



California Regulatory Notice Register

REGISTER 2016, NO. 41-Z

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OCTOBER 7, 2016

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- Central Valley Financing Authority
- Sacramento Cogeneration Authority Number 1
- Sacramento Municipal Utility District Financing Authority
- Sacramento Power Authority
- Delano-Earlimart Irrigation District

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Sacramento Municipal Utility District
Central Valley Financing Authority
Northern California Gas Authority Number 1
Sacramento Cogeneration Authority
Sacramento Municipal Utility District
Financing Authority
Sacramento Power Authority
Delano-Earlimart Irrigation District

A written comment period has been established commencing on October 7, 2016, and closing on November 21, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than November 21, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 2, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 29, 2016.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 21, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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

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

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

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

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

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

fruit and nursery stock production is located outside this proposed quarantine area boundary.

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

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

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

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

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

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

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Fresno County by approximately 132 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,431 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are 13 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

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

Small Business Determination

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

Significant effect on housing costs: None.

CONTACT

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on June 1, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 28, 2016.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 21, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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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.

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

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

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

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

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

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

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

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

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Kern County by approximately 36 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area that would be under regulation is now approximately 54,299 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in

the affected area. There are 13 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

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

TITLE 10. DEPARTMENT OF INSURANCE

REG-2016-00021

October 7, 2016

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING ON REVISIONS TO CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations and Simplified Rules and Rates Manual.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

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

HEARING DATE AND LOCATION

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

Date and Time: December 6, 2016
10:00 a.m.
Location: Department of Insurance
Hearing Room
45 Fremont Street 22nd Floor
San Francisco, CA 94105

ACCESS TO HEARING ROOM

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

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

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

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

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108
Facsimile: (415) 904-5490

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

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 6, 2016**. Any written materials received after that time will not be considered. Written comments may

also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

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

California Department of Insurance
Office of the Public Advisor
45 Fremont Street 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 16-03

CAARP offers producer certification for both individual producers and agencies. At the time an agency requests certification, they are required to identify producers affiliated with their agency. However, each producer is also required to apply for individual CAARP producer certification. Currently, the producer certification provisions do not define producer affiliation or provide direction for disciplinary action, if necessary, against an agency and its affiliated producers.

CAARP proposes, when applying for agency certification, the producer must provide a list of those producers affiliated with the agency. On an ongoing basis, the producer must advise the Plan of any changes to that list. Each individual producer must include the name of any agency with whom they are affiliated on their producer certification application.

If a producer is referred to the Producer Peer Review Subcommittee for investigation, affiliated producers may also be subject to review. The presumption of affiliation may be rebutted by the producer. If a producer's certification is suspended or revoked, affiliated producers may be subject to the same sanction.

CA 16-04

The premium deposit requirement of 25% of the estimated annual policy premium for new applications may no longer be adequate because it has been in effect for over 30 years. The minimum deposit per vehicle or power unit for the Extra Heavy Trucks and Truck Tractors category that has been in effect since 2008 has not been updated to reflect subsequent rate changes.

CAARP proposes increasing the minimum deposit for applications based on the estimated annual premium from 25% to 40%. Increasing the minimum deposit per vehicle or power unit for Extra Heavy Trucks and Truck Tractors from \$2,000 to \$5,000. A deposit based on this method should more accurately reflect the current rates and reduce the likelihood of a deposit shortfall. For renewals policies, the minimum deposit will be 40% of the annual policy premium, consistent with the deposit requirement for new applications.

More adequate deposit premiums submitted with CAIP applications will reduce the number of policies cancelling with uncollectible earned premiums that are charged-off by the servicing carrier.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

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

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

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

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state

agency and no cost or savings in federal funding to the state.

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

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

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

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

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

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

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

FINAL STATEMENT OF REASONS

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

ACCESS TO RULEMAKING FILE

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

AUTOMATIC MAILING

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original

text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 10. DEPARTMENT OF INSURANCE

REG-2016-00022

October 7, 2016

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING ON REVISIONS TO CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations and Simplified Rules and Rates Manual.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

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

HEARING DATE AND LOCATION

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

Date and Time: **December 6, 2016 10:00 a.m.**
Location: **Department of Insurance Hearing Room 45 Fremont Street 22nd Floor San Francisco, CA 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons

with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON

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

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

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108
Facsimile: (415) 904-5490

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

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 6, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in

California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

CA 16-05

Private Passenger Application

A new Office Use field is introduced at the top of page one. The EASi system will print the producer's license number, the applicant's name, the EASi reference number, the transmission date, and, if applicable, the method of electronic payment. Based on the electronic payment method chosen, the system will print applicant/Echeck, credit/debit card, or producer sweep. The fax number for the producer to upload the signed application and supporting documentation will also print.

Section 1 — Producer of Record (Page 1): The field for the producer's tax identification number or social security number is deleted for security reasons.

Section 3 — Applicant (Page 1): This field has been expanded to include a new mobile telephone number.

Mailing Information (Page 8): Mailing instructions and the Plan mailing address have been relocated from Page 1 to Page 8.

CA 16-06

Commercial Application

A new Office Use field is introduced at the top of page one. The EASi system will print the producer's license number, the applicant's name, the EASi reference number, and the transmission date.

Section 1 — Producer of Record (Page 1): The field for the producer's tax identification number or social security number is deleted for security reasons.

Section 3 Applicant (Page 1): This field has been expanded to include a new field for a mobile telephone number.

Section 10.b. — Rejection of Uninsured Motorist Coverage (Page 5): On the applicant's signature line, separate lines are provided to insert the Date and Hour.

Mailing Information (Page 9): Mailing instructions and the Plan mailing address have been relocated from Page 1 to Page 9.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

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

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

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

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

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

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

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

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

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

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

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addi-

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

FINAL STATEMENT OF REASONS

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

ACCESS TO RULEMAKING FILE

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

AUTOMATIC MAILING

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

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

TITLE 10. DEPARTMENT OF INSURANCE

REG-2016-00020

October 7, 2016

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING ON REVISIONS TO THE CALIFORNIA LOW COST AUTOMOBILE PLAN PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("LCA") Plan of Operations.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

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

HEARING DATE AND LOCATION

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

Date and Time: December 6, 2016
10:00 a.m.
Location: Department of Insurance
Hearing Room
45 Fremont Street 22nd Floor
San Francisco, California 94105

ACCESS TO HEARING ROOM

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

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to

the public comment deadline. Comments should be addressed to the contact person for this proceeding:

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

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108
Facsimile: (415) 904-5490

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

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 6, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

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

California Department of Insurance
Office of the Public Advisor
45 Fremont Street 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

LC-16-04

Currently, installment payments, additional premium payments, and renewal deposit premiums must be submitted to the insurer by the insured's check, producer's trust account check, certified check, bank check, or money order payable to the assigned insurer. Insureds and producers do not have the convenience of making payments electronically via debit or credit cards. Insurers writing and servicing Low Cost auto policies should provide a means to accept payment electronically by debit or credit card.

CAARP proposes regulations that would allow payment methods for installment payments, additional premium payments, and renewal deposit premiums are expanded to include an electronic payment option which is available through the assigned insurer.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

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

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

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

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state

agency and no cost or savings in federal funding to the state.

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

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined the proposal will include a fee to process the electronic transaction.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not impact housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not impact small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that the proposal will require no specific technologies or equipment.

ALTERNATIVES

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

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

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

FINAL STATEMENT OF REASONS

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

ACCESS TO RULEMAKING FILE

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

AUTOMATIC MAILING

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

**AVAILABILITY OF MODIFIED TEXT
OF REGULATIONS**

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

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2016-00023

October 7, 2016

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING ON
REVISIONS TO CALIFORNIA LOW COST
AUTOMOBILE PLAN PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile (“LCA”) Plan Plan of Operations.

**AUTHORITY TO ADOPT RULES AND
PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

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

**Date and
Time:** **December 6, 2016
10:00 a.m.**
Location: **Department of Insurance
Hearing Room
45 Fremont Street 22nd Floor
San Francisco, California 94105**

ACCESS TO HEARING ROOM

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

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

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

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

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street 21st Floor
San Francisco, CA 94105
gallagher@insurance.ca.gov
Telephone: (415) 538-4108
Facsimile: (415) 904-5490

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

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 6, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regula-

tions, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street 21st Floor
San Francisco, CA 94105
Telephone: (415) 538–4190

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

LC 16–05

A new Office Use field is introduced at the top of page one. The EASi system will print the producer’s license number, the applicant’s name, the EASi reference number, the transmission date, and, if applicable the method of electronic payment. Based on the electronic payment method chosen, the system will print applicant/Echeck, credit/debit card, or producer sweep. The fax number for the producer to upload the signed application and supporting documentation will also print. A new item is also provided to confirm whether a motor vehicle was retrieved and print appropriate advice for the insurer.

Eligibility Requirements (Page 1): The Low Cost Program eligibility requirements have been relocated to new Page 8.

Section 1 — Producer of Record (Page 1): The field for the producer’s tax identification number or social security number is deleted for security reasons.

Section 2 — Applicant (Page 1): This field has been expanded to include a new field for a mobile telephone number.

Mailing Information (Page 6): Mailing instructions and the Plan mailing address have been relocated from Page 1 to Page 6.

LC 16–06

When an insured’s policy cancels for nonpayment of outstanding premium or if the insured’s policy expires because the renewal deposit was not submitted on a timely basis, the consumer must re–apply to the Program for coverage and provide proof of eligibility. The producer completes a Low Cost application and submits the deposit and supporting documentation. The as-

signed insurer processes the new application and issues a policy.

CA Ins. Code § 11629.77(c) requires that the CAARP Advisory Committee develop a procedure that would allow consumers to reinstate all Low Cost auto policies that have cancelled for nonpayment premium. Such policies include those cancelled for outstanding premium payments, as well as policies that have expired because the renewal deposit was not submitted on a timely basis.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

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

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

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

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

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

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

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no ef-

fect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

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

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

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

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying,

and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

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

ACCESS TO RULEMAKING FILE

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

AUTOMATIC MAILING

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

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

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

I. NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to adopt Sections 26.01 and 26.02 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to commercial driver's licenses and commercial learner's permits.

- **Public Hearing:** A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.
- **Deadline for Written Comments:** Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **November 21, 2016**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.
- **Authority and Reference:** The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651 and 15250, in order to implement, interpret, or make specific Vehicle Code sections 12505, 12809, 15250 and Sections 383.71 and 383.73 in Title 49, Code of Federal Regulations.

II. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) licenses motor vehicle drivers in California, including commercial motor vehicle drivers. Vehicle Code section 15250 prohibits a person from operating a commercial motor vehicle unless that person has in his or her possession a valid commercial driver's license of the appropriate class and has satisfied all other requirements for licensure in the federal regulations contained in Part 383 of Title 49, Code of Federal Regulations (CFR).

Part 383 contains commercial driver's license standards and issuance requirements. License holders must,

among other things, be 18 years of age or older, hold a valid automobile driver's license, successfully complete a general knowledge test, and certify that he or she is not disqualified from commercial vehicle operation under state laws. Section 383.73 in Title 49, CFR, requires that each state have minimum standards for the licensing of commercial drivers, including requiring an applicant to provide proof of his or her United States citizenship or lawful permanent residency, and proof that he or she has residency in the issuing State. In 2013, Part 383 was amended to require that a commercial learner's permit holder meet virtually the same requirements as those for a commercial driver's license holder.

Vehicle Code section 15250(f) authorizes the department to select implementation dates for the various portions of the federal regulations as are necessary for an orderly implementation of the many provisions established by federal law and adopted in Vehicle Code section 15250. Effective July 8, 2015, federal standards require commercial driver's license applicants and commercial learner's permit applicants to provide proof of U.S. citizenship or lawful permanent residency. Section 383.71 provides a list of documents that establish citizenship or lawful permanent residency. This proposal clarifies the federal standard by including validity dates and form numbers that identify the actual citizenship documents the department will accept with an application.

In addition, Section 383.71 in Title 49, CFR requires applicants to provide acceptable proof of residency. Acceptable proof is described as a document such as a tax document with the person's name and residential address within the state. Federal rules defer to the states to identify specific documents that are acceptable to establish proof of residency. This action adopts Section 26.01(b) to identify documents that the department has determined are sufficient proof of California residency. The documents identified in Section 26.01(b) are likely to be readily accessible or could be obtained relatively easy for little to no money. Applicants will need to bring one of the listed documents to a field office in order to obtain a commercial driver's license or permit, or to renew, transfer, or upgrade any commercial driver's license.

Last, these federal standards allow states to retain a record of their review of a citizenship document so that licensees seeking renewal, transfer or upgrade need not reproduce the citizenship document at that time. There is no similar process regarding a residency document. This proposal clarifies that only the residency document must be presented to the department upon renewal, transfer or upgrade of an existing license if the licensee's record at the department notes the prior review of the citizenship document.

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

Beginning in the 1980's, and continuing, federal law has addressed the regulation of commercial drivers in order to improve safety on the nation's roadways. One of the recommendations arising from these efforts was a need for stricter identification of license applicants, and more reliable proof that the applicant was a resident of the issuing state. Prior standards led to some drivers obtaining commercial driver's licenses through fraud in jurisdictions with weak requirements, and transferring that license to several other states in order to hide traffic violations. Many states have implemented enhanced citizenship and residency documentation requirements that seek to eliminate those fraudulent practices.

Based on the decades-long national effort to improve safety of highway travel affected by commercial vehicles, the department intends to continue to improve overall highway safety with this action to adopt rules consistent with the federal standard related to acceptable citizenship and lawful permanent residency documents, and identify documents acceptable in California to establish residency. The current regulations for drivers' licenses in Article 2.1 of Title 13 are not as restrictive as the federal commercial driver's license rule.

The Federal Motor Carrier Safety Administration (FMCSA) monitors California and all states that receive federal transportation funds to assure state standards are consistent with federal requirements. FMCSA has the authority to decertify a state's commercial driver license (CDL) program if the state is not compliant with federal regulations, rendering a state ineligible for Motor Carrier Safety Assistance Program grants, federal highway funds, and the ability to issue a CDL. Without adopted regulations, the state's federal funding at risk should FMCSA auditors conclude the lack of such standards contributes to California not being in substantial compliance with federal standards.

Effect of the Proposed Rulemaking

This action ensures commercial driver's licenses are only issued to U.S. citizens or legal U.S. residents who also are residents of California.

Anticipated Benefits and Broad Objectives of the Proposal

This proposed action will bring California into compliance with the federal citizenship and residency standards required for commercial drivers' licenses by requiring specific documentation be produced at the time of application, and at the time of renewal, upgrade or transfer. Ensuring compliance with federal standards

reduces the likelihood that federal funding will be adversely impacted.

The department anticipates benefits to the health and welfare of California residents. Requiring a commercial driver's license applicant to provide proof of U.S. citizenship or permanent U.S. residency and California residency will reduce instances of fraud and ensure that only qualified drivers are issued a commercial driver's license, thereby ensuring the safety of the public.

This action also presents nonmonetary benefits such as the promotion of fairness or social equity and the increase in openness and transparency in business and government in that this proposed action will ensure a commercial driver's license applicant is informed of the documents the department will require to meet the federal standards. Specific changes are as follows:

Section 26.01 identifies documents that the department has determined establish proof that an applicant is a U.S. citizen or lawful permanent resident, and a resident of California. This section also allows the department to determine an applicant's residency in California based on additional information when that information is available to the department.

Section 26.02 requires the documentation listed in Section 26.01 to be produced when a license is renewed, upgraded, or transferred. The federal standard permits a State to renew, transfer or upgrade a commercial driver's license without requiring the license holder to present citizenship documentation if the documentation was previously reviewed by the licensing department, and the licensing department record notes the prior review. Since the department's records contain such notes, this section implements the exception described in the federal standard.

Additional Determinations

- **Consistency and Compatibility with State Regulations:** The department conducted a review of other regulations and has determined there are no other regulations related to the issuance of commercial driver's licenses.
- **Comparable Federal Statutes or Regulations:** Part 383 of Title 47, CFR contains the commercial driver's license standards, including the requirements for establishing an applicant's U.S. citizenship or lawful permanent residency, and state residency. Those standards allow states to determine the specific documents accepted by the license issuing agency. These proposals are comparable to the federal requirements but not identical. These proposals only have non-substantial deviations from the federal standards.

- **Documents Incorporated by Reference:** There are no documents incorporated by reference.
- **Federal Law or Regulation Mandate:** These regulations are not mandated by federal law or regulations.
- **Local Agency/School District Mandate:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

III. IMPACT ASSESSMENTS

Economic and Fiscal Impact Determinations

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

- **Cost or Savings to Any State Agency:** None.
- **Other Non-Discretionary Cost or Savings to Local Agencies:** None.
- **Costs or Savings in Federal Funding to the State:** None.
- **Effects on Housing Costs:** None.
- **Impacts Directly Affecting Businesses:** The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- **Cost Impact on Representative Private Persons or Businesses:** The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- **Small Business Impact:** This regulation will not have an economic or fiscal impact on small business. The proposal identifies the documents an individual must present to the department to meet the requirement that a commercial driver's license holder be a U.S. citizen or lawful permanent U.S. resident, and a resident of California. Although a small business may employ these licensees, the department is unaware of any cost to such businesses associated with eligible individuals collecting documents and presenting them to the department as part of the license application process.

Results of the Economic Impact Statement

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

- **Creation or Elimination of Jobs Within the State of California:** This proposed action determines the documentation the department will require of a commercial driver's license applicant to assure the applicant is a U.S. citizen or lawful permanent resident, and is a resident of California. Because the proposed rules only impact the commercial driver's license application process, the department does not anticipate any impact on the creation or elimination of jobs within California.
- **Creation or Elimination of Existing Businesses Within the State of California:** This proposed action determines the documentation the department will require of a commercial driver's license applicant to assure the applicant is a U.S. citizen or lawful permanent resident, and is a resident of California. Because the proposed rules only impact the commercial driver's license application process, the department does not anticipate any impact on the creation or elimination of existing businesses within California.
- **Expansion of Business Currently Doing Business Within the State of California:** This proposed action determines the documentation the department will require of a commercial driver's license applicant to assure the applicant is a U.S. citizen or lawful permanent resident, and is a resident of California. Because the proposed rules only impact the commercial driver's license application process, the department does not anticipate any impact on the expansion of business currently doing business within California.
- **Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment:** This action is not likely to impact worker safety or the state's environment. It will have a positive impact to the health and welfare of California residents because commercial driver's license applicants are required to provide proof of U.S. Citizenship or permanent U.S. residency and California residency which will reduce cases of fraud and ensure that only qualified drivers are issued a commercial driver's license, thereby ensuring the safety of the public.

IV. ADDITIONAL INFORMATION

- **Public Discussion of Proposed Regulations:** A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so

complex or large in number that they cannot easily be reviewed during the comment period.

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

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

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

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

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

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

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

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

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

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

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

I. NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Section 15.00 and adopt Section 15.01 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to driver's licenses and identification cards.

- **Public Hearing:** A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.
- **Deadline for Written Comments:** Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **November 21, 2016**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.
- **Authority and Reference:** The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651

and 12801.5, in order to implement, interpret, or make specific Vehicle Code section 34623 and Part 37 in Title 6, Code of Federal Regulations.

II. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires the department to issue a driver's license or identification card to an applicant who meets specified criteria, including providing proof of his or her legal presence in the United States.

Assembly Bill (AB) 1465 (Chapter 708; Statutes of 2015) amended Vehicle Code section 12801.5 to require the department, beginning July 1, 2016, to require driver's license and identification card applicants to also submit proof of California residency at the time of application.

Part 37 of Title 6, Code of Federal Regulations (CFR), establishes the application and documentation requirements that apply to states and U.S. territories that choose to issue driver's licenses and identification cards that can be accepted by federal agencies for official purposes. Section 37.11 identifies documents that an applicant must provide to the department when applying for a driver's license or identification card, including proof of his or her legal presence and California Residency.

Currently, Section 15.00 in Article 2, California Code of Regulations (CCR), identifies documents that are sufficient to prove an applicant's legal presence. The department is adding two additional documents, the Common Access Card and the passport card, to the list of approved legal presence documents. The department is also amending the approved issuance date of birth certificates from Puerto Rico due to legislation passed in that territory to provide for a more secure birth certificate.

Part 37 requires that states require applicants to provide two different types of documents that prove the applicant has California residency, but leaves the responsibility to the states to establish which documents will be sufficient to establish that proof. The department is identifying approved residency documents in its adoption of Section 15.01. The documents identified in Section 15.01 will largely duplicate those approved documents already identified in Section 16.10. Section 16.10 was adopted in 2015 to identify approved residency documents for applicants applying for a driver's license under the provisions of Vehicle Code section 12801.9.

During the rulemaking to adopt Section 16.10, the department had an opportunity to hold discussions with the public related to the types of residency documents that may be readily accessible or could be obtained rela-

tively easy for little to no money. The documents identified in Section 16.10 are widely available to applicants without legal presence, so the department trusts that they should be just as easily obtained by applicants with legal presence.

Problems this Department Intends to Address Through This Proposal:

The REAL ID Act, passed by Congress in 2005, enacted the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification, such as driver's licenses."

The REAL ID act imposes, among other things, legal presence and residency requirements and prohibits federal agencies from accepting driver's licenses and identification cards from states that do not meet those minimum standards for purposes of accessing federal facilities, entering nuclear power plants, and, no sooner than 2016, boarding federally regulated commercial aircraft.

To date, Department of Homeland Security has determined that 24 states, including the District of Columbia, meet REAL ID standards. California currently has an extension, allowing federal agencies to accept a California driver's license or identification card until October 2016.

Failure to comply with REAL ID standards could leave California residents without the appropriate identification to access federal buildings or board commercial aircraft.

Effect of the Proposed Rulemaking:

This action is a necessary step toward bringing California's driver's licenses and identification cards into compliance with federal REAL ID requirements designed to establish minimum security standards for state-issued driver's licenses and identification cards.

Anticipated Benefits and Broad Objectives of the Proposal:

This proposed action will help bring California into further compliance with the REAL ID Act by requiring all applicants for a driver's license or identification card to provide proof of California residency. While implementing proof of residency requirements in regulation will not get the state to full compliance, it will prove California's continued efforts toward gaining full compliance and demonstrate its potential suitability for future extensions, if necessary.

This action also presents nonmonetary benefits such as the promotion of fairness or social equity and the increase in openness and transparency in business and government in that this proposed action will ensure a driver's license or identification card applicant is informed of the documents the department has identified as sufficient to establish proof of legal presence, as provided in Section 15.00, and proof of California residency, as adopted in Section 15.01. The department antici-

pates that identifying these documents will ensure applicants are equipped with the appropriate documentation prior to visiting the department and will allow for faster processing in the field offices.

Specific changes are as follows:

Section 15.00 identifies documents that the department has determined as sufficient to establish proof of an applicant’s legal presence in the United States. Section 15.00 is amended to add two documents, the Common Access Card and the passport card, as approved legal presence documents. Inclusion of the Common Access Card and passport card will benefit those applicants who already have one of these cards in their possession.

Section 15.01 adopts documents that the department has determined as sufficient to establish proof of an applicant’s California residency. REAL ID standards require a driver’s license applicant or an identification card applicant to submit proof of California residency, but leaves it to the states to specify which documents will fulfill that requirement. Section 15.01 identifies several documents that are likely readily available to applicants for use in the application process.

Additional Determinations:

- **Consistency and Compatibility with State Regulations:** The department conducted a review of other regulations and has determined there are no other regulations related to the issuance of driver’s licenses and identification cards.
- **Comparable Federal Statutes or Regulations:** Part 37 of Title 6, CFR, requires departments to require driver’s license and identification card applicants to submit proof of legal presence in the United States and proof of residency. Title 6 allows states to identify documents that can establish residency. This action adopts the documents that a California resident can use to establish his or her residency. While the federal rules are not comparable to this action, they are the controlling authority upon which this action is based.
- **Documents Incorporated by Reference:** There are no documents incorporated by reference.
- **Federal Law or Regulation Mandate:** These regulations are not mandated by federal law or regulations.
- **Local Agency/School District Mandate:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

III. IMPACT ASSESSMENTS

Economic and Fiscal Impact Determinations:

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

- **Costs or Savings to Any State Agency:** None.
- **Other Non–Discretionary Cost or Savings to Local Agencies:** None.
- **Costs or Savings in Federal Funding to the State:** None.
- **Effects on Housing Costs:** None.
- **Impacts Directly Affecting Businesses:** The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- **Cost Impact on Representative Private Persons or Businesses:** The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- **Small Business Impact:** This regulation will not have an economic or fiscal impact on small businesses. This action only makes changes to the application process for a driver’s license or identification card, neither of which have any impact on small businesses.

Results of the Economic Impact Statement:

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

- **Creation or Elimination of Jobs Within the State of California:**
This proposed action identifies approved legal presence and California residency documents that can be used by driver’s license or identification card applicants. Because the proposed rules only impact the driver’s license or identification card application process, the department does not anticipate any impact on the creation or elimination of jobs within California.
- **Creation or Elimination of Existing Businesses Within the State of California:**
This proposed action identifies approved legal presence and California residency documents that can be used by driver’s license or identification card applicants. Because the proposed rules only impact the driver’s license or identification card application process, the department does not anticipate any impact on the creation or elimination of businesses within California.

- **Expansion of Business Currently Doing Business Within the State of California:** This proposed action identifies approved legal presence and California residency documents that can be used by driver's license or identification card applicants. Because the proposed rules only impact the driver's license or identification card application process, the department does not anticipate the rules will expand businesses currently doing business within California.
- **Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment:**
This action is not likely to impact worker safety, the state's environment or public health. It may create a positive impact to the welfare of California residents because the regulatory action will be in compliance with Federal REAL ID requirements designed to establish "minimum security" standards for California Driver's licenses and identification purposes. Further, benefits may exist as the department moves closer to implementing REAL ID standards that ensure integrity of a driver's license or identification card while, eventually, ensuring California residents' continued access to federal buildings and commercial aircraft.

IV. ADDITIONAL INFORMATION

- **Public Discussion of Proposed Regulations:** A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.
- **Alternatives Considered:** The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.
- **Contact Person:** Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

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

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

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

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

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

- **Availability of Statement of Reasons and Text of Proposed Regulations:** The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.
The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/dmv/home/regulatoryactions>.
- **Availability of Modified Text:** Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified

regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205(c), 220, 240, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 205(c), 220, 240, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to tribal take in north coast marine protected areas.

Informative Digest/Policy Statement Overview

The Marine Life Protection Act (Fish and Game Code Sections 2850–2863) established a programmatic framework for designating marine protected areas (MPAs) in the form of a statewide network. The Marine Managed Areas Improvement Act (Public Resources Code Sections 36600–36900) standardized the designation of marine managed areas (MMAs), which include MPAs. The overriding goal of these acts is to protect, conserve, and help sustain California’s valuable marine resources including maintaining natural biodiversity through adaptive management.

Existing regulations in Section 632, Title 14, California Code of Regulations (CCR) provide definitions, and site-specific area classifications, boundary descriptions, commercial and recreational take restrictions, and other restricted/allowed uses, including exemptions from the area and take regulations for those tribes in the north coast region that submitted factual records of historic and current uses in specific geographies.

Proposed Amendments:

The regulatory text in subsection 632(b)(6) is proposed to be amended to add Cher–Ae Heights Indian Community of the Trinidad Rancheria and Resighini Rancheria to the list of tribes exempt from the area and take regulations for Reading Rock State Marine Conservation Area.

The regulatory text in subsections 632(b)(1) and 632(b)(2) is proposed to be updated to reflect Smith River Rancheria’s name change to Tolowa Dee–Ni’ Nation.

Other changes are proposed for clarity and consistency.

Goals and Benefits of the Proposed Regulations

The proposed regulations will provide clarity and consistency within the regulations and will align current exemptions from the area and take regulations in the north coast region with factual records of historic and current uses submitted by federally recognized tribes to the Commission.

Consistency with Other State Regulations

The proposed regulations are consistent with regulations concerning sport and commercial fishing and kelp harvest found in Title 14, CCR. The State Water Resources Control Board may designate State Water Quality Protection Areas and the State Park and Recreation Commission may designate State Marine Reserves, State Marine Conservation Areas, State Marine Recreational Management Areas, State Marine Parks and State Marine Cultural Preservation Areas; however, only the Fish and Game Commission has authority to regulate commercial and recreational fishing and any other taking of marine species in MMAs. Fish and Game Commission staff has searched the CCR and has found no other regulations pertaining to authorized activities in MPAs and therefore has determined that the proposed amendments are neither inconsistent, nor incompatible, with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, October 19, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Hilton Garden Inn San Diego Mission Valley/Stadium, 3805 Murphy Canyon Road, San Diego, California, on Wednesday, December 7, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. **Written comments mailed to the address given below or emailed to FGC@fgc.ca.gov must be received before 12:00 noon on December 2, 2016. All comments must be received no later than December 7, 2016, at the hearing in San Diego, California.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format can be accessed through our website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie

Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sherrie Fonbuena at the preceding address or phone number.

Availability of Modified Text

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

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed amendments will neither increase nor decrease recreational or commercial fishing opportunities within marine protected areas.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment, and Other Benefits:

The Commission does not anticipate any impacts on the creation or elimination of jobs, creation of new businesses, elimination of existing businesses or expansion of businesses in California because these changes will neither increase nor decrease recreational or commercial fishing opportunities within marine protected areas.

The Commission does not anticipate any benefits to the health and welfare of California residents, to worker safety, or the environment.

The proposed regulations will provide clarity and consistency within the regulations and will align current exemptions from the area and take regulations in the north coast region with factual records of historic and current uses submitted by federally recognized tribes to the Commission.

- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code Sec-

tion 2811, propose to amend Section 8006 of Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Pay.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than November 7, 2016.

PUBLIC COMMENT PERIOD

The public comment period will close, **November 21, 2016 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVER

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX

(916) 358-2709

E-MAIL

PIAregs@calpia.ca.gov

CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Dawn Eger, Legal Analyst
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711

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

Diana Harbaugh, Legal Secretary
California Prison Industry Authority
560 East Natoma Street
Folsom, CA 95630
Telephone (916) 358-1711

AUTHORITY AND REFERENCE

Penal Code (PC) section 2801 provides CALPIA's purpose as an agency and its implied rulemaking authority.

PC section 2808 provides the PIB with the authority to approve CALPIA's rulemaking proposals.

PC Section 2811 provides CALPIA's General Manager with the authority to adopt and maintain a compensation schedule for inmate employees.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current laws provide for CALPIA's General Manager to adopt and maintain a compensation schedule for inmate employees. This proposed regulation will increase the pay for CALPIA inmates. The raises are expected to create incentives and motivation for inmates to seek employment with CALPIA which increases productivity. Increased productivity of goods and services also results in savings to taxpayers.

The proposed amendments will be vetted through the public process of the PIB, as required in PC Section 2808, subsections (h) and (i), and promulgated through the regulatory process as specified in the Administrative Procedure Act (APA). The PIB will review these regulations at the next board meeting held on December 15, 2016. Upon approval, the PIB's Record of Vote and the applicable portion of the meeting minutes will be included in the rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and available to the public upon request.

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

During the process of developing these regulations and amendments, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing laws and regulations.

Local Mandates:

This action imposes no mandates on local agencies or school districts, or a mandate which requires reim-

bursement pursuant to Government Code Sections 17500 through 17630.

Fiscal Impact Statement:

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630:	None
Cost or savings to any state agency:	None
Other nondiscretionary cost or savings imposed on local agencies:	None
Cost or savings in federal funding to the State:	None

Effect on Housing Costs:

The CALPIA has made an initial determination that the proposed action will have no significant effect on housing costs.

Significant Statewide Adverse Economic Impact On Business:

The CALPIA has initially determined that the proposed amendments 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 because they are not affected by the internal management of CALPIA inmate workers.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal management of CALPIA inmate workers.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because busi-

nesses are not affected by the internal management of CALPIA inmate workers.

BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed regulatory action will protect and maintain CALPIA's purpose as an agency, prevent serious risk of human injury or property damage and avoid cost of government to the taxpayers of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small businesses because they are not affected the internal management of CALPIA inmate workers.

CONSIDERATION OF ALTERNATIVES

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, 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 implementing the statutory policy or other provision of law.

Interested persons are invited to submit written statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

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

The Proposed Text and Initial Statement of Reasons have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The rulemaking file, which contains all the information upon which this proposal is based, is available for viewing at the location listed above under "Contact Persons."

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. The CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website: <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website: www.calpia.ca.gov.

AVAILABILITY OF DOCUMENTS ON
CALPIA'S WEBSITE

All the various rulemaking documents are available on CALPIA's website at: <http://www.calpia.ca.gov>.

**TITLE 17. DEPARTMENT OF
PUBLIC HEALTH**

**Newborn Screening Participation Fee
DPH-16-015**

Notice is hereby given that the California Department of Public Health (Department) has amended the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulation permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written comment period and will hold a public hearing, during which time, any interested person or such person's duly authorized representative may present statements, ar-

guments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

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 Department 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.

Date and

Time: October 18, 2016,
1:30 p.m. – 2:30 p.m.

Place: East End Complex
1500 Capitol Avenue
Hearing Room
Sacramento, CA 95814

Purpose: To hear comments about this
action.

An agenda for the public hearing will be posted at the time and place of hearing location.

For individuals with disabilities, the Department shall provide upon request, assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Laurel Prior, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, or call (916) 440-7673, email LaurelPrior@cdph.ca.gov, or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal must be received by the Office of Regulations by **5:00 pm on November 21, 2016**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to regulations@cdph.ca.gov. Please place the regulation identifier "DPH-16-015" in the subject line;
2. By FAX transmission to (916) 440-5747;

- 3 By United States Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814; or
4. Hand-delivered to: Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should contain the regulation package identifier: **DPH-16-015**, author's name and mailing address.

AUTHORITY AND REFERENCE

Authority: Sections 124977, 124996, 125000, 131050, 131051, and 131200 of the Health and Safety Code. Reference: Sections 124977, 124966, 125000, and 125001 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department revised Subchapter 9, Testing for Heritable Disorders, Group 3, Newborn Screening Fee Collection, in Title 17, California Code of Regulations (17 CCR), Division 1, Chapter 4, section 6508, to raise the Newborn Screening fee from \$111.70 to \$129.25 that became effective on July 1, 2016.

The Newborn Screening (NBS) Program is administered by the California Department of Public Health's (Department) Genetic Disease Screening Program (GDSP). Health and Safety Code (HSC) section 125000 requires screening of all newborns for heritable and congenital disorders and Section 125025 requires screening for sickle cell anemia. Testing for hemoglobinopathies, phenylketonuria, hypothyroidism and galactosemia is mandated in 17 CCR, Division 1, Chapter 4, Section 6508.

HSC section 124980 provides the director shall establish any regulations and standards for hereditary disorders programs as the director deems necessary to promote and protect the public health and safety.

HSC sections 124977 and 125001 enacted by Assembly Bill (AB) 1559 (Pan, Chapter 565, Statutes of 2014) require the expansion of statewide screening of newborns to include screening for adrenoleukodystrophy (ALD) as soon as ALD is adopted by the federal Recommended Uniform Screening Panel (RUSP). ALD was added to the RUSP on February 16, 2016.

HSC sections 124977 and 124996 require that the program be "fully supported from fees collected." This fee may be adjusted by the Department's Director as needed to meet costs. A fee increase is required to provide revenue to ensure the expansion to ALD is fully implemented and sufficient resources are available on

an ongoing basis. This funding will support expenditures associated with the ongoing workload of processing newborn screening specimens at the Department's Genetic Disease Laboratory, staff needed to perform the screening, testing chemicals, equipment acquisition, information technology upgrades and supplies used to assay the results. Funding will also be utilized to support follow-up costs for screen positive cases, such as provider notification and case follow-up, diagnostic work-up, confirmatory processing, provider and family education, informative result mailers as well as incorporation and maintenance on an on-going basis of ALD into the Screening Information System (SIS).

Section 6508 Newborn Screening Fee Collection

Subsection (b) was revised to raise the Newborn Screening panel fee from \$ 111.70 to \$129.25. This revision is necessary because an increase of \$17.55 is required to fully support the current program and the additional service expansions necessary to implement ALD screening components.

EVALUATION AS TO WHETHER THE REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department evaluated whether the regulation was inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing state regulations and those regulations specific to prenatal screening regulations. An Internet search of other state agency regulations was conducted and it was determined that no other state agency regulation addressed the same subject matter and that this proposal would not be inconsistent or incompatible with other state regulations. Therefore, the Department determined that this regulation is not inconsistent or incompatible with existing state regulations.

The regulatory action is compatible with existing state regulations that mandate that the program administered by the Department according to HSC sections 125000, 125001, and 125025 must provide organized quality-assured screening of all births in California for several genetic disorders. Disorders mandated for testing are established in HSC sections 124977, 125000, 125001 and 125025 of 17 CCR, section 6501. The program screens over 80 disorders that include amino acid disorders such as phenylketonuria, organic acid disorders, fatty acid oxidation disorders, galactosemia, congenital hypothyroidism, congenital adrenal hyperplasia, sickle cell anemia, cystic fibrosis, biotinidase deficiency, hemoglobinopathies, and severe combined immune deficiency.

Assembly Bill (AB) 1559 (Pan, Chapter 565, Statutes of 2014) requires the expansion of statewide screening of newborns to include screening for adrenoleukodystrophy (ALD) as soon as ALD is adopted by the federal Recommended Uniform Screening Panel (RUSP). ALD was added to the RUSP on February 16, 2016.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

The technology that will be employed is the only testing method available for ALD screening and so no other technologies would be more effective in carrying out the mandated addition to the screening panel.

MANDATED BY FEDERAL LAW OR REGULATIONS

Currently, there are no existing federal regulations or statutes applicable to the regulations.

DOCUMENTS RELIED UPON

Not applicable.

DOCUMENTS INCORPORATED BY REFERENCE

Not applicable.

FORMS INCORPORATED BY REFERENCE

Not applicable.

OTHER STATUTORY REQUIREMENTS

Not applicable.

FISCAL IMPACT ESTIMATE

- A. Fiscal Impact on Local Government:**
The Department has made an initial determination that these regulations would not have a fiscal impact on any local entity or program.
- B. Fiscal Impact on State Agencies:**
The Medi-Cal program will incur approximately \$3,847,000 in additional costs annually as a result of the screening fee increase. Of the \$3,847,000, \$1,923,500 will be General Fund costs. This cost was incorporated into the Medi-Cal base as an ongoing cost.

- C. Other Nondiscretionary Costs or Savings Imposed on Local Agencies:** The Department has determined that the proposed regulations would not impose nondiscretionary costs or savings on local agencies.
- D. Fiscal Impact on Federal Funding to the State:** The Department has made an initial determination that the proposed regulations will have an estimated annual cost to the Medi-Cal program of \$3,847,000, and of that, \$1,923,500 in General Fund costs. This cost was incorporated into the Medi-Cal base as an ongoing cost. Medi-Cal is funded in part from both state and federal funds (usually Federal Financial Participation in Medi-Cal is 50%).
- E. Other Nondiscretionary Costs or Savings Imposed on Local Agencies:** Not applicable.
- F. Estimated Benefits**
The benefits anticipated by the adoption of these regulations are the protection of public health and safety by expanding upon existing regulation provisions and the improvement of provisions for early detection, follow up and referrals for ALD diagnosis and treatment. Unless treated before symptoms show, children affected with ALD will die within a few months to a few years. Early detection and treatment provides dramatically better quality of life for the affected individuals and their families.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No reasonable alternatives considered by the Department or that otherwise have been identified and brought to the attention of the Department would be more effective in carrying out the purposes for which the regulations are being written or would be as effective as and less burdensome to affected private persons or small businesses than the action taken.

EVIDENCE SUPPORTING THE FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS, INCLUDING THE ABILITY TO COMPETE

The Department has made the initial determination that this emergency action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
While the Department directly bills hospitals and midwives, the screening test is generally covered by

health insurance and health plans and their capitated medical groups and health insurers. As such the hospitals and midwives are generally reimbursed for the cost of the screening test and the health plans and health insurers account for the increase in the form of increased premiums and such increases are typical for health care costs in any given year.

The total annual costs of this regulation are estimated to be \$8,724,000 (497,083 estimated number of newborns to be screened in FY 2016–17 X 17.55). Of this total, the total estimated to be covered by health plans and health insurers in the private sector is \$4,877,000.

It is unlikely that a \$17.55 increase in newborn screening fees, paid by the hospital of birth to the Department, is sufficient to require any significant increase in premiums for health insurance charged to businesses. Past increases in newborn screening fees had no adverse business impacts that were reported to the Department.

STATEMENTS OF DETERMINATION

A. ECONOMIC IMPACT ANALYSIS

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

The Department has determined that the emergency regulations will not significantly affect the following:

1. **The creation or elimination of jobs within the State of California.** The proposal may result in the creation of jobs but its extent cannot be estimated.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** The proposal may result in the creation of new businesses but its extent cannot be estimated. The proposal should neither result in the elimination of any existing businesses.
3. **The expansion of businesses currently doing business within the State of California.** The proposal may result in the expansion of businesses currently doing business with the State of California but its extent cannot be estimated.
4. **The benefits of the regulation to the health and welfare of California residents.** The Department has made the determination that this emergency action will benefit the health and welfare of the residents of California. Early detection of ALD by newborn screening can significantly minimize and

even prevent an undue financial burden being placed on the families and/or the health care system as a result of treating patients with adrenal and neurological complications.

According to the California Department of Health Care Services, between 2004 and 2013, the cost of treating 22 children with the disease in the California Children’s Services program was slightly more than \$100,000 per child, during that nine–year period.

5. **The benefits of the regulation to worker safety, and the state’s environment.** The Department has made the initial determination that this emergency action will not have a significant benefit or adverse impact on California worker’s safety or have any effect on the state’s environment.

B. EFFECT ON SMALL BUSINESSES

The Department has determined there would be an effect on those small businesses that choose to participate in the Newborn Screening Program. There may be a small economic impact on some small businesses.

C. ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, 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 Department has determined that there are no reasonable alternatives to the technologies chosen to implement ALD screening. The technology that will be employed is the only testing method available for ALD screening and so no other technologies would be more effective in carrying out the mandated addition to the screening panel.

D. LOCAL MANDATE

The Department has determined that the emergency regulations will not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

E. HOUSING COSTS

The Department has determined that the emergency regulations will not impact housing costs.

Cost Impacts on Representative Person or Business

The Department has determined that there is no cost effect on private persons. The NBS specimen collection is mandatory now (with the exception of religious objection) and will continue to be under these regulations.

California Department of Public Health (CDPH) has made an initial determination that this emergency action would not have a significant statewide adverse economic impact directly affecting businesses.

While CDPH directly bills hospitals and midwives, the screening test is generally covered by health insurance and health plans and their capitated medical groups and health insurers. As such the hospitals and midwives are generally reimbursed for the cost of the screening test and the health plans and health insurers account for the increase in the form of increased premiums and such increases are typical for health care costs in any given year.

The total annual costs of this regulation are estimated to be \$8,724,000 (497,083 estimated number of newborns to be screened in FY 2016–17 X 17.55). Of this total, the total estimated to be covered by health plans and health insurers in the private sector is \$4,877,000.

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

CONTACT INFORMATION

Inquiries regarding the substance of the regulation described in this notice may be directed to Robin Thomas, Nurse Consultant Specialist III, Genetic Disease Screening Program, at (510) 412–1519.

All other inquiries concerning the action described in this notice may be directed to Laurel Prior, Office of Regulations, at (916) 440–7673.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, **DPH–16–015**.

AVAILABILITY OF STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the regulation, all the information upon which the amendments to the regulation are based and the text of the regulations. The Office of Regulations is located at 1415 L Street, Suite 500, Sacramento, CA 95814, and is the lo-

cation of the public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In order to request a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents, please call (916) 440–7673 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation that is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text of the proposed regulations, and the initial statement of reasons) are available via the Internet and may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunity for Public Participation, Proposed Regulations.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

Prenatal (Multiple Marker) Testing Program, DPH–16–016

Notice is hereby given that the California Department of Public Health (Department) has amended the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulation permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45–day written comment period and will hold a public hearing, during which time, any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

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 Department 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.

Date and Time: October 18, 2016,
1:30 p.m.– 2:30 p.m.
Place: East End Complex
1500 Capitol Avenue
Hearing Room
Sacramento, CA 95814
Purpose: To hear comments about this action.

An agenda for the public hearing will be posted at the time and place of hearing location.

For individuals with disabilities, the Department shall provide upon request, assistive services such as sign–language interpretation, real–time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette or computer disk. Note: The range of assistive services available may be limited if requests are received less than five business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Laurel Prior, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, or call (916) 440–7673, email LaurelPrior@cdph.ca.gov, or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD

Written comments must be received by the Office of Regulations by **5:00 p.m. on November 21, 2016**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. Please place the regulation identifier “DPH–16–016” in the subject line;
2. By FAX transmission to: (916) 440–5747;
3. By United States Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814; or
4. Hand–delivered to: Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should contain the regulation package identifier **DPH–16–016**, author’s name and mailing address.

AUTHORITY AND REFERENCE

Authority sections: 124977, 124996, 125000, 125055, 125070 and 131200 of the Health and Safety Code. Reference sections: 124996, 125000, 125001, 125050, 125060, 125065, and 131052 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This amendment to Title 17, California Code of Regulations (17 CCR), section 6540, increased the Prenatal (Multiple Marker) Testing Program’s (Program) all–inclusive program participation fee for maternal serum alpha fetoprotein (AFP) and additional markers for prenatal screening from \$207 to \$221.60 as an emergency effective July 1, 2016.

Background/Authority

Health and Safety Code (HSC) section 125050 requires the Department to administer a statewide program for prenatal testing for genetic disorders and birth defects, including but not limited to, ultrasound, amniocentesis, chorionic villus sampling, and blood testing. HSC Sections 125000 and 125050 require the Department to offer information, testing and counseling for genetic disorders and birth defects to all pregnant women in California.

HSC sections 124977(a) and (b), 124996, and 125000(b) require the Department to charge a fee for any tests or activities performed under the program; mandate that the program be fully supported from fees collected; and state that the amount of the fee shall be established by regulation and periodically adjusted by the Director. HSC section 124996 also specifies that the Genetic Disease Testing Fund (GDTF) is a special fund in the State Treasury and is continuously appropriated to the Department to carry out the purposes of the Hereditary Disorders Act. Fees for participation in the program are paid to the Department’s Genetic Disease Screening Program (GDSP) by a participating woman’s health insurance policy, or health care service plan, or by Medi–Cal for beneficiaries. If the participation fee is not paid by a third party payer, the fee is paid by the participating woman. The majority of funds are deposited in the GDTF with \$10 deposited in the Birth Defects Monitoring Program Fund, as mandated by HSC section 124977(b). GDSP is not funded by the State’s General Fund.

The Legislature has found that timely implementation of changes in genetic screening programs and con-

tinuous maintenance of quality statewide services require expeditious regulatory action and administrative procedures (HSC § 124977(c)(1)).

HSC section 124977 provides authority for the Department to adopt emergency regulations. HSC section 124977(d)(1) specifies that the adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, and that the regulations shall not be subject to the review and approval of the Office of Administrative Law (OAL); shall be submitted directly to the Secretary of State for filing; and shall become effective immediately upon filing by the Secretary of State. HSC section 124977(d)(1) also requires the Department to conduct a public hearing within 120 days of filing with the Secretary of State, and to submit to the OAL with the adopted regulation, a final statement of reasons and updated informative digest within 180 days of the emergency filing. HSC section 124977(d)(2) specifies that this emergency regulation shall not be repealed by the OAL and shall remain in effect until revised or repealed by the Department.

Policy Statement Overview

Problem Statement:

The Department’s legislatively mandated statewide program for prenatal testing for genetic disorders and birth defects must be fully supported by fees charged for maternal serum screening and authorized follow-up services, as required by HSC sections 124977(a) and (b), 124996, and 125000(b). The Legislature has also found that timely implementation of changes in genetic screening programs and continuous maintenance of quality statewide services requires expeditious regulatory action and administrative procedures.

Approximately 360,000 pregnant women participate in the voluntary program each year and caseloads have remained steady or increased slightly over the last few years, but increased costs for the administration of the program must be addressed.

Objectives (Goals):

The emergency amendment to 17 CCR section 6540 is necessary to increase the voluntary participation fee to ensure the program remains self-sufficient and continues to meet the legislative mandate of offering information, testing and counseling for genetic disorders and birth defects to all pregnant women in California.

The fee increase will allow the program to fund the continuous maintenance costs of the operational and administrative functions of the program.

Benefits:

HSC section 124975(c) declares the findings of the Legislature that detection through screening of hereditary disorders can lead to the alleviation of the disability

of some hereditary disorders and contribute to the further understanding and accumulation of medical knowledge about hereditary disorders that may lead to their eventual alleviation or cure. The anticipated benefit from this regulatory action is ensuring that the program remains self-sufficient and is able to meet this legislative mandate.

Without a fee increase, the program would need to suspend or reduce prenatal screening and diagnostic testing for pregnant women and their unborn children due to lack of funds. Many pregnant women would not receive genetic screening, counseling or prenatal diagnostic services through the program, as required by statute. Healthcare providers and families would not have the necessary information to plan for appropriate care and/or services before the birth of the child and to have resources available to assist the child, such as ready cardiopulmonary resuscitation; neonatal infant transport to a tertiary care facility; early planning for and/or immediate access to pediatric surgery for abnormal cardiac, neurological, and/or gastric conditions; and required social services.

Such planning serves to optimize the health of newborns with birth defects and can reduce stress for the family unit. Advance planning for a high-risk delivery in an appropriate health care setting may reduce and/or ameliorate the severity of the condition and improve quality of life. Without proper planning, some conditions will be compounded. Maintaining the operations and administrative functions of the program allows for continued effective planning based on the screening and diagnostic information obtained, resulting in reduced healthcare costs in the short term and over a lifetime for a patient, families, communities, and healthcare businesses.

Specific Discussion of Regulatory Action

Title 17, Division 1., Chapter 4., Subchapter 9., Group 5., Article 4.

Prenatal Screening Fee Collection
Section 6540. Program Participation Fee.

The rulemaking amends the section to increase the program’s all-inclusive participation fee for maternal serum alpha fetoprotein (AFP) and additional markers for prenatal screening from \$207 to \$221.60.

The amendment increased the participation fee as necessary for the program to remain self-sufficient and for the continuous maintenance costs of the operational and administrative functions of the program to be funded.

Evaluation as to Whether the Regulations are Inconsistent or Incompatible with Existing State Regulations

The Department evaluated whether this regulation is inconsistent or is incompatible with existing state regu-

lations. This evaluation included a review of the Department's existing state regulations and those regulations specific to prenatal screening. An Internet search of other state agency regulations was also performed and it was determined that no other state agency regulation addressed the same subject matter and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that this rulemaking is not inconsistent or incompatible with existing state regulations.

Local Mandate

The Department has determined that the rulemaking does not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Documents Incorporated by Reference

Not applicable.

Forms Incorporated by Reference

Not applicable.

Mandated By Federal Law Or Regulations

Not applicable.

Other Statutory Requirements

Not applicable.

E. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

STATEMENTS OF DETERMINATION

Alternatives Statement

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the emergency action was taken, would be as effective and less burdensome to affected private persons than the emergency 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 Department has made an initial determination that there are no acceptable alternatives to the regulation to fund the operations of the program and protect the public interest in maintaining a statewide screening program.

Statement of the Results of the Economic Impact Assessment

A. The Department has determined that the rulemaking will not significantly impact the following pursuant to Government Code Sections 11346.3(b)(1)(A), (B), (C) and (D):

1. The Creation or Elimination of Jobs within the State of California. The regulation will not create or eliminate jobs in California. The regulation provides for an increase in the program participation fee, but does not affect laboratory test procedures or authorized follow-up services. The impact to insurers in processing the participation fee increase, and to insurance/health plan members, will be minimal. Based on the Department's analysis, the demand for prenatal screening services is driven more by service level than by price. Even with the fee increase, the fee remains significantly lower than private sector pricing, and includes both testing and authorized follow-up services.
2. The Creation of New Businesses or the Elimination of Existing Businesses within the State of California. The regulation will not create new businesses or eliminate existing businesses within the State of California. The regulation does not affect contracts or reimbursement rates for contract vendors. The cost impact to insurers of \$14.60 for each covered pregnancy is unlikely to have a significant impact on any affected business, or insurance/health plan members.

FISCAL IMPACT ESTIMATE

A. Fiscal Impact on Local Government: None.

B. Fiscal Impact on State Government: Approximately 45 percent of pregnant women participating in the program are Medi-Cal beneficiaries. The Department estimates the \$14.60 fee increase will result in an annual cost to Medi-Cal of approximately \$1.2 million from the General Fund. The \$14.60 fee increase has been fully incorporated into Medi-Cal base data as an ongoing cost; therefore, the fiscal impact will be absorbed by the State's General Fund.

C. Fiscal Impact in Federal Funding to the State: The Department estimates the \$14.60 fee increase will result in an annual cost to Federal Financial Participation in Medi-Cal of approximately \$1.2 million. The additional federal funding required under this emergency regulation has been recognized by Medicaid as an ongoing cost.

D. Fiscal Impact on Private Persons or Businesses Directly Affected: There would be a cost increase of \$14.60 per pregnancy in the program fee for those businesses providing health coverage to pregnant women. The full cost is charged to the pregnant woman if the fee is not covered by health care insurance.

3. The Expansion of Businesses Currently Doing Business within the State of California. The regulation will not expand businesses within the State of California. The regulation does not affect contracts or reimbursement rates for contract vendors. The impact to insurers in processing the participation fee increase will be minimal.
4. Worker Safety. This regulation does not affect worker safety because it does not impact workers.
5. California's Environment. This regulation does not affect the State's environment.

B. The Department has determined that the rulemaking impacts the following pursuant to Government Code Section 11346.3(b)(1)(D):

1. Health and Welfare of California Residents. The regulation is expected to increase and strengthen the health and welfare of California residents. An increase in the participation fee for the program ensures that the program remains self-sufficient and protects statewide access to prenatal screening and follow-up services, thereby reducing the emotional and financial burden of disability and death caused by genetic and congenital disorders.

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

The Department has made a determination that the regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulation does not affect contracts or reimbursement rates for contract vendors. The impact to insurers in processing the change in the participation fee will be minimal. The cost impact to insurers of \$14.60 for each covered pregnancy is unlikely to have a significant impact on any affected business. It is unlikely that the fee increase would be sufficient to require any significant increase in premiums charged to insurance/health plan members.

The Department has determined that the rulemaking will not significantly impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California. This regulation does not affect worker safety or California's environment. This regulation will benefit the health and welfare of California residents.

Cost Impact on Representative Person or Business

The Department has determined that a cost increase of \$14.60 per pregnancy in the program fee will be incurred by those businesses providing health coverage to pregnant women. The full cost is charged to the preg-

nant woman if the fee is not covered by health care insurance.

Effect on Small Business

The Department has determined that the rulemaking has no impact on small businesses, as defined under Government Code Chapter 3.5, Article 2, Section 11342.610. The Department is not aware of any small businesses that provide health insurance to pregnant women.

Effect on Housing

The Department has determined that the rulemaking has no impact on housing costs.

Reporting Requirements

The Department has determined that the rulemaking would have no new or additional reporting requirements applicable to businesses.

Contact Information

Inquiries regarding the substance of the regulation described in this notice may be directed to Stephen L. Purser, MPH, Health Program Specialist II, Genetic Disease Screening Program, at (510) 412-1484.

All other inquiries concerning the action described in this notice may be directed to Laurel Prior, Office of Regulations, at (916) 440-7673.

Availability Statements

The Department has prepared and has available for public review an initial statement of reasons for the regulation, all the information upon which the amendments to the regulation are based and the text of the regulations. The Office of Regulations is located at 1415 L Street, Suite 500, Sacramento, CA 95814, and is the location of the public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents, please call (916) 440-7673 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation that is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Internet Access

Materials regarding the action described in this notice (including this public notice, the regulation text of the proposed regulations, and the initial statement of reasons) are available via the Internet and may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunity for Public Participation, Proposed Regulations.

GENERAL PUBLIC INTEREST**DEPARTMENT OF PUBLIC HEALTH**

Editorial Note: The “2003 CLIA Crosswalk” document referred to in this Notice is not being published here but is available on the Department’s website. Please refer to “INTERNET ACCESS” for the web address.

**CALIFORNIA DEPARTMENT OF PUBLIC
HEALTH 2003 CLIA CROSSWALK —
DPH–Exempt–15–013**

**Notice Concerning “Federal Clinical Laboratory
Improvement Amendments” Regulations Adopted
as Final Rule by the Federal Health Care
Financing Administration and the California
Department of Public Health’s Determination of
Equivalency in California per Business and
Professions Code section 1208**

Overview and Background

California’s clinical laboratory licensing scheme incorporates the federal CLIA¹ regulations for proficiency testing, patient test management, and quality control.² When California first adopted subparts of the federal Clinical Laboratory Improvement Amendments (CLIA)³ regulations under Senate Bill (SB) 113 (Maddy, Chapter 510, Statutes of 1995), the State expressly incorporated the version of the CLIA regulations in effect on January 1, 1994. Without any action by the California Department of Public Health (Department) (under the mechanism described below) or an act of the Legislature (through legislation), the January 1, 1994, version of the CLIA regulations remains effective in

California despite federal updates to the underlying CLIA regulations.

The Legislature provided the Department with a mechanism to update the incorporated CLIA regulations to ensure that California remains consistent with the changes to the federal CLIA regulations that occur over time. Section 1208, subdivision (b), of the California Business and Professions Code states that any CLIA regulation adopted by the Health Care Financing Administration of the federal Department of Health and Human Services (HCFA)⁴ as a final rule must be evaluated by the Department in consultation with the Department’s multidisciplinary committee called the Clinical Laboratory Technical Advisory Committee (CLTAC).⁵ (A final rule is a document that is published in the Federal Register which adds to, amends, or repeals a provision of the Code of Federal Regulations after a specified effective date.) In evaluating the final rule, the Department must determine whether the revised federal CLIA regulation is less stringent, equivalent to, or more stringent than an existing California law or regulation.

Any new federal CLIA requirement that the Department deems equivalent to or more stringent than an existing California requirement becomes effective in California by operation of law 60 days after the Department notices its determination in the California Regulatory Notice Register. Any new federal CLIA regulation that the Department determines is less stringent than California law must be noticed for a rulemaking proceeding pursuant to the Administrative Procedure Act (APA)⁶ as a “comparable state regulation,” to result in the adoption, amendment, or rejection of the less stringent provision.

On January 24, 2003, the Centers for Medicare and Medicaid Services published a final rule entitled “Medicare, Medicaid, and CLIA Programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications,” which, among other things, significantly revised the federal CLIA regulations by amending and consolidating portions of Subparts H, J, K, and P. The attached document, called the “2003 CLIA Crosswalk,” represents a collaboration with CLTAC and the Department to make the required stringency determinations of the January 24, 2003 CMS final rule. The Department will publish the 2003 CLIA Crosswalk in the California Regulatory Notice Register, effectively updating the incorporated January 1, 1994, CLIA regulations to the version in effect on January 24, 2003.

¹ Bus. & Prof. Code, § 1220.

² Bus. & Prof. Code, § 1202.5, subd. (a).

³ Clinical Laboratory Improvement Amendments (CLIA) of 1988 (Pub.L. No. 100–578 (Oct. 31, 1988); 42 U.S.C. § 263a).

⁴ The Centers for Medicare and Medicaid Services (CMS) which administers the CLIA regulations was previously the federal Health Care Financing Administration (HCFA).

⁵ Bus. & Prof. Code, § 1228.

⁶ 68 FR 3640–01 (Jan. 24, 2003).

CLIA 2003 Comparison

To date, the bulk of the 2003 CLIA Crosswalk project involved comparing changes in Subpart K of CLIA, relating to laboratory quality systems, between the 1994 version and the 2003 revisions. This portion of the 2003 CLIA Crosswalk was preempted by the legislature in 2015 when SB 75 (Ch. 18, Stats. 2015) amended Business and Professions Code, section 1220, subdivision (d)(2), effectively updating the incorporated version of the CLIA regulations for Subpart K to the version in effect on January 1, 2015. As a result, all the stringency determinations for Subpart K were removed from the 2003 CLIA Crosswalk, as they are now superseded by statute. The remainder of the 2003 CLIA Crosswalk compares revisions to the federal CLIA regulations under the final rule stated above in Subparts H and J. The latest version is intended to be comprehensive of the revisions in the final rule.

In the consultation process with CLTAC, the Department has prepared a justification document which includes the new CLIA regulation, an inventory of existing California law, and the legal rationale behind each proposed stringency determination. To the extent available, the comparison sheet also includes the federal Health and Human Services' supporting reasoning for changes to the CLIA regulations. For the purposes of the crosswalk, "more stringent" and "equivalent" have the same legal effect — i.e., when noticed, the provision is adopted as a California regulation by operation of law.

Each of the six CLIA revisions deemed "less stringent" related to California's three-year minimum retention period for laboratory and medical records under Business and Professions Code, section 1265, subdivision (j)(2), which is longer than CLIA's two-year retention period for a subset of those records. As indicated above, any new federal CLIA regulations that the Department determines are less stringent must be addressed in a regulation adopted pursuant to the APA. As such, the Department has started on a second regulatory package to address these six "less stringent" revisions. At the culmination of this second package, the Department will update the California Code of Regulations (CCR) to include the citation for the California Regulatory Notice Register for the CLIA 2003 Crosswalk that includes the "more stringent" and "equivalent" determinations and will incorporate the Department's decision of adopting, rejecting or amending the remaining "less stringent" provisions.

INTERNET ACCESS

The 2003 CLIA Crosswalk that identifies the requirements the Department deems equivalent to, more stringent,

or less stringent than an existing California requirement is available via the Internet. It may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.

CONTACT INFORMATION

Inquiries regarding the content of this notice or the 2003 CLIA Crosswalk may be directed to Tammy Pahland, Senior Staff Counsel, Office of Legal Services, (916) 440-7572. Inquiries regarding the regulatory process may be directed to Linda M. Cortez, Office of Regulations, at (916) 440-7807.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**Prospective Purchaser Agreement
Former Renu Plating Co.
(a.k.a. Proposed Nevin Park Site)
Public Comment Period: October 7-
November 7, 2016**

WHAT IS BEING PROPOSED? The Department of Toxic Substances Control (DTSC) invites you to review and comment on a Prospective Purchaser Agreement. This contract is with the City of Los Angeles (City), regarding the Former Renu Plating Company Site (Site) located at 1527 & 1531 East 32nd Street in Los Angeles, California 90011. The contract states that DTSC agrees not to sue the City in exchange for a substantial benefit to the public. The City plans to build a park on the Site. The park will be beneficial to the neighborhood while improving environmental safety. In 2010, DTSC approved a Removal Action Workplan for the Site and the property was cleaned up. The park will include a plan to make sure it remains safe. The plan requires a Soil Management Plan and Land Use Covenant (both to be approved by DTSC). This partnership will ensure that the Site remains safe for its intended use as a public park.

HOW DO I PARTICIPATE?

DTSC will consider public comments on the Prospective Purchaser Agreement that are postmarked or received by November 7, 2016. DTSC may decline to finalize the Prospective Purchaser Agreement if such comments disclose facts or considerations that indicate the Prospective Purchaser Agreement is inappropriate, improper or inadequate. **Comments should be addressed to both:**

Rania A. Zabaneh, Cleanup Program
(Please include “Renu/Nevin” in the subject line of your letter or email)
 Department of Toxic Substances Control
 5796 Corporate Avenue
 Cypress, CA 90630
Rania.zabaneh@dtsc.ca.gov

Paul Davis or Cid Macaraeg
 Department of Recreation and Parks
 City of Los Angeles
 221 N. Figueroa St., 4th Floor
 Los Angeles, CA 90012
Paul.J.Davis@lacity.org
Cid.Macaraeg@lacity.org

WHERE DO I GET MORE INFORMATION?

Copies of these documents, key technical reports, and other site-related information are available for review at:

Vernon Public Library
 4305 South Santa Fe Avenue
 Vernon, CA 90058
 (323) 583-8811

DTSC Regional Records Office
 5796 Corporate Avenue
 Cypress, CA 90630
 (714) 484-5336
 By appointment only

Information about the Renu/Nevin site can be found on the DTSC EnviroStor website:
https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19340643

For Questions, Contact:

Rania A. Zabaneh
 Project Manager
 5796 Corporate Avenue
 Cypress, CA 90630
 (714) 484-5479
rania.zabaneh@dtsc.ca.gov

Mary Sue Maurer
 Public Participation Specialist
 9311 Oakdale Avenue
 Chatsworth, California 91311
 (818) 717-6566
mary.maurer@dtsc.ca.gov

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

TITLE 22, CALIFORNIA CODE OF REGULATIONS

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

SAFER CONSUMER PRODUCTS REGULATIONS—Listing Children’s Foam-Padded Sleeping Products Containing Tris(1,3-dichloro-2-propyl) Phosphate (TDCPP) or Tris(2-chloroethyl) Phosphate (TCEP) As a Priority Product

Office of Administrative Law Notice File Number: Z-2016-0627-03
Department Reference Number: R-2014-03

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) is re-opening the 45-day public comment period for the above-referenced rulemaking, which was published in the California Regulatory Notice Register (Z-2016-0627-03) on July 15, 2016.

In the referenced rulemaking, DTSC proposes to amend the California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 55 to adopt article 11 and sections 69511 and 69511.1 to establish a Priority Products list and identification of children’s foam-padded sleeping products containing tris(1,3-dichloro-2-propyl) phosphate (TDCPP) or tris(2-chloroethyl) phosphate (TCEP) as a Priority Product under the Safer Consumer Products (SCP) regulations (California Code of Regulations, title 22, sections 69501-69510).

DTSC opened a 45-day public notice and comment period for this rulemaking proposal on July 15, 2016, which closed on August 29, 2016. Following the public hearing on August 29, 2016, DTSC learned that interested persons were not able to submit their comments through the online Safer Consumer Products Information Management System (CalSAFER). Following repairs to CalSAFER, DTSC extended the comment period for two days and received several comments through both CalSAFER and departmental email. Although comments were successfully submitted, DTSC is re-opening the 45-day comment period to ensure that the all interested persons have ample opportunity to present their written comments on the original rulemaking proposal.

DTSC will consider all comments and testimony already received in addition to any written comments received during this additional comment period.

WRITTEN COMMENT PERIOD

A 45-day public comment period for this rulemaking proposal will commence on October 7, 2016 and close on November 21, 2016. During this time, any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action in either electronic or hard-copy formats. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

Written comments may be submitted electronically through CalSAFER at: <https://calsafer.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Ms. Lisa Quagliaroli at (916) 445-3077 or lisa.quagliaroli@dtsc.ca.gov.

While DTSC prefers that comments be submitted through the CalSAFER system, interested persons may also submit their comments in an email to:

SaferConsumerProducts@dtsc.ca.gov

Please direct hard-copy written comments to:

Mr. Benjamin Molin
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95812-0806
Fax Number: (916) 323-5542
Phone Number: (916) 322-4882

The written comment period will close at 5:00 p.m. PST on November 21, 2016. DTSC will only consider comments received on or before this date and time.

AVAILABILITY OF DOCUMENTS PERTAINING TO THIS RULEMAKING PROPOSAL

Copies of the July 15, 2016 Notice, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which the proposal is based, the express terms of the proposed regulations, and comments received during the initial comment period are posted to DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> and CalSAFER at: <https://calsafer.dtsc.ca.gov/>. Copies of these documents may also be obtained from Mr. Benjamin Molin, in the Office of Legal Affairs, as specified above.

After the close of the 45-day comment period, DTSC may adopt the proposed regulation. If changes are made to the regulation text, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who specifically request copies of the modified text, attend the public hearing, provide written or oral comments at the hearing, or submit writ-

ten comments to our office will be sent a copy of the modified text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations, will be posted on DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable electronic mailing list.

NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations, translator, or interpreter needs, upon request. For assistance, please contact the staff person below as soon as possible, no later than 10 business days prior to the close of the comment period:

Ms. Lisa Quagliaroli
Safer Products and Workplaces Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Email: Lisa.quagliaroli@dtsc.ca.gov
Phone number: (916) 445-3077

TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

CONTACTS

Inquiries regarding technical aspects of the proposed regulations, California Environmental Quality Act documents, or CalSAFER may be directed to Ms. Lisa Quagliaroli of DTSC at (916) 445-3077. However, such oral inquiries are not part of the rulemaking record. If Ms. Lisa Quagliaroli is unavailable, Mr. Benjamin Molin may also be contacted at (916) 322-4882.

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

VETERINARY MEDICAL BOARD

**OFFICE OF ADMINISTRATIVE LAW
SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On July 18, 2016, the Office of Administrative Law (OAL) received a petition challenging as an underground regulation a requirement by the Veterinary Medical Board that all emergency drugs must be maintained in a storage container labeled "emergency drugs." The petition indicated that the challenged rule was further implementing, interpreting and making more specific subdivision (f)(12) of section 2030 of Title 16 of the California Code of Regulations.

On September 14, 2016, the Veterinary Medical Board certified to OAL that the challenged rule would not be issued, used, enforced, or attempted to be enforced. Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on the petition.

**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# 2016-0901-02
BUREAU OF ELECTRONIC AND APPLIANCE
REPAIR, HOME FURNISHINGS AND THERMAL
INSULATION
License Fee

This action amends the license issuance and renewal fees with respect to home furnishings and insulation manufacturing.

Title 4
AMEND: 1007
Filed 09/28/2016
Effective 09/28/2016
Agency Contact: Diana Godines (916) 999-2068

File# 2016-0830-02
BUREAU OF REAL ESTATE APPRAISERS
Minimum Basic and Continuing Education
Requirements

In this regular rulemaking, the Bureau of Real Estate Appraisers is amending section 3543 in title 10 of the California Code of Regulations. The amendments to Section 3543 require that all applicants complete, prior to issuance of an initial or reciprocal license, a four-hour course on federal and California appraisal-related statutory and regulatory law. Other amendments to Section 3543 are to align this section with both current statutory law and criteria established by the Appraiser Qualification Board of the Appraisal Foundation.

Title 10
AMEND: 3543
Filed 09/27/2016
Effective 01/01/2017
Agency Contact: Kyle Muteff (916) 341-6126

File# 2016-0811-02
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Definitions, Requirements for Course Certification &
Requirements for Self-Paced Training Course
Certification

In this resubmitted regulatory action, the Commission amends section 1001 of Title 11 of the California Code of Regulations to add a definition for "Variable Format." It also amends sections 1052 and 1053 to revise the certification requirements for Instructor-Led Training and Self-Paced Training courses.

Title 11
AMEND: 1001, 1052, 1053
Filed 09/22/2016
Effective 01/01/2017
Agency Contact: Brian Clark (916) 227-4847

File# 2016-0809-02
DEPARTMENT OF FOOD AND AGRICULTURE
Grant Administration

This action by the Department of Food and Agriculture is submitted for printing only. The sections relate to the administration of grant awards pursuant to Food and Agricultural Code section 485 and are exempt from

Chapter 3.5 (commencing with Section 11343) of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Food and Agricultural Code section 485, subdivision (d).

Title 3

ADOPT: 302, 303, 304, 304.1, 304.2, 305, 305.1, 305.2, 305.3, 306, 306.1, 306.2, 306.3, 307, 308, 309, 310, 310.1, 311, 312, 313, 314, 315, 316.1, 316.2, 316.3, 316.4, 317, 318, 319, 320.1, 320.2, 320.3, 321, 322, 322.1, 322.2, 322.3, 323, 323.1, 323.2, 324.1, 324.2, 325, 326, 327, 328, 329, 330.1, 330.2, 340

Filed 09/21/2016

Effective 01/01/2017

Agency Contact: Crystal Meyers (916) 657-3231

File# 2016-0826-02

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This certificate of compliance makes permanent the prior emergency action (OAL file no. 2016-0308-03E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) "Diaphorina citri" by approximately 65 square miles in the Mettler area that encompasses the boundaries of existing quarantine areas for the Bakersfield, Wasco, Shafter and Buttonwillow areas of Kern County, thereby creating one total area of 1246 square miles. The effect of this action provides permanent authority for the state to perform quarantine activities against ACP within the expanded area, along with the existing regulated areas throughout the state that are already under quarantine for the ACP.

Title 3

AMEND: 3435(b)

Filed 09/27/2016

Effective 09/27/2016

Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0826-04

DEPARTMENT OF FOOD AND AGRICULTURE

Schedule of Charges, Mixtures, Fees for Testing

The Department of Food and Agriculture submitted this rulemaking action to amend title 3, California Code of Regulations, sections 3883 and 4603. Section 3885 of title 3, California Code of Regulations is being repealed. The amendments and repeal pertain to the Schedule of Charge for issuing phytosanitary certifications, a nonregulatory service authorized by Food and Agriculture Code section 5852(a).

Title 3

AMEND: 4603, 3883 REPEAL: 3885

Filed 09/27/2016

Effective 10/01/2016

Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0913-01

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Electronic Waste Recycling Fees

This emergency filing by the Department of Resources Recycling and Recovery ("CalRecycle") amends 14 CCR § 18660.40, which lists the Electronic Waste Recycling Fees for certain electronic devices. Specifically, this emergency rulemaking action is a biennial adjustment of the recycling and recovery fees paid by consumers on purchases of electronic devices containing video screens. CalRecycle reviews and adjusts the amounts of these fees for the purpose of maintaining the appropriate revenue levels in the Electronic Waste Recovery and Recycling Account to fund the statewide Electronic Waste Recycling Program. This rulemaking action increases the current fees established during CalRecycle's 2014 emergency rulemaking effort and effective January 1, 2017.

Title 14

AMEND: 18660.40

Filed 09/22/2016

Effective 09/23/2016

Agency Contact: Meagan Wilson (916) 341-6077

File# 2016-0818-04

MEDICAL BOARD OF CALIFORNIA

Outpatient Surgery Settings

This action by the Medical Board of California amends section 1313.4 of title 16 of the California Code of Regulations to update the standards applicable to accreditation agencies that perform accreditations of outpatient surgery settings.

Title 16

AMEND: 1313.4

Filed 09/27/2016

Effective 01/01/2017

Agency Contact: Kevin Schunke (916) 263-2368

File# 2016-0817-02

NATURAL RESOURCES AGENCY

California Environmental Quality Act — Tribal Cultural Resources

This rulemaking by the California Natural Resources Agency (Agency) amends Appendix G in Title 14 of the California Code of Regulations regarding the consideration of impacts to tribal cultural resources. Appendix

G is a sample environmental checklist form designed to assist lead agencies in carrying out an environmental analysis under California Environmental Quality Act (CEQA). This rulemaking implements AB 52 which added new substantive and procedural requirements to CEQA regarding the analysis of tribal cultural resources, including the requirement that the Agency update Appendix G. This rulemaking contains those updates.

Title 14
 AMEND: Appendix G
 Filed 09/27/2016
 Effective 09/27/2016
 Agency Contact: Heather Baugh (916) 653-8152

File# 2016-0811-01
SUPERINTENDENT OF PUBLIC INSTRUCTION
 High School Equivalency Test (HSET)

The State Superintendent of Public Instructions (SSPI) in this timely Certificate of Compliance (2016-0520-04E) is implementing Senate Bill 252 that prohibits California Department of Education (CDE), Contractor(s) or testing centers from charging a fee for the California High School Equivalency Test (HSET) to an examinee who meets the defined criteria of a homeless youth.

Title 5
 ADOPT: 11533, 11534 AMEND: 11530, 11531
 Filed 09/22/2016
 Effective 09/22/2016
 Agency Contact: Hillary Wirick (916) 319-0644

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN April 27, 2016 TO
 September 28, 2016**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
 09/19/16 ADOPT: 18751 REPEAL: 18751
 09/19/16 AMEND: 18215.3, 18232
 09/15/16 AMEND: 18942
 09/13/16 AMEND: 1181.2, 1181.3, 1181.6,
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 1183.17, 1183.18, 1185.1, 1185.2,
 1185.3, 1185.4, 1185.5, 1187.4, 1187.6,
 1187.7, 1187.8, 1187.9, 1187.14,
 1187.15, 1190.1, 1190.2, 1190.3, 1190.5
 09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004,
 3005, 3006, 3007, 3008, 3009, 3010,
 3011, 3012, 3013, 3014, 3015, 3016
 08/31/16 AMEND: 18531.5
 08/17/16 AMEND: 18239
 08/17/16 AMEND: 59000
 07/29/16 ADOPT: 599.860
 07/13/16 AMEND: 1859.2, 1859.102 REPEAL:
 1866, 1866.1, 1866.2, 1866.3, 1866.4,
 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4,
 1866.4.6, 1866.4.7, 1866.5, 1866.5.1,
 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5,
 1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9,
 1866.7, 1866.8, 1866.9, 1866.9.1,
 1866.10, 1866.12, 1866.13, 1866.14
 07/11/16 AMEND: 59560
 06/27/16 AMEND: 1897
 06/23/16 ADOPT: 17010, 17011, 17012, 17013,
 17014, 17030, 17031, 17032, 17033,
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 17404, 17405, 17406, 17408, 17412,
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 05/25/16 AMEND: 604
 05/23/16 AMEND: 23000

05/19/16 ADOPT: 18750 REPEAL: 18750,
18750.1, 18750.2, 18752

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09/27/16 AMEND: 3435(b)
 09/27/16 AMEND: 4603, 3883 REPEAL: 3885
 09/21/16 ADOPT: 302, 303, 304, 304.1, 304.2,
 305, 305.1, 305.2, 305.3, 306, 306.1,
 306.2, 306.3, 307, 308, 309, 310, 310.1,
 311, 312, 313, 314, 315, 316.1, 316.2,
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 328, 329, 330.1, 330.2, 340
 09/20/16 AMEND: 3435(b)
 09/20/16 AMEND: 3435(b)
 09/16/16 AMEND: 3435(b)
 09/14/16 AMEND: 3435(b)
 09/07/16 ADOPT: 3442
 09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004,
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 3011, 3012, 3013, 3014, 3015, 3016
 08/29/16 ADOPT: 3591.26
 08/29/16 AMEND: 3435(b)
 08/29/16 AMEND: 3591.2
 08/26/16 AMEND: 3435(b)
 08/25/16 AMEND: 3435(b)
 08/24/16 AMEND: 3435(b)
 08/24/16 AMEND: 1358.7
 08/23/16 AMEND: 3435(b)
 08/03/16 AMEND: 3435(b)
 08/02/16 AMEND: 3435(b)
 08/01/16 AMEND: 3435(b)
 08/01/16 AMEND: 3435(b)
 07/25/16 AMEND: 3024.5
 07/25/16 AMEND: 3435(b)
 07/25/16 AMEND: 3435(b)
 07/25/16 AMEND: 3435(b)
 07/21/16 AMEND: 3435(b)
 07/20/16 AMEND: 3435(b)
 07/07/16 AMEND: 3435(b)
 07/05/16 AMEND: 3435(b)
 07/05/16 AMEND: 3435(b)
 06/30/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,
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 06/30/16 AMEND: 3435(b)
 06/30/16 AMEND: 3435(b)
 06/28/16 AMEND: 3435(b)
 06/22/16 AMEND: 3435(b)
 06/22/16 AMEND: 3435(b)
 06/20/16 AMEND: 3591.12
 06/16/16 AMEND: 3435(b)
 06/13/16 AMEND: 3435(b)
 06/13/16 AMEND: 3435(b)

06/08/16 AMEND: 850
 06/06/16 ADOPT: 1358.7
 06/02/16 AMEND: 3439(b)
 06/02/16 AMEND: 3435(b)
 06/01/16 AMEND: 3435(b)
 05/25/16 AMEND: 3435(b)
 05/23/16 AMEND: 3435(b)
 05/18/16 AMEND: 3435
 05/17/16 AMEND: 3906
 05/12/16 AMEND: 3435(b)
 05/12/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/10/16 AMEND: 3435(b)
 05/09/16 ADOPT: 3591.27

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09/28/16 AMEND: 1007
 09/15/16 ADOPT: 424, 425, 426, 830, 831, 832,
 833, 834, 835, 836 AMEND: 201.5, 303
 09/13/16 ADOPT: 1489.2
 08/29/16 ADOPT: 8078.8, 8078.9, 8078.10,
 8078.11, 8078.12, 8078.13, 8078.14
 08/09/16 AMEND: 10031, 10032, 10033, 10035,
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 07/25/16 AMEND: 1581, 1843
 07/19/16 AMEND: 5170
 07/19/16 ADOPT: 1866.1 AMEND: 1844
 07/05/16 AMEND: 1689.1
 06/29/16 AMEND: 8034, 8035
 06/15/16 ADOPT: 299 AMEND: 297, 300
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205,
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 04/27/16 AMEND: 10170.2, 10170.3, 10170.4,
 10170.5, 10170.6, 10170.7, 10170.8,
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09/22/16 ADOPT: 11533, 11534 AMEND: 11530,
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 08/30/16 ADOPT: 1700
 08/26/16 AMEND: 27000, 27004
 08/16/16 ADOPT: 80022 AMEND: 80025.3
 08/03/16 AMEND: 19810
 07/27/16 AMEND: 19810
 07/20/16 AMEND: 30950, 30951, 30951.1,
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 07/14/16 ADOPT: 74117 AMEND: 74110, 74112
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 6116, 6120, 6125, 6126
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05/31/16	ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522		
05/18/16	ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864		
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08/02/16	ADOPT: 346, 346.1, 346.2, 350.3, 350.4, 355.1, 355.2, 355.3, 355.4, 355.5, 372.8, 372.9, 376.8 AMEND: 347, 348, 352, 354, 356, 356.1, 356.2, 359, 359.1, 361.3, 364.2, 371, 371.1, 371.2, 372.6, 376.1, 376.4, 376.7, 378, 380, 383, 391.1, 392, 392.4, 392.5 REPEAL: 355	06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140, 8150	
07/28/16	ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2	06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622	
06/28/16	AMEND: 5148(c)	05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502	
05/18/16	AMEND: 362, 364, 364.1	05/26/16 ADOPT: 6858	
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09/16/16	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	
06/27/16	ADOPT: 4600, 4601, 4602	05/10/16 AMEND: 2318.6, 2353.1, 2354	
06/06/16	AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5	05/10/16 AMEND: 2353.1	
05/31/16	ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3	Title 11	
05/12/16	AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6	09/22/16 AMEND: 1001, 1052, 1053	
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09/27/16	AMEND: 3543	08/30/16 ADOPT: 3205 AMEND: 3000, 3001, 3003, 3201, 3203, 3204	
09/01/16	ADOPT: 6864	08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959	
08/29/16	AMEND: 3568	07/28/16 AMEND: 1005, 1007, 1008	
08/29/16	AMEND: 3569	07/08/16 AMEND: 310, 312, 999.1	
08/10/16	AMEND: 250.30 REPEAL: 5.2000, 5.2001	06/22/16 AMEND: 1004, 1011	
08/09/16	AMEND: 2498.6	06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960	
08/09/16	AMEND: 2498.4.9	06/01/16 AMEND: 51.22	
08/09/16	AMEND: 2498.6	04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132	
08/09/16	AMEND: 2498.4.9, 2498.6		
08/08/16	AMEND: 2498.5		
07/11/16	AMEND: 2053, 2053.1, 2054, 2054.1, 2054.2, 2054.3, 2054.5, 2054.6, 2054.7, 2055, 2056, 2057, 2058, 2059, 2061, 2061.1, 2061.2, 2061.3, 2061.4, 2061.5, 2062, 2062.1, 2062.2, 2063, 2063.1, 2063.2, 2063.3, 2064, 2065, 2066, 2066.1, 2066.2, 2066.3, 2066.4, 2066.5, 2067, 2068, 2069, 2070, 2071, 2072,	Title 12	
		08/31/16 AMEND: 452, 453	
		08/30/16 ADOPT: 463, 464 AMEND: 461	
		06/17/16 ADOPT: 509	
		05/23/16 ADOPT: 462	
		Title 13	
		09/20/16 ADOPT: 222.00, 222.02	

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09/01/16 AMEND: 550
 08/23/16 AMEND: 1606, 16.08, Appendix
 07/25/16 AMEND: 1202.1, 1202.2, 1232
 07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5,
 1971.1, 1971.5, 2485, 95302, 95662
 07/07/16 AMEND: 15.01
 06/23/16 ADOPT: 15.08 AMEND: 15.07
 06/23/16 AMEND: 268.10
 05/09/16 AMEND: 156.00, 156.01

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09/27/16 AMEND: Appendix G
 09/22/16 AMEND: 18660.40
 09/13/16 ADOPT: 250.2
 09/08/16 AMEND: 913.4, 933.4
 09/01/16 ADOPT: 820.02
 09/01/16 ADOPT: 798 AMEND: 791, 791.6,
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 09/01/16 ADOPT: 817.04 AMEND: 790
 08/30/16 AMEND: 699.5
 08/15/16 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3,
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 1666.9, 1666.10, 1666.11, 1666.12,
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 AMEND: 1665.2 REPEAL: 1665.8
 08/03/16 AMEND: 29.85
 08/01/16 ADOPT: 131
 08/01/16 AMEND: 1724.9
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,
 361, 362, 363, 364, 364.1
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,
 361, 362, 363, 364, 364.1
 07/25/16 AMEND: 13055
 07/18/16 AMEND: 1038
 07/07/16 AMEND: 1120 REPEAL: 1121
 06/30/16 AMEND: 190, 195
 06/30/16 AMEND: 18660.23, 18660.24,
 18660.25, 18660.33, 18660.34
 06/23/16 AMEND: 502, 507
 06/16/16 AMEND: 120.7
 06/15/16 ADOPT: 8.01
 06/09/16 AMEND: 7.50
 05/25/16 AMEND: 1670
 05/11/16 AMEND: 17852
 05/02/16 AMEND: 29.85
 04/28/16 ADOPT: 131
 04/27/16 AMEND: 27.80

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09/06/16 ADOPT: 3040.2 AMEND: 3000, 3040.1,
 3041, 3041.3, 3043.6, 3379
 08/17/16 AMEND: 3000, 3306, 3323
 08/11/16 AMEND: 3375.1, 3377
 07/13/16 AMEND: 8000, 8001, 8100, 8901
 06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2,
 3054.3, 3054.4, 3054.5

06/21/16 ADOPT: 3359.8
 06/02/16 AMEND: 3000, 3084.7, 3312, 3313,
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 3320, 3322, 3326, 3340, 3341.3, 3376,
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 05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,
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 05/11/16 AMEND: 3000, 3213
 05/10/16 AMEND: 3173.2
 04/28/16 AMEND: 3000

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09/27/16 AMEND: 1313.4
 09/19/16 AMEND: 1399.621
 09/15/16 AMEND: 1004
 09/14/16 AMEND: 1399.523
 09/13/16 ADOPT: 1751.8, 1751.9, 1751.10, 1752,
 1753, 1754 AMEND: 1735, 1735.1,
 1735.2, 1735.3, 1735.4, 1735.5, 1735.6,
 1735.7, 1735.8, 1751, 1751.1, 1751.2,
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 09/13/16 AMEND: 2620
 09/12/16 ADOPT: 635.1 AMEND: 631, 631.1,
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 09/07/16 ADOPT: 1328.1
 09/01/16 AMEND: 1399.696
 08/30/16 REPEAL: 1054, 1054.1, 1054.2
 08/25/16 ADOPT: 1746.4
 08/23/16 AMEND: 2043
 08/22/16 AMEND: 1023.16
 08/22/16 AMEND: 1495.1
 08/15/16 AMEND: 4110
 08/10/16 ADOPT: 1730.2
 08/03/16 AMEND: 1397.12 (renumbered to
 section 1395.2)
 08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2,
 2087.3 AMEND: 2034, 2035, 2036.5
 07/28/16 ADOPT: 3395.5 AMEND: 3340.1,
 3340.10, 3340.28, 3395.4
 07/19/16 AMEND: 1355.35
 07/12/16 AMEND: 36.1
 07/12/16 ADOPT: 1399.469.3
 06/22/16 AMEND: 438
 06/16/16 AMEND: 109
 06/07/16 ADOPT: 1100
 06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126,
 1127, 1133
 06/07/16 ADOPT: 1104, 1104.1, 1104.2
 05/26/16 ADOPT: 1815.5
 05/13/16 AMEND: 910
 05/10/16 AMEND: 2403
 05/04/16 AMEND: 4170
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326,
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- 04/28/16 AMEND: 1417
- Title 17**
- 08/11/16 AMEND: 6901, 6902, 6903
 07/25/16 ADOPT: 51000, 51001, 51002
 07/01/16 AMEND: 6540
 07/01/16 AMEND: 6508
 05/25/16 AMEND: 1050
 05/24/16 AMEND: 2500, 2502, 2505
- Title 18**
- 09/15/16 AMEND: 25136-2
 08/31/16 AMEND: 1597
 08/16/16 AMEND: 1590
 08/02/16 AMEND: 17000.30
 07/27/16 ADOPT: 4076
 07/27/16 AMEND: 1506
 06/28/16 AMEND: 1698, 4901
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- Title 19**
- 06/30/16 AMEND: 1980.00, 1980.02, 1980.04, 1980.05, 1980.06 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.11, 1990.12
- 06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710
- 05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671
- Title 20**
- 06/30/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607
- Title 21**
- 07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491
- 05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153
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- 09/16/16 AMEND: 97174
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- 08/01/16 AMEND: 51516.1
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- 06/20/16 AMEND: 51179.7
- 06/09/16 ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7
- 06/08/16 AMEND: 7000
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- 07/07/16 AMEND: 83074, 83087, 84074, 84087, 86074, 86087, 86574, 86587, 89374, 89387
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