



California Regulatory Notice Register

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**Time-
Dated
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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. DEPARTMENT OF GENERAL SERVICES

**PROCUREMENT DIVISION
OFFICE OF SMALL BUSINESS &
DISABLED VETERAN
BUSINESS ENTERPRISE SERVICES (OSDS)**

NOTICE IS HEREBY GIVEN that the Director of the Department of General Services (DGS) proposes to take the rulemaking action described below after considering all comments, objections and recommendations to the proposed action.

PUBLIC HEARING

DGS will hold a public hearing from 9:30 a.m. to 11:00 a.m. on **August 13th, 2018**, at Room 1–475 of the DGS Ziggurat Building, located at 707 Third Street, 1st Floor, West Sacramento, California, 95605. This room is wheelchair accessible. At the hearing, any person attending may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest/Policy Statement Overview section below. DGS requests but does not require that persons who offer oral comments at the hearing also submit a written copy of their testimony at the hearing.

PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DGS. Comments may also be submitted by facsimile at (916) 375–4950 or by e-mail to SBDVBEregulations@dgs.ca.gov. The written comment period is June 29, 2018, through August 13th, 2018. The comment period closes at **5:00 p.m. on August 13th, 2018**. DGS will consider only comments

received by that time or comments received at the public hearing.

Written comments may also be submitted to the following address:

Angel Carrera, Branch Chief
Department of General Services, Procurement
Division
Office of Small Business and DVBE Services
ATTN: DVBE Rule Changes
707 Third Street, 1st Floor, Room 400
West Sacramento, CA 95605

AUTHORITY AND REFERENCE

Rulemaking authority is granted DGS by Military and Veterans Code (MVC) Section 999.5 and Government Code (Gov. Code or GC) 14839, in reference to California Disabled Veteran Business Enterprise Program, Article 6 of Chapter 6, Division 4, Military and Veterans Code, commencing with Section 999, effecting regulations for the Disabled Veteran Business Enterprise (DVBE) Incentive found in California Code of Regulations (CCR), Title 2, Division 2, Chapter 3, Subchapter 10.6, Sections 1896.99.100–1896.99.120.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

In accordance with GC Section 14600, the DGS develops and enforces policy for the centralization of purchasing, administrative hearings and the acquisition of various services for itself and other agencies by contract. Furthermore, GC Section 14615(a) affords the department general powers of supervision over all matters concerning the financial and business policies of the state in regard to duties, powers, responsibilities, and jurisdiction specifically vested in the department. Responsibility for implementing, interpreting, and making specific provisions of the Disabled Veteran Business Enterprise Program in general and the DVBE incentive in particular is directly and specifically vested with DGS in accordance with Military and Veterans Code Subsections 999.5(a) and (f).

The purpose of this action is the amendment of an existing regulation, originally adopted in 2007. The rule in question promulgates subdivision (a) of the Military and Veterans Code (MVC) Section 999.5, by setting forth — as Subchapter 10.6 of Chapter 3, Division 2, Title 2, California Code of Regulations (CCR) — a participation incentive for Disabled Veteran Business Enterprise (DVBE) bidders.

- This incentive is achieved through several methods available to a successful DBVE-certified bidder on contracts solicited by state governmental entities. Over time, the original rule has proved confusing and program stakeholders have requested revisions. While the existing program will not fundamentally change, contemplated refinements involve rewording the existing rule in several instances for greater content clarity, and to adopt limited process adjustments.
- Currently the agency executive's authority to exempt contracts from the DVBE incentive is interpreted as permitted only when participation goals are met within a stated timeframe and frequency. Stakeholders, while not disagreeing with the availability of exemption, object that the rule as written inhibits attainment of greater than 3% DVBE participation goals. This is because existing language seems to imply — despite the presence of "may" as opposed to "shall" — that incentive augmentations in contracts DVBEs would like to bid on will no longer be offered, once the 3% threshold is attained by that particular agency. Discontinuing incentives simply because the 3% overall DVBE participation has been reached, especially if the entire volume of state contracting is taken into consideration, undermines individual awarding department motive to achieve higher participation levels, contrary to the intent of the Legislature to establish an incentive.

Anticipated Benefits and Objectives of the Proposed Regulation:

The general non-monetary benefits anticipated by the proposed adoption include:

- Promotion of the incentive option of the Disabled Veterans program to a wider audience, with improved clarity and more concise language;
- A reduction in subjective stakeholder interpretations of existing rules, through improvements in existing language and strengthened rule content.
- The Department maintains that this proposed regulation is necessary and essential for the continued administrative success of the DVBE incentive program, as legislatively mandated. Revision beneficially ensures stakeholder awareness of DVBE incentive components and requirements, corrects recognized flaws, and where applicable, affords the affected public regulatory consistency.

Determination of Inconsistency/Incompatibility with Existing Regulations:

These are the only regulations included in the CCR governing and authorizing the DVBE Incentive; inconsistencies or incompatibilities with regulations adopted by other state agencies are not known, or likely to exist. The Federal government has promulgated regulations affecting veterans and small business in Titles 13 and 38 of the Code of Federal Regulations (CFR) and in the Federal Acquisition Regulations (FAR). As the federal rules specified apply exclusively to the federal government and inasmuch the DVBE CCR rules are applicable only to a California-specific program, unsupported by Federal funding, CFR/FAR and CCR inconsistencies or incompatibilities do not exist.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS — ASSESSMENT

- The Creation or Elimination of Jobs within the State of California: There will be no creation or elimination of jobs.
- The Creation of New Businesses or the Elimination of Existing Businesses within the State of California: There will be no creation of new businesses or elimination of existing businesses.
- The Expansion of Businesses Currently Doing Business within the State of California: Because the changes to the regulations are minimal it is unlikely that the expansion of businesses currently doing business with the State of California will occur.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: While it may promote transparency, reduce legal interpretations and associated program administration costs, these changes will have no apparent benefit on health and welfare of California residents and worker safety.

EVIDENCE SUPPORTING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department finds that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (Gov. Code 11346.5(a)(8)).

EFFECT ON SMALL BUSINESS

A significant proportion of certified DVBEs are also jointly certified as Small Businesses pursuant to provi-

sions of the Small Business and Procurement and Contract Act (GC 14835 et seq.). However, DVBEs are non-conforming to the consolidated small business definition that GC 11346.3(b)(4)(B) sets forth, in that they are not restricted to fewer than 100 employees as subdivision (iii) of that code specifies. Consequently, the Department has initially determined, subject to further public comment challenge, that the proposed rule changes will not have a significant or adverse economic impact on small business.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS

The range of direct or ongoing costs that a representative private person or business will necessarily incur in reasonable compliance are negligible and wholly consistent with those normally associated with usual and ordinary business activity and, more importantly, are consistent with the voluntary nature of the program in question.

MISCELLANEOUS DISCLOSURES REGARDING THE PROPOSED ACTION

Cost to any local agency or school district which must be reimbursed in accordance with GC Sections 17500–17630: None.

Nondiscretionary cost or savings imposed upon local agencies: None.

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

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

Pursuant to Gov. Code 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSONS

Inquiries concerning the subject matter of the proposed DVBE rulemaking revise may be directed to the following staff member with regulations adoption expertise and responsible for coordinating this action:

Mr. Ellery Kuhn, Regulations Adoption Coordinator
Department of General Services, Procurement Division
Office of Small Business and DVBE Services (OSBS)
707 Third Street, 1st Floor, Room 400
West Sacramento, CA 95605
Office Phone: (916) 375–4940
Direct line: (916) 375–4589
Email: Ellery.Kuhn@dgs.ca.gov

The alternate contact person for inquiries is:

Anda Draghici, Section Chief
Department of General Services, Procurement Division
Office of Small Business and DVBE Services
707 Third Street, 1st Floor, Room 400
West Sacramento, CA 95605
Office Phone: (916) 375–4940
Direct line: (916) 375–4919
Email: Anda.Draghici@dgs.ca.gov

Please direct requests for copies of the Notice of Rulemaking, the Initial Statement of Reasons, and the proposed text of the DVBE regulations, or other information upon which the rulemaking is based to SBDVBERegulations@dgs.ca.gov.

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

The Department of General Services has prepared an ISOR 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, with additions in underline and deletions in strikeout format (text of proposed regulations). DGS will have the 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 current rulemaking initiative consists of the following and copies may be obtained by contacting the OSDS Regulations Adoption Coordinator at the address, email or telephone number(s) listed above:

- Notice of Proposed Rulemaking (For 6/29/2018 publication)
- Proposed Text of DVBE Incentive Regulations (draft date: 6/18/2018)

- Initial Statement of Reasons (dated: 6/18/2018)

AVAILABILITY OF THE CHANGED OR MODIFIED TEXT

After holding the public hearing and considering all timely and relevant comments received, DGS may adopt the proposed regulations substantially as described in this notice. If DGS 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 DGS takes action to adopt the regulations as revised. Please send requests for copies of any modified regulations to the address or email indicated above (attention: RE DVBE Rule Changes).

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting any of the individuals identified at the above address. It shall also be posted on the Internet at the below-identified address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

DGS is making available copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout by visiting <http://www.dgs.ca.gov/pd/Programs/OSDS/NoticeofRulemaking.aspx>.

TITLE 2. FAIR EMPLOYMENT AND HOUSING COUNCIL

EMPLOYMENT REGULATIONS REGARDING DEFINITIONS; HARASSMENT AND DISCRIMINATION PREVENTION AND CORRECTION; AND TRAINING

The Fair Employment and Housing Council (Council) of the Department of Fair Employment and Housing (DFEH) proposes to amend sections 11008, 11023, and 11024 of Title 2 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Council will hold a public hearing starting at **10:00 a.m. on August 17, 2018**, at the following location:

State Capitol
Room 127
Sacramento, CA 95814

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The meeting facilities are accessible to individuals with physical disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the meeting, should contact Brenda Valle, DFEH ADA Coordinator, at (844) 541-2877 (voice or via relay operator 711) or TTY (800) 700-2320 or via email: brenda.valle@dfeh.ca.gov or accommodations@dfeh.ca.gov as soon as possible or at least 72 hours before the meeting.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period closes at **5:00 p.m. on August 17, 2018**. The Council will consider only comments received by that time. Written comments can be mailed to:

Fair Employment and Housing Council
c/o Brian Sperber, Legislative & Regulatory Counsel
Department of Fair Employment and Housing
320 West 4th Street, 10th Floor
Los Angeles, CA 90013
Telephone: (213) 337-4495

Comments may also be submitted by e-mail to FEHCouncil@dfeh.ca.gov.

AUTHORITY AND REFERENCE

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 12900 et seq. of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, makes specific, and supplements existing state regulations interpreting the

Fair Employment and Housing Act (“FEHA”) set forth in Government Code section 12900 et seq. In compliance with the Administrative Procedure Act, the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. The overall objective of the proposed regulations is to clarify the definition of “employer” and incorporate SB 396 (Stats. 2017, ch. 858) into the Council’s existing regulations. This action has the specific benefit of clarifying potentially misunderstood areas of the law, in turn reducing litigation costs and court overcrowding. Ultimately, the proposed action furthers the mission of the DFEH by protecting Californians from employment discrimination.

The proposed amendments specifically do the following: (1) articulate a clearer definition of “employer” by setting out the meaning of “regularly employing” and “regular basis,” and explaining how to count employees; (2) add SB 396’s obligation for employers to post a transgender rights poster; and (3) add SB 396’s harassment training requirement regarding gender identity, gender expression, and sexual orientation.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern the Fair Employment and Housing Act.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: No additional costs or savings beyond those imposed by existing law.

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: No additional costs or savings beyond those imposed by existing law.

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

Cost impacts on a representative private person or businesses: No additional costs or savings beyond those imposed by existing law. Therefore, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Results of the economic impact assessment/analysis: The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state. To the contrary, adoption of the proposed amendments is anticipated to benefit California businesses, workers, and the state’s judiciary by clarifying and streamlining the operation of the law, making it easier for employees and employers to understand their rights and obligations, and reducing litigation costs for businesses.

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

Significant effect on housing costs: None.

Small Business Determination: The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing regulations. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing law.

Business Report: The Council has determined that the proposed regulations do not require a report to be made.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Council’s attention would be more effective in carrying out the purpose for which this 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.

The Council has thus far not become aware of a better alternative and 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:

Brian Sperber, Legislative & Regulatory Counsel
Department of Fair Employment and Housing
320 West 4th Street, 10th Floor
Los Angeles, CA 90013
Telephone: (213) 337-4495
E-mail: brian.sperber@dfeh.ca.gov

The backup contact person for these inquiries is:

Holly Thomas, Deputy Director of Executive
Programs
Department of Fair Employment and Housing
320 West 4th Street, 10th Floor
Los Angeles, CA 90013
Telephone: (213) 439-6799
E-mail: holly.thomas@dfeh.ca.gov

Please direct requests for copies of the proposed text (express terms) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, should other sources be used in the future, to Brian Sperber at the above address.

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

The Council 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 Initial Statement of Reasons. Copies may be obtained by contacting Brian Sperber at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council 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 the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Sperber at the address indicated above. The Council 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 will be available on the Council's Web page: <http://www.dfeh.ca.gov/fehcouncil/>.

Copies also may be obtained by contacting Brian Sperber at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, and any modified texts and the Final Statement of Reasons can be accessed through the Council's Web page at <http://www.dfeh.ca.gov/fehcouncil/>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to revise section 3899, schedule I(a) and (b) in the regulations in Title 3 of the California Code of Regulations (CCR) pertaining to Agricultural Seeds.

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 regulation to the Department. Comments may be submitted by mail, FAX or email. The written comment period closes at 5:00 p.m. on August 13, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

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

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The specific purpose of section 3899 schedule I is to identify and designate certain seeds or propagules of plants that may be sold and grown in agriculture. The purpose of this amendment is to update the list to reflect the form of the crop seed list used by the Department seed laboratory and the national current standards. By harmonizing this regulation with the industry standard, we avoid ambiguity and ensure compatibility with standards followed by other states.

General Amendment:

- Fix typographic and formatting errors in the current list
 - Replace FN1 with *
 - Add space between species epithet and the authority
 - Correct spelling error: Mat bean (*Vigna aconitifolia*), Amaranth (*Amaranthus* spp.), Yellow bluestem (*Bothriochloa ischaemum*), Large hop clover (*Trifolium campestre*), Guayule (*Parthenium argentatum*), Heron's bill, Blue lupine (*Lupinus angustifolius*), Blue panicgrass (*Panicum antidotale*), Sourclover (*Melilotus indicus*), White sweetclover (*Melilotus albus*), Veldtgrass (*Ehrharta calycina*), Sweet basil (*Ocimum basilicum*), and Cumin (*Cuminum cyminum*)
 - Remove extraneous cross-referencing:
 - See also: Castorbean, Horsebean, Soybean, Velvetbean (located between list of beans and list of beets on Schedule I(a))
 - Buckhorn plaintain: see plaintain
 - See also: Alyceclover, Burclover, Sourclover, Sweetclover (located between list of clover and list of corn)
 - Foxtail millet: See Millet
 - See also: Chickpea
 - Grasspea, Pigeonpea, Roughpea, Tangier pea (located between the list of peas and the peanut)
 - Proso millet: See Millet (located between Popcorn and *Poa trivialis*)
 - See also: Wildrice (located between Rice and Ricegrass, Indian)
- See also: Horsebean, Soybean (located between list of beans and list of beets on Schedule I(b))
- Added common names:
 - Horsebean: Fava bean, Windsor bean
 - Subclover: Subterranean clover
 - African millet: Ragi millet
 - Guineagrass: Green panicgrass
 - Rough bluegrass: *Poa trivialis*
 - Annual ryegrass: Italian ryegrass
 - Cowpea: Southernpea
 - Monantha vetch: Single flower vetch
 - Pak-choi: Celery cabbage
- Remove extraneous common names:
 - Wheatgrass: Bluestem wheatgrass
 - Sorghum: Broomcorn, Kafir, Kaoliang, Milo maize, Shallu, Sorgo
 - Grasspea: Wedge pea
 - Lettuce: Romaine
 - Mallow: Malva
- Moved seed reference
 - Bean (field): from after Adzuki bean to after Fava Bean Schedule I(a)
 - Sericea lespedeza
 - Striate lespedeza
 - Common oat, Red oat (merged with "Oat")
 - Broadbean: Horsebean
 - Cowpea, Yardlong (moved to Yardlong bean under bean list)
 - Watermelon, Muskmelon
- Update scientific names where necessary to match current accepted nomenclature
 - Change either species or genus name: Colonial bentgrass (*Agrostis tenuis*; update = *Agrostis capillaris*), Big bluegrass (*Poa ampla*; update = *Poa secunda*), Nevada bluegrass (*Poa nevadensis*; update = *Poa secunda*), Carpetgrass (*Axonopus affinis*; update = *Axonopus fissifolius*), Soft chess (*Bromus mollis*; update = *Bromus hordeaceus*), Hard fescue (*Festuca longifolia*; update = *Festuca brevipila*), Hardinggrass (*Phalaris stooptera*; update = *Phalaris aquatic*), Korean lespedeza (*Lespedeza stipulacea*; update = *Kummerowia stipulacea*), Striate lespedeza (*Lespedeza striata*; update = *Kummerowia striata*), Boer lovegrass (*Eragrostis chloromelas*; update = *Eragrostis curvula*), Japanese millet (*Echinochloa crusgalli*;

- update *Echinochloa frumentacea*), Pearl millet (*Pennisetum americanum*; update = *Pennisetum glaucum*), Field mustard (*Brassica kaber*; update = *Sinapis arvensis*), White mustard (*Brassica hirta*; update = *Sinapis alba*), Rescuergrass (*Bromus unioloides*; update = *Bromus catharticus*), Indian ricegrass (*Oryzopsis hymenoides*; update = *Achnatherum hymenoides*), Smilograss (*Oryzopsis miliacea*; update = *Pitatherum miliaceum*), Nodding stipa (*Stipa cernua*; update = *Nassella cernua*), Purple stipa (*Stipa pulchra*; update = *Nassella pulchra*), Sudangrass (*Sorghum sudanese*; update = *Sorghum x drummondii*), Velvetbean (*Mucuna deeringiana*; update = *Mucuna pruriens*), Bard vetch (*Vicia calcarata*; update = *Vicia monantha*), Beardless wheatgrass (*Agropyron spicatum*; update = *Pseudoroegneria spicatum*), Intermediate wheatgrass (*Agropyron intermedium*; update = *Thinopyrum intermedium*), Pubescent wheatgrass (*Agropyron intermedium*; update = *Thinopyrum intermedium*), Slender wheatgrass (*Agropyron trachycaulum*; update = *Elymus trachycaulus*), Streamband wheatgrass (*Agropyron riparium*; update = *Elymus lanceolatus*), Tall wheatgrass (*Agropyron elongatum*; update = *Thinopyrum ponticum*), Western wheatgrass (*Agropyron smithii*; update = *Pascopyrum smithii*), Annual wildrice (*Zizania aquatica*; update = *Zizania palustris*), Russian wildrye (*Elymus junceus*; update = *Psathyrostachys juncea*), Artichoke (*Cynara scolymus*; update = *Cynara cardunculus*), Leek (*Allium ampeloprasum*; update = *Allium porrum*), Pumpkin (*Cucurbita* spp.; update *Cucurbita pepo*, *Curbita moschata*, *Cucurbita maxima*), Rhubarb (*Rheum* spp.; update = *Rheum rhabarbarum*), Squash (*Cucurbita* spp.; update = *Cucurbita pepo*, *Curbita moschata*, *Cucurbita maxima*), Tomato (*Lycopersicon esculentum*; update = *Solanum lycopersicum*)
- Add subspecies or variety name: Narrowleaf vetch (*Viola sativa* subsp. *nigra*), Winter vetch (*Vicia villosa* subsp. *varia*), Chinese cabbage (*Brassica rapa* supsp. *Pekinensis*), Tronchuda cabbage (*Brassica oleracea* var. *costata*), Cardoon (*Cynara cardunculus* subsp. *flavescens*), Carrot (*Daucus carota* subsp. *sativus*), Collards (*Brassica oleracea*

var. *viridis*), Florence fennel (*Foeniculum vulgare* var. *azoricum*), Kale (*Brassica oleracea* var. *viridis*), Pak-choi (*Brassica rapa* subsp. *chinensis*)

Amendment by addition:

- Add four new seeds to the schedule I(a) agricultural seeds list: Lentil (*Lens culinaris*), Siberian lespedeza (*Lespedeza cuneata*), Turnip rape (*Brassica rapa* subsp. *silvestris*), and Intermediate ryegrass (*Lolium x hybridum*)
- Add two new seeds to schedule I(b) vegetable seeds list: Perennial wall-rocket (*Diplotaxis tenuifolia*) and Annual wall-rocket (*Diplotaxis muralis*)
- Add the common names of Arugula, Garden Rocket, Rocket Salad, Rugula, and Salad Rocket for *Eruca sativa* on schedule I(b).
- Add the common name of Oregano for *Origanum vulgare* on schedule I(b).
- Add a breakdown of wheat types to the list. Club wheat (*Triticum compactum*), Durum wheat (*Triticum durum*), Polish wheat (*Triticum polonicum*), Poulard wheat (*Triticum turgidum*), and Wheat x Agrotriticum (*Triticum x Agrotriticum*) will be included in the amended list. The previous list had a single wheat type.
- Add two crops to schedule I(b) vegetable seeds list, that were already present on the schedule I(a) agricultural seeds list, as they are sold as both. Adzuki bean (*Vigna angularis*) and Bell bean (*Vicia faba*) are included in the amended vegetable seed list.

Amendment by removal:

- Remove two seeds from the schedule I(a) agricultural seeds list: Buffelgrass (*Cenchrus ciliaris*) and Little Mallow (*Malva parviflora*). These are weedy species and are not currently grown agronomically.

Under the general amendment, several scientific names are updated, several typographic errors are corrected, and many formatting mistakes are remedied. These changes improve the quality and comprehensibility of CCR section 3899 Schedule I, but they are non-substantive.

Under the amendment by addition, several species of crop seed are being added to CCR section 3899 Schedule I. All are crops whose seeds are currently sold and/or grown in California. Seeds of crops on the list are tested for purity according to California seed law (CCR section 3880) and labelled correctly in order to protect the consumer and avoid confusion in the trade (Food and Agricultural Code (FAC) section 52452[a]). Lentil (*Lens culinaris*), annual wall rocket (*Diplotaxis mu-*

ralis), perennial wall rocket (*Diplotaxis tenuifolia*), Siberian lespedeza (*Lespedeza cuneata*), turnip rape (*Brassica rapa* subsp. *silvestris*), intermediate ryegrass (*Lolium x hybridum*), and the following varieties of wheat: club wheat (*Triticum compactum*), durum wheat (*Triticum durum*), Polish wheat (*Triticum polonicum*), Poulard wheat (*Triticum turgidum*) and wheat x agrotriticum (*Triticum x Agrotriticum*) were not included in the last amendment of CCR section 3899 schedule I. All of these are currently sold as seed in California. They are being added to CCR section 3899 because their non-inclusion might lead to confusion regarding quality and identification of seed lots of these species as well as related crop seed currently included in CCR section 3899 schedule I. Seed companies label and test seeds routinely. Adding new varieties to CCR section 3899 schedule I will have little or no impact on an industry that routinely practices seed testing and labelling. By providing standard names, testing, and labelling requirements for these products, there will be disambiguation as to which product a consumer is purchasing and its quality.

Two crops (Adzuki bean and Bell bean) are in CCR section 3899 schedule I(a) Agricultural Crops and will, under this amendment, be added to CCR section 3899 Schedule I(b) Vegetable Crops because depending on the circumstance, they are sold as either Agricultural Crop seed and Vegetable Crop seed are tested and labelled in similar, but different, ways. By having these two crops appear on both lists, it allows the appropriate testing and labelling to take place depending on the proposed use of the seed.

This amendment adds additional common names for *Eruca sativa* (Arugula, Garden Rocket, Rocket Salad, Rugula, and Salad Rocket) and *Origanum vulgare* (Oregano) to CCR section 3899 schedule I to reflect current usage. Although alternative common name labelling of seed lots is allowed by CCR section 3863(c), common names in CCR section 3899 schedule I are recognized as official and their inclusion prevents their use on official labels for other varieties. The effects of these changes are expected to be modest, but they will increase the confidence of both seed producers and consumers that current frequently used common names are acceptable on labels for seed sold in California.

Under the amendment by removal, two plant species will be removed from CCR section 3899 schedule I(a): little mallow and buffelgrass. The removal of little mallow (*Malva parviflora*) from CCR section 3899 schedule I will have no impact on California agriculture, the seed industry, or the environment. Little mallow is not a regulated pest, but it is a common weed of roadsides, row crops, and waste areas in California. It currently is neither sold as commercial seed nor planted purposefully in California, nor is it likely to be so. So, its inclusion

in CCR section 3899 schedule I is misleading and may cause farmers and consumers to believe that this common weed is an agricultural plant. Therefore, it is appropriate to remove it from the list of seeds subject to seed purity testing and labelling requirements.

The other species, buffelgrass (*Cenchrus ciliaris*), will be removed from schedule I(a) to allow it to be regulated as a pest. The removal of buffelgrass from CCR section 3899 schedule I will have no impact on California agriculture, the seed industry, or the environment. It currently is neither sold as commercial seed nor planted purposefully in California, nor is it likely to be so. So, its inclusion in CCR section 3899 schedule I is superfluous. Therefore, it is appropriate to remove it from the list of seeds subject to seed purity testing and labelling requirements. Removal from CCR section 3899 schedule I(a) will allow the Department to list buffelgrass as a noxious weed in CCR section 4500 without introducing contradictions in the code.

The Department categorizes seeds of all plant species listed in CCR 4500, the California noxious weed list, as either prohibited or restricted per FAC section 52256. The outcome of that effort is the list of prohibited weed seeds in CCR 3854 and the list of restricted weed seeds in CCR section 3855. The list in CCR 3855 is used as a reference by seed labelers. The number and kind of restricted noxious weed seeds that occur incidentally in containers of agricultural planting seed must be noted on the labels of agricultural seeds following FAC section 52452(a)(4). To add buffelgrass to CCR 4500, it must first be removed from section 3899 Schedule I.

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

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, directs 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.

Under this amendment, the enhanced ability to label seed with currently used common names will allow better marketing of the affected products and reduce the effort of the supplier to comply with current regulations.

Under this amendment, the inclusion of six new crop seed varieties and the disambiguation of several more will improve the ability of California consumers to choose the exact type and quality of the crop and vegetable seed that they buy.

To protect California's environment, noxious weeds are prohibited from sale at nurseries. These amendments will enhance the Department's ability to protect California agriculture and the environment by removing a potential noxious weed from the list of seeds allowed to be sold and grown in the state.

The proposed regulation will harmonize seed regulation with the regulation of noxious weeds. This will enhance the ability of seed regulation to protect California agriculture and the environment. The proposed amendment will also eliminate confusion about whether seed regulation or weed regulation has precedence in the importation of commercial seeds into California.

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

AMENDED TEXT

This amendment to CCR 3899 Schedule I will update the list of Agricultural and Vegetable Seeds that are grown in the state of California.

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: Minimal for the removal of little mallow and buffelgrass from the list of field crop seeds. The other updates included in this amendment will slightly increase the ease of administering seed regulations in California.

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

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

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. Queries to several rangeland seed suppliers by CDFA staff revealed that neither buffelgrass seed nor little mallow is currently used or sold in California. The other updates included in this amendment will reduce the effort of the supplier to comply with current regulations.

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

Small Business Determination:

The Department has determined that the proposed regulations will not affect small business. As neither buffelgrass seed nor little mallow seed are generally sold in the seed trade in California currently, the Department has not identified any adverse impacts to small business.

As the seeds listed under the "Amendment by addition" section are already currently sold, the Department has not identified any adverse impacts to small business.

Significant effect on housing costs: None.

Results of the Economic Impact Assessment

The Department has made an assessment that the proposed regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; 3) affect the expansion of businesses currently doing business within California; or 4) result in negative impacts to the environment. It is possible that the proposed regulation will have positive impacts on the environment in California by resulting in fewer seeds of noxious weeds entering the state.

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits this proposed regulation will have on the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes this proposed regulation benefits the general welfare of California residents (GC section 11346.3(b)).

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the proposed regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this notice. The Department considered taking no action. This would leave buffelgrass on the list of allowed agricultural crops. This would not be consistent with its future status as a restricted noxious weed.

AUTHORITY

The Department proposes to amend CCR section 3899 Schedule I pursuant to the authority vested by sections 407 and 52332 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific section 52332 of the Food and Agricultural Code.

CONTACT

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

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

In his absence, you may contact Laura Petro at (916) 403–6650. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed 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, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended 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 amendment. 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

WORKERS' COMPENSATION DEDUCTIBLE POLICIES

June 29, 2018

REG-2017-00018

SUBJECT OF PROPOSED RULEMAKING

Notice is given that a public hearing will be held regarding the adoption of amendments to California Code of Regulations (“CCR”) Title 10, Chapter 5, Subchapter 2, Article 9.8, sections 2509.80 through 2509.82: “Workers’ Compensation Deductible Policies.” The proposed regulations specify the forms of collateral or security that an insurer may designate, and rules regarding the establishment of reserves and recognition of receivables, for use in connection with workers’ compensation deductible policies, as authorized by the provisions of Insurance Code section 11736.5.

HEARING

Public Hearing Date and Location

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to these regulations, as follows:

Date and time: August 13, 2018 at 10:00 a.m.

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

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

Access to Hearing Rooms

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

WRITTEN COMMENT PERIOD

Presentation of Written Comments; Contact Persons

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on Monday, August 13, 2018**. Please direct all written comments to the following contact person:

Brent Yim, Attorney
California Department of Insurance
45 Fremont Street, 21st floor
San Francisco, CA 94105
Telephone: (415) 538-4113
Brentley.Yim@insurance.ca.gov

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

Patricia Hein, Attorney IV
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4430
Patricia.Hein@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

Deadline for Written Comments

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **5:00 p.m. on Monday, August 13, 2018**. Any written materials received after that time may not be considered.

Comments Transmitted by E-Mail or Facsimile

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: brentley.yim@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Brent Yim and sent to the following facsimile number: (415) 904-5490. **Comments sent to e-mail addresses or facsimile numbers other than those designated in this notice will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

AUTHORITY AND REFERENCE

The proposed regulations will implement the provisions of Insurance Code section 11736.5, which also provides the rulemaking authority for this action.

INFORMATIVE DIGEST

Summary of Existing Law

The Legislature enacted Insurance Code Section 11736.5 directing the Commissioner to promulgate regulations to establish the forms of collateral or security that an insurer may designate to secure the deductible of a workers' compensation deductible insurance policy, and to establish reserves and recognition of receivables for insurers writing such policies. The Commissioner has not yet adopted regulations fulfilling this mandate.

Currently, except for the statutory authority set forth in Insurance Code Section 11736.5, there are no California laws specifically governing the collateral or security that an insurer issuing a workers' compensation deductible insurance policy may designate, or for the establishment of reserves and recognition of receivables for insurers writing such policies.

Effect of Proposed Action

The proposed regulations will specify rules applicable to collateral, accounting, and credit risk requirements for workers' compensation deductible policies as authorized by Insurance Code section 11736.5. The regulations will establish the acceptable forms of collateral that a workers' compensation deductible insurer may designate to collateralize the deductible portion of a workers' compensation deductible policy. Importantly, the regulations will specify the conditions under which certain collateral requirements will pertain to workers' compensation deductible policies. The regulations define the term high-deductible policy and specify the accounting method that must be used if the insurer chooses to not collateralize the deductible amount according to certain provisions of the regulations, including requirements as to how deductible amounts that are not so collateralized must be reported on insurers' financial statements. The regulations will also set forth a credit risk threshold that an insurer must meet as an alternative to collateralizing the deductible portion of the workers' compensation deductible policy or accounting for the unsecured deductible portion of the policy as required by these regulations.

Policy Statement Overview

In a workers' compensation deductible agreement, the insurer has an obligation to pay all workers' compensation benefits regardless of whether the insured meets its obligation to pay the deductible. Unlike other kinds of deductible insurance agreements, the insurer

makes the initial claim payments, then seeks reimbursement from the insured employer. If the insured fails to reimburse the insurer, the insurer must absorb the loss, which places the insurer at risk for insolvency. Indeed, a number of insolvencies were caused, at least in part, by insureds that failed to reimburse the insurer for the deductible. The proposed regulations will add financial requirements for insurers that participate in the workers' compensation deductible market, particularly for smaller insurers that are less able to withstand an insured's failure to reimburse them. The purpose of this regulations project is to establish collateral and financial reporting requirements for insurers that write workers' compensation deductible policies to decrease the risk of insurer insolvency.

In California's workers' compensation system, insurers are generally obligated to provide "first dollar" coverage, in that they must fund workers' compensation claims from inception, including medical and indemnity obligations incurred by the injured worker. (Insurance Code Section 11651.) This enables injured workers to receive the prompt payment of indemnity and medical benefits. Deductible workers' compensation policies are policies where the employer/insured is obligated to reimburse the insurance carrier for these up-front payments up to a previously agreed-upon deductible limit. For example, if a roofer falls and incurs \$2 million in medical costs and the employer-insured has a \$100,000 deductible policy, the insurer will first pay the claim in full (\$2 million) and then seek \$100,000 from the insured. These policies are structured this way so that the injured worker continues to receive his or her workers' compensation benefits without interruption and without regard to the source of funds. This is different from how deductible policies work in other lines of insurance, where the insured is responsible for the deductible amount and the insurer is only responsible for any loss amount that exceeds the deductible.

Current law does not provide any restrictions on the sale and use of workers' compensation deductible policies, other than for form filing and disclosure purposes. (See e.g. 10 Cal. Code of Regulations Section 2268, and Ins. Code Section 11735.) There are no laws specifically governing the manner in which an insurer must designate collateral or security to secure the deductible portion of a workers' compensation deductible policy, or for the establishment of reserves and recognition of receivables.

Insolvency issues may arise when one or more employers/insureds are unable to meet their reimbursement obligations, leaving the insurer to absorb the costs. In several past insolvencies, a single insured with a large deductible unexpectedly failed to meet their reimbursement obligations, often due to other financial

pressures, and overwhelmed their insurer's ability to absorb that obligation. In general, if the unpaid reimbursement resulting from one or more insolvent employer-insureds is too large for the insurer to absorb, this can cause the insurer, in turn, to become insolvent.

In the period from 2003 to 2018, there have been several prominent cases of insurer insolvency due, in part, to the irresponsible marketing, sale, and management of workers' compensation high-deductible policies. The failure of the claim reimbursement mechanism has been a significant factor in a number of insurer insolvencies stemming from the inadequate regulation of deductible workers' compensation policies. In a typical insolvency case, an insurer may inappropriately manage the collateral of a deductible policy, leaving it undercapitalized. When faced with a sudden and unexpected inability on the part of the employer-insured to reimburse the deductible, an insurer oftentimes finds that the collateral posted is insufficient to meet the employer-insured's obligations, which may then pose a serious insolvency risk. High-deductible policies pose an inordinate amount of risk because of the large sums involved. If an insured unexpectedly fails to reimburse the insurer, the insurer must continue to adjust, litigate, pay or manage the claims. As a result, the insurer's other capital and assets may quickly evaporate, especially if the insured has not posted sufficient collateral. In the most drastic cases, the insurer will go insolvent, leaving the California Insurance Guarantee Association (CIGA), or another state's guarantee association to bear the costs of administering claims. This may result in the imposition of monetary assessments on the remaining solvent insurers in the market.

These regulations will establish collateral and financial reporting requirements to stabilize the deductible workers' compensation insurance market and mitigate or manage future insolvencies. High-deductible policies can be useful for companies because they encourage insureds to strengthen safety practices to reduce claims and to further encourage the insured to return the injured worker to work more quickly. Employers/insureds can enjoy premium reductions, tax savings, and increased control over costs and workplace safety. The negative results, including insolvency, occur when either the insured or the insurer is inadequately collateralized, or faces other simultaneous financial hardship. Since the obligation for workers' compensation claims sometimes occurs long after an actual date of injury, it is difficult to predict with accuracy the extent and scope of an insurer's ultimate obligations. Further, the sum of the insurer's obligations is contingent upon reimbursement by the insured, and claims may arise when the insured is least able to reimburse their deductible obligations, which the insurer would then have to absorb. These reg-

ulations will provide the necessary structure to manage the risk.

The goal of these regulations is to provide reasonable, tailored guidelines for insurers writing such high-deductible policies, and reduce the risk of insolvency associated with them, without unnecessarily burdening responsible and well-capitalized insurers who write such policies. If an insurer fulfills the credit risk requirements as enunciated in these regulations, then it will not be required to comply with the other collateralization or accounting provisions in the regulations, although such an insurer may choose to do so.

If an insurer does not meet the credit risk requirements, it may still write deductible policies, but must either collateralize the deductible portion of its workers' compensation deductible policies according to rules set forth in the regulation, or report the uncollateralized portion as reserves (liabilities) in its financial statements.

If an insurer does not write deductible workers' compensation policies, then it will not be subject to the mandatory collateral, accounting and reporting, and credit risk requirements as established by these regulations.

These regulations serve an important purpose — to protect California insureds, their workers, and the insurance market. The regulations will promote fairness and social equity as well as improve the stability and transparency of the workers' compensation insurance market, such that only those insurers that are adequately prepared to bear the risks associated with high-deductible policies write such policies.

Benefits Anticipated

The anticipated benefits resulting from the adoption of the proposed regulations include the protection of public health, the promotion of fairness, the mitigation of insurer insolvencies, and an improvement in the stability of the workers' compensation insurance market. These regulations will prevent insurers from taking on inappropriate levels of risk which could ultimately be borne by CIGA and other, responsible solvent insurers.

There are at present no existing regulations specifically addressing the collateral or security that an insurer may designate to secure the deductible portion of a workers' compensation deductible policy, or for the establishment of reserves and recognition of receivables, despite the mandate established by Insurance Code Section 11736.5's enactment in 1994. The lack of regulation means that insurers wishing to compete in this industry have no regulatory guidance regarding how they may market, sell, or manage such policies. While responsible insurers are capable of appropriately assessing and managing their risks, there is little disincentive for an insurer wishing to undercut its competitors to col-

lect insufficient collateral, or to mask these contingent liabilities on its financial statements. The risk of insolvency is transferred from these insurers to CIGA directly, and other solvent insurers indirectly.

The proposed regulations will enhance protections to injured workers who depend upon the uninterrupted payment of indemnity and medical benefits. Insurers' compliance with the proposed regulations does not change the nature of existing job responsibilities of employees but will serve to maintain the continuity of workers' compensation benefits mandated by law. The proposed regulations will also benefit the health and safety of injured workers by giving insureds and insurers a clearer understanding of the meanings of terms, the conditions of use for workers' compensation deductible policies, and promote the health of employers, insurers and ultimately the workers' compensation system. This understanding will help to diminish the risk of insurer insolvencies, which could interrupt the payment of medical and indemnity benefits to claimants under the policies.

These proposed regulations will also fill gaps in the current law and provide clarity that will assist insurers in complying with the law and better prevent them from taking on excessive amounts of risk. The proposed regulations will foster consistency and benefit all insurers, as well as their insureds, by providing the needed guidance and common-sense rules to ensure the responsible writing of workers' compensation deductible insurance policies.

Consistency or Compatibility with Existing State Regulations

The proposed regulations are not inconsistent or incompatible with existing regulations. These proposed regulations specifically address the collateral or security that an insurer may designate to secure the deductible portion of a workers' compensation deductible policy, and the establishment of reserves and recognition of receivables, which no other state regulations do.

NOT MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law. There are no existing federal regulations or statutes comparable to these proposed workers' compensation deductible policy regulations as no federal statutes or regulations provide for the forms of collateral or security that an insurer may designate, or for the rules regarding the establishment of reserves and recognition of receivables, for use in connection with workers' compensation deductible policies.

OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue, and determined that there were no such requirements.

LOCAL MANDATE

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

FISCAL IMPACT

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

HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

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

The types of businesses that may be affected by the proposed regulations are workers' compensation insurers, and their insureds and customers. While insurers do not target any specific industry for sale of these products, some insurers indicate that they sell deductible policies typically to business services, airlines, retail, restaurants and dining, and health services employers. Generally, insurers sell these products to employers that are reflective of the labor market in California. The types of employers in California that purchase such products include manufacturing, farming/agricultural, construction, retail, educational and health services, forestry, professional and business services, trade, transportation and utilities, mining and logging, and the

leisure and hospitality industries. Most insurers simply evaluate the appropriateness of a specific employer to purchase these programs, which includes an evaluation of the risk that the employer will fail to make reimbursement payments to the insurer. These regulations may impact businesses due to the collateralization requirement. The accounting requirement is unlikely to directly affect businesses other than insurers.

The collateralization requirements apply to insurers, which will require their insureds to provide an approved asset to collateralize their deductible policies. The collateral requirements may be met by fully collateralizing its California deductible receivables owing under a workers' compensation deductible insurance policy, via one or more assets types: letter of credit; cash; security as defined in Insurance Code Section 1170; or surety bond. Alternatively, the collateral requirements may be met by fully collateralizing its multi-line deductible receivables owing under a workers' compensation deductible insurance policy, via one or more assets types: letter of credit; cash; security as defined in Insurance Code Section 1170; or surety bond. This may ultimately make workers' compensation deductible policies more expensive for certain employers.

The reporting requirements set forth in the proposed regulations will affect the insurer's financial statements, but not those of insureds. The reporting requirements are as follows: Insurers are required to account for deductible obligations under workers' compensation high-deductible policies as "reserves" (liabilities) on their financial statements, to the extent to which they fail to maintain collateral according to the requirements specified in the regulations.

The Department has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

1. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
2. Consolidation or simplification of compliance and reporting requirements for businesses.
3. The use of performance standards rather than prescriptive standards.
4. Exemption or partial exemption from the regulatory requirements for businesses.

**STATEMENT OF THE RESULTS OF THE
STANDARDIZED REGULATORY IMPACT
ANALYSIS (SRIA)****Creation of Jobs within California**

There is an estimated benefit of \$24 million, resulting in an estimated total of 420 jobs gained in California.

Elimination of Jobs within California

There is an aggregate projection of 106 jobs lost in California. The proposed regulations will likely have a minimal effect, a net gain of 314 jobs, on overall employment within the State of California. The regulation is expected to affect less than two-thousandths of a percent of the total nonfarm employment in California (i.e., $314/16,962,379 = 0.0019$ percent).

Creation of New Businesses within California

Similar to the impact on elimination of businesses discussed below, the regulation is only expected to impact larger businesses with more than 100 employees. The roughly commensurate monetary benefits are unlikely to significantly impact the creation of new businesses in California.

Elimination of Existing Businesses within California

Given that the total direct cost, including multi-state impacts, is estimated to be about \$24,900 (\$21.4 million / 859 firms) to an average impacted business with more than 100 employees, it is not anticipated that the proposed regulation will have a significant impact on the elimination of existing businesses in California.

Competitive Advantages or Disadvantages for Businesses Currently Doing Business within California

There is no impact expected on the competitive advantage or disadvantage for businesses currently doing business within the state resulting from the proposed major regulations because all insurers writing high-deductible policies for accounts with California exposure would be subject to the regulation.

Increase or Decrease in Investment in the State

Given the small cost related to obtaining collateral and that the relatively small increase in demand will likely be spread among many financial institutions, it is not expected that the regulation would impact the investment strategy of any business or financial institution in the state.

Incentives for Innovation in Products, Materials or Processes

By increasing the stability of the large deductible workers' compensation insurance market, the regulation may lead to innovation in worker safety policies and processes.

Benefits of the Regulations**Worker Safety and Environmental Effects:**

The proposed regulations will impact worker safety to the extent that they will help to avoid interrupted payments of medical and indemnity benefits for injured workers covered by a workers' compensation deductible insurance policy sold by an insurer that becomes insolvent. This serves to protect injured workers who depend upon the continuous payment of indemnity and medical benefits in order to recover from a work injury. Compliance with the proposed regulations does not change the nature of existing job responsibilities of employees in affected industries. The proposed regulations may also increase worker safety, as large deductible policies incentivize employers to implement worker safety programs and processes.

The Department has also concluded that there would be no environmental impacts resulting from these regulations.

Health and Welfare Effects:

The Department has determined that the proposed regulations will benefit the health and safety of injured workers because they will mitigate interruptions in the payment of workers' compensation medical and indemnity benefits. These regulations implement existing law, enhance clarity and minimize such a risk.

Summary of and Response to Department of Finance Comments**Department of Finance Comments:**

Thank you for submitting the standardized regulatory impact assessment (SRIA), Appendix to the SRIA, summary (Form DF-131), and proposed text of regulations for Workers' Compensation Deductible Policies, as required in California Code of Regulations, title 1, section 2002(a)(1). The following comments are based on these documents, as well as other publicly available information.

Proposed regulations increase capital and credit requirements for insurers offering high-deductible workers' compensation policies, which are estimated to increase costs to employers by around \$20 million annually but are expected to prevent one insurer insolvency every four years. Only large employers can purchase workers' compensation insurance with deductibles higher than \$100,000, and fewer than 900 out of the 6700 firms purchase high-deductible plans. Average costs are estimated to be around \$25,000, as employers may pay higher premiums or offer collateral on their deductibles for multi-state policies if cheaper. When an insurer fails, guaranty associations of the insurers must cover losses, and fewer insolvencies are expected to save around \$42 million annually, in addition to protecting workers whose compensation payments may be disrupted. The SRIA estimates only nine insurers will be

required to increase capital or take other measures, as most already meet the requirements.

Finance generally concurs with the methodology used by the Department to estimate impacts of proposed regulations. The SRIA identifies assumptions made and data sources used to estimate expected impacts, and clearly explains how this market works and how the regulations will affect businesses and insurers. The sensitivity analyses for key elements of additional collateral needed and the cost of that additional collateral, and the alternatives analysis are also well done. The one area where the analysis may benefit from further detail is in the description of how this proposed regulation protects workers, who would be the beneficiaries of a more stable and predictable insurance market.

These comments are intended to provide sufficient guidance to outline prospective revisions to the SRIA. The SRIA, a summary of Finance's comments, and any responses must be included in the rulemaking file that is available for public comment. Finance understands that the proposed regulations may change during the rulemaking process. If any significant changes to the proposed regulations result in economic impacts not discussed in the SRIA, please note that the revised economic impacts must be reflected on the Standard Form 399 for the rulemaking file submittal to the Office of Administrative Law. Please let us know if you have any questions regarding our comments.

Department of Insurance's Response to Department of Finance Comments:

As suggested by the Department of Finance, the Department of Insurance has provided further detail in the description of how the proposed regulations protect workers, who would be the beneficiaries of a more stable and predictable insurance market, in an addendum to its Standardized Regulatory Impact Analysis that is included in the rulemaking file.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Department is unaware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations. Insurers are the only entities that are required to comply with the regulation. There is no expected cost impact on insurers to comply with this regulation.

Businesses (employers) purchasing high-deductible policies from the insurer are not required to comply with the regulation; rather, it is the affected insurers who would be required to comply with the regulation, by requiring employers to post additional collateral. Thus, a small minority of employers (who would need

to post the additional collateral) would likely incur, on average, \$24,900 a year (\$21.4 million / 859 firms) in costs as an indirect result of the regulation, which represents the additional expense associated with securing the additional collateral that insurers would require them to post. Generally, however, employers would likely realize a monetary benefit of \$41.6 million per year in the aggregate, representing their avoidance of premium increases which, absent the regulations, would result from the higher guaranty fund assessments on insurers that would otherwise be necessary, owing to a higher number of insurer insolvencies.

BUSINESS REPORT

The Department finds that it is necessary for the health, safety or welfare of the people of the state that the regulation apply to businesses.

IMPACT ON SMALL BUSINESS

The Department has determined the proposed action will not directly affect small businesses since the regulations only apply to the conduct of insurers doing business in California and pursuant to Government Code Section 11342.610(b)(2), an insurer by definition is not a small business. Further, small businesses do not typically purchase this kind of product, as insurers require a substantial amount of financial contribution from prospective consumers in order for it to be a saleable product. Employers that are small businesses will be positively affected, however, because they may derive a benefit from the enforcement of the regulations through an overall strengthening in the solvency and stability of insurers.

This regulation will also indirectly affect employers who are currently purchasing high-deductible workers' compensation insurance policies. The Department expects that very few small businesses would be impacted by the proposed regulation. The one industry where small businesses could be impacted is manufacturing. For manufacturing, the law defines a small business as any business with fewer than 250 employees (Government Code section 11342.610(b)(10)), as opposed to the gross receipts threshold. Therefore, any manufacturing business with between 100 and 249 employees would qualify as a small business under that legal definition. Approximately 74 small manufacturing businesses (between 100 and 249 employees) are projected to need additional collateral in accordance with the new requirements. Conversely, 580 small manufacturing businesses (between 100 and 249 employees) would likely benefit from the proposed regulations by experiencing fewer rate increases due to guaranty fund assessments that previously would have been needed to cover the claims of insolvent insurers.

ALTERNATIVES INFORMATION

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which this 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 underlying Insurance Code section 11736.5.

CONTACT PERSON

The name and telephone number of the agency representative and designated contact person are listed above under "WRITTEN COMMENT PERIOD."

AVAILABILITY STATEMENTS

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

The file for this proceeding, which includes a copy of the express terms of the proposed action, the Initial Statement of Reasons, the Standardized Regulatory Impact Analysis, and all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

If the amended regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these amended regulations prior to adoption from the contact person listed above.

INTERNET ACCESS

Documents concerning proposed regulations are available on the Department's website at the following

link: www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653-2018-016-001-R4

Project: Stanislaus River Channel and Floodplain Salmonid Habitat Rehabilitation Project at Rodden Road
Location: Stanislaus County
Applicant: John D. Wikert, United States Fish and Wildlife Service

BACKGROUND

Project Location: The Stanislaus River Channel and Floodplain Salmonid Habitat Rehabilitation Project at Rodden Road (Project) is located at 8270 Rodden Road and 8282 Rodden Road, Oakdale, California, 95361; in the Stanislaus River approximately one mile upstream from the Highway 120 bridge; Township 2S, Range 10E, Section 11 M.D.B.&M.; 37° 46'52.20" N, 120° 50'13.60"; at properties owned by Samuel and Margaret Baker and Agnes Timmerman; Assessor Parcel Numbers (APN) 006-080-064, 006-080-088, and 006-080-089; and affects the Stanislaus River. The Stanislaus River supports populations of fall- and spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and California Central Valley (CCV) steelhead (*o. mykiss*).

Project Description: John D. Wikert (Applicant), representing the United States Fish and Wildlife Service (USFWS) proposes to enhance or restore habitat within the Stanislaus River to provide a net conservation benefit for fall- and spring-run Chinook salmon and CCV steelhead. The Project includes components to meet several goals, including long-term habitat restoration for Chinook salmon and steelhead populations in the Stanislaus River with habitat restoration including depositing and replenishing appropriate spawning substrate for these species, as well as recovering side channel and floodplain habitats that contribute to juvenile salmonid growth, maturation, and survival.

Applicant will remove sediment from the remnant side channel on the north side of the river and associated river terrace. Applicant will truck and dispose of sand and silt sized sediments off-site, and import coarse sediments to enhance and create three riffles for adult spawning. Applicant will grade and rehabilitate approximately 4.9 acres of perched floodplain and spawning riffles. Within the perched floodplain and remnant side channel, Applicant will re-grade a 3.8-acre area by one (1) to ten (10) feet in elevation, allowing it to inundate at flows greater than 1,000 cubic feet per second. Excavation will require no in-water work, as construction will occur when flows are lower than the features are designed to inundate. Applicant will revegetate disturbed areas, where vegetation is affected, with native species upon Project completion.

Project Size: The total area of ground disturbance associated with the Project is approximately 4.9 acres and 1,237 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) native vegetation plantings; (2) erosion control materials; and (3) sorted gravel.

Project Timeframes:

Start date: July 2018

Completion date: October 2021

Work window: July 15–October 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish habitat by reclaiming perched floodplain that will activate during the rearing period to support juvenile salmonid growth and survival, the Central Valley Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 5B50CR00085) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Swainson's hawk (*Buteo swainsoni*), bald eagle (*Haliaeetus leucocephalus*), San Joaquin kit fox (*Vulpes macrotis mutica*), and other fish and wildlife resources.

Receiving Water: Stanislaus River, tributary to the San Joaquin River.

Filled or Excavated Area:

Permanent area impacted: 0.42 acres

Temporary area impacted: 4.48 acres

Length temporarily impacted: 469 linear feet

Length permanently impacted: 768 linear feet

Discharge Volume: Approximately 1,362 cubic yards (cy) of gravel-sized rock; planting with native trees and shrubs (including up to 21 Fremont cottonwood (*Populus fremontii*)), 18 willow (*Salix spp.*), 9 oak (*Quercus spp.*), and 33 elderberry (*Sambucus nigra cerulea*)); hydroseeding and mulching areas of remaining fine sediment with native grasses; and erosion control materials along river banks as needed.

Project Location: Latitude 37° 46'52.20" N., Longitude 120° 50'13.60" W.; APNs 006–080–064, 006–080–088, and 006–080–089.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On May 14, 2018, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on May 17, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2018–0515–08) on May 25, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) the Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of

the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in the NOI, the Environmental Assessment for the Stanislaus River Channel and Floodplain Salmon Habitat Rehabilitation Project at Rodden Road, and the Vegetation Management Plan for the Stanislaus River Channel and Floodplain Salmon Habitat rehabilitation at Rodden Road.

MONITORING AND REPORTING

Monitoring Plan: Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant has submitted a Monitoring Plan dated June 2017 that includes monitoring implementation, effectiveness, and validation. The implementation monitoring will determine if the project was installed according to the design standards, through the assessment of hydrology, topography/bathymetry, sediment, and vegetation. The effectiveness monitoring will determine if the project was effective in recovering habitat conditions suitable to target species, by tracking a range of physical and biological traits before and after restoration to assess ecosystem function. The validation monitoring will determine if floodplain restoration projects recover productive habitat for juvenile salmonids and riparian vegetation, and is intended to improve understanding of the specific physical and biological mechanisms that drive salmon growth and habitat use.

Applicant will use a Before–After–Control–Impact (BACI) study design structure to test the differences between the restored and non–restored sites. Pre–project monitoring will provide baseline data on current channel extent, vegetation composition, physical and biological conditions (i.e., depth, flow, dissolved oxygen, invertebrates, sediment composition), presence of non–target species (i.e., birds, amphibians, etc.), and photo documentation of site conditions. The post–project monitoring will provide detailed information on physical and biological characteristics, including recruitment of native vegetation, fish use and diet composition, prey production, and various physical parameters (i.e., temperature, flow, dissolved oxygen) critical to habitat development.

Reporting Plan: Applicant provided a reporting plan to CDFW and agreed to provide the following reports: (1) a report after completion of the seasonal work peri-

od, that summarizes construction activities and construction monitoring results; (2) an Annual Monitoring Report that includes a summary of pre– and post–implementation monitoring data and a summary of fish and wildlife take; and (3) a Final Report following post–project monitoring that describes implementation, effectiveness, and validation monitoring data results such as topographic data, water quality, habitat quality, salmon utilization, fish communities, invertebrate assemblages, and vegetation surveys.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) be submitted by the Applicant no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- Photographs with a descriptive title;
- Date the photograph was taken;
- Name of the photographic site;
- WDID number and ECM PIN number indicated above; and
- Success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: R4LSA@wildlife.ca.gov.

PROJECT AUTHORIZATION

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by CDFW, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653-2018-017-001-R5

Project: Temescal Creek Hydromodification Removal Project
Location: San Diego County
Applicant: Rob Hutsel, San Diego River Park Foundation
Notifier: RECON Environmental, Inc.

BACKGROUND

Project Location: The Temescal Creek Hydromodification Removal Project (Project) is located at 5030 Eagle Peak Road, Julian, California at a property owned by The San Diego River Park Foundation, Assessor Parcel Number (APN) 289-180-10, and affects Temescal Creek, a tributary to the San Diego River. Temescal Creek supports populations of coast live oak (*Quercus agrifolia*), snowberry (*Symporicarpos albus*), poison oak (*Toxicodendron diversilobum*), and watercress (*Nasturtium officinale*).

Project Description: Rob Hutsel (Applicant) representing the San Diego River Park Foundation proposes to restore 26 linear feet of stream channel and adjacent native upland buffer areas through removal of a grouted rock fascia overcrossing that includes a circular corrugated metal culvert. The Project will also re-contour and restore native vegetation on the slopes. An excavator, bulldozer and loader (or other heavy equipment per contractor discretion) will remove the earthen overcrossing, stone fascia, and metal culvert and grade stream slopes to provide a continuous grade connecting upstream and downstream topography.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.15 acres and 26 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) con-

crete, (2) rock, cobbles, (3) sediment, and (4) straw wattles and silt fencing.

Project Timeframes:

Start date: May 2018
Completion date: September 2018
Work window: May–September 2018

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the San Diego Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 9000003294, Electronic Content Management Identification (ECM PIN) No. 846640 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to nesting raptor species and coast live oak.

Receiving Water: Temescal Creek, tributary to the San Diego River.

Filled or Excavated Area:

Permanent area impacted: none
Temporary area impacted: 0.152 acres maximum
Length temporarily impacted: 26 linear feet
Length permanently impacted: 0 linear feet

Dredge Volume: None.

Discharge Volume: 35 cubic–feet (cf) of concrete, 75 cf of rock cobbles, 1,000 cf of sediment and 1–5 straw wattles and silt fencing.

Project Location: Latitude 33.046956 N. and Longitude –116.655573 W., (NAD 83); APN: 28918010.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On May 17, 2018, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on May 22, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File

Number Z–2018–0521–01) on June 1, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order, and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4) include, but are not limited to, the following:

A qualified biologist will conduct preconstruction surveys for active raptor nests protected by the California Fish and Game Code 3503. A 500-foot nesting buffer for construction activities will be established if any nests are identified.

Prior to grading, Applicant shall salvage oak duff and stockpile the duff adjacent to the construction site for later use. A certified arborist shall oversee trimming of coast live oak trees to minimize potential impacts. Applicant shall install erosion control devices, apply stockpiled duff and salvaged coarse woody debris, and hand seed immediately following grading activities in order to reduce sediment erosion. Applicant may postpone the schedule due to seasonal and/or natural restrictions such as above-average rainfall that may pose sedimentation or other erosion risks. A minimum 5-year maintenance and monitoring period will help assure adequate function and establishment of vegetation and achieve erosion performance standards.

Applicant shall regularly monitor the restoration area to ensure effective control of non-native plant species. Applicant shall conduct treatment of non-native plant species under the supervision of a qualified project biologist (Project Biologist) to ensure the targeting of appropriate species. Maintenance staff familiar with and trained to distinguish non-native plant species from na-

tive species shall perform the non-native plant control. Applicant shall use species-appropriate eradication methods where applicable, such as hand removal, mechanical removal, and/or herbicide treatment, depending upon the species being targeted. Following implementation, Applicant shall perform non-native plant removal bi-monthly (or more often as determined necessary by the Project Biologist) in order to keep non-native plants from producing seeds and to avoid non-native plant competition during the establishment period of native plants. Applicant shall continue non-native plant control once a year during the entire five-year maintenance period.

MONITORING AND REPORTING

Monitoring Plan: The Project Biologist shall monitor implementation activities and be available on-site during best management practices installation, grading, and construction, to assist in making necessary field modifications and ensure compliance with all requirements of the resource agency permits. The Project Biologist shall review the restoration area to examine native shrub, annuals and grass germination from seed, and non-native plant species presence and/or encroachment. Records will include dates of implementation and plant establishment period and shall be included in the post-construction memorandum report. Applicant shall evaluate erosion and weed control after a 120-day period. If necessary, the Project Biologist shall coordinate with the restoration contractor to take corrective actions. The 5-year maintenance and monitoring program shall begin after the evaluation.

Reporting Plan: Within 45 days of successful completion of the installation and the initial 120-day evaluation, the Project Biologist shall submit a post-construction memorandum to the resource agencies documenting the completion of the installation phase and describing the “as-built” conditions of the restoration project, including a figure and GIS map showing the final limits of the restoration area. The Project Biologist shall also include photographs to document the site at the completion of the initial 120-day maintenance period. The post-construction memorandum shall include the date of initiation, USACE compliance summary, color photographs (including maps of photo points) taken at the restoration area before and after construction, “as-built” drawings of the entire restoration area, signed Certification of Compliance (USACE permit), and schedule for future monitoring and reporting. The Project Biologist shall compile a list of wildlife species observed and description of wildlife use within the restoration area during each qualitative monitoring visit and include the list in each annual report. Once a year, the Project Biologist shall take photographs and

conduct annual cross-section surveys to measure channel width to depth ratio, entrenchment ratio, and cross-sectional area.

The Project Biologist shall submit annual monitoring reports to the resource agencies within 30 days of the anniversary date of the completion of plant establishment. The annual report shall include survey methods, data summary analyses, performance standards comparison, remedial action discussion and recommendations, maps showing the restoration area, and photo-documentation. Beginning with Year 2, each annual report shall compare data findings across years, in order to assess achievement of the ultimate project goals. Adaptive management measures shall be addressed should outcomes deviate from those anticipated, requiring changes to the project to meet the ultimate goals. The Year 5 report shall summarize achievement of the project goals and document procedures and confirm final conditions for resource agency compliance.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a Notice of Completion (NOC) be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Document submittals shall be made electronically to: eric.hollenbeck@wildlife.ca.gov.

PROJECT AUTHORIZATION

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approvals issued by CDFW, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally,

Applicant must adhere to all measures contained in the approved NOA, and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF CORRECTION

The Occupational Safety and Health Standards Board published a Notice of Public Meeting and Business Meeting of the Occupational Safety and Health Standards Board in the June 1, 2018, edition of the California Regulatory Notice Register (Register 2018, No. 22-Z, Page 875).

On page 875 of the published Notice, under the headings "Public Meeting:" and "Business Meeting:" the meeting location address states "Harris State Building, 1515 Clay Street, Sacramento, California", even though the Harris State Building is located in Oakland, California. It should have stated "Harris State Building, 1515 Clay Street, Oakland, California", not Sacramento, California.

Any inquiries regarding this correction should be made to Ms. Sarah Money, Executive Assistant, by telephone at (916) 274-5721, by fax at (916) 274-5743, by email at smoney@dir.ca.gov, or by mail at Occupational Safety and Health Standards Board, Attn: Sarah Money, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting and Business Meeting:

PUBLIC

MEETING: On **August 16, 2018**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 26-Z

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS

MEETING: On **August 16, 2018**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE:

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2018-0507-01

BOARD OF EQUALIZATION

Agreements Qualifying Land for Assessment as Open-Space Lands

This action by the Board of Equalization amends regulations pertaining to agreements qualifying land for assessment as open-space lands.

Title 18

AMEND: 51

Filed 06/18/2018

Effective 10/01/2018

Agency Contact:

Christopher Mayfield

(916) 322-1923

File# 2018-0607-01

BOARD OF PHARMACY

Compounded Drug Preparations

This is the first readoption of the prior emergency action, OAL file no. 2017-1211-01E, that established procedures allowing pharmacists to extend the beyond-use date (BUD) of non-sterile compounded drug preparations and clarified BUD procedures for sterile compounded drug preparations.

Title 16

AMEND: 1735.2

Filed 06/18/2018

Effective 06/18/2018

Agency Contact: Lori Martinez

(916) 574-7917

File# 2018-0504-03

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST Basic Courses Test Management and Security Protocols

In this rulemaking, the Commission on Peace Officer Standards and Training (POST) is amending an incorporated by reference document, POST Basic Courses Test Management and Security to restrict the use of body cameras during the administration of confidential POST-developed test material. Additionally, POST adds information as to when an instructor is not able to proctor a POST-developed test. POST is also adding a secure web browser contract for online testing and clarifying when test material must be maintained in secure student files.

Title 11

AMEND: 1005, 1007, 1008, 1052

Filed 06/18/2018

Effective 07/01/2018

Agency Contact: Jennifer Hardesty (916) 227-3917

File# 2018-0516-06

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Assorted Parole Revisions

The California Department of Corrections and Rehabilitation amended and repealed regulations addressing parole.

Title 15

AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3

Filed 06/14/2018

Effective 10/01/2018

Agency Contact: Sarah Pollock (916) 445–2308

File# 2018–0503–02

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**
Health Care Grievances

This timely certificate of compliance action makes permanent the prior emergency actions, submitted as operationally necessary under Penal Code section 5058.3, which established a statewide Health Care Grievance Program and adopted two forms incorporated by reference. (See OAL File Nos. 2017–0626–02EON, 2018–0118–05EON.)

Title 15

ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12

Filed 06/13/2018

Effective 06/13/2018

Agency Contact: Julie Inderkum (916) 691–0697

File# 2018–0504–02

DEPARTMENT OF FOOD AND AGRICULTURE
Equine Medication Monitoring Program

This regular rulemaking action by the Department of Food and Agriculture increases the minimum penalties and fines for violations related to the Equine Medication Monitoring Program.

Title 3

AMEND: 1280.11

Filed 06/18/2018

Effective 06/18/2018

Agency Contact: Thami Rodgers (916) 698–3276

File# 2018–0501–04

DEPARTMENT OF INSURANCE
CAARP Simplified Rules and Rates Manual

This file and print action amends rates under five sub-lines of the California Automobile Assigned Risk Plan: (1) trucks, tractors, and trailers; (2) taxis, limousines, and van pools; (3) buses; (4) zone related risks; and (5) employers non-ownership liability. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620, subdivision (c),

and Government Code section 11340.9, subdivision (g).

Title 10

AMEND: 2498.5

Filed 06/13/2018

Effective 06/13/2018

Agency Contact: Michael Riordan (415) 538–4226

File# 2018–0502–06

DEPARTMENT OF JUSTICE

Department of Motor Vehicles

This action, submitted by the Department of Justice pursuant to Government Code section 11343.8, is a request to file with the Secretary of State the bond form of the Department of Motor Vehicles titled, “Private Carrier of Passengers Liability Bond,” and to print the title of the adopted bond form at Article 20, section 51.32.

Title 11

ADOPT: 51.32

Filed 06/13/2018

Effective 06/13/2018

Agency Contact: Cara M. Porter (415) 510–3508

File# 2018–0613–02

DEPARTMENT OF SOCIAL SERVICES

Home Care Services Consumer Protection Act

The emergency regulations being readopted in this action (first adopted in action no. 2017–1215–01EFP) implement the Home Care Services Consumer Protection Act (AB 1217, stats 2013, ch. 790), and are exempt from OAL review pursuant to section 1796.63, subdivision (c), of the Health and Safety Code. These regulations ensure that the home care services industry has a clear understanding of the responsibilities of applying for Home Care Organization (HCO) licensure, operating requirements, and the requirement for biennial visits. Additionally, these regulations provide guidelines and standards for Home Care Aides (HCAs) who are either affiliated with HCOs or choose to apply for licensure independently.

Title 22

ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211

Filed 06/20/2018

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 26-Z

Effective 06/29/2018

Agency Contact: Kenneth Jennings (916) 657-2586

File# 2018-0502-03

ENVIRONMENTAL PROTECTION AGENCY

Implementation of the Unified Program

This rulemaking action by the California Environmental Protection Agency amends sections and adopts one Appendix to revise, reorganize, and update the unified hazardous waste and hazardous materials management regulatory program (Unified Program).

Title 27

AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15320, 15330, Appendix A, Appendix B, Appendix C

Filed 06/14/2018

Effective 07/01/2018

Agency Contact: John Paine (916) 327-5092

File# 2018-0524-02

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Proposed Revision of CCORP Data Elements

The Office of Statewide Health Planning and Development (Office) proposed this action to update regulations that establish data elements reported by hospitals to the Office in the California Coronary Artery Bypass Graft Outcomes Reporting Program. The updated data elements conform to the national Society of Thoracic Surgeons database, improve risk analysis and outcomes reporting, and are applicable to all hospitals reporting CABG patients discharged on or after January 1, 2018.

Title 22

AMEND: 97174, 97177.25

Filed 06/20/2018

Effective 07/01/2018

Agency Contact: Holly Hoegh (916) 326-3868

File# 2018-0507-02

PYSICIAN ASSISTANT BOARD

Sponsored Free Health Clinics

This action by the Physician's Assistant Board repeals regulations relating to Sponsored Free Health Care Events, Requirements for Exemption. These sections were adopted to implement Business and Professions Code section 901, which was repealed by its own terms on January 1, 2018.

Title 16

REPEAL: 1399.620, 1399.621, 1399.622, 1399.623

Filed 06/14/2018

Agency Contact: Anita Winslow (916) 561-8782

File# 2018-0509-03

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
CalPERS Board of Administration Elections

In this regular rulemaking action, the California Public Employees' Retirement System amends the Board's election process to require voters to sign a perjury statement on the reverse side of the return envelope, rather than on the ballot itself, to certify that the voter is eligible to vote.

Title 2

AMEND: 554.7

Filed 06/19/2018

Effective 06/19/2018

Agency Contact: Anthony Martin (916) 795-9347

File# 2018-0508-01

STATE WATER RESOURCES CONTROL BOARD

LA Region Basin Plan Salt & Nutrient Management for Upper Santa Clara Basin

This action amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan). On December 8, 2016, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R16-008 to incorporate groundwater quality management measures for salts and nutrients in the Upper Santa Clara River Groundwater Basin in Chapter 8 of the Basin Plan. The State Water Resources Control Board approved the amendments under Resolution 2017-0028 on May 16, 2017.

Title 23

ADOPT: 3939.54

Filed 06/19/2018

Effective 06/19/2018

Agency Contact: Ginachi Amah (213) 576-6685

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN January 17, 2018 TO June 20, 2018

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 1

05/21/18 AMEND: 44

Title 2

06/19/18	AMEND: 554.7	02/13/18	AMEND: 11034
05/17/18	ADOPT: 11027.1 AMEND: 11028	02/07/18	AMEND: 56800
05/16/18	ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165	01/23/18	AMEND: 59530
05/16/18	ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165	01/18/18	AMEND: 18351 (Renumbered 20236), 20249.5 (Renumbered 20237), 20250 (Renumbered 20238), 20255 (Renumbered 20250), 20258 (Renumbered 20240), 20260 (Renumbered 20241), 20261 (Renumbered 20242), 20265 (Renumbered 20251), 20266 (Renumbered 20252), 20267 (Renumbered 20253) REPEAL: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20215, 20245, 20249, 20251, 20252, 20253, 20254, 20256, 20257, 20259, 20262
05/09/18	AMEND: 321		
05/09/18	AMEND: 11034		
04/25/18	AMEND: 18401		
04/25/18	AMEND: 18450.1		
04/23/18	ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5		
04/16/18	AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1		
04/12/18	AMEND: 1859.2, 1859.81		
04/04/18	AMEND: 41000		
04/02/18	ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 548.120, 548.120.1, AMEND: 249, 266, 266.1, 266.2, 266.3, 548.121, 548.122, 548.123, 548.124		
04/02/18	AMEND: 38000, 38000.5, 38000.10		
03/20/18	AMEND: 18746.1, 18746.4		
03/20/18	AMEND: 18746.3		
03/20/18	REPEAL: 18901		
03/14/18	ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217		
03/12/18	AMEND: 586.1(a)		
03/12/18	ADOPT: 599.855		
03/08/18	ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027		
02/27/18	AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9, 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4, 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.15, 1183.16, 1183.17, 1184.1, 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2, 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5		
02/22/18	AMEND: 58100	05/30/18	AMEND: 3439(b)
02/22/18	AMEND: 59800	05/24/18	AMEND: 3439(b)
02/13/18	AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4	05/24/18	AMEND: 6502
02/13/18	AMEND: 18535	05/18/18	AMEND: 3439(b)
02/13/18	AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3	04/30/18	AMEND: 3439(b)
		04/04/18	AMEND: 3591.15
		03/27/18	AMEND: 3439(b)
		03/26/18	AMEND: 3439(b)
		03/13/18	AMEND: 3591.15
		03/01/18	AMEND: 6628
		02/27/18	AMEND: 3439(b)
		02/16/18	AMEND: 3439(b)
		02/12/18	AMEND: 6000, 6739
		01/29/18	AMEND: 3439(b)
		01/29/18	AMEND: 3439(b)
		01/25/18	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
		01/24/18	AMEND: 2
		01/22/18	AMEND: 3439(b)
		01/18/18	AMEND: 3439(b)

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 26-Z

Title 4

05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
05/17/18 AMEND: 12590
05/15/18 AMEND: 12204, 12220, 12238, 12560
04/30/18 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10
04/10/18 AMEND: 10179
04/09/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
03/29/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
03/22/18 AMEND: 1699
03/15/18 ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2
03/13/18 AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700
03/05/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
02/23/18 ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
02/22/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 REPEAL: 10325.5
02/21/18 AMEND: 1865
02/21/18 AMEND: 1689, 1689.1
02/15/18 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
01/25/18 AMEND: 1685, 1688
01/24/18 ADOPT: 4002.10, 4206, 4207 AMEND: 4001, 4200, 4201
01/17/18 AMEND: 12386, 12391, 12566

Title 5

06/07/18 AMEND: 19810

05/18/18 ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310
05/08/18 AMEND: 75020
04/30/18 AMEND: 41906.5, 41906.6
04/30/18 AMEND: 42909
02/26/18 ADOPT: 71396
02/20/18 ADOPT: 11526 AMEND: 11520, 11524, 11525
02/20/18 ADOPT: 11534.1 AMEND: 11530, 11533, 11534
01/29/18 AMEND: 19810
01/29/18 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901
01/25/18 ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8
01/22/18 AMEND: 27000

Title 8

05/30/18 AMEND: 1618.1
05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773
05/08/18 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090,

	95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330		5516, 5517, 5518, 5519, 5520, 5521, 5522
05/08/18	AMEND: 9789.31, 9789.32, 9789.39	04/11/18	ADOPT: 118.1
04/27/18	AMEND: 9789.25	04/03/18	AMEND: 51.26
03/19/18	AMEND: 344.18	04/03/18	ADOPT: 51.30
03/09/18	ADOPT: 3345	03/29/18	AMEND: 2021
02/27/18	ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893	03/13/18	AMEND: 1045
02/07/18	ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6	03/07/18	AMEND: 115.1
01/24/18	REPEAL: 16410, 16411, 16412, 16413, 16414	03/07/18	AMEND: 115.2
		03/07/18	AMEND: 115.3
		03/07/18	AMEND: 115.4
		03/07/18	AMEND: 115.5
		02/27/18	AMEND: 1951, 1953, 1954, 1955, 1956, 1959, 1960
		02/22/18	AMEND: 1009
		02/22/18	AMEND: 1001, 1005, 1008
		02/22/18	ADOPT: 80.4
		01/30/18	AMEND: 20
		01/29/18	ADOPT: 26.20
Title 13			
		06/12/18	ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264
		05/30/18	ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06
		05/07/18	AMEND: 423.00
		04/26/18	AMEND: 1153
		04/18/18	AMEND: 1151.9.1
		03/12/18	AMEND: Appendix (Article 2.0)
		02/27/18	ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269
		02/26/18	ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28
			AMEND: 227.02, 227.04, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54
		02/15/18	AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06 renumbered as 206.06, 170.08 renumbered as 206.08, 170.10 renumbered as 206.10, 170.12 renumbered as 206.12, 171.00 renumbered as 206.20, 171.02 renumbered as 206.22, 172.00 renumbered as 206.30, 172.05 renumbered as 206.35, 172.10 renumbered as 206.40, 173.00 renumbered as 206.50, 173.02 renumbered as 206.52, 173.04
Title 11			
06/18/18	AMEND: 1005, 1007, 1008, 1052		
06/13/18	ADOPT: 51.32		
06/05/18	AMEND: 1005, 1007, 1008		
06/05/18	ADOPT: 49.18		
05/21/18	ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515,		

	renumbered	as	206.54,	173.06		REPEAL: 2449.2, 2449.3, 2449.5, 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
	renumbered	as	206.56,	173.08		ADOPT: 2240 REPEAL: 2240
	renumbered	as	206.58,	174.00		AMEND: 3016, 3315
	renumbered	as	206.60,	180.00		ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
	renumbered	as	206.62,	180.02		ADOPT: 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9 AMEND: 3349
	renumbered	as	206.64,	181.00		ADOPT: 3999.24
02/13/18	renumbered as 206.66					AMEND: 1006, 1062
02/01/18	02/13/18 AMEND: 553.70					ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12
01/25/18	02/01/18 AMEND: 1212.5, 1218, 1239, 1264					
	01/25/18 AMEND: 1152.3					
Title 14						
06/07/18	AMEND: 1760, 1774, 1774.1, 1774.2					
05/24/18	ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803					
05/16/18	AMEND: 131					
05/16/18	AMEND: 131					
05/10/18	ADOPT: 29.11					
05/09/18	AMEND: 18660.5, 18660.10, 18660.21, 18660.34					
05/01/18	ADOPT: 650 AMEND: 703 REPEAL: 650					
04/24/18	AMEND: 131					
04/19/18	AMEND: 4800					
04/02/18	AMEND: 265					
04/02/18	ADOPT: 749.9					
03/29/18	AMEND: 29.15					
03/27/18	AMEND: 1038, 1299.03, 1666.0					
03/02/18	AMEND: 120.7, 705					
03/02/18	ADOPT: 197					
02/27/18	ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11, 1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50, 8.00 REPEAL: 1.60					
02/27/18	AMEND: 150, 150.02, 150.03, 705					
02/22/18	ADOPT: 131					
02/20/18	AMEND: 13800					
02/07/18	AMEND: 3697, 3698, 3699					
02/06/18	AMEND: 1038					
01/25/18	AMEND: 1038					
Title 15						
06/14/18	AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3					
06/13/18	ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12					
06/07/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1					
05/15/18	AMEND: 3000, 3030, 3190, 3269					
05/01/18	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 2449.6, 2449.7, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), and 3044					
					05/15/18	AMEND: 1399.395
					04/20/18	AMEND: 1749

03/19/18	AMEND: 4422	30805, 30806, 30807, 30808, 30809,
03/14/18	AMEND: 1805.1, 1811	30810, 30811, 30812, 30813, 30814,
03/05/18	AMEND: 2070, 2071	30815, 30816, 30817, 30818, 30819,
03/01/18	AMEND: 9.1, 12, 12.1, 12.5, 15.1, 16, 19, 20, 43, 45, 87.9	30820, 30821, 30822, 30823, 30824,
01/25/18	ADOPT: 1715.65	30825, 30826, 30827, 30828, 30829,
01/17/18	AMEND: 1760	30830, 30831, 30832
01/17/18	AMEND: 420.1 REPEAL: 424.5	
Title 17		03/19/18
06/07/18	AMEND: 30400, 30413, 30417, 30418, 30419, 30420, 30427.2 (re-numbered to 30427), 30435, 30442, 30443, 30447, 30461, 30467	ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35059, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5310, 5311, 5312, 5331, 5335, 5335.4, 5335.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, 5338.6, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256, 5333, 5333.4, 5333.6
Title 18		Title 20
06/18/18	AMEND: 51	05/29/18
05/08/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804,	ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505
03/01/18	ADOPT: 1685 AMEND: 1680, 1681, 1682, 1683, 1684	03/01/18
01/30/18	ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4, 1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6 (renumbered from 4.5), 6.3, 7.2, 7.3, 7.6, 8.1, 8.2 (renumbered from 8.3), 8.4, Article 9 (title), 9.4, 9.6 (renumbered from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12, 13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1,	

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05/29/18 ADOPT: 1314, 1353 AMEND: 1302,
1304, 1306, 1308, 1344, 2505
03/01/18 ADOPT: 1685 AMEND: 1680, 1681,
1682, 1683, 1684
01/30/18 ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4,
1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6
(renumbered from 4.5), 6.3, 7.2, 7.3, 7.6,
8.1, 8.2 (renumbered from 8.3), 8.4,
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from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12,
13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1,

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15.3, 16.1, 16.2, 17.1 REPEAL: 8.2, 8.6, 9.6, 9.7	05/24/18	AMEND: 3946, 3949.13, 3949.14
01/25/18 AMEND: 1602, 1605.3, 1606	05/03/18	ADOPT: 2910.1 REPEAL: 2910.1
Title 21	04/19/18	ADOPT: 3949.14
05/15/18 AMEND: 1575	04/16/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
Title 22	03/29/18	AMEND: 595
06/20/18 AMEND: 97174, 97177.25	03/26/18	AMEND: 315, 316
06/20/18 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211	03/08/18	ADOPT: 3909.6
05/09/18 AMEND: 97212, 97240, 97241, 97246, 97249	02/22/18	AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5 (renumbered to 638.5), 700.6 (renumbered to 638.6)
04/26/18 ADOPT: 69511.2 AMEND: 69511	01/24/18	ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6
04/12/18 AMEND: 7000	Title 25	
04/10/18 AMEND: 20000	06/04/18	ADOPT: 6932 REPEAL: 6932
03/01/18 AMEND: 2706–5, 2706–7	01/18/18	AMEND: 10001
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01/24/18 AMEND: 97177.10, 97177.67, 97177.70	06/14/18	AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15320, 15330, Appendix A, Appendix B, Appendix C
Title 22, MPP	06/07/18	AMEND: 27001
05/09/18 AMEND: 35015, 35017, 35019	05/09/18	AMEND: 25705
04/11/18 AMEND: 101215.1, 101216.1, 101416.2	04/06/18	AMEND: 25705
03/13/18 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190	02/05/18	AMEND: 25705
Title 23	02/01/18	AMEND: 27000
06/19/18 ADOPT: 3939.54	01/29/18	AMEND: 27001
06/11/18 AMEND: 2924	Title MPP	
	06/12/18	AMEND: 22–001, 22–003, 22–004, 22–009, 22–045, 22–050, 22–051, 22–054, 22–062, 22–065, 22–069, 22–071, 22–072, 22–073, 22–085
	01/17/18	AMEND: 47–260
	01/17/18	AMEND: 46–430