



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. STATE PERSONNEL BOARD**

**California Code of Regulations, title 2, Division 1,  
Chapter 1, Subchapters 1, General Civil Service  
Regulations and 1.2, Hearings and Appeals**

Notice is hereby given that the State Personnel Board (Board) is proposing to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

A public hearing regarding the proposed regulations (proposals) will be held on January 26, 2017 at 9:00 a.m. in Room 150 at 801 Capitol Mall, Sacramento, CA. Room 150 is wheelchair accessible. At the hearing, any person may present statements or arguments, in written or oral form, relevant to the proposals described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

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

Julia Johnson  
Presiding Administrative Law Judge  
State Personnel Board  
801 Capitol Mall  
Sacramento, CA 95814  
[jjohnson@spb.ca.gov](mailto:jjohnson@spb.ca.gov)

The written comment period closes on January 27, 2017, at 5:00 p.m. The Board will only consider comments it receives by that time.

**ADOPTION OF PROPOSALS**

Following the public hearing, the Board may thereafter adopt proposals that are insubstantially the same form as those described below and modify the propos-

als if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals will be made available for 15 days prior to their adoption. Such modified proposals will also be mailed to those persons who: 1) submit written comments related to the proposals; 2) provide oral testimony at the public hearing; or 3) have requested notification of any changes to the pertinent regulations.

**AUTHORITY AND REFERENCE**

Government Code section 18211, 18214, 18502, 18701, 19231, and 19792, authorize the Board to adopt the proposed amendments to the California Code of Regulations, title 2, Division 1, Chapter 1, Subchapters 1 and 1.2. Such amendments would implement, interpret, and make specific the following statutes:

Code of Civil Procedure sections 415.30, 1008, 1012, and 1013.

Education Code sections 87160, 87161, 87162, 87163, 87164, 89538, and 89541.

Government Code sections 8547, 8547.1, 8547.2, 8547.3, 8547.8, 11440.20(b), 11515, 11511.5, 11511.7, 12926, 12926.1, 18575, 18670, 18671, 18671.1, 18672, 18675, 19058, 19083, 19100.5, 19173, 19175, 19180, 19230, 19231, 19243.4, 19253.5, 19572, 19574, 19574.1, 19575, 19582, 19583.5, 19584, 19585, 19590, 19683, 19701, 19702, 19702.1, 19803, and 19889.2.

Penal Code section 6129.

**REGULATION SECTIONS AFFECTED**

The Board is proposing to amend sections 10, 51.2, 52.1, 52.10, 52.11, 53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1, 64.1, 64.2, 64.3, 64.5, 67.2, 67.3, and 67.6.

The Board is proposing to adopt section 59.5.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Board is a neutral body responsible for administering a merit system of civil service employment within California State Government. As part of its responsibility, the Board conducts hearings and appeals to resolve alleged violations of civil service laws and rules.

Government Code section 18701 provides the Board with broad authority to prescribe, amend, and repeal rules in accordance with law for the administration and enforcement of the Civil Service Act and other Government Code sections over which the Board is specifically assigned jurisdiction.

Board regulations pertaining to hearing procedures for disciplinary and merit appeals and disability discrimination complaints must comply with most of the

Administrative Procedure Act provisions. (Gov. Code, § 18215, subd. (a)(2).) Pursuant to Government Code section 18215, subdivision (b), Board regulations pertaining to hearing procedures for disciplinary and merit appeals and disability discrimination complaints do not need to comply with the following portions of the Administrative Procedure Act:

- (1) Government Code section 11346.2, subdivisions (a)(1) and (b)(4) and (5) [notice of proposed action: plain language; reasonable alternatives; and supportive evidence];
- (2) Government Code section 11346.3 [economic impact on business enterprises and individuals];
- (3) Government Code section 11346.4, subdivision (a)(3) [notice of proposed action: mail to representative number of small business enterprises];
- (4) Government Code section 11346.5, subdivisions (a)(3)(B), (a)(5), and (a)(7) through (a)(12) [notice of proposed adoption of regulation: description of differences with federal law; mandate on local agencies or school districts; determination of significant, statewide adverse economic impact on businesses; cost impact on representative private person or business; results and finding of economic impact assessment; and statement of significant effect on housing costs];
- (5) Government Code section 11346.9, subdivisions (a)(2), (a)(4), and (a)(5) [final statement of reasons: mandate on local agencies or school districts; alternatives; rejection of alternatives];
- (6) Government Code section 11347.3, subdivisions (b)(6) and (b)(7) [final rulemaking file: data, factual information, and empirical studies or reports];
- (7) Government Code section 11349, subdivisions (a), (e), and (f) [definitions of necessity, reference, and nonduplication]; and
- (8) Government Code section 11349.1, subdivisions (a)(1), (a)(5), and (a)(6) [Office of Administrative Law (OAL) review for necessity, reference, and nonduplication].

Therefore, the Board does not have to comply with the foregoing requirements with respect to the proposed regulations at hand.

In 2010, the Board proposed and the OAL approved substantial amendments to the Board's hearing and appeals regulations to function in a more orderly and efficient manner. In 2012, the Board proposed and the OAL later approved clarifications to such amendments.

While the 2010 and 2012 amendments generally improved the functionality of the Board's hearings and appeals processes, the Board also recognizes that certain

regulations needed further refinement. Such refinement will benefit the parties to the Board's hearing and appeals, promote fairness among the parties, and increase transparency in the Board's operations. The proposed amendments include:

1. A modified definition of "good cause," an amended definition of "individual with a disability," and new definitions of "medical condition," "rebuttal," "rebuttal evidence," and "surrebuttal."
2. A requirement that prehearing/settlement conference and Trial Setting Conference statements are served at least 12 days prior to the conference, regardless of the method of service;
3. A requirement that whistleblower complainants serve accepted whistleblower retaliation complaints upon respondents by personal service or certified mail return receipt requested.
4. The assignment of accepted discrimination complaints to the evidentiary, and not the investigative review, process.
5. Recognition that Respondent's failure to be able to obtain settlement authority immediately by telephone at a prehearing/settlement conference may be deemed failure of Respondent to appear or proceed.
6. A requirement that Respondent include the dates of unavailability of Respondent's videoconferencing equipment in its prehearing/settlement conference statement if Respondent knows or should know that a portion or all of a hearing will be held by videoconference.
7. A requirement that each party participating in a prehearing/settlement conference have access to its settlement proposal in digital format.
8. Clarification that an administrative law judge may conduct all or a part of a hearing by telephonic conference call or video conference upon a party's showing of good cause.
9. The authorization of an administrative law judge to take official notice of administrative records of SPB cases in which an appellant was a party and an appellant's: Employment History Summary, job description, prior Notices of Adverse Actions.
10. Clarification that a hearing may be recorded by a certified court reporter approved by the Chief Administrative Law Judge upon a party's showing of good cause.
11. Recognition that an appellant may request to interview employees of a respondent who have knowledge of the relevant events upon which an appellant's adverse action is based, the requirement that a respondent inform the pertinent employees of an appellant's request and make

available a room for appellant to conduct an interview, and the recognition that a respondent is not required to order employees to participate in interviews if the employees decline the request.

12. Recognition that only motions to dismiss, to strike, and for failure to state a cause of action in evidentiary matters and motions to dismiss Notices of Rejection During Probation must be heard at law and motion hearings, unless otherwise ordered by the Chief Administrative Law Judge.
13. The requirement that a state employee or applicant for state employment who believes he or she has been retaliated against for making a protected disclosure first file a written complaint with his or her supervisor, manager, or the appointing power before he or she files a whistleblower retaliation complaint with the Board.
14. The requirement that the Board schedule a matter for a Trial Setting Conference after the Board Executive Officer issues a Notice of Findings in which a respondent is found to have engaged in retaliatory acts, and the respondent requests a hearing.

#### PUBLIC WORKER HEALTH AND ENVIRONMENT SAFETY

The Board has determined that the proposals will not impact the protection of public or worker health and safety or the environment.

#### CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5, subdivision (a)(13), the Board 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.

#### SMALL BUSINESSES

Consistent with California Code of Regulations, title 1, section 4, the Board has determined that the regulatory proposals do not affect small businesses, as defined in Government Code section 11342.610. The proposals only apply to state agencies, employees of state agen-

cies, and such employees' representatives in appeals before the Board. No small business would derive a benefit or incur a detriment from the enforcement of the proposed regulations. (Cal. Code Regs., tit. 1, § 4, subd. (a).)

#### EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

In reviewing other state regulations, the Board found that the instant regulatory proposals are consistent and compatible with existing state regulations.

#### ANY OTHER MATTERS PRESCRIBED BY STATUTE

Pursuant to Government Code section 11346.5, subdivision (a)(4), there are no other matters prescribed by statute applicable to the Board or to any specific regulation or class of regulations.

#### DETERMINATION OF COSTS OR SAVINGS

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. Additionally, this proposal does not result in any costs or savings in federal funding to the State.

#### COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

#### CONTACT PERSONS

Inquiries and comments concerning the proposed regulatory action may be directed to:

Julia Johnson  
 Presiding Administrative Law Judge  
 State Personnel Board  
 801 Capitol Mall  
 Sacramento, CA 95814  
 (916) 651-6532  
[jjohnson@spb.ca.gov](mailto:jjohnson@spb.ca.gov)

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Paul Ramsey  
Appeals Division Chief  
State Personnel Board  
801 Capitol Mall, CA 95814  
(916) 651-6888  
[pramsey@spb.ca.gov](mailto:pramsey@spb.ca.gov)

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Julia Johnson.

If written comments, data, or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. This notice, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?" Copies may be obtained by contacting the Contact Persons listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After conducting the public hearing and considering all timely and relevant comments received, the Board may adopt the proposals 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. Please send requests for copies of any modified regulations to the attention of Julia Johnson at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

It is anticipated that the proposed regulations will be filed with OAL and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may

be obtained by contacting Julia Johnson at the address, phone number, and email above when it becomes available.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?"

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on August 26, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 22, 2017.

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

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 23, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

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

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

ANTICIPATED BENEFITS FROM THIS  
REGULATORY ACTION

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

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

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

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

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

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retail-

ers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 73 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,165 square miles.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are two citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is Sara



Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

PUBLIC HEARING

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

INTERNET ACCESS

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 23, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

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

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on August 25, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 21, 2017.

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

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

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

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of

injurious insect or animal pests, plant diseases, and noxious weeds.

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

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

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

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

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the

amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

#### AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 73 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,165 square miles.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-

clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final state-

ment of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on August 24, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 21, 2017.

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

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 23, 2017. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

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

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

#### **ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION**

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

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

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

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

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

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retail-

ers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material that is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation, which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 73 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,165 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There is one citrus production nursery in the affected area that will be impacted. There is one retail nursery in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding above information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 10. DEPARTMENT OF INSURANCE**

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING COMMERCIAL AUTOMOBILE INSURANCE PROCEDURE RATES FOR THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

**REG-2016-00025**

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the five commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

The backup agency contact person for this proceeding will be:

AUTHORITY AND REFERENCE TO ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code §11340.9(g) applies to this proceeding.

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21st Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date:** February 22, 2017  
**Time:** 10:00 a.m.  
**Place:** Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on, February 22, 2017**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ACCESS TO HEARING ROOM

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

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12th Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile coverage through CAIP. Section 11624 provides: "Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan." Title 10, California Code of Regulations, §2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP's recent rate application. CAARP has proposed rate changes for five CAIP sub-lines, amounting to an overall average **5.7 percent rate increase**. The five sub-lines are

Trucks, Tractor and Trailers;  
Taxis, Limousines and Van Pools;  
All Buses Combined;  
Zone Rated Risks and  
Employers Non-Ownership Liability.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

#### COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

CAARP is proposing overall rate increases for Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; Zone Rated Risks and Employers Non-Ownership Liability. Although the number of commercial auto applications placed by CAARP is small the proposed rate changes could have a statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also impact competition or competitiveness. The proposal could also affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

#### COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has determined that there could be potential cost impacts on businesses di-



rectly affected by the proposed rate increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase impacts business, it could also impact private persons employed by those businesses. The rate increase could also impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

#### IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

#### IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

#### ALTERNATIVES

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

#### PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

#### TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

#### FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

#### ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

#### AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

#### AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

#### TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the California Department of Justice (Department of Justice) proposes to adopt sections §§ 999.224–999.229 of Title 11, Division 1, Chapter 19, of the California Code of Regulations (CCR) concerning California's Racial and Identity Profiling Act of 2015 (Act or AB 953).

#### PUBLIC HEARING

The Department of Justice will hold three public hearings to provide all interested persons with an op-

portunity to present statements or comments, either orally or in writing, with respect to the proposed regulations, as follows:

January 12, 2017  
6:00 p.m.–8:00 p.m.  
California State University, Los Angeles  
Student Union Building  
5154 State University Drive, Room 308  
(Los Angeles Rm.)  
Los Angeles, CA 90032

January 18, 2017  
6:00 p.m.–8:00 p.m.  
Chabot Elementary School  
Auditorium/Multi–Purpose Rm.  
6686 Chabot Road  
Oakland, CA 94618

January 26, 2017  
2:30 p.m.–4:30 p.m.  
Downtown Business Hub  
Fresno Area Hispanic Foundation  
1444 Fulton Street  
Fresno, CA 93721

The locations of these hearings will be wheelchair accessible. At the hearing, any person may present statements or comments orally or in writing relevant to the proposed action described in the Informative Digest. The Department of Justice requests but does not require that persons who make oral statements or comments at the hearing also submit a written copy of the comments made at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact persons listed below. Comments may also be submitted by facsimile (FAX) at (213) 897–7605 or by e-mail to [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov). The written comment period closes at 5:00 p.m. on January 27, 2017. The Department of Justice will consider only comments received by that time. Please address comments to:

Catherine Z. Ysrael  
Deputy Attorney General  
Civil Rights Enforcement Section  
California Office of the Attorney General  
300 South Spring Street, First Floor  
Los Angeles, CA 90013  
Phone: (213) 897–2039  
Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

Or

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612  
Phone: (213) 897–2039  
Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

#### AUTHORITY AND REFERENCE

Government Code section 12525.5, subdivision (e) authorizes the Department of Justice to adopt these proposed regulations, which implement, interpret, and make specific the provisions of Government Code section 12525.5.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws

Last year Governor Brown signed the Racial and Identity Profiling Act of 2015 (AB 953). Among other things, AB 953 enacted Government Code section 12525.5, which requires state and local law enforcement agencies, as specified, to collect detailed data regarding stops of individuals, including perceived demographic information on the person stopped, and to report this data to the California Attorney General, whose duty is to issue regulations regarding this data collection and submission.

Specifically, Government Code section 12525.5, subdivision (a)(1) provides that “[e]ach state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency’s peace officers for the preceding calendar year.” Government Code section 12525.5, subdivision (g)(1) limits “peace officer” to “members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions,” and excludes probation officers and officers in a custodial setting from the definition of “peace officer.”

Government Code section 12525.5, subdivision (g)(2) defines “stops” to mean “any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.”

Government Code section 12525.5, subdivision (b) provides a non–exclusive list of the information that must be reported for each stop:

The reporting shall include, at a minimum, the following information for each stop:

- (1) The time, date, and location of the stop.
- (2) The reason for the stop.
- (3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.
- (4) If a warning or citation was issued, the warning provided or violation cited.
- (5) If an arrest was made, the offense charged.
- (6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.
- (7) Actions taken by the peace officer during the stop, including, but not limited to, the following:
  - (A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
  - (B) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
  - (C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(Gov. Code, § 12525.5, subd. (b).)

Government Code section 12525.5, subdivision (e) requires the Attorney General, in consultation with stakeholders, to “issue regulations for the collection and reporting of data required under subdivision (b).” The statute requires that these regulations “shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.” (Gov. Code, § 12525, subd. (e).)

Accordingly, the Office of the Attorney General submits these proposed regulations to fulfill this mandate, and to provide clarity and guidance to affected law enforcement agencies and their officers regarding their reporting obligations under AB 953.

#### **Effect of the Proposed Rulemaking**

These proposed regulations set forth the information required to be reported by officers, definitions of terms used in the regulations, and specific guidance regarding the reporting required under Government Code section

12525.5, subdivision (b). Below is a summary of key provisions of the proposed regulations.

#### Agencies Subject to the Proposed Regulations

The regulations provide guidance regarding the agencies subject to this reporting, and specifically define certain terms, such as “California state or university educational institutions” and “officers in a custodial setting.” The regulations specify that “California state or university educational institutions” means the University of California, the California State University, the California Community Colleges, and Kindergarten through 12th grade (K–12) public school districts. The regulations also provide guidance on the applicability of these regulations to peace officers of a city or county law enforcement agency who work on a public school campus or in other settings.

#### Data Required to be Collected and Submitted to the Attorney General

Government Code section 12525.5, subdivision (b) specifies the minimum categories of information, or data elements, that must be collected by law enforcement agencies and reported to the Department of Justice for each stop. Thus, the categories listed in the statute constitute the floor, and not the ceiling, of data to be collected and reported, giving the Department of Justice discretion to determine what additional information should be collected to further the policy objectives of AB 953. These proposed regulations set forth the categories of information officers will be required to collect. This data will provide significant insight regarding current policing practices to the Department of Justice, the Racial and Identity Profiling Advisory Board (“RIPA Board” or “Board”) and other researchers, members of the public, and the law enforcement community, all of which can use this information to improve policing practices across the state.

Simultaneously, it is critical that the time it takes an officer to complete this data collection does not undermine his or her ability to promote public safety.

The proposed regulations also provide definitions regarding the information to be collected, including specific data values associated with each data element. For example, the statute requires that law enforcement agencies report the perceived race or ethnicity of the individual stopped, but leaves it to the regulations to specify the exact racial or ethnic categories from which peace officers can select.

Further, Government Code section 12525.5, subdivision (e) specifies that the Attorney General’s regulations should be issued in “consultation with stakeholders, including the Racial and Identity Profiling Advisory Board . . . federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations.” It is

for this reason that beginning in March 2016, the Department of Justice began consulting with a wide range of stakeholders reflective of the groups listed above.

The data collection proposed by Government Code section 12525.5 and these regulations will provide law enforcement, the RIPA Board, advocates, academics and other members of the community with the ability to analyze, not only information regarding the number of stops by officers, reasons for stops, and perceived demographics of individuals stopped, but also information about the actions taken by officers during a stop, all of which can reveal patterns to illuminate whether racial or identity profiling has or has not occurred.

The proposed regulations will establish a uniform system for collecting and reporting data on detentions and searches of individuals by law enforcement. This data will, in turn, allow the RIPA Board to serve its functions specified by law, including: “analyz[ing] the data[.]” producing “detailed findings on the past and current status of racial and identity profiling” in California, “mak[ing] policy recommendations for eliminating” profiling, and working with “state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices across geographic areas in California.” (Pen. Code, § 13519.4, subd. (j)(3).)

Importantly, if the specific information collected pursuant to the proposed regulations reveals potential disparities in who peace officers stop, how these persons are treated during stops, and the outcomes of these stops, law enforcement agencies, the RIPA Board, researchers, and the public can use this and other data to determine why those disparities are occurring. For example, they can explore whether these disparities are attributed to a systemic problem or the result of stops by a small percentage of officers; whether any part of these disparities can be explained by legitimate policing activities; and what can and should be done to address the disparities observed. Indeed, collecting stop data will be invaluable not only to the RIPA Board, researchers, and the public, but will also provide critical guidance to the law enforcement agencies, particularly with respect to training of their officers if this stop data suggests patterns of discriminatory treatment or implicit biases. Increased transparency, including the publication of this data, as required by AB 953, will be an important step in facilitating dialogue between the public and law enforcement agencies, which will ultimately promote overall public safety for officers and the communities they serve.

Specifically, the proposed regulations provide that the following data shall be collected, for each stop:

- (1) Originating agency identifier (“ORI number”)
- (2) Date, time, and duration of stop

- (3) Location and type of stop
- (4) Reason for presence at scene of stop
- (5) Reason for stop
- (6) Actions taken by officer during stop, including whether a person and/or his/her property was searched; whether the officer asked for consent to search, and whether consent was given; the basis for the search; type of contraband or evidence discovered and property seized, if any; and the basis for seizing the property
- (7) Result of stop
- (8) The perceived race or ethnicity of the person stopped
- (9) The perceived gender of the person stopped
- (10) The perceived age of the person stopped
- (11) Whether the person stopped has limited English fluency or a pronounced accent
- (12) Whether the person stopped has a perceived or known disability
- (13) A unique identifier assigned to the officer who made the stop
- (14) The officer’s years of experience as a peace officer
- (15) The officer’s type of assignment

Additional data elements that the Department of Justice has also considered based on input from stakeholders, including the RIPA Board, but which are **NOT** included in the proposed regulations include:

- (1) Perceived sexual orientation of individual stopped
- (2) Perceived religious orientation of individual stopped
- (3) Perceived homeless status of individual stopped
- (4) Whether the stop was officer-initiated
- (5) Whether the officer had previous contact with individual
- (6) Whether the officer inquired regarding the individual’s immigration status
- (7) The number of officers present at the scene of the stop
- (8) Whether the officers were in uniform and/or in patrol cars
- (9) The number of civilians present during the stop
- (10) Race or ethnicity of the officer
- (11) Age of the officer
- (12) Gender of the officer
- (13) Open narrative field for the officer to explain, in his or her own words, the reason for the stop

The Department of Justice’s decision not to include the above categories as reporting requirements in the regulations was made after careful consideration and the balancing of a variety of factors, including the potential impact on both civilians and officers, caselaw,

statutes, the federal and state Constitutions, and the length of reporting time that additional categories would require. The Department of Justice, however, will further consider all recommendations provided during the public comment period.

Specific Reporting Requirements for Certain Settings

In addition to providing the specific categories of information that must be submitted in reporting stops, the proposed regulations set forth specific requirements for certain settings where, for practical or public safety reasons, officers are not required to report specified interactions unless the following additional actions (which are the data values identified as responses to the category of “Actions Taken by Officer During Stop”) are taken toward the individual:

- (1) Person removed from vehicle by order or physical contact
- (2) Field sobriety check conducted
- (3) Curbside detention
- (4) Handcuffed
- (5) Patrol car detention
- (6) Use of canine in apprehension
- (7) Weapon removed from holster or brandished. (Officers are to identify the type of weapon.) “Brandishing a weapon” means drawing or exhibiting a weapon and includes, but is not limited to, pointing the weapon at the individual or at others present at the scene. Merely unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster is not removing a weapon from holster or brandishing a weapon.
- (8) Weapon was discharged or used. (Officers are to identify the type of weapon.)
- (9) Other use of force (other than handcuffing, use of canine in apprehension, or use of weapons)
- (10) Asked for consent to search person or property
- (11) Search of person or property conducted
- (12) Property was seized

This limited reporting requirement applies to interactions that take place in the following situations, and subject to the following restrictions:

- (1) *Interactions with passengers in motor vehicle stops.* These interactions are to be reported if (1) a passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance; or (2) if the passenger is subject to any actions listed in the “Actions by Officer During Stop” data element above.
- (2) *Witness interviews and interactions that potentially involve large numbers of persons.* These are limited to the following:

- (A) Traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes
- (B) Mass evacuations, including those involving bomb threats
- (C) Active shooter events
- (D) Any type of crowd control in which pedestrians are made to remain in a location or routed to a different location for public safety purposes
- (E) Witness interviews

These interactions will only be reported where the individual is detained based upon individualized suspicion or personal characteristics and/or the officer engages in any of the “Actions Taken by Officer During Stop” data elements set forth in section 999.226(a)(6).

- (3) *Searches and arrests inside a home pursuant to a warrant or search condition.* Interactions with persons who are the subject of the warrant or search condition are not reportable, but interactions with others in the home are reportable, if the officer engages in any of the “Actions by Taken by Officer During Stop” data element set forth in section 999.226, subdivision (a)(6).
- (4) *Interactions that take place while an officer is on home detention or house arrest assignment.* Interactions with persons who are subject to the home detention or house arrest are not reportable, but interactions with others in the house are reportable, if the officer engages in any of the “Actions by Taken by Officer During Stop” data element set forth in section 999.226, subdivision (a)(6). Interactions with persons not in the residence or not the subject of the home detention or house arrest will be reported pursuant to the reporting requirements of section 999.227, subdivision (a)(1).
- (5) *Programmatic searches or seizures.* These are interactions in which the officer stops a person as the result of a blanket regulatory activity or neutral formula without regard to personal characteristics of the individual. These include checkpoints, roadblocks, and routine security screening. Such interactions shall only be reported if the person is subjected to any of the “Actions Taken by Officer During Stop” data elements set forth in section 999.226(a)(6), except that the interaction shall not be reported if the officer’s interaction consists solely of any or all of the following, and is not based on individualized suspicion or the personal characteristics of the individual: (1) the officer asks for consent to search the person or person’s

property; (2) the officer searches the person or person’s property; or (3) the officer seizes property from the person.

- (6) *Interactions in a K–12 public school between an officer and a non–student.* If the sole purpose of detaining the person is to determine whether that person is authorized to be on the school campus, that interaction is not reportable. In all other instances, the interaction is subject to the reporting requirements of this chapter.
- (7) *Interactions in a K–12 public school between an officer and a student.* Interactions between an officer and a student in a K–12 public school setting are only subject to the reporting requirements of this chapter if the interaction:
  - (A) results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.
  - (B) is one in which the student is being questioned for the purpose of investigating whether the student committed a violation of law.
  - (C) is one in which the student is being questioned for the purpose of investigating to determine whether the student violated Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.
  - (D) results in an officer engaging in one or more of the actions listed above in the “Actions Taken by Officer During Stop” data element. This includes searches and seizures conducted under individualized suspicion, but excludes suspicionless searches and seizures provided that the search or seizure is conducted without regard to individualized suspicion or personal characteristics, including searches conducted at the entries and exits of school facilities by screening devices.

**Comparable Federal Regulations**

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

**Policy Statement Overview and Anticipated Benefits of Proposed Regulations**

The California Legislature, in its findings regarding AB 953’s amendments to California’s prohibition on racial and identity profiling, set forth in Penal Code section 13519.4, succinctly explained the broad objectives of AB 953, which these proposed regulations seek to advance.

Specifically, AB 953: (1) creates the stop data reporting program that is the subject of these regulations (Gov. Code, § 12525.5); (2) requires the Department of Justice to receive and report on citizen complaints that allege racial or identity profiling, as part of its annual reporting on citizen complaints (Pen. Code, § 13012); and (3) amends Penal Code section 13519.4 to expand the definition of racial and identity profiling and ensure that officers receive adequate training regarding how to recognize and prevent racial and identity profiling. As the Legislature explained, “racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.” (Gov. Code, § 13519.4, subd. (d)(3).)

AB 953 expands the definition of racial or identity profiling, and specifically provides that the consideration of a person’s personal characteristics cannot be a basis for deciding which persons to stop or how to treat a person who has been stopped:

“Racial or identity profiling,” for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

(Pen. Code, § 13519.4, subd. (e).)

AB 953 further identifies the types of activities that are subject to California’s ban on racial and identity profiling, noting that “[these] activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.” (Pen. Code, § 13519.4, subd. (e).)

The specific benefits that can be anticipated from the issuance of these proposed regulations are numerous. Government Code section 12525.5, which these regulations implement (and which mandates that these regulations be issued), provides law enforcement, the Racial and Identity Profiling Advisory Board, advocates, academics and other members of the community with the ability to analyze, not only stops by officers, but their actions during a stop, all of which can reveal whether racial or identity profiling exists. This data is essential to understanding whether there are biases (either implicit or explicit) in law enforcement activities, includ-

ing stops and actions that take place during a stop, and are an important first step in addressing these biases if they exist.

With the information specified in the proposed regulations, if disparities are apparent, law enforcement agencies, the RIPA Board, and researchers can determine why those disparities are occurring — whether they are attributed to a systemic problem or a small percentage of officers — what, if any, part of those disparities can be explained by legitimate policing activities, and what can and should be done to address the disparities observed. Indeed, collecting stop data will be invaluable not only to researchers and the public, but will also provide critical guidance to law enforcement agencies, particularly with respect to training of their officers, if this stop data suggests patterns of discriminatory treatment or implicit biases.

And increased transparency, including the publication of this data, as required by AB 953, will be an important step in building bridges between the community and law enforcement agencies. Building these bridges will ultimately promote public safety for both the public and law enforcement.

**Determination of Inconsistency/Incompatibility with Existing State Regulations**

Government Code section 11346.5(a)(3)(D) requires the Department of Justice to evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department has determined these proposed regulations are not inconsistent or incompatible with any existing state regulations, because there are no existing regulations that address the specific subject matter of the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department of Justice has made the following initial determinations:

**Fiscal Impact on Local and State Government**

Among other things, AB 953 requires the Department of Justice to draft and issue regulations to implement the stop data reporting requirements of Government Code section 12525.5. This new program requires specified state and local agencies, including school districts that employ peace officers, to collect and report to the Department of Justice data regarding stops of their officers.

The Legislative Counsel’s Digest of AB 953 notes that costs incurred by local agencies because of this state–mandated program are reimbursable:

By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state–mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

(Legis. Counsel’s Dig., Assem. Bill No. 953, Stats. 2015, ch. 466, pp. 4153–4154.) Further, Section 5 of AB 953 provides: “If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.” (Stats. 2015, ch. 466, § 5, p. 4159.)

Accordingly, the costs incurred by both local and state government as a result of this new program are mandated by statute, and not created as a result of the proposed regulations. And, with respect to local governments, these costs are reimbursable mandates required by AB 953 itself. The actual costs that will be incurred by local agencies as a result of the statute’s implementation are unknown, and can likely only be determined by the Commission on State Mandates once “test claims” are filed by city and county agencies subject to the stop data reporting requirement of Government Code section 12525.5.

With respect to costs incurred by state government, state agencies impacted by the statute’s mandates (the Department of Justice, the California Highway Patrol and California university educational institutions, i.e., the University of California, the California State University, and California Community Colleges) will be responsible for submitting budget change proposals for these costs.

**Estimates Regarding Fiscal Impact on Local and State Government**

Although the full fiscal impact on local and state government is unknown because agencies have yet to design and develop their data collection programs in response to AB 953’s stop data mandate, the Department of Justice has attempted to estimate some of this information to obtain a sense of the potential costs Government Code section 12525.5 will impose upon state and local agencies.

As discussed below, the Department of Justice requested estimates from law enforcement agencies regarding the fiscal impact to state and local government in reporting the stop data required under AB 953. Based on those responses and other information that the Department has reviewed, specified below, it appears that the costs to local and state government will be no less than \$81 million in one–time costs. These one–time projected costs included purchasing equipment and implementing technical changes to local dispatch and/or

record management systems. There will also be ongoing costs for personnel, training, and maintenance; most agencies, however, did not provide those costs. This also does not include state funds already allocated to the Department of Justice for implementation of AB 953 through the approved budget change proposal.

Agencies Impacted By Government Code Section 12525.5

The statute requires all city and county law enforcement agencies to comply with its reporting requirements, excluding probation officers and officers in a custodial setting. The statute also requires the California Highway Patrol, as well as all California state and university educational institutions, to comply with its reporting requirements.

Government Code section 12525.5 requires agencies subject to its reporting requirements to submit their stop data reports annually to the Department of Justice; the time frame within which an agency must begin reporting its stop data is determined by the size of the agency, with agencies with 1,000 or more officers reporting by April 1, 2019, agencies with 667–999 officers reporting by April 1, 2020, agencies with 334–666 officers reporting by April 1, 2022 and agencies with 1–333 officers reporting by April 1, 2023.

Currently, the Department of Justice estimates that approximately eight agencies employ more than 1,000 officers (excluding probation officers and officers in a custodial setting), thus making those agencies subject to stop data reporting by April 1, 2019. By the year 2023, our office estimates an additional 570 additional law enforcement agencies, at a minimum, would be subject to these stop data reporting requirements.

Fiscal Impact to Local Agencies, Including School Districts

In attempting to determine Government Code section 12525.5’s potential cost to local government, the Department of Justice reviewed AB 953’s legislative history, including fiscal analyses provided by legislative staff and information submitted by stakeholders. In addition, the Department of Justice solicited input from law enforcement agencies to determine current data collection costs (for those agencies that already collect any type of stop data), as well as the agencies’ cost estimates in complying with Government Code section 12525.5.

*Estimates Related to Data Collection Requirements Provided in AB 953’s Legislative History*

On August 17, 2015, the Senate Committee on Appropriations held a hearing on AB 953. Its analysis of the bill included the following information regarding AB 953’s fiscal impact related to data collection and reporting by local agencies:

**Fiscal Impact:**

Data collection, reporting, retention, and training:

Major one-time and ongoing costs, potentially in the tens of millions of dollars annually to local law enforcement agencies for data collection, reporting, and retention requirements specified in the bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates’ statewide cost estimate for *Crime Statistics Reports for the DOJ* reflects eligible reimbursement of over \$13.6 million per year for slightly over 50 percent of local agencies reporting.

(Sen. Comm. on Approp., Rep. on Assem. Bill No. 953 (2015–2016 Reg. Sess.) as amended June 30, 2016, p. 1.)

In addition, on August 4, 2015, the California Police Chiefs Association (CPCA) issued a report voicing its concerns and cost estimates regarding AB 953. In that report, 86 police agencies throughout California provided estimates of the costs associated with implementing the bill’s requirements. (California Police Chiefs Association, AB 953: CPCA Concerns and Cost Estimates (Aug. 4, 2015) pp. 6–18.) Of the 86 agencies that reported, two stated they would incur no additional costs, and 26 stated that additional costs were unknown. The remaining 58 agencies provided very loose estimates that totaled between \$4.1 and \$4.4 million in initial costs, and \$700,000 to \$1.1 million in annual costs thereafter. (*Ibid.*)

*Estimates Provided by Law Enforcement Agencies Following Passage of AB 953*

Following the passage of AB 953, the Department of Justice surveyed agencies to obtain information on their anticipated one-time technical development and personnel costs, and anticipated costs for training, equipment, and on-going system maintenance to comply with Government Code section 12525.6, based upon the minimum data identified in the statute to be reported.

According to feedback provided by agencies, the anticipated costs of initially implementing the stop data reporting program ranged from \$0 to \$2 million (responses varied from agencies regarding technical and personnel costs), with additional ongoing costs anticipated, but not specified, in most responses. As these significant variances demonstrate, and based on discussions the Department of Justice has had with law enforcement agencies, the cost to local governments will



vary widely based on the degree to which their current technical environments can be leveraged to perform the required new functions for the collection and reporting of stop data.

Although the fiscal impact to local governments is unknown, based upon feedback from city and county law enforcement agencies, combined with data collected in the California Police Chiefs Association’s report referenced above, the fiscal impact is estimated to be one-time costs of at least \$76 million, with unknown ongoing costs. This figure, however, is based in part upon estimates provided by a sample of local law enforcement agencies, and thus the true costs may be significantly more when looking at the entire group of reporting agencies.

*Estimates Regarding Impact on School Districts*

In addition to city and county law enforcement agencies, Government Code section 12525.5 will also impact school districts with police departments established pursuant to Education Code section 38000 that employ peace officers, as defined in California Penal Code section 830. As with city and county law enforcement agencies, the fiscal impact to school districts is unknown, because agencies have yet to design and develop their data collection programs in response to AB 953’s stop data mandate. Based upon commentary from similarly situated city and county law enforcement agencies, the cost to school districts will vary based on the degree to which their current technical environments can be leveraged to perform the required new functions for the collection and reporting of stop data.

Nonetheless, the estimates the Department received from city and county law enforcement agencies are relevant to estimates of the fiscal impact to school districts because the collection of the stop data is fairly analogous in both school and non-school police departments. As discussed above, in the CCPA’s report referenced above, 86 police agencies throughout California provided estimates of the costs associated with implementing the bill’s requirements. (California Police Chiefs Association, AB 953: CPCA Concerns and Cost Estimates (Aug. 4, 2015) pp. 6–18.) Of the 86 agencies that reported, two stated they would incur no additional costs, and 26 stated that additional costs were unknown. The remaining 58 agencies provided very loose estimates that totaled between \$4.1 and \$4.4 million in initial costs, and \$700,000 to \$1.1 million in annual costs thereafter. (*Ibid.*) Thus, using the estimates from city and county police departments with similar numbers of sworn peace officers to school police departments provides relevant background regarding the potential fiscal impacts to those school districts.

It has been estimated that there are at least 24 school districts with their own police departments, and that

these school districts serve over one million students in California, or roughly 1 in 6 students.

*Other Non-discretionary Costs or Savings Imposed Upon Local Agencies*

The Department does not anticipate any additional non-discretionary costs, other than the estimates set forth above, imposed upon local agencies. Nor does it anticipate any savings incurred as a result of compliance with Government Code section 12525.5 and these proposed regulations.

Fiscal Impact on State Government

*Fiscal Estimates Provided in AB 953’s Legislative History*

The bill analysis provided by the Senate Appropriations Committee contained the following estimates regarding AB 953’s impact on state government:

CHP impact: Potentially significant one-time costs of about \$1 million (Motor Vehicle Account) to modify its existing database, create the program to generate the report, and train personnel. Ongoing increase in workload costs potentially in the range of \$250,000 to \$500,000 (Motor Vehicle Account) for data collection and reporting activities. Data for 2013–14 from the CHP indicates approximately 3.1 million enforcement actions potentially subject to the data collection and reporting provisions of this bill.

CSU/UC police impact: Potentially significant ongoing non-reimbursable costs to California State University police and University of California police officers — the CSM has determined CSU and UC use of campus police is a discretionary act, and therefore any mandated costs are not subject to state reimbursement.

(Sen. Comm. on Approp., Rep. on Assem. Bill No. 953 (2015–2016 Reg. Sess.) as amended June 30, 2016, p. 2.)

*Estimates Provided by State Agencies Following Passage of AB 953*

In addition to surveying local law enforcement agencies, the Department of Justice also solicited feedback from the California Highway Patrol as well as the police departments of campuses of the University of California (UP and the California State University (CSU). The California Highway Patrol estimated fiscal costs of at least \$1.9 million in initial costs and \$240,000 in ongoing costs annually. The police departments of the UCs and CSUs that responded to the Department’s request for input estimated costs ranging from \$0–\$415,000 in initial one-time costs, and \$0–150,000 in additional costs annually. It should be noted, however, that the feedback we received represented a very small sampling of the state university law enforcement

agencies subject to the stop data reporting requirements of AB 953.

Accordingly, the estimated average costs for all state agencies that are subject to the stop data reporting requirements, recognizing that the Department of Justice has not received feedback from all California university educational institutions subject to the stop data reporting requirement, is at least \$5 million, or approximately \$93,000 per agency as a one-time cost, with additional unknown ongoing costs.

Finally, as reflected in its Budget Change Proposal (BCP), the Department of Justice estimated the fiscal impact of AB 953 as requiring \$9,879,000 General Fund spending authority in FY 2016–2017 and \$7,919,000 each FY thereafter to address the continuing mandates associated with AB 953’s implementation, including the stop data program implemented by these regulations, as well as other mandates required by AB 953.

Methodology in Analyzing Survey Responses

As noted above, the Department of Justice estimates, based on feedback and discussions with state and local agencies potentially impacted by the mandate imposed by Government Code section 12525.5, that the fiscal impact on state and local agencies reporting this data to the Department (i.e., excluding the amount already provided in the Department’s approved BCP) will be no less than \$81 million in one-time costs, and may be significantly more.

The methodology used to obtain this overall estimate is described below.

**Factors to Consider:** One-time technical development costs generally will be less for those agencies with

existing record management systems that can be readily modified to accommodate additional data elements. Further, costs relating to data collection will be less for agencies that currently have mobile data capture equipment and systems. A small number of agencies are currently collecting stop data and thus reported minimal cost estimates for the implementation of AB 953. Local governments will also incur varied personnel-related costs based on the time needed to enter stop data in the field and associated data processing support. These costs will be greatly affected by the number of peace officers in the agencies and the volume of stops conducted.

**Basis of Estimate:** AB 953 separates agencies into four reporting categories based on the number of sworn peace officers at the agency (excluding those in a custodial setting). The larger the agency, the sooner it is required to report stop data. The average estimated one-time cost to the vast majority of agencies (those with less than 334 peace officers) totaled \$169,234 based on data submitted by 113 such agencies. Details from 26 of these agencies indicate that roughly 57% (\$96,170) of the costs are tied to technical development and 43% (\$73,063) are tied to personnel. Estimates from five larger agencies varied considerably, from no cost to \$2 million, depending mainly on the extent of required technical development and whether the agencies are already collecting stop data.

The Department of Justice took the average for each category of agency size, multiplied it by the number of agencies in that category statewide, and calculated the following totals for each category.

<b>Local Agencies</b>			
Size of Agency	Average One-Time Cost Estimate on Survey	Number of Agencies	Total Estimated One-Time Cost
1 - 333	169,234	363	61,431,942
334 - 999	101,667	11	1,118,337
667 - 999	272,500	8	2,180,000
1,000 +	1,625,000	9	14,625,000
TOTAL:			76,056,942

  

<b>State Agencies</b>			
Agency	Average One-Time Cost Estimate on Survey	Number of Agencies	Total Estimated One-Time Cost
CSUs & UCs	93,917	33	3,099,261
CHP	1,940,000	1	1,940,000
TOTAL:			5,039,261

**Limitations on Estimates Provided:** Many agencies from whom the Department of Justice solicited feedback did not differentiate between one-time costs (sys-

tem development) and ongoing costs (personnel and system maintenance). Thus, the estimates they provided may have overlooked some cost factors. It should al-

so be noted that many agencies indicated they were currently unable to provide cost estimates regarding the implementation of Government Code section 12525.5.

**Cost or Savings in Federal Funding to the State**

None.

**Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States**

The Department of Justice has determined that there will be no significant statewide adverse impact directly affecting businesses. Although it is expected that agencies may purchase software and hardware systems to collect the stop data required by these proposed regulations, including purchasing these items from vendors, the economic impact would likely benefit, and not adversely affect, these businesses.

**Cost impacts on representative private persons or businesses**

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

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.

**Impact on Small Businesses**

The Department has determined that these proposed regulations will not affect small businesses. These regulations impose mandates only upon local and state agencies, and not upon small businesses. Small businesses are not legally required to comply with or enforce these proposed regulations. Nor will they derive a benefit or detriment from the enforcement of these regulations. Only law enforcement agencies subjected to the reporting requirements of Government Code section 12525.5 will be required to incur costs as a result of Government Code section 12525.5. Although it is anticipated that agencies may purchase additional software and/or systems from vendors to assist in their compliance with these regulations, with respect to the collection and submission of this data electronically to the Department, these transactions will not materially impact small businesses.

**Significant Effect on Housing Costs**

None.

**Business Report**

The reporting requirements of these proposed regulations do not apply to businesses. Rather, only law en-

forcement agencies, as specified in Government Code section 12525.5 and these proposed regulations, will be required to collect and report stop data to the Department.

**Results of Economic Impact Analysis**

The proposed regulations will not create or eliminate jobs in California nor will they create, eliminate or affect the expansion of California businesses. The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, nor the State’s environment. The proposed regulations benefit the public and California’s peace officers by establishing clear guidance on stop reporting requirements of AB 953. Reporting law enforcement contacts with individuals will provide law enforcement agencies, the public and researchers with the opportunity to uncover, address, and eradicate racial and identity profiling.

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.

Government Code section 12525.5 requires the Department to issue regulations for the collection and reporting of stop data, which must be reported to the Department and analyzed by the RIPA Board.

In order to ensure accurate and uniform reporting, the information collected must be uniform both in its categories of information collected and in the responses to these categories, in order for this information to be submitted electronically and for the data to be accessible to law enforcement agencies, the RIPA Board, researchers and the public, and so that meaningful review and analysis of this data is possible. As a result, the Department has preliminarily determined that there are no reasonable alternatives that would be more effective in carrying out the intent of AB 953.

These proposed regulations impose no costs or requirements on private persons. As a result, there are no less burdensome or more cost-effective alternatives to these proposed regulations with respect to their impact on private persons, because these regulations will impose no costs on private persons.

Accordingly, the Attorney General believes that there are no reasonable alternatives to the proposed regulations. However, the Attorney General’s Office invites and will consider all public comments on any proposed alternatives.

**CONTACT PERSONS**

General or substantive comments concerning this proposed rulemaking, including requests for copies of documents associated with this action such as the text of the proposed regulations, initial statement of reasons, and related forms, should be directed to:

Catherine Z. Ysrael  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Phone: (213) 897-2039  
Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

or

Kathleen V. Radez  
Deputy Attorney General  
California Department of Justice  
Civil Rights Enforcement Section  
P.O. Box 70550  
Oakland, CA 94612  
Phone: (510) 897-2039  
Email: [AB953@doj.ca.gov](mailto:AB953@doj.ca.gov)

**AVAILABILITY OF INITIAL STATEMENT OF REASONS, PROPOSED TEXT, RELATED FORMS, AND RULEMAKING FILE**

The Department of Justice will make copies of the following documents available on the Department of Justice's website at [www.oag.ca.gov/AB953](http://www.oag.ca.gov/AB953): this notice, the text of the proposed regulations, the initial statement of reasons, the economic and fiscal impact statement (STD 399) and addendum, and the notice of publication/regulations submission (STD 400). The entire rulemaking file is available for inspection and copying throughout the rulemaking process during business hours at the following locations:

California Department of Justice  
Civil Rights Enforcement Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013

California Department of Justice  
Civil Rights Enforcement Section  
1515 Clay Street, Suite 2000  
Oakland, CA 94612

Copies of these documents are also available upon request by contacting Catherine Z. Ysrael or Kathleen V. Radez, Deputy Attorneys General, at the contact information above (Contact Persons).

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments, the Department of Justice may adopt the proposed regulations substantially as described in this notice. If the Department of Justice makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the proposed regulations, as revised. Copies of any modified text will be available on the Department of Justice's website at [www.oag.ca.gov/AB953](http://www.oag.ca.gov/AB953). Please send requests for copies of any modified regulations to Catherine Z. Ysrael or Kathleen V. Radez, Deputy Attorneys General, at the contact information above (Contact Persons). The Department of Justice 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 Catherine Z. Ysrael or Kathleen V. Radez, Deputy Attorneys General, at the contact information above (Contact Persons), or by visiting the Department of Justice's website at [www.oag.ca.gov/AB953](http://www.oag.ca.gov/AB953).

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of this notice, the initial statement of reasons, the text of the proposed regulations, and related forms will be posted and available for downloading on the Department of Justice's website at: [www.oag.ca.gov/AB953](http://www.oag.ca.gov/AB953).

**TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY**

**DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES  
CHAPTER 7.4. STROKE CRITICAL CARE SYSTEM REGULATIONS**

**NOTICE OF PROPOSED RULEMAKING**

The Emergency Medical Services Authority (EMS Authority) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMS Authority will conduct a public hearing on **January 23, 2017**. The hearing will begin at **2:00 p.m. and end at 4:00 p.m.** The hearing will be held at EMS Authority Headquarters located at 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMS Authority requests that persons making 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 EMS Authority. Comments may also be submitted by facsimile (FAX) at (916) 324-2875 or by e-mail to [farid.nasr@EMSAuthority.ca.gov](mailto:farid.nasr@EMSAuthority.ca.gov). The written comment period closes at **5:00 p.m. on January 23, 2017**. EMS Authority will only consider comments received at EMS Authority Headquarters by that time. Submit comments to:

Farid Nasr, MD,  
 Critical Care Systems Specialist  
 EMS Systems Division  
 California EMS Authority  
 10901 Gold Center Drive, Suite 400  
 Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

According to the Section 2.5 of the California Health and Safety Code (H&SC), critical care systems, including hospital designations, shall be regulated by the EMS Authority. California Health and Safety Code sections 1797.107 and 1798.150 authorize EMS Authority to adopt regulations and establish guidelines for critical care statewide in California. The proposed regulations implement, interpret, and make specific Health and Safety Code sections 1797.103 and 1797.176.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Currently, there is no existing statute that regulates or provides standardization of stroke critical care systems in California. The regulations proposed in this rulemaking action will establish standards for local optional acute Stroke Critical Care Systems throughout the State of California for the local EMS agencies (LEMSAs) to adopt. These regulations provide statewide consistency and fairness, and increase transparency of local and

state government. These regulations will have a direct public benefit by improving the care of patients suffering from life-threatening acute stroke. The implementation of a Stroke Critical Care System by LEMSAs are optional. These regulations continue existing practices and do not impose any new economic impact on businesses and/or employees.

*Anticipated Benefits of the Proposed Regulation:*

Adoption of these regulations will improve the system and standardize stroke care statewide. The specific benefit from these regulations is to protect the health and safety of the public by reducing the time interval between the emergency call and arrival at the hospital, and reducing the time between arrival at the hospital and treatment of a stroke patient.

After conducting an evaluation of any other regulations that concern standards for local optional acute stroke care, the EMS Authority has determined that these are the only regulations on this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

EMS Authority has made the following initial determinations:

- Mandate on local agencies and school districts: **None**
- Cost or savings to any state agency: **None to Minimal**
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: **None**
- Other nondiscretionary cost or savings imposed on local agencies: **None**
- Cost or savings in federal funding to the state: **None**
- Cost impacts on a representative private person or business: EMS Authority is aware of some cost impacts that a representative private person or business (hospitals) would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: **None**
- Significant effect on housing costs: **None**
- The proposed regulations will not affect small businesses because they solely benefit stroke patients in California. There would be no impact on small businesses due to the focus being on

critical care systems providing treatment to California stroke patients.

Results of the Economic Impact Analysis

EMS Authority concludes that it is (1) unlikely that the regulations will eliminate any jobs for ambulance providers; (2) possible that the regulations will create an unknown number of jobs for ambulance providers; (3) likely that the proposal will create an unknown number of new private ambulance companies providing ambulance services; (4) unlikely that the proposal will eliminate any existing businesses; (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the State; and (6) benefit California residents by providing a means of resolution between EMS Authority and LEMSAs concerning emergency medical services plans which would ultimately lead to protection of the public peace, health, safety, and general welfare.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), EMS Authority must determine that no reasonable alternative considered, or otherwise identified and brought to the attention of 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

EMS Authority 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 proposed administrative action may be directed to:

Farid Nasr, MD,  
Critical Care Systems Specialist  
EMS Systems Division  
California EMS Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670  
(916) 431-3685  
[farid.nasr@EMS Authority.ca.gov](mailto:farid.nasr@EMS Authority.ca.gov)

The backup contact person for these inquiries is:

Angela Wise,  
Assistant Division Chief  
California EMS Authority  
10901 Gold Center Drive, Suite 400  
Rancho Cordova, CA 95670  
(916) 431-3708  
[angela.wise@EMS Authority.ca.gov](mailto:angela.wise@EMS Authority.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons (ISOR), the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Farid Nasr at the above address.

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

EMS AUTHORITY will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the ISOR. Copies may be obtained by contacting **Farid Nasr, MD** at the address or phone number listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After conducting the public hearing and considering all timely and relevant comments received, EMS Authority may adopt the proposed regulations substantially as described in this notice. If EMS Authority 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 EMS Authority adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of **Farid Nasr, MD** at the address indicated above. EMS Authority will accept written comments on any modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting **Farid Nasr, MD** at the address indicated above.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the ISOR, and the text of the regulations in underline and strikeout

may be accessed through EMS Authority's website at [www.EMSAuthority.ca.gov](http://www.EMSAuthority.ca.gov).

**RULEMAKING PETITION  
DECISION**

DEPARTMENT OF  
INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR

NOTICE OF PETITION DECISION

**Subject Matter of Regulations: Return to Work  
Supplement Program  
Title 8, California Code of Regulations, Section  
17304, Article 1 of Chapter 8, Subchapter 7**

1. **NAME OF AGENCY:** Department of Industrial Relations

2. **PARTY SUBMITTING THE PETITION:** California Applicants' Attorneys Association

3. **PROVISION OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED:** Return to Work Supplement Program, California Code of Regulations, Title 8, Chapter 8, Section 17304

4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Labor Code section 55 authorizes the Director to make rules and regulations that are reasonably necessary to effectuate the purposes of the Department of Industrial Relations (Department). Labor Code section 139.48, subdivision (b) specifically authorizes the Director to adopt regulations determining eligibility for, and the amount of, benefit payments under the RTWS Program.

5. **REASONS SUPPORTING THE AGENCY'S DECISION**

By letter dated February 12, 2016, the California Applicants' Attorneys Association (Petitioner) petitioned the Director of Industrial Relations (Director) in accordance with Government Code section 11340.6. The Petitioner requests that the Director amend California Code of Regulations, title 8 (8 CCR), section 17304 to extend the Return-to-Work Supplement (RTWS) application deadline for individuals who became eligible for the benefit before December 1, 2015.

Petitioner's request is **GRANTED**: The Director held a public hearing on April 15, 2016 (see Notice of Public Hearing on Petition to Amend Regulations pub-

lished on April 8, 2016, Notice File Number Z-2016-0329-10), where persons were provided an opportunity to present statements or arguments, orally or in writing, relevant to the proposed action described in the Petition and any reasonable alternatives thereto. As noted in the Petition, the amended Voucher form including a notice of eligibility for the RTWS benefit (DWC-AD Form 10133.32 (SJDB) Rev: 10/1/15) did not go into general use until approximately December 1, 2015. While 8 CCR 17303 required claims administrators to provide notice of eligibility via a cover sheet accompanying all Vouchers issued until the Voucher form was amended by DWC, the Department has been informed that at least some vouchers issued prior to December 1, 2015 were not accompanied by the required notice. Petitioner suggests that amendment of 8 CCR section 17304 is "a fair remedy to allow all eligible injured workers the opportunity to apply for the Return-to-Work Supplement payment."

Subsequently, the Notice of Proposed Rulemaking and the Initial Statement of Reasons were published on September 16, 2016 and a public hearing on the proposed amendment to 8 CCR section 17304 was held on October 31, 2016.

6. **CONTACT PERSON:** Gayle T. Oshima, Counsel, Office of the Director — Legal Unit, Department of Industrial Relations, P.O. Box 420603, San Francisco, CA 94142-0603. Office: (510) 286-3800

7. **AVAILABILITY OF PETITION:** The Petition to amend regulations is available upon request directed to the Department's contact person.

**OAL REGULATORY  
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

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

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

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

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**

**Date:** November 21, 2016  
**To:** Julian Niebla  
**From:** Chapter Two Compliance Unit  
**Subject:** **2016 OAL DETERMINATION  
NO. 5(S)  
(CTU2016-0921-01)**  
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))  
Petition challenging the California Department of Corrections and Rehabilitation (CDCR) Soledad Correctional Training Facility’s DOM Supplement #29, and its attachment, as underground regulations.

On September 21, 2016, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether DOM (Department Operations Manual) Supplement #29; Facilities A&B Program and Activity Schedule for SNY Inmates, and the attached Shower Schedule, constitute underground regulations (DOM Supplement #29). DOM Supplement #29 is dated December 2016 and was issued by Soledad Correctional Training Facility and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant

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

to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

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

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

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

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

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

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

...

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

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

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



Similarly, the rules challenged by your petition were issued by Soledad Correctional Training Facility and apply solely to the inmates of that facility. Inmates housed at other institutions are governed by those other institutions' criteria for showering and other activities. Therefore, the rules are "local rules" and exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). They are not underground regulations.<sup>3</sup>

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

Debra M. Cornez  
Director

Elizabeth A. Heidig  
Assistant Chief Counsel

Copy: Scott Kerman, Secretary  
Tim Lockwood, Chief RPMB

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

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

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

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

(A) The challenged rule has been superseded.

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

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

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

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

[Emphasis added.]

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# 2016-1013-01

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

Fees

In this action, the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation amends initial registration and annual renewal fees for service dealers and service contractors with respect to electronic and appliance repair pursuant to Business and Professions Code section 9873 (amended by Stats. 2015, ch. 87, sec. 1).

Title 16

AMEND: 2760

Filed 11/29/2016

Effective 01/01/2017

Agency Contact: Terri Rice (916) 999-2058

File# 2016-1116-02

CALIFORNIA HEALTH BENEFIT EXCHANGE  
Identity Proofing Requirements

The California Health Benefit Exchange (Exchange), submitted this emergency readopt action to amend the regulations adopted in OAL File No. 2014-0908-02E. The emergency rulemaking action adopted section 6464 in Title 10 of the California Code of Regulations regarding identity verification requirements. This action expands the acceptable proof of identity required prior to initiating an application for enrollment in the Exchange.

Title 10

ADOPT: 6464

Filed 11/28/2016

Effective 11/28/2016

Agency Contact: Tessa Hammer (916) 228-8232

File# 2016-1108-01

DEPARTMENT OF FAIR EMPLOYMENT AND  
HOUSING

Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 2

AMEND: 10500

Filed 11/28/2016

Effective 12/28/2016

Agency Contact: David L. Cullen (916) 478-7251

File# 2016-1014-07  
DEPARTMENT OF INSURANCE  
Auto Body Repair Labor Rate Surveys

The Department of Insurance (DOI) amended section 2698.91 of title 10 of the California Code of Regulations to clarify and make specific the reporting of auto body repair labor rate surveys to DOI pursuant to Insurance Code section 758(c). The action also adopts sections 2695.81 and 2695.82 into title 10 of the California Code of Regulations to establish an optional Standardized Auto Body Labor Rate Survey (Standardized Labor Rate Survey or SLRS) that insurers may use to establish prevailing labor rates of auto body repair shops using specified methodologies for determining prevailing labor rates in geographic areas. The requirements of an SLRS are in section 2695.81, which represents a comprehensive set of regulations addressing such things as currentness of the survey, sample size, eligible shops for surveying, prevailing labor rates, and geographic areas, and requiring the SLRS conform to the format and content of a survey form set forth in section 2695.82. Under section 2695.81(c), use of the SLRS by an insurer to settle auto body repair claims creates a rebuttable presumption that the settlement was done in a fair and equitable manner in compliance with division 1, part 2, chapter 1, article 6.5, sections 790 through 790.15 of the Insurance Code (Unfair Insurance Practices Act or UIPA), specifically with Insurance Code section 790.03(h)(5).

Title 10  
ADOPT: 2695.81, 2695.82 AMEND: 2698.91  
Filed 11/30/2016  
Effective 01/01/2017  
Agency Contact: George Teekell (415) 538-4390

File# 2016-1128-01  
DEPARTMENT OF INSURANCE  
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 10  
AMEND: 2690, 2690.1, 2690.2  
Filed 11/29/2016  
Effective 12/29/2016  
Agency Contact:  
Lisbeth Landsman-Smith (916) 492-3561

File# 2016-1117-01  
DEPARTMENT OF MANAGED HEALTH CARE  
Essential Health Benefits

This action amends the Essential Health Benefits (EHB) coverage requirements of health care service plans based upon amendments to the base benchmark plan pursuant to SB 43. California originally selected the Kaiser Small Group 30 (2012) plan as the base benchmark plan, but SB 43 amended the Code to select the Kaiser Small Group 30 (2014) plan as the new base benchmark plan. (Health & Saf. Code, § 1367.005, subd. (a)(2)(A).) The amendments bring the regulations into alignment with the Kaiser Small Group 30 (2014) plan pursuant to SB 43.

Title 28  
AMEND: 1300.67.005  
Filed 11/28/2016  
Effective 11/28/2016  
Agency Contact: Jennifer Willis (916) 324-9014

File# 2016-1021-03  
DEPARTMENT OF MOTOR VEHICLES  
Driving Under the Influence Program

This change without regulatory effect by the Department of Motor Vehicles amends the revision date of two forms related to the "Driving Under the Influence Program," which are incorporated by reference in sections 120.00 and 120.01 of title 13 of the California Code of Regulations.

Title 13  
AMEND: 120.00, 120.01  
Filed 11/29/2016  
Agency Contact: Randi Calkins (916) 657-8898

File# 2016-1025-01  
DEPARTMENT OF MOTOR VEHICLES  
Registration Forms

This action by the Department of Motor Vehicles makes changes without regulatory effect to existing forms REG 5059 and REG 65 and corresponding amendments to title 13, California Code of Regulations, sections 152.00 and 155.04 to reflect new revision dates of these forms.

Title 13  
AMEND: 152.00, 155.04  
Filed 11/29/2016  
Agency Contact: Randi Calkins (916) 657-8898

File# 2016-1012-01  
DEPARTMENT OF PUBLIC HEALTH  
Woman, Infants and Children (WIC) Participant Sanctions

In this rulemaking action, the Department amends Title 22, section 40679, of the California Code of Regulations. The amendments deletes subdivision (a)(2)(G) of section 40679 to remove "rude or abusive behavior" as grounds to disqualify a Women, Infants, and Children

(WIC) program participant from the program in the middle of a certification period.

Title 22  
 AMEND: 40679  
 Filed 11/28/2016  
 Effective 01/01/2017  
 Agency Contact: Dawn Basciano (916) 440-7367

File# 2016-1018-02  
**FISH AND GAME COMMISSION**  
 Animals of California Declared to be Endangered or Threatened

This action designates the Clear Lake Hitch (*Lavinia exilicauda chi*) as a threatened species.

Title 14  
 AMEND: 670.5  
 Filed 11/29/2016  
 Effective 01/01/2017  
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2016-1014-06  
**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**  
 Proposition 65 Bisphenol A Warnings

On May 11, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) added bisphenol A (BPA) to the list of chemicals known to the state to cause reproductive toxicity pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). OEHHA submitted this certificate of compliance action to make permanent emergency actions 2016-0408-02E and 2016-0926-02EE. These emergency rulemaking actions amended section 25603.3 of title 27 of the California Code of Regulations to add "safe harbor" provisions that, if followed, are deemed to comply with the Proposition 65 warning requirements for BPA contained in canned and bottled foods and beverages.

Title 27  
 AMEND: 25603.3  
 Filed 11/30/2016  
 Effective 11/30/2016  
 Agency Contact: Fran Kammerer (916) 445-4693

File# 2016-1018-01  
**OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**  
 OSHPD CCORP Deleting Outdated Reporting Provisions

In this change without regulatory effect, the Office of Statewide Health Planning and Development (Office) amends and repeals various sections in Title 22 of the

California Code of Regulations to remove data reporting requirements for patients discharged on or before June 30, 2014.

Title 22  
 AMEND: 97174, 97176  
 REPEAL: 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, 97198  
 Filed 11/30/2016  
 Agency Contact: Lisa Ann Cook (916) 326-3867

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN June 29, 2016 TO  
 November 30, 2016**

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**
- 11/28/16 AMEND: 10500
  - 11/22/16 AMEND: 18940
  - 11/17/16 AMEND: 3001(a)(9), 3004(c)
  - 11/10/16 ADOPT: 554.2 AMEND: 554, 554.1, 554.2, 554.3, 554.4, 554.5, 554.6, 554.7, 554.8, 554.9, 554.10
  - 10/18/16 AMEND: 18951
  - 10/03/16 ADOPT: 649.49 AMEND: 649, 649.3, 649.4, 649.18, 649.50, 649.52, 649.57, 649.60 REPEAL: 649.1, 649.46, 649.51, 649.62
  - 09/19/16 ADOPT: 18751 REPEAL: 18751
  - 09/19/16 AMEND: 18215.3, 18232
  - 09/15/16 AMEND: 18942
  - 09/13/16 AMEND: 1181.2, 1181.3, 1181.6, 1183.1, 1183.2, 1183.3, 1183.8, 1183.9, 1183.10, 1183.11, 1183.14, 1183.15, 1183.17, 1183.18, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1187.4, 1187.6, 1187.7, 1187.8, 1187.9, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5
  - 09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016
  - 08/31/16 AMEND: 18531.5
  - 08/17/16 AMEND: 18239
  - 08/17/16 AMEND: 59000
  - 07/29/16 ADOPT: 599.860

07/13/16 AMEND: 1859.2, 1859.102 REPEAL:  
1866, 1866.1, 1866.2, 1866.3, 1866.4,  
1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4,  
1866.4.6, 1866.4.7, 1866.5, 1866.5.1,  
1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5,  
1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9,  
1866.7, 1866.8, 1866.9, 1866.9.1,  
1866.10, 1866.12, 1866.13, 1866.14

07/11/16 AMEND: 59560

**Title 3**

11/22/16 AMEND: 3024.8  
11/17/16 AMEND: 3435(b)  
11/14/16 AMEND: 3435(b)  
11/09/16 AMEND: 3  
11/09/16 AMEND: 3435(b)  
11/08/16 AMEND: 3435(b)  
11/03/16 AMEND: 3589(a)  
11/02/16 ADOPT: 3591.28  
11/02/16 AMEND: 3591.12  
10/28/16 AMEND: 3435(b)  
10/28/16 AMEND: 3435(b)  
10/19/16 AMEND: 3435(b)  
10/17/16 ADOPT: 6722 AMEND: 6000, 6618,  
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6732, 6734, 6768.3, 6738.4, 6744, 6761,  
6761.1, 6762, 6764, 6766, 6768, 6769,  
6770, 6771, 6776, 6782  
10/13/16 AMEND: 3435(b)  
10/12/16 ADOPT: 6302 AMEND: 6414  
10/06/16 REPEAL: 3963  
10/06/16 AMEND: 3435(b)  
09/30/16 AMEND: 3435(b)  
09/27/16 AMEND: 3435(b)  
09/27/16 AMEND: 4603, 3883 REPEAL: 3885  
09/21/16 ADOPT: 302, 303, 304, 304.1, 304.2,  
305, 305.1, 305.2, 305.3, 306, 306.1,  
306.2, 306.3, 307, 308, 309, 310, 310.1,  
311, 312, 313, 314, 315, 316.1, 316.2,  
316.3, 316.4, 317, 318, 319, 320.1, 320.2,  
320.3, 321, 322, 322.1, 322.2, 322.3, 323,  
323.1, 323.2, 324.1, 324.2, 325, 326, 327,  
328, 329, 330.1, 330.2, 340  
09/20/16 AMEND: 3435(b)  
09/20/16 AMEND: 3435(b)  
09/16/16 AMEND: 3435(b)  
09/14/16 AMEND: 3435(b)  
09/07/16 ADOPT: 3442  
09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004,  
3005, 3006, 3007, 3008, 3009, 3010,  
3011, 3012, 3013, 3014, 3015, 3016  
08/29/16 ADOPT: 3591.26  
08/29/16 AMEND: 3435(b)  
08/29/16 AMEND: 3591.2  
08/26/16 AMEND: 3435(b)

08/25/16 AMEND: 3435(b)  
08/24/16 AMEND: 3435(b)  
08/24/16 AMEND: 1358.7  
08/23/16 AMEND: 3435(b)  
08/03/16 AMEND: 3435(b)  
08/02/16 AMEND: 3435(b)  
08/01/16 AMEND: 3435(b)  
08/01/16 AMEND: 3435(b)  
07/25/16 AMEND: 3024.5  
07/25/16 AMEND: 3435(b)  
07/25/16 AMEND: 3435(b)  
07/25/16 AMEND: 3435(b)  
07/21/16 AMEND: 3435(b)  
07/20/16 AMEND: 3435(b)  
07/07/16 AMEND: 3435(b)  
07/05/16 AMEND: 3435(b)  
07/05/16 AMEND: 3435(b)  
06/30/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,  
451, 452  
06/30/16 AMEND: 3435(b)  
06/30/16 AMEND: 3435(b)

**Title 4**

11/22/16 AMEND: 1699  
11/17/16 AMEND: 7113, 7116, 7121, 7051, 7055  
10/17/16 AMEND: 1843.3  
10/13/16 AMEND: 1734  
10/11/16 ADOPT: 610  
09/28/16 AMEND: 1107  
09/28/16 AMEND: 1007  
09/15/16 ADOPT: 424, 425, 426, 830, 831, 832,  
833, 834, 835, 836 AMEND: 201.5, 303  
09/13/16 ADOPT: 1489.2  
08/29/16 ADOPT: 8078.8, 8078.9, 8078.10,  
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08/09/16 AMEND: 10031, 10032, 10033, 10035,  
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07/25/16 AMEND: 1581, 1843  
07/19/16 AMEND: 5170  
07/19/16 ADOPT: 1866.1 AMEND: 1844  
07/05/16 AMEND: 1689.1  
06/29/16 AMEND: 8034, 8035

**Title 5**

11/15/16 ADOPT: 11524, 11525 AMEND: 11520,  
11521, 11522  
09/22/16 ADOPT: 11533, 11534 AMEND: 11530,  
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08/30/16 ADOPT: 1700  
08/26/16 AMEND: 27000, 27004  
08/16/16 ADOPT: 80022 AMEND: 80025.3  
08/03/16 AMEND: 19810  
07/27/16 AMEND: 19810  
07/20/16 AMEND: 30950, 30951, 30951.1,  
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07/14/16 ADOPT: 74117 AMEND: 74110, 74112  
 07/05/16 REPEAL: 6100, 6101, 6102, 6103, 6104,  
 6105, 6110, 6111, 6112, 6113, 6115,  
 6116, 6120, 6125, 6126

**Title 7**

10/06/16 AMEND: 211.5, 213, 215, 218

**Title 8**

10/17/16 ADOPT: 1532.3, 5204 AMEND: 5155  
 09/20/16 AMEND: 334  
 08/02/16 ADOPT: 346, 346.1, 346.2, 350.3, 350.4,  
 355.1, 355.2, 355.3, 355.4, 355.5, 372.8,  
 372.9, 376.8 AMEND: 347, 348, 352,  
 354, 356, 356.1, 356.2, 359, 359.1, 361.3,  
 364.2, 371, 371.1, 371.2, 372.6, 376.1,  
 376.4, 376.7, 378, 380, 383, 391.1, 392,  
 392.4, 392.5 REPEAL: 355  
 07/28/16 ADOPT: 9792.24.4 AMEND: 9792.23,  
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**Title 9**

09/16/16 ADOPT: 4700, 4710, 4711, 4712, 4713,  
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**Title 10**

11/30/16 ADOPT: 2695.81, 2695.82 AMEND:  
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 11/29/16 AMEND: 2690, 2690.1, 2690.2  
 11/28/16 ADOPT: 6464  
 11/21/16 AMEND: 8000, 8030  
 11/02/16 AMEND: 2498.6  
 09/30/16 ADOPT: 6520, 6522, 6524, 6526, 6528,  
 6530, 6532, 6534, 6536, 6538  
 09/30/16 ADOPT: 6408, 6410, 6450, 6452, 6454,  
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 09/29/16 AMEND: 3542, 3570, 3577  
 09/27/16 AMEND: 3543  
 09/01/16 ADOPT: 6864  
 08/29/16 AMEND: 3568  
 08/29/16 AMEND: 3569  
 08/10/16 AMEND: 250.30 REPEAL: 5.2000,  
 5.2001  
 08/09/16 AMEND: 2498.6  
 08/09/16 AMEND: 2498.4.9  
 08/09/16 AMEND: 2498.6  
 08/09/16 AMEND: 2498.4.9, 2498.6  
 08/08/16 AMEND: 2498.5  
 07/11/16 AMEND: 2053, 2053.1, 2054, 2054.1,  
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 2062, 2062.1, 2062.2, 2063, 2063.1,

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 2104 REPEAL: 2054.4, 2060

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11/22/16 AMEND: 1005  
 10/31/16 AMEND: 1950, 1953  
 10/17/16 ADOPT: 2080, 2081, 2082, 2083, 2084,  
 2085, 2086, 2087, 2088, 2089, 2090,  
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 2103, 2104, 2105, 2106, 2107, 2108,  
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 09/22/16 AMEND: 1001, 1052, 1053  
 09/08/16 AMEND: 1001, 1014, 1015, 1055  
 08/30/16 ADOPT: 3205 AMEND: 3000, 3001,  
 3003, 3201, 3203, 3204  
 08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959  
 07/28/16 AMEND: 1005, 1007, 1008  
 07/08/16 AMEND: 310, 312, 999.1

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08/31/16 AMEND: 452, 453  
 08/30/16 ADOPT: 463, 464 AMEND: 461

**Title 13**

11/29/16 AMEND: 120.00, 120.01  
 11/29/16 AMEND: 152.00, 155.04  
 11/22/16 AMEND: 1239  
 11/03/16 ADOPT: 345.44, 345.45, 345.46, 345.47  
 AMEND: 345.48, 345.56, 345.65,  
 345.66 REPEAL: 345.44, 345.45,  
 345.46, 345.47  
 10/17/16 AMEND: Appendix Article 2.0  
 10/17/16 AMEND: 268.12  
 10/06/16 AMEND: 15.08  
 09/20/16 ADOPT: 222.00, 222.02  
 09/01/16 AMEND: 550  
 08/23/16 AMEND: 1606, 16.08, Appendix  
 07/25/16 AMEND: 1202.1, 1202.2, 1232  
 07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5,  
 1971.1, 1971.5, 2485, 95302, 95662  
 07/07/16 AMEND: 15.01

**Title 14**

11/29/16 AMEND: 670.5  
 11/17/16 AMEND: 670.5  
 11/15/16 AMEND: 1104.1  
 11/15/16 ADOPT: 131  
 11/10/16 AMEND: 300, 311, 745.5

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11/02/16 AMEND: 1.53, 27.00, 28.65  
 10/31/16 AMEND: 1724.9  
 10/27/16 AMEND: 29.45  
 10/26/16 AMEND: 180.6  
 10/17/16 AMEND: 665  
 10/06/16 AMEND: 895.1, 898.2  
 10/04/16 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
 10/04/16 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 09/27/16 AMEND: Appendix G  
 09/22/16 AMEND: 18660.40  
 09/13/16 ADOPT: 250.2  
 09/08/16 AMEND: 913.4, 933.4  
 09/01/16 ADOPT: 820.02  
 09/01/16 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 09/01/16 ADOPT: 817.04 AMEND: 790  
 08/30/16 AMEND: 699.5  
 08/15/16 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3, 1666.4, 1666.5, 1666.6, 1666.7, 1666.8, 1666.9, 1666.10, 1666.11, 1666.12, 1666.13, 1666.14, 1666.15, 1666.16 AMEND: 1665.2 REPEAL: 1665.8  
 08/03/16 AMEND: 29.85  
 08/01/16 ADOPT: 131  
 08/01/16 AMEND: 1724.9  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/25/16 AMEND: 13055  
 07/18/16 AMEND: 1038  
 07/07/16 AMEND: 1120 REPEAL: 1121  
 06/30/16 AMEND: 190, 195  
 06/30/16 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34

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11/17/16 AMEND: 8105  
 11/14/16 AMEND: 3140  
 11/09/16 ADOPT: 8106.1  
 10/20/16 ADOPT: 3401.6 AMEND: 3084.2, 3084.6, 3084.8, 3084.9, 3323, 3335, 3401.5  
 10/20/16 AMEND: 3134.1, 3136  
 10/19/16 ADOPT: 3999.21  
 10/11/16 AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4  
 10/10/16 ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3  
 09/06/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379

08/17/16 AMEND: 3000, 3306, 3323  
 08/11/16 AMEND: 3375.1, 3377  
 07/13/16 AMEND: 8000, 8001, 8100, 8901  
 06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5

**Title 16**

11/29/16 AMEND: 2760  
 11/15/16 AMEND: 816, 832, 832.16, 864, 865, 867, 869.1, 869.5, 870 REPEAL: 817  
 11/09/16 AMEND: 1536, 1571  
 11/07/16 AMEND: 42  
 10/27/16 AMEND: 1328.1  
 10/25/16 ADOPT: 1399.140.1 AMEND: 1399.140, 1399.141, 1399.142, 1399.143, 1399.144  
 10/18/16 AMEND: 1399.344  
 10/17/16 ADOPT: 3365.1  
 10/12/16 AMEND: 1936, 1936.1, 1936.2  
 10/05/16 ADOPT: 965.1  
 09/29/16 ADOPT: 119.8 AMEND: 118.5  
 09/27/16 AMEND: 1313.4  
 09/19/16 AMEND: 1399.621  
 09/15/16 AMEND: 1004  
 09/14/16 AMEND: 1399.523  
 09/13/16 ADOPT: 1751.8, 1751.9, 1751.10, 1752, 1753, 1754 AMEND: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8, 1751, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8  
 09/13/16 AMEND: 2620  
 09/12/16 ADOPT: 635.1 AMEND: 631, 631.1, 633, 635  
 09/07/16 ADOPT: 1328.1  
 09/01/16 AMEND: 1399.696  
 08/30/16 REPEAL: 1054, 1054.1, 1054.2  
 08/25/16 ADOPT: 1746.4  
 08/23/16 AMEND: 2043  
 08/22/16 AMEND: 1023.16  
 08/22/16 AMEND: 1495.1  
 08/15/16 AMEND: 4110  
 08/10/16 ADOPT: 1730.2  
 08/03/16 AMEND: 1397.12 (renumbered to section 1395.2)  
 08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2, 2087.3 AMEND: 2034, 2035, 2036.5  
 07/28/16 ADOPT: 3395.5 AMEND: 3340.1, 3340.10, 3340.28, 3395.4  
 07/19/16 AMEND: 1355.35  
 07/12/16 AMEND: 36.1  
 07/12/16 ADOPT: 1399.469.3

**Title 17**

10/26/16 AMEND: 94006  
 08/11/16 AMEND: 6901, 6902, 6903

07/25/16 ADOPT: 51000, 51001, 51002  
 07/01/16 AMEND: 6540  
 07/01/16 AMEND: 6508

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11/17/16 ADOPT: 19195-1, 19195-2  
 10/26/16 AMEND: 462.040  
 10/26/16 AMEND: 282, 283  
 09/15/16 AMEND: 25136-2  
 08/31/16 AMEND: 1597  
 08/16/16 AMEND: 1590  
 08/02/16 AMEND: 17000.30  
 07/27/16 ADOPT: 4076  
 07/27/16 AMEND: 1506

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06/30/16 AMEND: 1980.00, 1980.02, 1980.04,  
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 1990.12

**Title 20**

11/30/16 AMEND: 97174, 97176 REPEAL:  
 97178, 97180, 97182, 97184, 97186,  
 97188, 97190, 97192, 97196, 97198  
 11/28/16 AMEND: 40679  
 11/01/16 AMEND: 1601, 1602, 1604, 1605.1,  
 1605.3, 1606, 1607  
 10/31/16 AMEND: 1391, 1392, 1393, 1394  
 06/30/16 AMEND: 1601, 1602, 1604, 1605.1,  
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07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480,  
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**Title 22**

11/30/16 AMEND: 97174, 97176 REPEAL:  
 97178, 97180, 97182, 97184, 97186,  
 97188, 97190, 97192, 97196, 97198  
 11/28/16 AMEND: 40679  
 11/22/16 AMEND: 65523, 65529, 65530  
 09/30/16 ADOPT: 66387.1, 66387.2, 66387.3,  
 66387.4, 66387.5, 66387.6, 66387.7,  
 66387.8, 66387.9  
 09/16/16 AMEND: 97174  
 09/12/16 ADOPT: 66273.80, 66273.81, 66273.82,  
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 66273.91, 66273.100, 66273.101  
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 08/31/16 REPEAL: 100031, 100032, 100033,  
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 08/01/16 AMEND: 51516.1

07/20/16 AMEND: 97212, 97215, 97225, 97226,  
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08/17/16 AMEND: 86500, 86501, 86501.5,  
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 86568.2, 86568.4, 86570, 86575, 86577,  
 86580, 86587, 86587.1  
 07/07/16 AMEND: 83074, 83087, 84074, 84087,  
 86074, 86087, 86574, 86587, 89374,  
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11/22/16 AMEND: 5001  
 11/14/16 AMEND: 2200, 2200.1, 2200.2, 2200.5,  
 2200.6, 2200.7, 2200.8, 2200.9  
 11/03/16 ADOPT: 3909.5  
 11/03/16 AMEND: 1062, 1064, 1066  
 11/02/16 AMEND: 645  
 10/17/16 ADOPT: 879  
 10/13/16 AMEND: 2610, 2611, 2632, 2634, 2635,  
 2636, 2640, 2643, 2644.1, 2652, 2655,  
 2663, 2664, 2711, 2712, 2713, 2714,  
 2715, 2722, 2725, 2726, 2727  
 08/17/16 ADOPT: 3939.50  
 08/15/16 ADOPT: 350, 350.2, 350.4, 351, 352,  
 352.2, 352.4, 352.6, 353, 353.2, 353.4,  
 353.6, 353.8, 353.10, 354, 354.2, 354.4,  
 354.6, 354.8, 354.10, 354.12, 354.14,  
 354.16, 354.18, 354.20, 354.22, 354.24,  
 354.26, 354.28, 354.30, 354.32, 354.34,  
 354.36, 354.38, 354.40, 354.42, 354.44,  
 355, 355.2, 355.4, 355.6, 355.8, 355.10,  
 356, 356.2, 356.4, 357, 357.2, 357.4, 358,  
 358.2, 358.4  
 07/18/16 AMEND: 2922  
 07/18/16 ADOPT: 3909.2  
 07/18/16 ADOPT: 3909.4  
 07/14/16 ADOPT: 3909.3  
 07/12/16 ADOPT: 3929.14  
 07/11/16 AMEND: 3939.19

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10/31/16 AMEND: 8200, 8201, 8204, 8205, 8206,  
 8208, 8210, 8211, 8212, 8212.3, 8214,  
 8215, 8216, 8217, 8218  
 07/28/16 ADOPT: 7062.5, 7065.5 AMEND: 7065  
 07/05/16 ADOPT: 6924, 6932 REPEAL: 6924,  
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11/30/16 AMEND: 25603.3  
 11/14/16 AMEND: 27001  
 11/07/16 AMEND: 27001  
 10/06/16 AMEND: 25603.3

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09/08/16 AMEND: 27001  
08/30/16 ADOPT: 25600, 25600.1, 25600.2, 25601, 25602, 25603, 25604, 25605, 25606, 25607, 25607.1, 25607.2, 25607.3, 25607.4, 25607.5, 25607.6, 25607.7, 25607.8, 25607.9, 25607.10, 25607.11, 25607.12, 25607.13, 25607.14, 25607.15, 25607.16, 25607.17, 25607.18, 25607.19, 25607.20, 25607.21, 25607.22, 25607.23, 25607.24, 25607.25, 25607.26, 25607.27, 25607.28, 25607.29, 25607.30, 25607.31 AMEND: 25603.3(f) (renumbered to Section 25607.30), 25603.3(g) (renumbered to Section 25607.31) REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2  
08/10/16 AMEND: 27001  
08/09/16 AMEND: 27001  
07/28/16 AMEND: 27001

07/27/16 AMEND: 25805  
**Title 28**  
11/28/16 AMEND: 1300.67.005  
**Title MPP**  
11/02/16 AMEND: 22-000, 22-001, 22-003, 22-004, 22-009, 22-045, 22-047, 22-049, 22-051, 2-053, 22-054, 22-055, 22-059, 22-060, 22-061, 22-063, 22-065, 22-071, 22-072, 22-073, 22-077, 22-078, 22-085  
08/16/16 ADOPT: 31-136 AMEND: 31-001, 31-002, 31-003, 31-005, 31-040, 31-066, 31-075, 31-101, 31-105, 31-110, 31-115, 31-120, 31-125, 31-135, 31-201, 31-205, 31-206, 31-310, 31-315, 31-335, 31-405, 31-406, 31-410, 31-420, 31-425, 31-430, 31-445, 31-510 REPEAL: 31-515, 31-520  
08/01/16 ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207  
07/19/16 AMEND: 30-754.2