for licensing and regulating guide dog schools and instructors who train guide dogs and people who are blind or visually impaired in the use of guide dogs. The Board is statutorily required to fingerprint applicants for licensure as Guide Dog Instructors. The statutory authority became effective January 1, 2001. Absent regulations that specify this requirement for Instructors licensed before that date, the Board would simply be imposing policy on new applicants and not the existing licensing population.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations provide a specific timeline with which licensed instructors who have not already been electronically fingerprinted shall submit said fin-

gerprints. Providing a clear and concise requirement ensures that applicants for an instructor’s license renewal are aware of the requirement and allows the Board to ensure consumer protection by maintaining a licensing pool that has not committed or been sufficiently rehabilitated from a crime substantially related to the profession.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations, the Board has determined that these are the only regulations that deal with the subject area of retroactively fingerprinting licensed instructors. Additionally, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Underlying Data

1. Meeting minutes from October 11, 2016 Board Meeting

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board will be able to absorb the workload of receiving fingerprint results as it will be captured in the renewal process. Processing fingerprint results is not anticipated to exceed a total of 6 hours of one-time workload.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

These regulations will not have a significant adverse impact on the three licensed guide dog schools in California or on the estimated 35 licensed Guide Dog Instructors in California who have been identified as not having submitted electronic fingerprints. The requirements in this regulations package are not expected to exceed a one-time fingerprint cost of \$49 for each licensee.

Cost Impact on Representative Private Person or Business:

These regulations will not have a significant adverse impact on private persons or businesses. The requirements in this regulations package are not expected to exceed a one-time cost of \$49 for the 35 licensed Guide Dog Instructors who have been identified as not having submitted electronic fingerprints.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations only pertain to applicants for an Instructor’s license renewal. Most applicants are employees of Guide Dog Schools either located or operating in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring that Guide Dog Instructors operating in California are clear of any convictions substantially related to the profession.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would 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 proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the infor-

mation upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Brian Skewis, Executive Officer
Address: California State Board of Guide Dogs for the Blind
1625 North Market Blvd., Suite N-112
Sacramento, California 95834.
Telephone No.: 916-574-7825
Fax No.: 916-574-7829
E-Mail Address: Brian.Skewis@dca.ca.gov

BACKUP PERSON

Name: Katherine Demos, Regulations Coordinator
Address: Department of Consumer Affairs
1625 North Market Blvd., Suite S-204
Sacramento, California 95834.
Telephone No.: 916-574-7804
Fax No.: 916-574-8655
E-Mail Address: Katherine.Demos@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.guidedogboard.ca.gov.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD # 0117-01

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1: Repeals the Once-in-a-lifetime Limit on California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance (HA) Payments

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held June 27, 2017, as follows:

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

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on June 27, 2017.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the

basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT

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

CHAPTERS

Manual of Policies and Procedures, Chapter 44-212

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Assembly Bill (AB) 1603 made changes to the CalWORKs HA Program that became effective January 1, 2017. The CalWORKs HA program serves CalWORKs recipients who are homeless or at risk of homelessness. The CalWORKs recipients, or apparently eligible CalWORKs applicants who meet the criteria for being homeless, are eligible for payments to stay in temporary shelter (e.g., a motel) for up to 16 consecutive days. Following the 16-day period, even if the assistance unit (AU) did not receive all 16 days, the temporary shelter benefit is considered exhausted.

While receiving temporary HA, recipients are required to search for permanent housing. Once permanent housing is located, recipients may be eligible to receive permanent HA within one working day of the request. Permanent HA may consist of assistance with the security deposit, which may include last month's rent, with the total not to exceed twice the amount of the monthly rent. The recipient may also receive assistance with the utility deposit, if required. For recipients facing eviction, HA may provide up to two months of rent arrearages. Rent and rent arrearages may not exceed 80 percent of the AU's total monthly household income.

These proposed regulations amend CalWORKs regulations to comply with AB 1603 by repealing the once-in-a-lifetime limit placed on temporary and permanent HA benefits. Under the new law, both temporary and permanent HA shall be available to an eligible AU once every 12 months, or more frequently with exceptions.

In addition, the proposed regulations will make other technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (CalWORKs Homeless Assistance) and, therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1603, as well as with existing state regulations.

Benefits Anticipated from Regulatory Action

This regulatory action will benefit CalWORKs recipients facing homelessness by providing additional HA benefits, if needed, by eliminating the once-in-a-lifetime restriction currently placed on CalWORKs HA and provides that CalWORKs HA is now available once every 12 months to eligible recipients. All of these changes will allow more low-income families to qualify for CalWORKs HA benefits and help them to achieve self-sufficiency. Thus, the proposed regulatory action creates a positive impact to public health and safety.

COST ESTIMATE

1. Costs or Savings to State Agencies: The 2017-18 Governor's Budget includes \$291,000 for FY 2016-17 and \$582,000 for FY 2017-18.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code (GC) sections 17500-17630: The 2017-18 Governor's Budget includes \$29,000 for FY 2016-17 and \$57,000 for FY 2017-18.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: The 2017-18 Governor's Budget includes \$2,057,000 for FY 2016-17 and \$2,091,000 for FY 2017-18. This reflects federal funding (including state operations costs).

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the GC.

STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

STATEMENT OF POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

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

STATEMENT OF RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The CDSS has made the initial determination there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

Creation or Elimination of Jobs Within the State of California

The proposed regulations include changes to CalWORKs recipients facing homelessness by eliminating the once-in-a-lifetime limit currently placed on CalWORKs HA and provides that CalWORKs HA is available once every 12 months to eligible recipients. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate jobs in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory

proposal will not have an impact on the creation or elimination of jobs in the State of California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed regulations include changes to CalWORKs HA by aiding CalWORKs recipients facing homelessness. This will be achieved by providing additional HA benefits, to those clients most in need, by eliminating the once-in-a-lifetime restriction currently placed on CalWORKs HA and provides HA once every 12 months to eligible recipients. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create nor eliminate existing businesses in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments will neither expand nor eliminate businesses in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Benefits of the Regulations

These proposed regulations include amendments that will improve the health and welfare of California residents by providing CalWORKs recipients facing homelessness additional HA benefits. This is possible due to the elimination of the once-in-a-lifetime restriction currently placed on CalWORKs HA. CalWORKs HA is now available once every 12 months to eligible recipients. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals participating in the CalWORKs program.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

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

posed action, or would be more cost-effective to affect private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

The Department adopts these regulations under the authority granted in Sections 10553, 10554 and 11450(g) of the W&I Code. Subject regulations implement and make specific Section 11450 of the W&I Code, as adopted by AB 1603 (Chapter 25, Statutes of 2016).

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu
(916) 657-2586

Backup:
Ying Sun
(916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with GC section 11346.4.

RULEMAKING PETITION DECISIONS

BOARD OF PAROLE HEARINGS

RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7

BPH PETITION RESPONSE 2017-01

The Board of Parole Hearings (hereinafter “board”) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner James Moore on March 28,

2017. In accordance with subdivision (a) of section 11340.7, this document serves as the board’s response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** James Moore (H91580)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** None cited.
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited to Penal Code sections 667(b)-(i) and 1170.12 (hereinafter “the three-strikes laws”) and *In re Butler*; Stipulation and Order Regarding Settlement, First Appellate District Court of California Case No. A139411, December 16, 2013 (hereinafter “*Butler* 2013 stipulated agreement”). Further, Petitioner cites to Penal Code section 1170 and several board regulations.

Petitioner also referenced a case called *In re Sims*, but did not provide the citation. The board was not able to identify which case petitioner intended because the only published case with that title did not reference the issues raised by Petitioner.

5. **REASONS SUPPORTING THE AGENCY’S DECISION:** Petitioner contends that Penal Code sections 667(b)-(i) and 1170.12 require the board to adopt regulations establishing base term calculations for inmates sentenced pursuant to the three-strikes laws. Further, Petitioner contends the three-strikes laws require the board to adopt term matrices for inmates who were convicted of and sentenced for a third felony under the three-strikes laws, where 1) the third felony was serious, 2) the third felony was violent, or 3) the third felony was not serious or violent.

Petitioner’s request is DENIED: Petitioner’s contentions that the board must adopt new regulations for base term calculations and matrices for inmates sentenced pursuant to the three-strikes laws are based on a misunderstanding of current regulations. California Code of Regulations, title 15, article 5 establishes parole consideration criteria and guidelines for life prisoners. Title 15, section 2000, subdivision (b)(3) defines a life prisoner as “[a] prisoner serving a sentence of life with the possibility of parole.” Title 15, section 2282, subdivision (a), requires a parole suitability hearing panel to set a base term for each life prisoner who is found suitable for parole by utilizing an appropriate matrix of base terms provided in the section. If a matrix is not provided in the section for a specific crime, subdivision (d) of section 2282 states that “the panel shall impose a base term by comparison to offenses of similar gravity and magnitude in respect to the threat to the pub-

lic, and shall consider any relevant Judicial Council rules and sentencing information as well as any circumstances in aggravation or mitigation of the crime.”

Inmates sentenced pursuant to the three–strikes laws are sentenced to a minimum indeterminate term of 25 years to life in prison if: 1) the current felony for which the inmate was sentenced qualifies as a serious felony under Penal Code section 1192.7, subdivision (c), 2) the current felony for which the inmate was sentenced qualifies as a violent felony under Penal Code section 667.5, subdivision (c), or 3) the current felony for which the inmate was sentenced or a prior felony for which the inmate was convicted satisfies the requirements of Penal Code sections 667, subdivision (e)(2)(C)(i)–(iv) and 1170.12, subdivision (c)(2)(C)(i)–(iv). (Pen. Code, §§ 667, subd. (e)(2)(A)–(C) & 1170.12, subd. (c)(2)(A)–(C).) These inmates meet the definition of a life prisoner for purposes of regulations contained in Division 2 of Title 15 because they are serving a sentence of life with the possibility of parole. Thus, these inmates are subject to the regulatory provisions of Title 15, section 2282, including the base term calculation requirements under subdivision (d). Therefore, Petitioner’s request for the adoption of regulations regarding base term calculations and matrices for inmates sentenced to indeterminate prison terms pursuant to the three–strikes laws is denied because the board has already adopted applicable regulations.

Additionally, Petitioner appears to be requesting regulations related to the setting of an inmate’s minimum eligible release date (hereinafter “MEPD”). Petitioner seems to be confusing a base term, which is the minimum amount of time an inmate must serve, and an inmate’s MEPD, which establishes when an inmate becomes eligible for the parole suitability hearing cycle. The board has no legal authority to enact or amend regulations regarding the calculation of an inmate’s MEPD because the applicable regulations are solely under the authority of the California Department of Corrections and Rehabilitation (hereinafter “CDCR”).

Petitioner also appears to be requesting a term calculation or the setting of a parole eligibility date under the *Butler* 2013 stipulated agreement. This arises from a misunderstanding of base terms. The *Butler* 2013 stipulated agreement does not provide the board with legal authority to set a maximum determinate term for an inmate currently sentenced to a life term or an inmate’s parole eligibility date. The purpose of calculating a final term under Penal Code section 3041 was not to establish

a fixed date of release regardless of whether the inmate was suitable for parole. Rather, the purpose was to establish a minimum amount of time that the inmate would be required to serve that would “provide uniform terms for offenses of similar gravity and magnitude with respect to their threat to the public.” (*See* former Pen. Code, § 3041, subd. (a) as amended by Stats. 2013, c. 312.) Moreover, following the enactment of Senate Bill 230 (2015–2016 regular session), which amended Penal Code section 3041 to remove the board’s authority to set parole terms, these terms no longer have any legal effect on when an inmate is actually eligible for release. Instead, eligibility for parole of a life inmate is dictated solely by when the inmate is deemed suitable for parole in accordance with Penal Code section 3041 and the California Code of Regulations, title 15, sections 2281 and 2402. The board also notes that, as of the date of this response, the *Butler* case remains pending California Supreme Court review.

Further, Petitioner appears to be requesting a term calculation under Proposition 57, as enacted by California voters on November 8, 2016. Proposition 57 does not provide the board with legal authority to set a maximum determinate term or a parole eligibility date for an inmate currently sentenced to a life term. To the extent Petitioner is requesting regulations for the implementation of Proposition 57, those regulations have already been filed by and are being promulgated by CDCR.

6. BOARD CONTACT PERSON:

Christopher Hoeft
 Staff Attorney
 Board of Parole Hearings
 P. O. Box 4036
 Sacramento, CA 95812–4036
 Office: (916) 322–6729
 Fax: (916) 322–3475
 BPH.Regulations@cdcr.ca.gov

7. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2017–01** in the request.

DATE OF DECISION: April 26, 2017

**DIVISION OF WORKERS'
COMPENSATION**

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS**

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS
(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 March 31, 2017, Brendan Patrick Maloney (Petitioner) petitioned the Division of Workers' Compensation (DWC) in accordance with Government Code section 11340.6. The Petitioner requests that DWC promulgate a written attorney disclosure form, as mandated by Labor Code section 4906, in compliance with the procedural requirements of Labor Code sections 5307.3 and 5307.4.

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.) Section 5307.3 further provides that no rule or regulation shall be adopted, amended, or rescinded without public hearing. Labor Code section 5307.4 provides that notice of the hearing must be given to the public 30 days before the hearing; the notice must include the time and place of the hearing, the legal authority under which the rule is proposed, and the substance of the proposed rule. The section further provides that the public shall be given the opportunity to submit written or oral comments on the proposed rule.

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 by the attorney.

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 to promulgate the attorney written disclosure form is available upon request directed to DWC's contact person.

SUMMARY OF THE PETITION

Petitioner essentially states that 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 since DWC did not hold a public hearing at the time the regulation was initially adopted and then subsequently amended. Petitioner requests that the form be properly adopted through emergency rulemaking. Petitioner states:

To date, no version of the §4906(e) disclosure form has complied with the public hearing requirements of applicable law. Labor Code §4906(e) specifically designates the Administrative Director with the authority and obligation to promulgate a disclosure form for the benefit of injured workers. Labor Code §5307.3 prohibits the Administrative Director from taking any such regulatory action without public hearings, as delineated in Labor Code §5307.4. Yet, without public hearings, in 1990 the DWC adopted 8 CCR §10134, which contains a written disclosure form, DWC Form 3. Then, without public hearings, the DWC has twice amended 8 CCR §10134 to revise DWC Form 3; most recently in 2017. Since DWC's regulatory activities relating to 8 CCR §10134 have never complied with the Labor Code's public hearings requirements, 8 CCR §10134 must be considered an "underground regulation" and all versions of DWC Form 3, to date, must be considered void.

Without immediate action by the Administrative Director, the workers compensation system will be left to operate in routine conflict with express provisions of the Labor Code. Specifically, until the Administrative Director promulgates a disclosure form, as set forth in Labor Code §4906 and in compliance with Labor Code

§§5307.3–7.4, all workers compensation applicants’ attorneys will be without the disclosure form that the law requires them to furnish to injured workers. Without immediate action, all injured workers will continue to be without the intended benefit of that disclosure form. Furthermore, since Labor Code §4906 now holds that before an attorney can receive any payment for services, the attorney must file a copy of the disclosure form (signed by both attorney and client), that means the WCAB must overlook procedural failings and express provisions of the Labor Code in order for attorneys to be paid.

Petitioner further states that DWC’s failure to promulgate a procedurally correct form has resulted in attorneys utilizing a wide variety of disclosure forms that do not resemble the DWC Form 3.

DEPARTMENT DECISION

DWC denies the petition.

Petitioner’s statement that DWC did not hold public hearings at the time 8 C.C.R. section 10134 was adopted and subsequently amended is simply wrong. The regulation, incorporating the DWC Form 3, was promulgated by DWC on January 16, 1990 and filed with Office of Administrative Law on January 18, 1990. The regulation was exempt from the formal rulemaking provisions of the Administrative Procedures Act (APA) by Government Code section 11351, which, at the time, expressly listed DWC (then the Department of Industrial Accidents) as an agency outside of the APA’s mandates.¹ Regardless, DWC held a public hearing on the regulation, which was in Sacramento on December 28, 1989, at the Employment Development Department, 722 Capitol Mall, Room 1098.²

Section 10134 was amended on April 13, 1993 and filed with OAL that day. The purpose of the amendment was to include in the disclosure for an advisement that any person who knowingly makes a false or fraudulent representation for the purpose of obtaining or denying workers’ compensation benefits is guilty of a felony. There were two public hearings on the amendment: in Los Angeles on May 27, 1992, at the State Building on 107 South Broadway; and in Sacramento on May 28, 1992, at Office Building 8 at 714 “P” Street.

Section 10134 was amended this year to reflect changes mandated by Assembly Bill 1244 (Statutes of 2016, Chapter 852), a reform measure enacted to combat fraud in the workers’ compensation system. The bill

amended Labor Code section 4906 by: (1) conditioning the payment of attorney’s fees by requiring the filing of the written disclosure form with the WCAB; (2) requiring that the disclosure form contain language reflecting that the injured worker was informed of the specific district office location at which their case is filed and advised of their rights under subdivision (e); and (3) requiring that the disclosure form include the actual date the form was signed and a statement under penalty of perjury signed by the attorney. DWC, now bound under the provisions of the APA, revised the written disclosure form to reflect the statutory mandates and filed its revised form — the DWC Form 3 (Rev. 1/17) with OAL on February 2, 2017 as a change without regulatory effect under California Code of Regulations, title 1, section 100 (Register 2017, No. 5). Under 8 C.C.R. section 10135, the form is required to be furnished by every attorney at their initial consultation with an injured worker.

Section 10134 has been properly adopted and amended; it cannot be considered an underground regulation. Correspondingly, the current DWC Form 3 is valid and must be used. Note that DWC is proceeding with an APA rulemaking to update substantive portions of the form, i.e., the range of attorney’s fees, and will hold a public hearing as part of that rulemaking.

DISAPPROVAL DECISION

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at www.oal.ca.gov under the “Publications” tab. 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, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

BOARD OF CHIROPRACTIC EXAMINERS

State of California
Office of Administrative Law

In re:
Board of Chiropractic Examiners
Regulatory Action:
Title 16, California Code of Regulations

¹ DWC’s exemption from the APA was repealed in 1997 by Assembly Bill 1859 (Chapter 14, Statutes of 1996).

² The regulation was part of a package that included the adoption of sections 10100 through 10137.

Amend sections: 321, 364

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2017-0310-03

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

This rulemaking action by the Board of Chiropractic Examiners (Board) proposes to amend its existing “Application for License to Practice Chiropractic” (Form 09A-1, rev. 05/16), incorporated by reference in section 321 of title 16 of the California Code of Regulations (CCR), to include various new requirements. In addition, the Board proposes to incorporate two new forms in section 321: “Verification of Prechiropractic Hours” (Form 09B-3, new 07/14) and “Chiropractic College Certificate” (Form 09B-2, new 07/14). This action also includes amendments to title 16 of the CCR designed to incentivize participation in examination development and assist past and present members of the United States Armed Forces with obtaining and maintaining Board licensure.

DECISION

On March 10, 2017, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On April 24, 2017, OAL notified the Board of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the “necessity” and “clarity” standards 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 Department 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 below.

Any supplement to the ISR or other document the Board may create or otherwise propose to add to the record in order to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption by the Board. Additionally,

any changes made to the regulation text to address the issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board. The Board must document in the rulemaking record its approval of the final text after consideration of all public comments and relevant information before resubmitting to OAL.

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

Date: May 1, 2017

_____/s/

Eric Partington
Senior Attorney

For: Debra M. Cornez
Director

Original: Robert Puleo
Copy: Marcus McCarther

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# 2017-0321-02
BOARD OF EQUALIZATION
Retail Stock

This action expands upon the statutory term “retail stock” to clarify when cigarettes and tobacco products are distributed and taxable by being placed in retail stock for the purpose of selling the products to consumers. (Rev. & Tax. Code, § 30008(c).)

Title 18
ADOPT: 4001
Filed 05/03/2017
Effective 07/01/2017
Agency Contact: Richard Bennion (916) 445-2130

File# 2017-0321-01
BOARD OF FORESTRY AND FIRE PROTECTION
Safety Element Review, 2017

The Board of Forestry and Fire Protection (Board) filed this action to adopt four sections under a new arti-

cle into title 14 of the California Code of Regulations and to incorporate by reference the “General Plan Safety Element Assessment” to establish standardized procedures and criteria for Board review of the safety element in local government general plans.

Title 14
ADOPT: 1265.00, 1265.01, 1265.02, 1265.03
Filed 05/03/2017
Effective 07/01/2017
Agency Contact: Edith Hannigan (916) 862-0120

File# 2017-0403-02
CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE
CTCAC Regulations Implementing Federal and State LIHTC Laws

This action by the California Tax Credit Allocation Committee (Committee) adopts and amends regulations regarding the federal and state Low Income Housing Tax Credit programs. Pursuant to subdivision (a) of section 50199.17 of the Health and Safety Code, the Committee may adopt and amend regulations for the allocation of housing credits pursuant to that chapter and other specified sections of the Revenue and Taxation Code without complying with the procedural requirements of Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code, except as provided in subdivision (b).

Title 4
ADOPT: 10325.5 AMEND: 10337
Filed 05/02/2017
Effective 03/15/2017
Agency Contact: Gina Ferguson (916) 651-7707

File# 2017-0317-05
DEPARTMENT OF SOCIAL SERVICES
CalWORKs Program: Pregnant Women Only

The Department of Social Services filed this action to amend the Manual of Policies and Procedures (“MPP”) as it relates to CalWORKs special need payments for pregnant women. Specifically, this action amends the MPP to comply with expanded eligibility pursuant to Welfare and Institutions Code section 11450(b) by revising the trimester in which a pregnant woman, age 19 or older with no eligible children in the home, becomes eligible for the special need payment and adopting a new section regarding eligibility for pregnant children age 18 or younger to receive the special need payment.

Title MPP
AMEND: 44-211
Filed 05/01/2017
Effective 07/01/2017
Agency Contact: Everardo Vaca (916) 657-2363

File# 2017-0320-01
DEPARTMENT OF SOCIAL SERVICES
CCL Elder and Abuse Reporting

This action without regulatory effect by the Department of Social Services amends several sections of Title 22 and the MPP to update non-discretionary requirements for reporting physical abuse of elders and dependent adults. This action also adds cross-references to statutory definitions, rennumbers affected sections, and updates reference citations.

Title MPP, 22
AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211
Filed 05/02/2017
Agency Contact: Kenneth Jennings (916) 651-8862

File# 2017-0322-01
DEPARTMENT OF SOCIAL SERVICES
CCL Toddler Component

This action changes provisions of Title 22 of the California Code of Regulations and the Department of Social Services Manual of Policies and Procedures to conform to changes made to the California Health and Safety Code by Assembly Bill 762, Chapter 373, Statutes of 2015, concerning childcare centers.

Title MPP, 22
AMEND: 101216.4, 101417
Filed 04/27/2017
Agency Contact: Kenneth Jennings (916) 651-8862

File# 2017-0421-02
FISH AND GAME COMMISSION
Recreational Ocean Salmon Fishing During May–November 2017

In this regular rulemaking, the Fish and Game Commission is amending subdivision (d) in section 27.80 of title 14 of the California Code of Regulations. The Pacific Fishery Management Council (the “PFMC”) coordinates West Coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone, three to 200 miles offshore Washington, Oregon, and California. Subdivision (d) of Section 27.80 is being amended to align ocean salmon sport fishing regulations in state waters to federal rules recommended by the PFMC and subsequently implemented by the National Marine Fisheries Service, effective May 1, 2017.

Title 14
AMEND: 27.80
Filed 05/01/2017
Effective 05/01/2017
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2017-0421-03
 FISH AND GAME COMMISSION
 Pacific Halibut Recreational Fishing

This action by the Fish and Game Commission amends the Pacific halibut recreational fishing quota and season dates to conform to federal sport fishing regulations for the 2017 season.

Title 14
 AMEND: 28.20
 Filed 05/01/2017
 Effective 05/01/2017
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2017-0321-03
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Proposition 65 MADLs for Triazines Chemicals

The Office of Environmental Health Hazard Assessment filed this action to establish maximum allowable dose levels (MADLs) for oral exposure to six chemicals by amending title 27, California Code of Regulations, section 25805(b). The six chemicals are atrazine, propazine, simazine, 2,4-diamino-6-chloro-s-triazine (DACT), des-ethyl atrazine (DEA), and des-isopropyl atrazine (DIA). The MADL for each of the six chemicals is 100 micrograms per day.

Title 27
 AMEND: 25805
 Filed 05/03/2017
 Effective 07/01/2017
 Agency Contact: Monet Vela (916) 323-2517

File# 2017-0421-06
 OFFICE OF THE STATE FIRE MARSHAL
 Hazardous Liquid Pipelines — Annual Inspections

This resubmittal of a partially withdrawn action amends regulations implementing statutorily mandated annual inspections of intrastate hazardous liquid pipelines and their operators. The amendments provide a good cause standard of review for the Office of the State Fire Marshal (OSFM) for deciding whether to grant extensions of time to operators submitting required information to OSFM. (See OAL Matter No. 2017-0110-02.)

Title 19
 AMEND: 2020, 2021
 Filed 05/01/2017
 Effective 05/01/2017
 Agency Contact: Diane Arend (916) 324-9592

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 30, 2016 TO
 May 3, 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

- 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
- 12/12/16 AMEND: 1859.2, 1859.76
- 12/08/16 AMEND: 22999
- 12/01/16 AMEND: 18544, 18545, 18700, 18730, 18940.2

Title 3

- 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)
 01/03/17 AMEND: 3435(b)
 01/03/17 AMEND: 3435(b)
 01/03/17 AMEND: 3435(b)
 12/28/16 AMEND: 1380.19, 1408.2, 1408.9,
 1408.13 REPEAL: 1408.10, 1408.11,
 1408.14, 1408.16, 1408.17
 12/22/16 AMEND: 3435(b)
 12/21/16 AMEND: 3435(d)
 12/19/16 ADOPT: 1358.6
 12/05/16 AMEND: 3435(b)
 12/05/16 AMEND: 3435(b)

12/05/16 AMEND: 3435(b)
 12/05/16 ADOPT: 3591.27
 12/05/16 AMEND: 3435(b)
 12/01/16 AMEND: 3435(b)

Title 4

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,
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 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,
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 01/23/17 AMEND: 1581, 1843
 01/09/17 AMEND: 8034, 8035
 01/05/17 ADOPT: 610
 12/22/16 ADOPT: 8078.15, 8078.16, 8078.17,
 8078.18, 8078.19, 8078.20, 8078.21
 12/15/16 ADOPT: 5145, 5146, 5233 AMEND:
 5000, 5020, 5031, 5033, 5050, 5051,
 5054, 5062, 5063, 5106, 5144, 5170,
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 5342, 5350, 5370, 5400, 5450, 5560,
 5600 REPEAL: 5221
 12/07/16 ADOPT: 299 AMEND: 297, 300
 12/01/16 AMEND: 10170.16, 10170.17,
 10170.18, 10170.19, 10170.20,
 10170.21, 10170.22, 10170.23

Title 5

04/05/17 ADOPT: 75300 AMEND: 75200, 75210
 03/14/17 AMEND: 15495 REPEAL: 15497.5
 02/06/17 AMEND: 22000
 02/02/17 AMEND: 851, 853.5, 853.7, 855, 856
 01/19/17 AMEND: 19810
 01/12/17 AMEND: 9517.3
 12/19/16 AMEND: 80048.8, 80413, 80499
 12/05/16 AMEND: 80015, 80015.1, 80071

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04/14/17 AMEND: 15203.2(d)
 04/04/17 AMEND: 5155
 03/27/17 AMEND: 9701, 9702
 03/20/17 AMEND: 4306
 03/14/17 AMEND: 17304
 02/24/17 ADOPT: 10770.7 AMEND: 10770
 02/02/17 AMEND: 10134

01/30/17 AMEND: 344.30
 01/19/17 AMEND: 9789.25
 01/06/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4
 12/15/16 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.39
 12/14/16 AMEND: 15201, 15203, 15203.2, 15203.3, 15203.5, 15203.6, 15203.7, 15203.10, 15204, 15205, 15209, 15210, 15210.1, 15210.2, 15211.1, 15211.2, 15216, 15220, 15220.2, 15230, 15251, 15353, 15405, 15422, 15426, 15431.1, 15471, 15472, 15475.2, 15475.3, 15476, 15479, 15480, 15481, 15482, 15482.1, 15482.2, 15483, 15484, 15486, 15486.1, 15487, 15491, 15496, 15497
 12/08/16 ADOPT: 3342
 12/05/16 AMEND: 3273

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03/15/17 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717
 02/13/17 ADOPT: 4600, 4601, 4602

Title 10

04/17/17 ADOPT: 6520, 6522, 6528
 03/22/17 ADOPT: 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380
 03/22/17 AMEND: 2218.30
 03/09/17 AMEND: 2911, 2912
 02/28/17 ADOPT: 8200, 8210, 8220, 8230
 02/21/17 AMEND: 2498.6
 02/21/17 AMEND: 2498.6
 02/21/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007
 02/16/17 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 02/15/17 AMEND: 2498.4.9
 02/09/17 AMEND: 2498.4.9
 01/02/17 AMEND: 2594, 2594.1, 2594.2, 2594.3, 2594.4
 12/15/16 ADOPT: 3733
 12/12/16 AMEND: 2695.8(e)
 12/12/16 AMEND: 6658, 6660, 6664
 12/06/16 AMEND: 2318.6, 2353.1, 2354
 11/30/16 ADOPT: 2695.81, 2695.82 AMEND: 2698.91

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02/21/17 AMEND: 1084
 02/01/17 AMEND: 1005, 1007, 1008
 01/27/17 AMEND: 1001, 1005, 1007, 1008, 1009, 1018, 1080, 1083

01/18/17 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132

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01/09/17 ADOPT: 509

Title 13

04/19/17 AMEND: 26.01, 26.02
 04/17/17 AMEND: 2222
 04/06/17 AMEND: 1157.21
 02/22/17 AMEND: 1153
 02/21/17 ADOPT: 26.01, 26.02
 02/21/17 AMEND: 553.70
 02/16/17 ADOPT: 15.01 AMEND: 15.00
 02/02/17 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, 2467.8, 2467.9
 01/19/17 AMEND: Article 3.6 Ch. 1 Div. 1 — Heading
 01/19/17 AMEND: 170.12
 01/18/17 AMEND: 1159
 12/21/16 AMEND: 330.42
 12/06/16 AMEND: 590

Title 14

05/03/17 ADOPT: 1265.00, 1265.01, 1265.02, 1265.03
 05/01/17 AMEND: 27.80
 05/01/17 AMEND: 28.20
 04/18/17 AMEND: 1038
 04/13/17 ADOPT: 3805.1
 04/12/17 ADOPT: 111
 04/03/17 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0
 03/27/17 AMEND: 27.80
 03/17/17 AMEND: 550, 550.5, 551, 552, 630, 702, 703
 03/16/17 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20
 03/14/17 REPEAL: 8600
 03/07/17 ADOPT: 749.9
 03/03/17 ADOPT: 16500
 03/02/17 ADOPT: 748.6
 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
 02/28/17 AMEND: 1.74, 5.05, 5.20, 5.35, 5.40, 5.60, 7.00, 7.50, 29.45, 43, 671
 02/27/17 ADOPT: 715 AMEND: 702
 02/17/17 AMEND: 895, 895.1, 898.2, 912.5, 913.4, 914.1, 915.3, 916.2, 916.5, 916.8, 916.9, 916.11, 919.2, 919.3, 919.5, 919.9,

919.11, 919.12, 921.1, 921.6, 926.3, 927.12, 953.9, 959.15, 961.1, 1020, 1024.5, 1036.1, 1037.3, 1037.5, 1051, 1051.1, 1051.4, 1051.5, 1052.3, 1052.4, 1052.5, 1054.3, 1055, 1055.2, 1056, 1056.1, 1056.2, 1056.3, 1090.5, 1090.10, 1090.17, 1092.16, 1092.18, 1092.27, 1100, 1153 REPEAL: 926.21

02/17/17 AMEND: 632
 02/07/17 ADOPT: 28.47 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.49, 28.55
 01/23/17 AMEND: 870.15, 870.17, 870.19, 870.21
 01/03/17 AMEND: 1724.9
 12/27/16 AMEND: 29.15
 12/22/16 AMEND: 472
 12/21/16 AMEND: 782
 12/12/16 AMEND: 28301
 12/08/16 ADOPT: 782.1
 12/01/16 AMEND: 895.1, 1032.7

Title 15

04/17/17 AMEND: 3000, 3030, 3190, 3269
 04/13/17 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
 04/03/17 ADOPT: 3999.22
 03/22/17 AMEND: 8006
 03/21/17 ADOPT: 8900 AMEND: 8901
 03/14/17 AMEND: 8004, 8004.3
 03/07/17 AMEND: 3332, 3343
 02/22/17 AMEND: 3173.2
 02/09/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
 01/26/17 ADOPT: 1027.5, 1030, 1058.5, 1122.5, 1208.5 AMEND: 1006, 1010, 1024, 1027, 1029, 1046, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1061, 1063, 1070, 1081, 1082, 1083, 1125, 1204, 1205, 1206, 1206.5, 1207, 1209, 1210, 1217, 1241, 1243, 1247, 1270, 1271 REPEAL: 1219
 01/03/17 AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5
 01/03/17 AMEND: 3076.5
 12/29/16 ADOPT: 3359.8
 12/29/16 ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1,

1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1788, 1790, 1792

12/22/16 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6

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03/27/17 AMEND: 1105.2
 03/21/17 AMEND: 1803, 1812, 1813, 1814, 1816.1, 1816.2, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1846, 1850.6, 1850.7, 1854, 1856, 1877.2, 1877.3, 1886, 1886.10, 1886.20, 1886.30, 1886.50, 1886.60, 1886.70, 1886.80, 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0 REPEAL: 1816.8, 1819.1, 1829, 1877, 1887, 1887.2, 1887.3, 1887.6, 1887.13, 1887.14
 03/20/17 AMEND: 1732.05, 1732.2, 1732.5
 03/20/17 AMEND: 1751, 1751.4
 03/14/17 ADOPT: 3063.4 AMEND: 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3 (renumbered as 3063.2), 3063.4 (renumbered as 3063.3).
 03/02/17 AMEND: 1707.5
 02/23/17 AMEND: 1399.672
 02/09/17 AMEND: 9.1
 01/31/17 AMEND: 1744
 01/11/17 AMEND: 4172
 01/05/17 AMEND: 1361
 01/04/17 AMEND: 1508.1
 12/21/16 AMEND: 464
 12/13/16 ADOPT: 1730, 1730.1 AMEND: 1730.2, 1731 [renumbered], 1749
 12/06/16 ADOPT: 1582 AMEND: 1516

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04/24/17 ADOPT: 51000, 51001, 51002
 04/17/17 AMEND: 60201
 04/17/17 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78 AMEND: 6500.35, 6500.39, 6500.45, 6500.50, 6501, 6501.5, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67
 04/13/17 ADOPT: 95364.1 AMEND: 95362, 95366, 95367, 95369
 03/23/17 AMEND: 95000
 03/20/17 ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008,

- 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022
- 01/26/17 AMEND: 1215.1, 1216, 1216.1, 1218, 1219, 1219.1, 1219.2, 1220, 1220.1, 1220.2, 1220.3, 1220.4, 1221, 1221.1, 1221.4, 1221.5, 1222, 1222.1. REPEAL: 1215, 1217, 1217.1, 1217.2, 1217.3, 1217.4, 1217.5, 1217.6, 1217.7, 1217.8, 1218.1, 1218.2, 1219.3, 1221.2, 1221.3, 1222.2
- 01/23/17 ADOPT: 51000, 51001, 51002
- 12/05/16 ADOPT: 100504
- Title 18**
- 05/03/17 ADOPT: 4001
- 03/17/17 AMEND: 1703
- 03/09/17 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598
- 01/11/17 ADOPT: 2460, 2461, 2462
- 12/22/16 AMEND: 1702.5
- 12/08/16 AMEND: 1597
- Title 19**
- 05/01/17 AMEND: 2020, 2021
- 03/24/17 ADOPT: 920, 921, 922, 923, 924, 924.1, 924.2, 924.3, 924.4, 924.5, 924.6, 924.7, 924.8, 924.9, 924.10, 924.11, 924.12, 925, 925.1, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 946.1, 947, 948
- 02/09/17 ADOPT: 2020, 2021, 2030 AMEND: 2000
- Title 20**
- 03/27/17 AMEND: 2909
- 03/27/17 AMEND: 1602, 1606
- 03/27/17 AMEND: 1606, 1607
- 01/05/17 AMEND: 2401, 2402
- 11/30/16 AMEND: 97174, 97176 REPEAL: 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, 97198
- Title 21**
- 01/19/17 ADOPT: 1413, 1413.1, 1413.2, 1413.3, 1413.4
- Title 22**
- 04/19/17 ADOPT: 69511, 69511.1
- 04/18/17 REPEAL: 97770, 97771, 97772
- 04/10/17 ADOPT: 64300, 64305, 64310, 64315
- 03/27/17 AMEND: 51121
- 03/16/17 AMEND: 20100.5
- 03/09/17 AMEND: 64806
- 01/11/17 REPEAL: 98000, 98001, 98002, 98003, 98004, 98005, 98006, 98007, 98008, 98009, 98010, 98020, 98100, 98101, 98102, 98110, 98111, 98200, 98210, 98211, 98220, 98221, 98222, 98223, 98230, 98231, 98232, 98233, 98234, 98235, 98236, 98237, 98238, 98240, 98241, 98242, 98243, 98244, 98250, 98251, 98252, 98253, 98254, 98255, 98256, 98257, 98258, 98259, 98260, 98261, 98262, 98263
- 01/10/17 AMEND: 2706-2, 2706-7, 2708(b)-1, 3302-1, 3302-2
- 12/28/16 AMEND: 66262.34
- 11/30/16 AMEND: 97174, 97176 REPEAL: 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, 97198
- Title 22, MPP**
- 05/02/17 AMEND: 80001, 80061, 81001, 81061, 82001, 82061, 82065, 87101, 87211
- 04/27/17 AMEND: 101216.4, 101417
- 02/09/17 ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2
- 01/18/17 AMEND: 87101, 87464, 87507, 87706
- Title 23**
- 03/16/17 ADOPT: 3929.15
- 03/08/17 ADOPT: 3949.12
- 03/07/17 ADOPT: 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015
- 02/27/17 ADOPT: 863, 864, 864.5, 865, 866
- 01/30/17 AMEND: 3969.1
- 01/03/17 ADOPT: 1066.5
- 12/13/16 ADOPT: 3919.17
- Title 25**
- 01/23/17 ADOPT: 5535, 5535.5, 5536, 5536.5
- Title 27**
- 05/03/17 AMEND: 25805
- 04/04/17 AMEND: 25805
- 03/21/17 AMEND: 27000
- 02/08/17 AMEND: 27001
- 01/27/17 AMEND: 25204(f)
- 01/09/17 AMEND: 25600, 25600.2, 25602, 25603, 25605, 25606, 25607.2, 25607.4, 25607.6, 25607.9, 25607.10, 25607.11, 25607.13, 25607.15, 25607.16, 25607.17, 25607.19, 25607.21, 25607.22, 25607.23, 25607.25, 25607.27, 25607.29
- 11/30/16 AMEND: 25603.3
- Title 28**
- 03/21/17 AMEND: 1300.67.241

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05/01/17 AMEND: 44-211
04/25/17 AMEND: 44-211
04/04/17 AMEND: 40-105, 40-131, 40-161
01/20/17 AMEND: 42-711, 82-812
01/06/17 AMEND: 47-201, 47-230, 47-240,
47-401, 47-420