



California Regulatory Notice Register

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Amendment

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Editor’s Note: The Department of Justice (DOJ) is publishing the following Notice of Decision Not to Proceed. Please note that DOJ is publishing a new 45–day notice on this same topic in this Notice Register. Please see “PROPOSED ACTION ON REGULATIONS” above.

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Victim Compensation and Government Claims Board

A written comment period has been established commencing on May 26, 2017, and closing on July 10, 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 comments must be received no later than July 10, 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 Commission should be made to Cesar Cuevas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **August 17, 2017** at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on August 15, 2017.**

**NOTICE OF INTENTION TO AMEND EXISTING
CONFLICT-OF-INTEREST CODE**

The Commission is providing notice of its intention to review and amend 2 Cal. Code Reg. Section 18351, the Commission’s conflict-of-interest code. Authority for this action is based on Government Code Section 87306. A 45-day written comment period has been established commencing on **May 26, 2017**, and closing on **July 10, 2017**. Written comments concerning the proposed amendments should be directed to the Fair Political Practices Commission, Attention: Brian Lau, 428 J Street, Suite 620, Sacramento, California 95814. For inquiries, call (916) 322-5660. Any written comments relating to the proposed action must be received no later than **August 15, 2017**, in order for them to be considered by the agency before it amends its code.

The Commission has prepared an Initial Statement of Reasons as a written explanation of the reasons for the amendments. This Initial Statement of Reasons, the

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

regulatory language of the proposed amendment, and other information upon which the proposed amendment is based are available to interested persons at the Commission’s address listed above.

After the Commission’s public hearing, the agency’s proposed conflict-of-interest code will be submitted to the agency’s Code Reviewing Body (i.e., the Attorney General’s Office) for its review.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18351: Pursuant to Government Code Section 87306 and 2 Cal. Code Regs. Section 18750, the Commission will amend its conflict-of-interest code due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code Section 87302 and relevant changes in the duties assigned to existing positions.

Executive Office

- The positions of Communications Director and Legislative Coordinator have been moved from the Executive Office into the External Affairs and Education Division. The External Affairs position no longer exists.

External Affairs and Education Division

- The former Technical Assistance Division has been renamed and restructured resulting in the new External Affairs and Education Division.
- The Communications Director position has been retitled Information Officer and moved from the Executive Office.
- Legislative Coordinator has been retitled Legislative and External Affairs Coordinator and moved from the Executive Office.
- The positions of Staff Services Manager I and Political Reform Consultant have been moved from the former Technical Assistance Division.

Legal Division

- The positions of Staff Services Manager II and Political Reform Consultant have been moved from the former Technical Assistance Division.

Enforcement Division

- The position of Assistant Enforcement Chief has been listed separately. This position was formerly included in the FPPC Counsel designation.
- Staff Services Manager I is a new position responsible for supervising the Political Reform Consultants.
- A former Political Reform Consultant position was retitled Staff Services Analyst/Assistant Political Reform Consultant.

- The Staff Services Analyst (Procurement Position) was retitled Staff Services Analyst (subpoena services). The duties have not changed.
- The Associate Government Program Analyst position has been abolished.

Administration and Technology Division

- The position of Data Processing Manager was retitled Chief Information Officer.
- The Personnel Officer position was upgraded to Division Manager. The position now also oversees the Statement of Economic Interests Unit. The disclosure categories were adjusted accordingly.
- The Staff Services Manager I is a new position and oversees the Statement of Economic Interests Unit.
- The Project Manager position was limited term and is no longer in use.

Technical Assistance Division

- This division has been retitled External Affairs and Education Division. Some positions were absorbed by the Legal Division.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT STATEMENT

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

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

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

The adoption of the proposed amendments: (1) will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (2) will not result in any nondiscretionary cost or savings to local agencies; (3) will not result in any cost or savings in fed-

eral funding to the state; (4) will not impose a mandate on local agencies or school districts; and (5) will not have any potential cost impact on private persons or businesses including small businesses.

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 87300, 87302, 87303, 87306 and 87311.

CONTACT

Any inquiries should be made to Brian Lau, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www/fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

**Article 1.5, Sections 10170.3 through 10170.14
Title 4, Division 15
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (Authority), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, July 10, 2017. The Authority Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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(s) designated in this

notice as contact person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

The Authority proposes to adopt Sections 10170.3 through 10170.14 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regulations implement Authority's responsibilities related to the Charter School Facility Grant Program (Program).

AUTHORITY AND REFERENCE

Authority: Section 47614.5 of the Education Code. Section 47614.5(m) allows the Authority to adopt regulations in order to administer the Program.

Reference: Section 47614.5 of the Education Code, Section 47600, et seq., of the Education Code, Section 47605 of the Education Code, and Section 47612.5 of the Education Code. The Regulations include a number of the requirements of the Program contained in Section 47614.5. They also rely on specific provisions within the Charter Schools Act of 1992, commencing with Section 47600 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Authority was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code Section 17170, et seq.). The Authority is authorized to adopt by-laws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code Sections 17179 and 17180).

Pursuant to Education Code Section 47614.5, the State Legislature directed the Authority to commence administration of the Program with the 2013–14 fiscal year and to adopt regulations to implement the statute. Effective July 1, 2013, the Authority initiated its administration of the Program, and pursuant to Section 47614.5(m), a Certificate of Compliance was approved on August 6, 2014 (OAL Regulatory Action #2014–0625–01C).

In addition, OAL approved a second permanent rule-making action pursuant to Government Code Section 11346.1(h) on May 3, 2016 (OAL Regulatory Action #2016–0401–02SR). A Certificate of Compliance was approved on May 6, 2016 (OAL Regulatory Action #2016–0401–02SR).

The Authority adopted emergency regulations through the Office of Administrative Law's (OAL's) Emergency Rulemaking procedures, and such emergency regulations were approved by OAL on April 27, 2017 (OAL Regulatory Action #2015–0417–01E). In order to establish permanent regulations for purposes of administration of the Program, the Authority is proposing permanent regulations through OAL's permanent rulemaking process and through submission of a Certificate of Compliance.

The proposed regulations set forth the Authority's policies and procedures for administering the Program, including: definitions; minimum eligibility requirements; eligible costs; application submission and content requirements; basis for determining estimated annual entitlement calculation; basis for final fiscal-year entitlement calculation; procedures for apportionment of grant funds and appeals; and policies governing Grantee obligations and responsibilities and approval of grant use change.

In order to be eligible for Program grant funds, Applicants are required to meet minimum eligibility requirements, which include, but are not limited to, the following: (1) applications are submitted by or on behalf of a Charter School; (2) a current charter has been awarded and is in place at the time of the application submission, or in the case of a first year charter, there is evidence that a charter petition has been submitted for approval to the Chartering Authority; and (3) either fifty–five percent (55%) or more of the student enrollment at the charter school site must be eligible for free or reduced–price meals (FRPM); or the charter school site for which grant funds are requested must be physically located in an attendance area of a public elementary school that has fifty–five percent (55%) or more of its students eligible for FRPM.

Pursuant to Education Code Section 47614.5(f), the Program provides assistance to charter schools with the following types of costs: costs associated with facilities, consistent with the definitions used in the California School Accounting Manual or regulations adopted by Authority; and costs associated with common area maintenance. For a description of further benefits, please see part "d" under the "Results of Economic Impact Assessment."

After conducting an evaluation of any related regulations on this matter, the Authority has concluded that these are the only regulations dealing with the Program, and therefore, these proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

The Regulations are briefly summarized below.

Section 10170.3: “Eligible Applicant”

This section sets forth the minimum requirements for an Applicant to be considered eligible under the Program. Item (f)(1) provides a good standing letter schedule for schools.

Section 10170.4: “Eligible Costs”

This section sets forth the eligible and ineligible uses of the Program funds. This section also sets forth that where an application is for multiple school sites, each site’s eligibility and costs will be evaluated separately. Item (b)(5) amends cost incurred to include administrative costs. Item (b)(6)–(8) disallows lease costs assessed to the charter school during the same funding round, lease costs associated with the facility previously purchased and paid in full by the Incentive grant program and lease costs associated with lease to purchase agreements. Item (e)(1), the average daily attendance (ADA) applied to the determination of the grant, as described in subdivision (d), shall only be based on the eligible site(s).

Section 10170.8: “Final Fiscal Year Entitlement Calculation”

This section had a reference change 10170.4(d) to (a)(2).

Section 10170.9: “Apportionment of Grant Funds”

This section had a grammatical change to the word appointment to apportionment and an amendment to the Invoice Template.

Section 10170.10: “Notification of Grantee: Appeal Process”

This section provides clarification to Grantees about their right to appeal the Authority during the estimated annual entitlement calculation, and extends the Grantees appeal time to anytime during the fiscal award cycle.

Section 10170.14: “Conflict of Interest”

This section was amended to include service agreements as a Related Party.

INCORPORATED BY REFERENCE FORM

Charter School Facility Grant Program Application, CSFA Form 740–01 (Revised October 23, 2015), Invoice Template, was amended to include certification of no Related Parties between the school and the vendors for which the Grantee is requesting reimbursement.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to the Authority or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or the Authority.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Authority has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Authority has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non–discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

On an annual basis, the State Legislature will issue appropriations for purposes of the Program grant funds based on availability of funding and demand for the Program. For the current 2016–17 fiscal year, the State Legislature appropriated approximately \$112 million towards Program grant funds. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

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

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the Regulations will not affect small business. The Program is a voluntary Grant program available to charter schools to assist in the costs of charter school facilities.

COST IMPACTS

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

ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Adoption 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.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed regulations will be unlikely to have an impact on the creation or elimination of jobs within the State of California. In addition, the Authority is unaware of any reason providing Grant funds to awardees would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a Grant program that will disburse funds to existing charter schools in need across the State of California for per pupil facilities funding. There are no provisions within the proposed regulations that place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.

The proposed regulations will be unlikely to have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a Grant program that provides per pupil facilities funding to existing charter schools in need. There are no provisions within the proposed regulations that place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result of the proposed regulations.

The proposed regulations will be unlikely to have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth uniform and consistent criteria to administer a Grant program that will

provide per pupil facilities funding to existing charter schools.

The proposed regulations are intended to provide per pupil facilities funding to existing charter schools in need, especially serving communities with low-income households. As such, to the extent that the awards benefit the long-term viability of charter schools, the Program and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

REASONABLE 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 has 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 Regulations, or would be more cost-effective to affected private persons 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(S)

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

Katrina Johantgen, Executive Director
California School Finance Authority
at:
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4467

or
915 Capitol Mall, Room 516
Sacramento, CA 95814
(916) 651-7710

or
kjohantgen@treasurer.ca.gov

or
csfa@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the Regulations:

Mark Paxson, General Counsel
State Treasurer's Office
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995

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 will end at 5:00 p.m. on Monday, July 10, 2017. All comments to be considered by the Authority must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Regulations for 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, 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, RULEMAKING FILE AND EXPRESS TERMS OF 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 915 Capitol Mall, Suite 516, Sacramento, California, during normal business 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. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must sub-

mit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, 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 (including through the Authority's Web site described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING Appointment of Instructional Materials Reviewers and Content Review Experts; Application Process for Curriculum Framework and Evaluation Criteria Committee Members, Instructional Materials Reviewers and Content Review Experts; and Standards for Evaluating Instructional Materials for Social Content.

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations in Title 5 California Code of Regulations (5 CCR) described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on July 11, 2017, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Patricia Alverson, Regulations Coordinator
 Administrative Support and Regulations
 Adoption Unit
 California Department of Education
 1430 N Street, Room 5319
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 11, 2017. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

5 CCR Section 9512. Appointment of Instructional Materials Reviewers and Content Review Experts.

Authority: Sections 33031, 60005, 60200 and 60206, Education Code. References: Sections 33530 and 60204, Education Code.

5 CCR Section 9513. Application Process for Curriculum Framework and Evaluation Criteria Committee Members, Instructional Materials Reviewers, and Content Review Experts.

Authority: Sections 33031, 60005, 60200 and 60206, Education Code.

References: Sections 33530 and 60204, Education Code.

5 CCR Section 9510. Definitions.

Authority: Sections 33031, 60005 and 60206, Education Code.

References: Sections 33530, 60010, 60048, 60061, 60200, 60202, 60204 and 60605, Education Code.

5 CCR Section 9518. Social Content Standards for All Instructional Materials Adoptions.

Authority: Sections 33031, 60005, 60048, 60200 and 60206, Education Code.

References: Sections 60040-60044, 60048, 60200 and 60200.2, Education Code.

5 CCR Section 9529. New Editions of Adopted Instructional Materials.

Authority: Sections 33031, 60005 and 60206, Education Code.

References: Sections 60040-60044, 60061, 60222, and 60223, Education Code.

5 CCR Section 9810. Social Content Standards.

Authority: Section 33031, Education Code.

References: Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking package proposes to amend sections of 5 CCR addressing issues related to California's curriculum frameworks development and subsequent instructional materials review process. The CDE has combined these closely related proposals due to the nature of the changes and for the purpose of efficiency in government. The sections proposed for amendment and cause for consideration are as follows:

5 CCR Section 9512. This section addresses the SBE appointment of Instructional Materials Reviewers and Content Review Experts but currently includes references to statutes now repealed, specifically the federal statute 20 USC Section 7801(23) and *Education Code* Section 44757.5. There are no statutory replacements or analogues for these repealed sections of statute. This

proposed amendment is needed in order to remove the now erroneous and confusing statutory references.

5 CCR Section 9513. This section currently stipulates an unnecessarily long 90-day minimum application period for Curriculum Framework and Evaluation Criteria Committee Members, Instructional Materials Reviewers, and Content Review Experts. This proposed amendment will stipulate an application period of “at least 45 days” and is needed in order to recruit participants in a more efficient and timely manner.

5 CCR Sections 9510, 9518, 9529, and 9810 each incorporate by reference a specific 2000 edition of the SBE guidelines document *Standards for Evaluating Instructional Materials for Social Content*. This document was approved by the SBE in 2013, and this proposed amendment will update the references accordingly.

Anticipated Benefits of the Proposed Regulation

The proposed amendments to these regulations will allow the state to continue to conduct instructional materials adoptions, as required by the California Constitution, Article 9, Section 7.5. The proposed amendments will benefit the State by correlating appropriate referenced statutes and state documents, and by promoting efficiency in procedural timelines. The proposed amendments also will promote clarity and avoid public confusion by correcting or eliminating outdated references to repealed statutes and other documents. The proposed amendments to these regulations will have no adverse effect nor benefit on worker safety or the state’s environment. Further, these amendments will have no economic impact on business, the public, or any state agency.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all related state regulations and found that none exist that are inconsistent or incompatible with these proposed amendments.

INCORPORATION BY REFERENCE

Standards for Evaluating Instructional Materials for Social Content, 2013 Edition, approved by the SBE on May 8, 2013, is hereby incorporated by reference and can be found on the CDE Web site at <http://www.cde.ca.gov/ci/cr/cf/lc.asp>.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

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

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

Effect on housing costs: None.

Effect on small businesses: The proposed amendments to existing regulations would not have an effect on any small business because they do not regulate or otherwise impose restrictions on businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 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.

Benefits of the Proposed Action: The proposed regulations will benefit the State by correlating appropriate referenced statutes and state documents, and by promoting efficiency in procedural timelines.

CONSIDERATION OF ALTERNATIVES

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

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

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

CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

David Almquist, Education Programs Consultant
Curriculum Frameworks and Instructional
Resources Division
California Department of Education
1430 N Street, Room 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting David Almquist, Curriculum Frameworks and Instructional Resources Division, California Department of Education, 1430 N Street, Room 3207, Sacramento, CA, 95814; telephone, 916-319-0444. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING FOLLOW-UP ADOPTIONS

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations in Title 5 *California Code of Regulations (5 CCR)* described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on July 10, 2017, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Patricia Alverson, Regulations Coordinator
 Administrative Support and Regulations
 Adoption Unit
 California Department of Education
 1430 N Street, Room 5319
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 10, 2017. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR
 MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60200(b), 60200(o), and 60206, Education Code.

References: Sections 60200, 60201, 60202, 60204, 60206, 60221, 60222, and 60227, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

This rulemaking package proposes to establish 5 CCR 9517.1 to facilitate follow-up instructional materials adoptions pursuant to Education Code (EC) Section 60227.

Pursuant to EC 60200, the SBE is directed to adopt instructional materials “at least once but not more than twice every eight years” per subject. EC Section 60227 specifies certain requirements for conducting a secondary adoption (or “follow-up adoption”) within the eight-year cycle. That statute requires the CDE to notify publishers of a pending follow-up adoption and that

publishers choosing to participate will be assessed a fee based upon the number of instructional materials programs the publisher indicates will be submitted for review and the number of grade levels proposed to be covered by each program. The law also allows the SBE to reduce the fee for defined “small publishers” applying for such a reduction. Revenue derived from these fees is budgeted as reimbursements for adoption costs. The proposed regulation, 5 CCR Section 9517.1, would establish the details for participation, including the fee amount.

In order for the CDE to comply with the requirements of EC sections 60200 and 60227, this proposed regulation must be established to provide both the mechanism and details for implementation.

Anticipated Benefits of the Proposed Regulation

This proposed regulation, along with the authority granted in EC sections 60200 and 60227, will allow publishers to submit instructional materials programs for potential SBE adoption without having to wait the full eight years before the next SBE adoption in the same subject matter, which will benefit California’s students and educators. The proposed regulation also fosters clarity and certainty by providing necessary details regarding the follow-up adoption process and associated cost for publishers deciding whether to participate.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all related state regulations and found that none exist that are inconsistent or incompatible with the proposed regulation.

DISCLOSURES REGARDING THE PROPOSED
 ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulation does not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

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

Costs 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 businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does, however, specify a fee for publishers that choose to participate in the follow-up adoption process. The fee is intended to offset the cost of conducting the follow-up adoption process and represents the CDE's best estimate of such cost.

Effect on housing costs: None.

Effect on small businesses: Publisher participation is voluntary and any cost/benefit analysis by potential participants will determine outcomes. The proposed regulation specifies details for defined "small publishers" to apply for a reduced fee for their participation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that this proposed regulation will: 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.

Benefits of the Proposed Action: The fiscal impact of the publisher fee on business may be offset by the potential gains, and therefore individual publishers will determine whether or not they wish to participate. By facilitating follow-up adoptions within the eight-year cycle, as opposed to waiting until the cycle is complete, the proposed regulations will allow for quicker adoption and use of the most modern and effective instructional materials, which will directly benefit educators and students throughout the State. These additional instructional materials programs adopted by the SBE in a follow-up adoption will provide school districts with greater choice in selecting instructional programs for their educators and student populations. In addition to the value to educators and students, there exists the potential for economic benefits to publishing businesses and thus the betterment of the general state economy.

CONSIDERATION OF ALTERNATIVES

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

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

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

CONTACT PERSONS

Inquiries concerning the content of this proposed regulation should be directed to:

David Almquist, Education Programs Consultant
Curriculum Frameworks and Instructional
Resources Division
California Department of Education
1430 N Street, Room 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/ir/rr/>.

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

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting David Almquist, Curriculum Frameworks and Instructional Resources Division, California Department of Education, 1430 N Street, Room 5319, Sacramento, CA, 95814, telephone, 916-319-0444. It is recommended that assistance be requested at least two weeks prior to the hearing.

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 26, 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 July 10, 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
 Amber.Lozano@doj.ca.gov
 FAX: (916) 227-5037

Or

Yvonne Wright, Criminal Identification and Intelligence Supervisor
 California Department of Justice
 4949 Broadway, Room H-119
 Sacramento, CA 95820
 Yvonne.Wright@doj.ca.gov
 FAX: (916) 227-5037

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 CUR 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 ca-

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. 11346.3(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 de-

financed 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 is 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, DOJ 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 14. BOARD OF FORESTRY AND FIRE PROTECTION

“Professional Foresters Examining Committee Appointments Amendments, 2017”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 5:
Subchapter 1, Article 2
Amend: §1122**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Thursday, July 20th, 2017, at its regularly scheduled meeting commencing at 9:00 a.m., at the Angeles National Forest Headquarters, 701 North Santa Anita Avenue, Arcadia,

CA 91006. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on Monday, July 10, 2017.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506–14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address: publiccomments@BOF.ca.gov.

AUTHORITY AND REFERENCE
(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

14 CCR § 1122 Note: Authority cited: Section 759, Public Resources Code. Reference: Section 763, Public Resources Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW
(pursuant to GOV 11346.5(a)(3)(A)–(D))

Pursuant to the Professional Foresters Law of 1972 (PFL, PRC § 750, *et seq.*), the Board is authorized to adopt regulations regarding professional forestry and the development of a governance structure to support a professional forester’s licensing program.

This authority was instituted, as referenced from PRC § 751, to “declare the existence of a public interest in the management and treatment of the forest resources and timberlands of this state and to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment, and through that regulation to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds by flood and soil erosion control, the production and increased yield of natural resources, including timber, forage, wildlife, and water, and outdoor recreation, to meet the needs of the people.”

Based upon this need to effectively manage, conserve and protect California’s timberlands, the licensing of professional foresters was established by the State. The responsibility and duties of a licensed “Registered Professional Forester,” (RPF) as described in PRC § 752, “. . . means a person who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education and experience, performs services, including, but not limited to, consultation, investigation, evaluation, planning, or responsible supervision of forestry activities when those professional services require the application of forestry principles and techniques.”

To oversee, license, and regulate the licensing program, an advisory committee, the Professional Forester Examining Committee (PFEC), was established through PRC §§ 759–760; and chartered via PRC § 763. PRC § 763 provides a statutory framework which the PFEC is required to adhere to in regards to membership and duties. From this authority, 14 CCR § 1122 was adopted to outline rules regarding “Professional Foresters Examining Committee Appointments.”

The basis for the proposed action is derived from research completed by Board staff, which identified that

14 CCR § 1122 does not attain the necessary consistency with PRC § 763. Since 14 CCR § 1122 deviated from the authority granted from the legislature through PRC § 763, it is legally not considered valid or effective as specified in GOV § 11342.2 “*Validity of regulations*” as, “Whenever by the express or implied terms of any statute a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute.”

The purpose of this proposed action is to make permanent, through regular rulemaking, these amendments.

The effect of this proposed action will amend existing regulations within 14 CCR § 1122, to align and make consistent with PRC § 763. Currently, 14 CCR § 1122 mandates that the PFEC will operate with exactly seven (7) members. This deviates from statute, as PRC § 763 (a) declares that the PFEC will be comprised of at least seven (7) members. Furthermore, 14 CCR § 1122 fails to state membership provisions provided in PRC § 763, including (a)(1): “(1) Two public members with one selected from the membership of the board,” (a)(2): “At least four professional foresters in good standing representing a broad cross section of employment and expertise,” and (a)(3): “At least one certified specialist registered pursuant to Section 772 in good standing. If a certified specialist is not available to serve on the committee, this position shall be replaced by an additional professional forester in good standing.”

The primary benefit of the proposed action is to make consistent the regulations with its statutory authority, which will ensure that the PFEC is comprised of a diverse array of professionals within the fields of forestry and resource management with many different areas of expertise. In ensuring this diverse composition, the PFEC will be better suited for overseeing, licensing, and regulating persons who practice professional forestry, and whose activities have an impact upon the ecology of forested landscapes and environment per PRC §751, which will result in enhancing professional standards and ultimately improving environmental quality Statewide.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including 14 CCR §§ 895.1 and 1120.1) to ensure the consistency and compatibility of the proposed action with existing State

regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the licensing, regulation, and oversight of foresters and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it simply amends current regulatory language.

Statute to which the proposed action was compared: Excerpts from the Public Resources Code (PRC): §§ 740, 751, 752, 759, 760, 763, 764, 765, 772, and 777.

No documents are incorporated by reference.

MANDATED BY FEDERAL LAW
OR REGULATIONS

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations related to the licensing, oversight and regulating of foresters. No existing Federal regulations meeting the same purpose as the proposed action were identified.

OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

This amendment simply revises regulation to provide consistency with PRC §763. Although the proposed action will improve the operation of the PFEC, a savings is not expected given the small scale of the proposed action. The proposed action will not produce costs or savings to any State agency.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE
(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Pursuant to **GOV § 11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

The Board relied on their own expertise and familiarization with forestry and State rulemaking law and policy to develop this rulemaking package. Additionally, discussion and comments from the current members of PFEC also supported this rulemaking effort.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- (A) Will not create or eliminate jobs within California;
- (B) Will not create new businesses or eliminate existing businesses within California;
- (C) Will not affect the expansion of businesses currently doing business within California;
- (D) Will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the Informative Digest/Policy Statement Overview.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))

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.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV § 11342.610)

Small business, pursuant to 1 CCR 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if it does not comply with the regulation.

The proposed action is to improve consistency between Board rules with the statutory authority granted from the legislature. 14 CCR § 1122 currently operates without authority, and according to the California Government Code is legally deemed to be null and void, and legal precedent is retracted back to the statute, in this case being PRC § 763. Additionally, 14 CCR § 1122 does not include PFEC compositional requirements included in PRC § 763. The proposed action will align the regulation with its statute, restoring the original meaning that was placed in it by legislature, and resulting in the PFEC being comprised of a diverse array of persons within the field of forestry with many different areas of expertise. Small business will not be affected by the proposed action.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
 Attn.: Matt Dias
 Acting Executive Officer
 P.O. Box 944246
 Sacramento, CA 94244-2460
 Telephone: (916) 653-8007

The designated backup person in the event Mr. Matt Dias is not available is Connor Pompa, Forestry Assistant II for the Board of Forestry and Fire Protection. Mr. Pompa may be contacted at the above address or by phone at (916) 653-9066.

AVAILABILITY STATEMENTS
 (pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the

availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“RPF AND LTO RESPONSIBILITIES AMENDMENTS, 2017”

**Title 14 of the California Code of Regulations (14 CCR),
 Division 1.5, Chapter 4:
 Subchapter 7, Article 2
 Amend: §§ 1035.1, 1035.2, 1035.3**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Thursday, July 20th, 2017, at its regularly scheduled meeting commencing at 9:00 a.m., at the Angeles National Forest Headquarters, 701 North Santa Anita Avenue, Arcadia, CA 91006. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meet-

ing, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on Monday, July 10, 2017.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attn.: Matt Dias
 Executive Officer
 P.O. Box 944246
 Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
 Room 1506–14
 1416 9th Street
 Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

publiccomments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

14 CCR §§ 1035.1 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4583.2 and 4583.5, Public Resources Code. **14 CCR § 1035.2** Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4581 and 4582, Public Resources Code. **14 CCR**

§1035.3 Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code. Reference: Sections 4524, 4526.5, 4527, 4528.5, and 4570, 4571, and 4581, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to GOV § 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973 (FPA, PRC § 4511, *et seq.*), the Board is authorized to construct a system of forest practice regulations applicable to timber management on state, municipal and private timberlands; and through PRC § 740 the Board shall determine, establish, and maintain an adequate forest policy. Additionally, general policies for guidance of the Department of Forestry and Fire Protection (Department) shall be determined by the Board.

The proposed action was developed in response to a request received by the Board from the Associated California Loggers (ACL) in 2013. Specifically, the ACL requested that the Board consider promulgation of certain regulations to remedy issues regarding Registered Professional Forester (RPF) and Licensed Timber Operator (LTO) responsibilities. Reasons cited by the ACL included the perceived inequitable treatment of LTOs by the Department in the issuances of Notices of Violations of the Forest Practice Rules (FPR). Of concern was the issuance of Notices of Violations to LTOs when the RPFs inadequately performed their professional duties as required, under Board rules, which may have resulted in individual LTOs performing Timber Operations in a manner that were not compliant with Board rules. Public testimony has made it clear that the ACL, and LTO community in general, take Notices of Violations very seriously as they can affect reputation, working relationships, and ultimately the bottom line of LTO businesses.

After the ACL’s request was received by the Board, this issue was prioritized by the Board’s Forest Practice Committee and subsequently delegated to the Professional Forester’s Examining Committee (PFEC) for review and recommendation. As a result, the PFEC developed the following **problem** statement:

“Issues arise when RPFs do not complete their field work correctly and thoroughly, putting the LTO in a position to be cited by CALFIRE (the Department) for violating the Forest Practice Rules (FPRs). In some cases, LTOs are being issued violations for following incomplete or inaccurate field work that was performed by a RPF. The RPF should be responsible for their work, along with any ramifications that occur if their work is not performed correctly.”

PFEC recommendations included integration of LTOs and private practicing RPFs into Departmental Forest Practice trainings, which has occurred and continues to occur, and collaboration between the ACL, the California Licensed Foresters Association (CLFA), and CAL FIRE in review of regulation relevant to this issue, which has also occurred and is manifested in the proposed action.

Data was pulled by the Department to decide whether this issue was perceived, or had strong evidentiary backing. From the date January 1, 2010 to December 31, 2015 there were a total of 23,970 inspections completed by the Department (C. Japp 2016)¹. Out of those 23,970 inspections, specifically regarding timber harvesting plans (THPs), RPFs received 64 notices of violations, with LTOs being given 320 (C. Japp 2016). It is important to note that this subset of data does not capture violations issued to the LTO based on improper or incorrect data conveyed by the RPF. Nor does it capture judgement exercised by the Department in its issuance of violations. Cumulatively, the Board only intends these amendments to address a small subset of this data, where the LTO was misdirected in their operation by the RPF.

Subsequently, the Department did a Violation Analysis that demonstrated that data is not available to either support or refute the contention that LTOs are being treated unequally in terms of being issued a violation and that they are being issued violations that result from the action of RPFs. Additionally, in 2017, the Department also provided a summary of information provided to Forest Practice Inspectors for determining whether a violation of the FPRs has been committed and for choosing an enforcement option, in which documenting violations in the form of a “Notices of Violation” is emphasized if all the elements of the “who”, “what”, “where”, “when”, “how” and “why” can be answered. A “Notice of Violation” is the lowest level of enforcement action and is administrative as compared to higher levels of enforcement action that are criminal and civil.

The **purpose** of the proposed action is to minimize the perceived inequity in the assignment of Notices of Violations of the FPR, specific to Timber Operations, that may result from inaccurate or inadequate preparatory work, that is required to be performed by an RPF. Additionally, the purpose is to strengthen the interaction between the RPF and LTO, which is essential to both entities to fulfill their respective responsibilities and work interdependently. Specifically, the responsibilities of the RPF were made more specific and inter-

preted, the interaction between the RPF and the LTO was made more specific and interpreted and direction was provided to the Department that an LTO will not be held responsible for FPR violations that result from work required of an RPF that is determined to be inaccurate or inadequate.

The **effect** of the proposed action is to require additional RPF responsibility to facilitate LTO compliance with the Board rules. Specifically, an RPF retained by the plan submitter to provide professional advice throughout Timber Operations, or the RPF’s Supervised Designee, must inspect the Logging Area prior to the commencement of operations each year to verify that operational flagging and timber marking required of an RPF, under Board rules, is adequate and in conformance with Board rules and the approved Plan.

Additionally, the increase in the number of conditions that trigger an onsite meeting, between the RPF and LTO, will facilitate communication and understanding, which is essential to the quality and efficiency of Timber Operations.

Moreover, direction is provided to the Department that an LTO will not be held responsible for FPR violations that result from work required of an RPF that is determined to be inaccurate or inadequate.

The **benefit** of the proposed action is to address the concerns of the LTO community, which through the past few years of development, have been informed by the RPF community and by the Department. The LTO and the RPF are interdependent. Flagging, tree marking and on-site meetings are essential ways the RPF communicates to the LTO regarding how to comply with the Plan and the Board rules. When an RPF provides easily visible and accurately placed operational flagging and marking in the Logging Area, the LTO can conduct Timber Operations with improved efficiency and remain in compliance with the Plan and the Board rules more effectively. Given that the Board rules are intended to minimize the environmental effects of Timber Operations per 14 CCR §896(a), these improvements in efficiency and compliance will likely result in improvements in environmental quality pertaining to Timber Operations. Additionally, the proposed action sheds light on RPF and LTO interdependence, which can be taken into consideration by the Department when it investigates the basis of a violation, resulting in improvements in equitable treatment of both parties and promoting fairness within the penalty process.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including 14 CCR

¹ Japp, C. California Department of Forestry & Fire Protection. *Memo to: Dennis Hall, Assistant Deputy Director, California Department of Forestry & Fire Protection; Subject: RPF/LTO Responsibility Issue, Violation Analysis.* June 09, 2016. TS.

§§ 1035.1, 1035.2 and 1035.3) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the system of forest practice applicable to timber management on state and private timberlands developed pursuant to the FPA, licensing, and oversight of foresters and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it simply amends current regulatory language.

No documents are incorporated by reference.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations on State or private lands.

OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

The proposed action will not have a fiscal impact. Specifically, there is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; the proposed action will not result in costs or savings to any state agency; the proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies; and the proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This action is estimated to cost the regulated public an additional \$5.3 million dollars over a 7-year period for full implementation. These costs will be created from the additional situations where the RPF and LTO are required to have on-site meetings. This is considered to be the upper bound of economic cost to the citizens of California.

The proposed action will adversely affect the ability of California business to compete with other States by making it costlier to produce goods and services in California and it will make managing forestland more expensive in California as compared to other States, so it follows that it may decrease investment in the state.

Pursuant to **GOV §11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination: Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses;
- (B) will not eliminate existing businesses within California;
- (C) will not affect the expansion or contraction of businesses currently doing business within California;

(D) will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the Informative Digest/Policy Statement Overview.

The types of businesses that will be impacted are businesses that own timberland, forestry consulting businesses, and logging businesses.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV § 11346.5(a)(9))

The agency is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. It is expected to increase costs to the landowner for RPF services of an additional \$360–\$2,160, and an additional \$1,000 per year for LTO services each year that the plan is operated on.

Therefore, 238 THPs per year multiplied by \$2,160 (the high average number of days to ensure operational marking and flagging is accurate and adequate per THP per year) equals approximately \$514,000 multiplied by seven years (the effective period of a plan) equals approximately \$3.6 million dollars.

Additionally, 238 THPs per year multiplied by \$1,000 per THP per year (average cost for additional on-site RPF/LTO meetings) equals \$238,000 multiplied by seven years (the effective period of a plan) equals \$1.7 million dollars.

Thus, the adverse economic impact is \$5.3 million dollars.

Businesses and individuals will be subject to this cost. However, businesses are not expected to expand or contract as a result of these amendments. Although, the proposed action does increase costs to RPFs, LTOs, businesses that own timberland and individuals that own timberland, depending on the variables described above, it is not expected that the proposed action will be so economically expensive it would result in contraction of businesses or so time consuming that it would result in an expansion of businesses.

BUSINESS REPORT

(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV § 11342.610)

Small business, pursuant to 1 CCR 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) May derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if it does not comply with the regulation.

The proposed action is to make explicit individual legal responsibilities of the RPF, LTO and the totality of their interaction when engaged in timber management operations. It simply requires more thorough discourse between the RPF and LTO, and ensures annual review of the management area by the RPF to ensure that indications to the LTO are in place and adequately marked. It may increase cost for both the RPF and LTO, due to the requirement for more on site meetings under certain situations. Although, it is not expected to create or eliminate small businesses.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn.: Matt Dias
Executive Officer
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 653–8007

The designated backup person in the event Mr. Matt Dias is not available is Eric Hedge, Regulations Coordinator for the Board of Forestry and Fire Protection. Mr.

Hedge may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE IS HEREBY GIVEN that the California Department of Developmental Services (“DDS” or “Department”) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

DDS will hold a public hearing from **10:00 a.m. until 2:00 p.m. on July 10, 2017**, at 1600 9th Street, Sacramento, in Room 360. This location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. DDS requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DDS. Comments may be submitted at the public hearing and may also be submitted by facsimile (FAX) at (916) 654-1716, by email to Alyssa.Carroll@dds.ca.gov, or by U.S. mail to:

Alyssa Carroll, Staff Counsel
California Department of Developmental Services
1600 9th Street, Suite 240
Sacramento, CA 95814

The written comment period closes, and comments must be received by, **5:00 p.m. on July 10, 2017**.

AUTHORITIES AND REFERENCES

Authority: Sections 4441 and 4449, Welfare and Institutions Code.

Reference: Section 1370.1, Penal Code; Sections 4418.7, 6500, 6506, 6509, 6510.5, and 7505, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW*A. Informative Digest*

Welfare & Institutions Code Section 6510.5 states that “[u]nder no circumstances shall the court order placement of a person described in this article or a dangerous person committed pursuant to Section 1370.1 of the Penal Code to a developmental center if the department has specifically notified the court in writing that the individual cannot be safely served in that developmental center.”

This statute permits the Department to determine if an individual committed to a developmental center cannot be safely served at that facility. The proposed rule-making action creates a uniform policy to establish a Committee to evaluate any individuals who the Department believes will be not safe to serve, to report their findings to the appropriate court, and to receive and consider comments from interested parties in making its determination.

Section 51100: Section 6510.5 grants DDS the authority to decline admission to a person committed by the superior court to a developmental center under Welfare and Institutions Code section 6500 *et seq.* or Penal Code section 1370.1. This regulation explains that the purpose of the subchapter is to describe DDS’ section 6510.5 not–safe–to–serve evaluation process.

Section 51101: This regulation creates a Safe–to–Serve Committee when DDS is considering exercising its authority under section 6510.5 to deny admission to a developmental center, prescribes the time period in which the Committee shall be formed, and identifies the professional individuals who shall serve as members of the Committee.

Section 51102: This regulation specifies when the Committee will begin its assessment of the consumer committed to the developmental center, identifies the documents that the Committee shall review in conducting its assessment, and specifies that a court order may be sought to gain access to additional documents needed to make the safe–to–serve determination.

Section 51103: This section specifies the time in which the Committee shall make its safe–to–serve determination once it has the documents it needs, identifies the factors the Committee must consider before denying admission to a developmental center, and establishes a time by which the Committee must transmit its decision to the court and other interested parties.

Section 51104: If the Committee determines that the committed consumer is not safe to serve, the executive director of the developmental center shall review the decision. If the executive director agrees with the not–safe–to–serve determination, the developmental center

shall prepare a report detailing the basis for the decision, and file and serve the report with the committing court and on interested parties within 15 days of the determination. If the executive director disagrees with the Committee’s determination, he or she can authorize the admission of the committed consumer.

Section 51105: This section allows the district attorney, defense attorney or regional center to ask the developmental center to reconsider its not–safe–to–serve determination if additional information and evidence is provided to the developmental center from the party requesting the reconsideration. The developmental center shall consider the additional information and evidence submitted, and prepare a report for the court and interested parties responding to the additional information, comments, arguments and evidence submitted. The developmental center may either reaffirm or reverse its not–safe–to–serve determination.

Section 51106: If the developmental center’s decision to deny admission is not contested or its supplemental report affirms the original decision to deny admission, the regional center must work with the Department to find alternative placement options. The regional center and the Department must jointly report to the committing court on any placement options and necessary services that will meet the committed consumer’s needs in the community.

B. Policy Statement Overview

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions Code section 4500 *et seq.*, requires the State of California to ensure the care and treatment of individuals with developmental disabilities. Under the Lanterman Act, care and services for individuals with developmental disabilities (consumers) is coordinated by 21 regional centers, which are responsible for securing the day–to–day services and supports that each consumer needs.

Among the State’s legal obligations are the care, evaluation, and treatment of incompetent consumers charged with criminal offenses. Under Penal Code section 1370.1, a consumer facing criminal charges who is found incompetent to stand trial (IST defendant) can be committed to the Secured Treatment Program at the Porterville Developmental Center (PDC), a facility under the jurisdiction of the Department of Developmental Services (Department or DDS), for competency training and evaluation. An IST defendant committed to PDC under Penal Code section 1370.1 is often confined in county jail until he or she can be admitted to PDC.

If a regional center recommends that an IST defendant be committed to PDC, Welfare and Institutions Code section 4418.7 requires that the consumer be assessed for his or her service and support needs by the

Porterville Regional Project. Among other things, this assessment requires an in-person interview with the consumer, and includes a review of the individual's criminal record, medical and psychiatric history, educational background, and behavioral issues. If the section 4418.7 assessment indicates that admission to PDC would pose a danger to that person or others already admitted to the facility, PDC may deny admission under California Welfare and Institutions Code section 6510.5 (section 6510.5).

In addition to IST defendants, an individual with developmental disabilities may be civilly committed to a DDS developmental center pursuant to Welfare and Institutions Code section 6500 *et seq.*, if a court finds that the individual is a danger to himself or others. Consumers civilly committed to a developmental center under section 6500 *et seq.*, can also be denied admission under section 6510.5.

Enacted in 2012, section 6510.5 states that: "Under no circumstances shall the court order placement of a person described in this article or a dangerous person committed pursuant to Section 1370.1 of the Penal Code to a developmental center if the department has specifically notified the court in writing that the individual cannot be safely served in that developmental center."

When PDC considers exercising its right to deny admission to an IST defendant pursuant to section 6510.5, it forms a Safe-to-Serve Committee (Committee) which looks at specific criteria when making an admission determination. In 2013, litigation was initiated challenging DDS' authority to deny admission of an IST defendant to PDC under section 6510.5. In the case of *In re Williams*, (2014) 228 Cal.App.4th 989, the California Court of Appeal upheld the Department's authority to deny admission of an IST defendant to PDC under section 6510.5. However, the court ruled that if DDS exercised its authority to deny admission pursuant to section 6510.5, the Department must identify an alternative placement option. Among other things, the Court of Appeal held that a superior court may request DDS to confirm its initial decision to reject admission of an IST defendant. After the *Williams* decision, the Judicial Council requested that DDS provide greater public transparency regarding how it makes its not-safe-to-serve determination under section 6510.5.

Given the *Williams* decision and the general interest among the courts, prosecutors, defense attorneys and regional centers regarding how DDS exercises its authority under section 6510.5, the Department proposes these regulations. Since IST defendants being assessed for admission to PDC often are in custody, the proposed regulations seek to establish clear timelines and procedures regarding how the Committee will operate, and when it will make an admission decision. The proposed

regulations seek to provide clear directives to DDS employees, regional centers, district attorneys, criminal defense attorneys, the courts, and the public regarding the Department's procedures for determining whether to deny admission to a developmental center (DC) for a person committed pursuant to either Penal Code section 1370.1 or Welfare and Institutions Code section 6500 *et seq.*

For a comprehensive explanation of the benefits of the proposed rulemaking, please see "Benefits Analysis" under RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS below.

C. Evaluation of Inconsistency/Incompatibility with Existing State Regulations

DDS has evaluated existing statutes and regulations and has determined that these are the only regulations concerning the Developmental Center Safe-to-Serve Evaluation Process. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing laws.

LOCAL MANDATES

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

FISCAL IMPACT

DDS has determined that the regulations do not impose any cost to any local agency or school district requiring reimbursement under Government Code section 17500 *et seq.*, any non-discretionary cost or savings to local agencies or school districts, or any cost or savings in federal funding to the state. DDS has determined there will be no cost or savings to any state agency pursuant to Government Code section 11346.1(b) or 11346.5(a)(6).

COST BENEFITS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

SMALL BUSINESS DETERMINATION

DDS has determined that the proposed regulations will not likely affect small businesses. The individuals who undergo the safe-to-serve evaluation will be housed at public expense in a state-run treatment facility, existing locked facility, or a facility vendored by a regional center. These institutions and facilities are cur-

rently in existence and transporting and housing individuals in such facilities will have no impact on small businesses.

STATEWIDE ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESSES
AND INDIVIDUALS

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

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

In accordance with Government Code section 11346.3(b), DDS has reviewed the economic impact of the regulations. DDS has made a determination that the regulations would not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California. DDS has made the initial determination that the proposed regulations will not have a significant adverse economic impact on businesses because the regulations only apply to DDS' facilities.

Benefit Analysis:

These regulations benefit consumers residing in the developmental centers and state-operated facilities by creating a clear and specific process by which the Department will make a safe-to-serve determination. These regulations also benefit committed individuals awaiting admission to the developmental center because there are clear timelines for making a safe-to-serve determination. They also provide a clear process for notifying the court and relevant parties when the Department and the Committee elect to exercise their right to deny admission to a developmental center. Additionally, the regulations promote the health and safety of the residents and staff of the developmental centers and state-operated facility by ensuring that individuals who are not safe to serve are not admitted to a developmental center.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome

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

CONTACT PERSONS

Please direct all inquiries regarding the proposed administrative action to:

Alyssa Carroll, Staff Counsel
California Department of Developmental Services
1600 9th Street, Suite 240
Sacramento, CA 95814
Phone: (916) 654-3405
FAX: (916) 654-1716
Email: Alyssa.Carroll@dds.ca.gov

In the event that the contact person is unavailable, please direct inquiries to the backup contact:

Eric Gelber, Assistant Director, Legislation & Regulations
California Department of Developmental Services
1600 9th Street, Suite 322 MS 3-10
Sacramento, CA 95814
Phone: (916) 654-1884
FAX: (916) 654-1913
Email: Eric.Gelber@dds.ca.gov

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

The Department will make the proposed text, the Initial Statement of Reasons, and the entire rulemaking file available for inspection upon request directed to DDS' designated contact, Alyssa Carroll. The proposed text, Notice of Proposed Action, and the Initial Statement of Reasons will also be posted on DDS' website, <http://www.dds.ca.gov/>.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the hearing and consideration of all timely and relevant comments submitted, DDS may adopt the proposed regulations substantially as described in the notice. In the event that DDS makes modifications sufficiently related to the originally proposed text, it will make the modified text, indicating the changes, available to the public for at least 15 days before DDS adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Alyssa Carroll at the aforementioned address. DDS will accept written comments on the modified regulations

for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Alyssa Carroll, at the aforementioned address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through the DDS website at <http://www.dds.ca.gov/>.

DECISION NOT TO PROCEED

DEPARTMENT OF JUSTICE

Pursuant to Government Code Section 11347, the California Department of Justice hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on May 12, 2017, Register 2017, No. 19–Z. The proposed rulemaking concerned the confirmation of non-exempted individuals acting in the capacity of Custodian of Records.

Any interested person with questions concerning this rulemaking should contact Amber Lozano, DOJ Administrator II at the California Department of Justice, California Justice Information Services Division, 4949 Broadway, Sacramento, CA, 95820.

The Department will also publish this Notice of Decision Not to Proceed on its website at: <https://oag.ca.gov/meetings/public-participation>.

RULEMAKING PETITION DECISION

CALIFORNIA STATE LANDS COMMISSION

Petition for Rule Adoption, Amendment or Repeal

Francis Coats — Petitioner

On January 20, 2017, Francis Coats (petitioner) submitted a petition to the California State Lands Commission (Commission) under Government Code (Gov. Code) § 11340.6. The petition requests that the Commission engage in a rulemaking action to:

- 1) Define “land owned by the state” as used in Article I, section 25 (Art. I, sec. 25) of the California Constitution as “land owned by the state, however acquired, for whatever purpose acquired, and for whatever purpose used.”
- 2) Define “sold or transferred” as used in Art. I, sec. 25 of the California Constitution as “sold or transferred, and includes land sold or transferred without valuable consideration and land transferred in exchange for valuable consideration. Valuable consideration includes cash, goods, services, and other land whether under section 6307 of the Public Resources Code (Pub. Res. Code) or otherwise.”

The petitioner cited the Commission’s authority for this rulemaking as the implied authority arising from its obligation to implement Art. I, sec. 25 of the California Constitution and section 6307 of the Pub. Res. Code.

Established in 1938, the Commission manages four million acres of tide and submerged lands and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. These lands are often referred to as sovereign or public trust lands. The Commission also manages 462,000± acres of lands granted by Congress to support public schools. The Commission is, however, not the only state agency that manages, holds, owns and/or otherwise has jurisdiction over land/real property owned by the state.

Based on the standards set forth in Gov. Code § 11349.1, the Commission declines the petition to engage in the requested rulemaking related to Art. I, sec. 25 for the reasons set forth below.

The Cited Legal Authority does not Authorize the Commission to Engage in the Petitioned Rulemaking and As a Result Fails to Comply with the Authority Standard of Gov. Code § 11349.1(a)(2).

Under Pub. Res. Code § 6108, the Commission may make and enforce all reasonable and proper rules and regulations consistent with the law for the purposes of carrying out its statutory authority. The petition requests the Commission to undertake rulemaking that would broadly define the terms “land owned by the state” and “sold or transferred” as used in Art. I, sec. 25 of the Constitution. However, as noted above, the Commission is not the only state agency that manages, holds, owns and/or otherwise has jurisdiction over land/real property owned by the state and which thus may be effected by Art. I, sec. 25. The requested rulemaking has broad implications for all state agencies that hold, own,

or transfer land and seeks to do so regardless of the purpose for which the land is acquired or is used. Moreover, it is unclear that the Commission has the authority to interpret a Constitutional provision in such a broad way. The Commission's authority to enact regulations is limited to regulations for the purposes of carrying out its statutory authority. (Pub. Res. Code § 6108). Indeed, under the APA, the Commission may not adopt any regulation beyond the scope of its statutory authority. (Gov. Code § 11342.1.)

Accordingly, given the broad policy considerations at issue here, such a rulemaking endeavor is more appropriate for the Legislature rather than a single agency's rulemaking action.

The Proposed Rulemaking Fails to Comply with the Necessity Standard of Gov. Code § 11349.1(a)(1).

Gov. Code § 11349, subdivision (a), defines "necessity" to mean the demonstration that there is a need for "the regulation to effectuate the purpose of the statute, court decision, or other provision of the law that the regulation implements, interprets, or makes specific" taking into account a totality of the record (i.e., facts, studies and expert opinion). Based on the existing statutory law guiding the Commission, there is no need for the rulemaking that Petitioner requests.

Pub. Res. Code § 6210.4 provides a legislative implementation of Art. I, sec. 25. Pub. Res. Code § 6210.4 provides "No lands owned by the State which lands front upon or are near to any lake, navigable stream or other body of navigable water, convenient access to which is not provided by public road or roads, or otherwise, shall ever be sold, leased or rented, without reserving to the people of the State an easement across the lands for convenient access to such waters." Further, there are other provisions of statutory law guiding the Commission that interpret and implement the state's objective to retain or obtain access to public land. (e.g. Gov. Code § 66478.1–66478.14 (the Subdivision Map Act requires "reasonable public access" where development fronts on the coast or other navigable water); Pub. Res. Code §§30210–30214 (Coastal Act); Sts. & High. Code §§ 84.5, 991 and 1809 (access at bridges built by state, cities and counties)).

In contrast, the Commission is unaware of any facts, studies or opinions that suggest that rulemaking specific to the Commission, or otherwise, is necessary to effectuate the purpose of Art. I, sec. 25. Thus, the Commission finds that the proposed rulemaking is not necessary because of existing laws that already implement and effectuate the purpose of Art. I, sec. 25.

The Proposed Rulemaking Fails to Comply with the Consistency Standard of Gov. Code § 11349.1(a)(4).

Gov. Code § 11349, sub. (d), defines "consistency" to mean "being in harmony with, and not in conflict with

or contradictory to, existing statutes, court decisions, or other provisions of law." As discussed below, the proposed rulemaking is inconsistent with existing statutes, including Pub. Res. Code § 6307, as well as decisional law.

For example, Pub. Res. Code § 6307 authorizes the Commission to enter into land exchange agreements by which public trust lands no longer suitable for trust purposes can be exchanged for lands more suitable for trust purposes if the Commission finds that certain conditions are met. Among the findings are: the exchange will provide a significant benefit to the public trust, the exchange does not substantially interfere with public rights of navigation and fishing, and the lands given in exchange are filled or reclaimed and have been cut off from water access. If the Commission finds that all of these conditions are met, the Commission can then free the lands from the public trust and in turn impress the trust on the lands received in the exchange. The proposed rulemaking conflicts with Pub. Res. Code § 6307 because it would essentially require the state to retain a portion of the public trust interests on all lands which have otherwise been found to no longer be useful for public trust purposes and for which it is appropriate to terminate the trust. The proposed rulemaking would effectively eviscerate section 6307 and would severely limit the Commission's ability to enter into such exchanges.

The proposed rulemaking is also inconsistent and unsupported by existing decisional law. According to the California Supreme Court in *State of California v. San Luis Obispo Sportsman's Assn.*, (1978) 22 Cal. 3d 440 the right to fish under Art. I, sec. 25 is not an unqualified one. (*Id.* at 448) By the express language of the Constitutional provision, the right is subject to reasonable regulation and can be extinguished or prohibited if fishing is not otherwise compatible with the primary public purpose of the land, including restrictions to protect public health and safety.¹ (*Id.*) Significantly, in reaching this conclusion, the Court analyzed what is meant by "public lands" in Art. I, sec. 25 and the underlying intent of the voters in passing the amendment (*Id.* at 446–447) [public lands in Art. I, sec. 25 means state-owned land the use of which by the state is also compatible with use by the public for fishing.] (*See also Paladini v. Superior Court* (1918) 178 Cal. 369 [Art. I, sec. 25 did not create or add a right that the people did not already have — the right to fish on public lands — but instead restricted the power of the state to alienate public

¹ Over time, the language regarding the Legislature's ability to set conditions on fishing on public lands has been more broadly interpreted than just fishing regulations. (*See California Gillnetters Assn. v. Dept. of Fish & Game*, 39 Cal. App. 4th (1995) and *Ventura County Commercial Fishermen's Ass'n v. California Fish and Game Comm.*, 2004 WL 293565 (2004) (unreported)

land without a reservation of the public right, a right which in turn is limited by Legislatures' ability to set conditions under which fishing can occur.]. Thus, the Supreme Court makes clear that the key language in Art. I, sec. 25 is "public lands of the State" not the "land owned by the state" language that Petitioner seeks to have defined. Further, the broad definition proposed is inconsistent with how the Court defines public land, which is simply not synonymous with all state-owned land/real estate.

Several Attorney General Opinions prior to and since the Court's opinion in *San Luis Obispo Sportsman's* followed a similar analysis. For example, in 1953 the Attorney General's Office confronted the question of whether Art. I, sec. 25 required the state to reserve the right to fish when selling land originally acquired for Folsom State Prison. (22 Ops. Cal. Atty. Gen. 134 (1953)). The opinion found that "public land" did not include all land owned by the state, and the restraint on alienation is not broader than the guarantee of rights. The opinion cited to the prior court decisions (including *Paladini, supra*, and was further qualified in *In re Quinn* (1973) 35 Cal.App.3d 473) that also examined this Constitutional provision and found that the clause is declaratory of existing rights, neither creating nor expanding these rights. The Attorney General went on to reason that the restraint on alienation would be no broader than necessary to protect the public right. It would make no sense to reserve fishing rights of infinite duration on land in cities or otherwise distant from fishing waters. The proposed rulemaking fails to account for this preexisting legal distinction and is, therefore, contrary to existing law. (*See also*, 64 Ops. Cal. Atty. Gen. 463 (1981), citing *San Luis Obispo Sportsman's*).

Finally, the proposed rulemaking fails the consistency standard because it is contrary to public policy and not in the state's best interests. As noted above, the purpose of an exchange under Pub. Res. Code § 6307 is to exchange land that is no longer useful for public trust purposes for other land that is. The legislatively required findings include a requirement that the parcels to be exchanged are cut off from access to the water and relatively useless for public trust purposes. The logical extension of these findings is the conclusion that a retained easement for fishing purposes will not benefit the public in any meaningful way. Rather, the retained easement will result in a detriment to the public by reducing the value of the property interest claims being exchanged, and possibly precluding the opportunity for an exchange that would result in enhanced fishing access. Easements reduce the value of land they burden. In some cases, access easements may preclude certain uses, making the land more difficult to sell or exchange. It does not serve the public to reduce the quality or amount of valuable public trust land the people can obtain in an

exchange by mechanically reserving an easement on land that cannot be used for fishing purposes.

The Commission also occasionally enters into title settlements pursuant to section 6307 (or other specific legislative authorization) or boundary line agreements pursuant to Pub. Res. Code § 6357. In those circumstances, the Commission clears title to both state and private property, often where conflicting evidence exists regarding ownership or other property interests, and thereby establishes a clear boundary between public and private property interests in an area where such boundary is contested or uncertain.²

In boundary line agreements, in order to fix and clear title, the parties agree to the location of the boundary between public and private lands based on the best available evidence and exchange quitclaim deeds. These agreements are not true transfers of land, but merely agreements on the location of a preexisting legal boundary.³ The petitioned rulemaking would require the state to reserve an easement on any interest in land it transfers out, thus including disclaimers of interest where the disclaimer takes the form of a deed or patent. It would be inappropriate to reserve a public right of access for fishing on land the state is disclaiming any legal right to, particularly where the best available evidence suggests the state does not own the land disclaimed.

The Proposed Rulemaking Fails to Comply with the Nonduplication Standard of Gov. Code § 11349.1(a)(6).

Gov. Code § 11349, subdivision (f), defines "nonduplication" to mean "that a regulation does not serve the same purpose as a state or federal statute or another regulation." Here, the proposed rulemaking is duplicative with Pub. Res. Code § 6210.4, which the Legislature carefully drafted to include provisions that limit the application to lands fronting upon navigable water where convenient access is not otherwise provided. Applying basic principles of statutory construction, the Legislature is presumed to have a purpose for including these qualifying terms. Indeed, this language expands Art. I, sec 25's right to fish to a right of access, and applies this to lands where public trust activities are possible and the retained access rights would improve the public trust opportunities and access. Because the proposed rulemaking would not clarify, but instead abrogate the Legislative direction in section 6210.4, the proposed rulemaking is duplicative of, as well as being in conflict with existing law.

Decision

The rulemaking petition submitted by Francis Coats is denied by the Commission pursuant to its authority under Gov. Code § 11340.7.

² See Public Resources Code §§ 6342, 6357.

³ *Muchenberger v. City of Santa Monica*, 206 Cal. 635 (1929).

Commission Contact Person
 Warren Crunk — Staff Attorney
 100 Howe Avenue, Suite 100 South
 Sacramento, CA 95825
 (916) 574-1935

Notice to Interested Persons

Under Gov. Code § 11340.7(d), the Commission will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons may obtain a copy of the petition through the office of the California State Lands Commission at 100 Howe Avenue, Suite 100 South, Sacramento, California, 95825, (916) 574-1900.

Date of Decision: May 9, 2017

/s/
 Jennifer Lucchesi
 Executive Officer
 California State Lands Commission

<p>SUMMARY OF REGULATORY ACTIONS</p>
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**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# 2017-0407-01
 AGRICULTURAL LABOR RELATIONS BOARD
 Consolidation

This action by the Agricultural Labor Relations Board amends section 20335, subdivision (c), in title 8 of the California Code of Regulations relating to procedures for consolidating certain challenges or objections with unfair labor practice complaints.

Title 8
 AMEND: 20335(c)
 Filed 05/16/2017
 Effective 07/01/2017
 Agency Contact: Eduardo Blanco (916) 651-7633

File# 2017-0328-05
 BOARD FOR PROFESSIONAL ENGINEERS,
 LAND SURVEYORS AND GEOLOGISTS
 Structural & Geotechnical Engineers Qualifying
 Experience

In this regulatory action, the Board amends Title 16, sections 426.10, 426.14, and 426.50, of the California Code of Regulations to clarify that an applicant's qualifying experience begins at the date of licensure rather than the date of passing the examination to gain licensure. Further, the Board amends subdivision 426.50(b) to reflect that the Board has the option to grant up to one year credit of qualifying experience for possession of post graduate degree(s) from a Board-approved school of engineering with major studies in soil engineering.

Title 16
 AMEND: 426.10, 426.14, 426.50
 Filed 05/10/2017
 Effective 07/01/2017
 Agency Contact: Billie Baldo (916) 263-2277

File# 2017-0419-02
 BOARD OF EQUALIZATION
 Roll Corrections

The Board of Equalization amended section 263 of title 18 of the California Code of Regulations, as a change without regulatory effect, pursuant to section 100 of title 1 of the CCR. Revenue and Taxation Code section 205.5 provides an exemption from property tax for property that constitutes the principal place of residence of a veteran or the unmarried spouse of a deceased veteran, if the veteran is blind in both eyes, has lost the use of two or more limbs, or if the veteran is totally disabled as a result of injury or disease incurred in military service, which is commonly referred to as the "disabled veterans' exemption." This amendment is in response to Senate Bill 1458 (Ch 871, Statutes of 2016) which extended the time for correcting errors to the assessment roll related to the disabled veterans' exemption. The disabled veterans' exemption allows an eight-year period to allow the assessor to correct entries on an assessment roll rather than the standard four-year period. The regulation is being amended to make it consistent with statutory change.

Title 18
 AMEND: 263
 Filed 05/15/2017
 Agency Contact: Richard Bennion (916) 445-2130

File# 2017-0419-03
 BOARD OF EQUALIZATION
 Racehorse Tax

The Board of Equalization (Board) amended section 1051 of title 18 of the California Code of Regulations,

as a change without regulatory effect, pursuant to section 100 of title 1 of the CCR. Revenue and Taxation Code section 155 authorizes the Board or its Executive Director to extend the time fixed in division 1 of the Revenue and Taxation Code for the performance of any act by the assessor or county board for not more than 30 days, or, in case of a public calamity, 40 days. Previously this section referred to the Board or its “secretary,” but was amended to change “secretary” to “executive director.” This amendment will change the regulation to be consistent with the statute along with other non-substantive technical changes to the organizational structure (for example, moving racehorse taxes into a chapter of their own and moving this regulation into a separate chapter).

Title 18
 AMEND: 1051
 Filed 05/15/2017
 Agency Contact: Richard Bennion (916) 445-2130

File# 2017-0413-03
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Enterprise Inmate Communication — Pilot Program

This action by the Department of Corrections and Rehabilitation adopts section 3999.23 as a pilot program on enterprise inmate communication. This filing is exempt from Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

Title 15
 ADOPT: 3999.23
 Filed 05/11/2017
 Effective 05/11/2017
 Agency Contact: Laura Lomonaco (916) 445-2217

File# 2017-0403-01
 DEPARTMENT OF DEVELOPMENTAL SERVICES
 DDS End of Life Option Act Regulations

The Department of Developmental Services (Department) submitted this timely certificate of compliance action to make permanent three sections adopted into title 17 of the California Code of Regulations as an emergency. The three sections implement Department protocols and procedures for individuals residing in a developmental center or state-operated facility under the Department’s jurisdiction who wish to exercise their rights under the End of Life Option Act.

Title 17
 ADOPT: 51000, 51001, 51002
 Filed 05/10/2017
 Effective 05/10/2017
 Agency Contact: Alyssa Carroll (916) 654-3405

File# 2017-0425-05
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This filing of a certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL file no. 2016-1025-03) that expanded the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the Los Banos area of Merced County by approximately 125 square miles. The effect of this action provides permanent authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

Title 3
 AMEND: 3435(b)
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0425-06
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This filing of a certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL file no. 2016-1025-02E) that expanded the existing quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) in the San Jose area of Santa Clara County by approximately four square miles. The effect of this action provides permanent authority for the state to perform quarantine activities against ACP within this additional area, along with the many already existing regulated areas in the state.

Title 3
 AMEND: 3435(b)
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Sara Khalid (916) 403-6625

File# 2017-0424-03
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, “Bond of Attorney-in-Fact of Reciprocal or Interinsurance Exchange” pursuant to Government Code section 11343.8.

Title 11
 AMEND: 50.5
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-04
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and repeal the surety bond form of the Department of Insurance, "Workmen's Compensation Bond" pursuant to Government Code section 11343.8.

Title 11
 REPEAL: 50.7
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-05
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

The Department of Justice submitted this file and print action revising the surety bond form, "Employer's Bond for Certificate of Exemption," for the Department of Insurance.

Title 11
 AMEND: 50.6
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-06
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Motor Club Bond" pursuant to Government Code section 11343.8.

Title 11
 AMEND: 50.8
 Filed 05/16/2017
 Effective 05/16/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-11
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Bond of

Bail Agent" pursuant to Government Code section 11343.8.

Title 11
 AMEND: 50.15
 Filed 05/16/2017
 Effective 05/16/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-12
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance: Form 437-10, "Bond of Permittee Engaged in the Bail Bond Business." (Gov. Code, § 11343.8.) The amendment is exempt from the Administrative Procedure Act. (Gov. Code, § 11110 et seq.)

Title 11
 AMEND: 50.16
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-13
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form of the Department of Insurance, "Bond of Bail Solicitor" pursuant to Government Code section 11343.8.

Title 11
 AMEND: 50.17
 Filed 05/15/2017
 Effective 05/15/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-17
 DEPARTMENT OF JUSTICE
 Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the approved revised surety bond form, "Bond of Public Insurance Adjuster," for the Department of Insurance pursuant to Government Code section 11343.8.

Title 11
 AMEND: 50.21
 Filed 05/16/2017
 Effective 05/16/2017
 Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-18
DEPARTMENT OF JUSTICE
Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to repeal the surety bond form of the Department of Insurance, "Bond of Nonresident Surplus Line Broker" pursuant to Government Code section 11343.8.

Title 11
REPEAL: 50.22
Filed 05/16/2017
Effective 05/16/2017
Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0424-19
DEPARTMENT OF JUSTICE
Department of Insurance Bond Form

This action submitted by the Department of Justice is a request to file and print the adopted surety bond form of the Department of Insurance, "Bond of Insurance Adjuster" pursuant to Government Code section 11343.8.

Title 11
ADOPT: 50.22
Filed 05/16/2017
Effective 05/16/2017
Agency Contact: Karen W. Yiu (510) 879-1245

File# 2017-0417-05
DEPARTMENT OF MOTOR VEHICLES
Driver's Licenses and Identification Cards

The Department of Motor Vehicles is amending a document incorporated by reference as a change without regulatory effect, pursuant to section 100 of title 1 of the CCR. The amendment to this form, incorporated by reference in section 16.06 of title 13 of the California Code of Regulations, adds some helpful tips which are not regulatory requirements, but simply information to ensure applicants have the materials necessary to expedite the review process when it is necessary to review secondary documents in order to issue a driver's license.

Title 13
AMEND: 16.06
Filed 05/15/2017
Agency Contact: Randi Calkins (916) 657-8898

File# 2017-0329-03
EMERGENCY MEDICAL SERVICES
AUTHORITY
Emergency Medical Technician (EMT) Regulations

This regulatory action by the Emergency Medical Services Authority expands the Emergency Medical

Technician (EMT) scope of practice rules in title 22 of the California Code of Regulations regarding the administration of naloxone and epinephrine, use of glucometers, and training in tactical casualty care.

Title 22
ADOPT: 100057.1, 100057.2 AMEND: 100057, 100059, 100059.1, 100059.2, 100061, 100062, 100063, 100064, 100069, 100070, 100072, 100073, 100074, 100075, 100079, 100080, 100081, 100083
Filed 05/11/2017
Effective 07/01/2017
Agency Contact: Corrine Fishman (916) 431-3727

File# 2017-0412-01
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 Warnings — Repeal Bisphenol A

In this regular rulemaking, the Office of Environmental Health Hazard Assessment ("OEHHA") is repealing sections 25607.30 and 25607.31 in the California Code of Regulations, title 27, division 4, chapter 1, article 6, subarticle 2. Sections 25607.30 and 25607.31 establish warning methods and content for certain exposures to bisphenol A ("BPA") from canned and bottled foods and beverages. These sections were initially incorporated within Article 6 as subdivisions (f) and (g), respectively, of Section 25603.3. Sections 25603.30 and 25607.31 were included in Article 6 as a temporary measure until the emergency rulemaking amending Section 25603.3 was made permanent. The amendments to Section 25603.3 were made permanent in OAL File No. 2016-1014-06C and contain all operative provisions, including the requirement to provide the lead agency with certain information in a searchable, electronic format and the sunset provisions of December 30, 2017. OEHHA has decided to repeal instead of amend Sections 25607.30 and 25607.31 because the BPA provisions in subdivisions (f) and (g) in Section 25603.3 sunset in December of 2017 before the August 30, 2018, operative date for Sections 25607.30 and 25607.31.

Title 27
REPEAL: 25607.30, 25607.31
Filed 05/11/2017
Effective 07/01/2017
Agency Contact: Monet Vela (916) 323-2517

File# 2017-0411-01
STATE WATER RESOURCES CONTROL BOARD
Implementation Plan for Malibu Creek Nutrient and Sedimentation TMDLs

This action by the State Water Resources Control Board (SWRCB) amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incor-

porate an implementation plan for the Malibu Creek Nutrients Total Daily Maximum Load (TMDL) and the Malibu Creek and Lagoon TMDL for sedimentation and nutrients to address benthic community impairments. The Regional Water Quality Control Board approved these amendments on December 8, 2016, pursuant to Resolution No. R16-009, which the SWRCB approved on February 22, 2017, pursuant to Resolution 2017-0008.

Title 23
 ADOPT: 3939.51
 Filed 05/16/2017
 Effective 05/16/2017
 Agency Contact: Jessica Pearson (213) 576-6786

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 14, 2016 TO
 May 17, 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

Title 3

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

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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)
 01/10/17 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

Title 4

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

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

Title 8

05/16/17 AMEND: 20335(c)
 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

Title 9

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

Title 11

05/16/17 AMEND: 50.8
 05/16/17 AMEND: 50.15
 05/16/17 AMEND: 50.21
 05/16/17 REPEAL: 50.22
 05/16/17 ADOPT: 50.22
 05/15/17 AMEND: 50.5

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05/15/17	REPEAL: 50.7	18659.1, 18659.2, 18659.3, 18659.4,
05/15/17	AMEND: 50.6	18659.5
05/15/17	AMEND: 50.16	05/03/17
05/15/17	AMEND: 50.17	ADOPT: 1265.00, 1265.01, 1265.02,
02/21/17	AMEND: 1084	1265.03
02/01/17	AMEND: 1005, 1007, 1008	05/01/17
01/27/17	AMEND: 1001, 1005, 1007, 1008, 1009,	AMEND: 27.80
	1018, 1080, 1083	05/01/17
		AMEND: 28.20
01/18/17	ADOPT: 2080, 2081, 2082, 2083, 2084,	04/18/17
	2085, 2086, 2087, 2088, 2089, 2090,	AMEND: 1038
	2091, 2092, 2093, 2094, 2095, 2096,	04/13/17
	2097, 2098, 2099, 2100, 2101, 2102,	ADOPT: 3805.1
	2103, 2104, 2105, 2106, 2107, 2108,	04/12/17
	2109, 2130, 2131, 2132	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
Title 12		03/16/17
01/09/17	ADOPT: 509	ADOPT: 18660.47, 18660.48, 18660.49,
		18660.50, 18660.51 AMEND: 18660.5,
		18660.20
Title 13		03/14/17
05/15/17	AMEND: 16.06	REPEAL: 8600
04/19/17	AMEND: 26.01, 26.02	03/07/17
04/17/17	AMEND: 2222	ADOPT: 749.9
04/06/17	AMEND: 1157.21	03/03/17
02/22/17	AMEND: 1153	ADOPT: 16500
02/21/17	ADOPT: 26.01, 26.02	03/02/17
02/21/17	AMEND: 553.70	ADOPT: 748.6
02/16/17	ADOPT: 15.01 AMEND: 15.00	03/02/17
02/02/17	AMEND: 2467, 2467.1, 2467.2, 2467.3,	ADOPT: 54.00, 54.01, 54.02, 54.03,
	2467.4, 2467.5, 2467.6, 2467.7, 2467.8,	122.1, 122.2 AMEND: 29.80, 29.90, 121,
	2467.9	121.5, 122, 705
01/19/17	AMEND: Article 3.6 Ch. 1 Div. 1 —	02/28/17
	Heading	AMEND: 1.74, 5.05, 5.20, 5.35, 5.40,
01/19/17	AMEND: 170.12	5.60, 7.00, 7.50, 29.45, 43, 671
01/18/17	AMEND: 1159	02/27/17
12/21/16	AMEND: 330.42	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
Title 14		02/17/17
05/08/17	ADOPT: 18651.10, 18657.0, 18657.1	AMEND: 632
	AMEND: 18600, 18601, 18611, 18612,	02/07/17
	18613, 18614, 18614.1, 18616, 18619.1,	ADOPT: 28.47 AMEND: 27.20, 27.25,
	18619.2, 18619.3, 18619.4, 18619.5,	27.30, 27.35, 27.40, 27.45, 27.50, 28.27,
	18620, 18621, 18622, 18623, 18624,	28.49, 28.55
	18625, 18626, 18627, 18631, 18632,	01/23/17
	18633, 18634, 18641, 18642, 18643.0,	AMEND: 870.15, 870.17, 870.19,
	18643.2, 18643.3, 18643.4, 18643.5,	870.21
	18643.6, 18643.7, 18650.1, 18650.2,	01/03/17
	18650.3, 18650.4, 18650.5, 18650.6,	AMEND: 1724.9
	18650.61, 18650.7, 18650.8, 18650.9,	12/27/16
	18651.0, 18651.1, 18651.2, 18651.3,	AMEND: 29.15
	18651.4, 18651.5, 18651.6, 18651.7,	12/22/16
	18651.8, 18651.9, 18653.0, 18653.1,	AMEND: 472
	18653.2, 18653.3, 18653.4, 18653.5,	12/21/16
	18653.6, 18655.1, 18655.2, 18655.3,	AMEND: 782
	18655.5, 18655.51, 18655.6, 18655.7,	Title 15
	18655.8, 18656.0 REPEAL: 18615,	05/11/17
	18643.1, 18655.4, 18655.9, 18658.0,	ADOPT: 3999.23
	18658.1, 18658.2, 18658.3, 18659.0,	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

Title 16

05/10/17 AMEND: 426.10, 426.14, 426.50

05/08/17 ADOPT: 1398.26.3 AMEND: 1398.25

05/04/17 AMEND: 4130

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

Title 17

05/10/17 ADOPT: 51000, 51001, 51002

05/10/17 ADOPT: 51000, 51001, 51002

05/09/17 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072

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

Title 18

05/15/17 AMEND: 263

05/15/17 AMEND: 1051

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03/17/17 AMEND: 1703

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01/11/17 ADOPT: 2460, 2461, 2462
12/22/16 AMEND: 1702.5

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03/09/17 AMEND: 64806
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02/27/17 ADOPT: 863, 864, 864.5, 865, 866
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05/04/17 AMEND: 25705
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