



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Victim Compensation and Government Claims Board

MULTI-COUNTY: Yosemite Community College District

A written comment period has been established commencing on January 29, 2016, and closing on March 14, 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 March 14, 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 proposes to amend Section 3024.5 of the regulations in Title 3 of the California Code of Regulations pertaining to Registration and Certification of Grapevines.

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, FAX or email. The written comment period closes at 5:00 p.m. on March 14, 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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW

Existing law provides that the Secretary may, for the purpose of promoting and protecting the agricultural industry of the State, upon request, inspect plants and the premises upon or near which they are growing and the records of their sources and qualities. The Secretary may upon the basis of the information thus determined, maintain registries of the plants which are found not to be infested or infected, or liable to become infested or infected, with pests (Section 5821, Food and Agricultural Code). The Secretary may also establish and enforce regulations which are necessary to carry out the purposes of this existing program (Section 5823, Food and Agricultural Code).

The proposed amendment of Section 3024.5 pertaining to registration and Certification of Grapevines will amend the testing protocols used by an ongoing voluntary grapevine registration and certification program. The effect of this regulation will be to add testing for Grapevine red blotch-associated virus (GRBaV) to the requirements for registration and certification of grapevines as to their variety, quality, and apparent freedom from pests and diseases.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement this proposed regulation regarding the adding of grapevine red blotch-associated virus for inspection and testing procedures. 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.

Anticipated Benefits from This Regulatory Action

The proposed amendments to the regulation will increase consumers' confidence in cleanliness for diseases of concern and their confidence in effectiveness in the program. Additionally, this regulation will prevent the spread of GRBaV to non-infected vines in California and maintain the high quality of certified grapevine nursery stock.

There are no known specific benefits to the worker safety or the health or public safety of California residents. The proposed regulations would maintain a high quality of certified grapevine nursery stock and prevent the spread of GRBaV in California, as well as indirectly ensure a safe food supply and a positive health benefit to California consumers.

AMENDED TEXT

The amendment of this regulation will update disease and virus nomenclature in accordance with the Interna-

tional Committee on Taxonomy of Viruses and recent scientific publications and add testing for Grapevine red blotch-associated virus to the requirements for registration and certification of grapevines as to their variety, quality, and apparent freedom from pests and diseases.

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.

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

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

Small Business Determination

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

Significant effect on housing costs: None.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; or, 3) affect the expansion of businesses currently doing business within California.

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

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the 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 3024.5 pursuant to the authority vested by Sections 407 and 5823 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5821 and 5822 of the Food and Agricultural Code.

CONTACT

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

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)

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/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed

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

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

TITLE 10. DEPARTMENT OF BUSINESS OVERSIGHT

NOTICE IS HEREBY GIVEN that the Department of Business Oversight, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its conflict-of-interest code.

The Department of Business Oversight proposes to adopt its conflict-of-interest code to include employee positions that make or participate in making decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

The Department of Business Oversight protects consumers and oversees financial services providers and products. The Department supervises state-licensed financial institutions, including banks, credit unions and money transmitters. Additionally, the Department licenses and regulates a variety of financial service providers, including securities brokers and dealers, investment advisers, payday lenders and other consumer finance lenders. Copies of the proposed code are available and may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than March 14, 2016, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below. Please submit comments to Regulations@dbo.ca.gov.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than February 29, 2016, by contacting the contact person set forth below.

The Department of Business Oversight has determined that the proposed code:

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

All inquiries should be directed to:

Dan Warren
Regulations Coordinator
Department of Business Oversight
1515 K Street, Suite 200
Sacramento, CA 95814
(916) 324-6912

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Wildlife, proposes to amend Sections 870.15 through 870.21 in Subdivision 4 of Title 14 of the California Code of Regulations. These sections pertain to OSPR's Oil Spill Prevention and Administration Fund Fee.

PUBLIC HEARING

Pursuant to Gov. Code S. 11346.8(a), **no public hearing has been scheduled** on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested person, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento. **Copies of the written comments submitted will be made available upon request.**

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on March 15, 2016**, in order to be

considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: Joy.Lavin-Jones@Wildlife.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.39 grants the Administrator of OSPR the authority to adopt regulations and guidelines for the Oil Spill Prevention and Administration Fund.

The proposed regulations implement, interpret and make specific Government Code Sections 8670.39 through 8670.41.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department’s Office of Spill Prevention and Response (OSPR) is responsible for preventing, preparing for, and responding to oil spills. The program for oil spills in marine waters includes oil spill contingency planning, financial responsibility, drills and exercises, performing inspections and investigations, tracking spills, directing spill response and cleanup efforts, and determining appropriate restoration for injured wildlife and lost habitat. Current authority had been limited to activities in marine waters, and did not extend to inland preparedness and response activities. SB 861 (Chapter 35, Statutes of 2014) expanded OSPR’s jurisdiction to all “Waters of the State,” and in doing so created a Statewide Oil Spill Prevention and Response Program.

This statewide program covers all state surface waters at risk of oil spills from any source, including pro-

duction facilities, pipelines and the increasing shipments of oil transported by railroads.

Among the program details are the following elements:

- Robust Contingency Plans
- Verification of Financial Responsibility
- Response Equipment & Capability Requirements
- Periodic Drills/Testing, to ensure readiness and competence
- Oiled Wildlife Care Network coverage for the inland area

These proposed amendments make permanent some of the amendments from an emergency rulemaking approved in November 2015 (OAL Matter Number: 2015-1027-01) along with some additional clarifications and removal of language that is redundant to statute.

POLICY STATEMENT OVERVIEW

To fund the comprehensive program created by SB 861, the bill amended Government Code Section 8670.40 to expand the Oil Spill Prevention and Administration Fund fee of six and one-half cents (\$0.065) per barrel to all crude oil and petroleum products received at a marine terminal or refinery by any mode of delivery, which now includes oil delivered by rail. Therefore the primary benefits of the proposed regulations contribute to the health and welfare of California residents, worker safety, and the State’s environment, by ensuring that facilities and railroads are adequately prepared to respond to an oil spill.

There are no alternatives that would ensure protection of our valuable natural resources and meet the statutory requirements of Best Achievable Protection found in Government Code S. 8670.3(b)(1).

The proposed regulations do not differ substantially from existing comparable Federal regulations or statutes because there are no comparable federal regulations or statutes. California’s requirements have more comprehensive preparedness and oil spill response activities than the Federal government. OSPR conducted a gap analysis of the Federal requirements and found shortfalls in the Federal government’s requirements for sensitive site identification and protection, pre-identified and contracted/owned oil spill response equipment and personnel, Oil Spill Response Organization requirements and testing, financial responsibility requirements, and the requirements for drills and exercises.

The proposed regulations are not inconsistent or incompatible with existing State regulations. State and Federal agencies have regulations for prevention but very few have adequate regulations for preparedness and response.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTION 8670.55

In accordance with Government Code Section 8670.55(a), these regulations have been developed in consultation with the Oil Spill Technical Advisory Committee.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: The fee to new entities, as mandated by SB 861 (Chapter 35 of the 2013-14 Regular Session), would increase annual revenues by approximately \$11 million. The economic impact to the consumer will likely be negligible. According to figures published by the California Energy Commission, crude oil price fluctuations cause a change of about two and one-half cents (\$0.025) per gallon in the crude cost for gasoline for every \$1.00 per barrel change in crude oil cost. Given the numbers, if the Administrator chooses to raise the fee one cent (\$0.01), the imposition of the one cent (\$0.01) per barrel increase would arguably only have a \$0.0025 impact on the price of a gallon of gas. Thus, a "typical" driver who drives 15,000 miles per year and whose vehicle gets 20 miles per gallon would see their fuel costs increase by approximately eighteen cents (\$0.18) per year. A three cent (\$0.03) fee increase could potentially increase fuel costs by approximately fifty-four cents (\$0.54) per year. This assumes that consumers incur 100% of the fee increase. In reality, some of the increased fee would be borne by the supplier.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations:

—Will not result in the creation or elimination of jobs within the State of California;

—Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;

—Will not result in the expansion of businesses currently doing business within the State of California.

—Will provide benefits to the health and welfare of California residents, worker safety, and the state's environment, by providing the funding so that OSPR can ensure that facilities and railroads are adequately prepared to respond to an oil spill, thus meeting OSPR's Best Achievable Protection mandate by potentially eliminating or mitigating the impacts of an oil spill on the environment.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

<https://www.wildlife.ca.gov/OSPR/Legal/Proposed-Regulations>

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of the regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Shaun Pritchard ((916) 322-7562).

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Double Tree Suites by Hilton Hotel Anaheim Resort — Convention Center, 2085 S. Harbor Blvd, Anaheim, CA 92802 at 1:30 p.m., on March 17, 2016. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on March 14, 2016 or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5094 of the Business and Professions Code (BPC), and to implement, interpret or make specific Section 5094 of said Code, the CBA is considering changes to Division 1 of Title 16 of Section 9.1 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 5094 authorizes the CBA to adopt regulations specifying the criteria and procedures for approval of credentials evaluation services. Current law in CCR Title 16, section 9.1 defines the criteria a creden-

tials evaluation service must meet to receive and maintain CBA approval to provide evaluations of education from a college, university, or other institution of learning located outside the United States that assess foreign education equivalency.

The regulatory proposal is as follows: Amend section 9.1 in Title 16 of the CCR:

Section 9.1(a) — The proposed amendment requires credentials evaluation services to submit an application on Form 11A-54 (9/15), which is incorporated by reference.

Section 9.1(a)(1) — The proposed amendment requires the applicant to certify to its membership in applicable professional organizations.

Section 9.1(a)(2) — The proposed amendment would require a credentials evaluation service applicant to certify compliance with its written procedure for identifying fraudulent transcripts.

Section 9.1(a)(3) — The proposed amendment requires the credentials evaluation service applicant to certify it maintains a complete set of reference materials.

Section 9.1(a)(4) — The proposed amendment would require the credentials evaluation service to provide the required biographical information in the form of a resume or curriculum vitae.

Sections 9.1(a)(6) and (7) — The proposed amendment would define “written evidence” in section 9.1(a)(6) to mean the credentials evaluation service will provide, as part of the application, for the previous five years, the total number of evaluations performed by junior staff members, and the total number of evaluations performed by junior staff members that were reviewed by senior staff members.

Sections 9.1(a)(8), (9), and (10) — The proposed amendment would renumber these to section 9.1(a)(7), (8), and (9) respectively.

Section 9.1(a)(9) — The proposed amendment adds a provision requiring the credentials evaluation service to certify compliance with its appeal procedure for applicants.

Section 9.1(a)(11) — The proposed amendment would remove this section as it is repetitive of section 9.1(a)(10).

Section 9.1(a)(12) — The proposed amendment would renumber this section to section 9.1(a)(10) and require the sample evaluation submitted with the credentials evaluation service’s application to be in compliance with the requirements of section 9.1(b).

Section 9.1(a)(11) — The proposed amendment would add subsection 9.1(a)(11) to require a credentials evaluation service to certify it will establish, within thirty days of CBA approval, a minimum six-year document retention policy.

Section 9.1(a)(12) — The proposed amendment will require a credentials evaluation service as a condition of renewal, to certify continued compliance with minimum six-year document retention.

Section 9.1(b)(1) — The proposed amendment requires a credentials evaluation service to affirm in writing that the transcripts and degrees being authenticated were received directly from the educational institution or its governing body.

Section 9.1(b)(4) — The proposed amendment is added to identify the primary and secondary evaluators.

Section 9.1(b)(5) — The proposed amendment requires a credentials evaluation service to include the name or names of the applicant as shown on the transcripts as well as the name under which the applicant requested the evaluation.

Section 9.1(b)(4) — The proposed amendment renumbers former section 9.1(b)(4) to section 9.1(b)(6).

Section 9.1(b)(7) — The proposed amendment requires a credentials evaluation service to provide the total number of semester units completed and evaluated.

Section 9.1(b)(5) — The proposed amendment renumbers this paragraph to subsection 9.1(b)(8) and requires a credentials evaluation service to list the coursework in chronological order without categorization, extra emphasis, or distinguishing formatting for any courses listed.

Section 9.1(b)(9) — The proposed amendment requires the following disclaimer: “This evaluation service is not authorized by the California Board of Accountancy to include in this evaluation any opinion as to whether certain courses will be accepted by the CBA as meeting the CBA’s requirements or whether the applicant meets the CBA’s requirements for taking the Uniform CPA Examination or for licensure.”

Section 9.1(c) — The proposed amendment requires a credentials evaluation service to notify the CBA of any changes in the ratio required in section 9.1(a)(5), or any change in ownership. Change of Ownership means: any change in legal ownership of the approved credentials evaluation service or its business entity form, including the acquisition by a person of more than 50% of an interest in or stock of the business entity’s parent company, change of the business entity by incorporation or conversion of the business to another business entity form or a change in the corporate status that requires a new corporate number as issued by the Secretary of State.

Section 9.1(d) — The proposed amendment requires the credentials evaluation service to respond to any inquiries by the CBA, submit any documents requested by the CBA, provide any information requested by the CBA and cooperate in any investigation conducted by

the CBA regarding the service’s compliance with the CBA’s requirements.

Section 9.1(e) — The proposed amendment clarifies that, in addition to failing to comply with any of the requirements of this section, approval may be withdrawn for furnishing false, inaccurate, incomplete, or misleading information to the CBA.

Section 9.1(f) — The proposed amendment allows credentials evaluation services with approval prior to the date this subdivision becomes effective to meet the requirements of this section at its next renewal.

The proposed amendments would strengthen oversight by clarifying the requirements, incorporating an application form, specifying definitions, and requiring credentials evaluation services to certify representations made to the CBA. The rulemaking benefits credentials evaluation services by clarifying what information is required for the initial approval and maintenance of approval to provide these services to CPA applicants.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The CBA policy is to promulgate regulations for the protection of California consumers. When there is no impact on consumers, the CBA endeavors to pursue regulations that are not burdensome to licensees. This proposal protects consumers by ensuring that all applicants’ foreign education is evaluated by credentials evaluation services that meet the criteria necessary to render effective course work comparison and analysis.

This regulatory proposal would clarify what information is required from credentials evaluation services to be included in the application for approval to provide services and information provided regarding their evaluation of foreign education. Amending the language will benefit evaluation services by providing clarity regarding what information is required to obtain and maintain approval for providing services to CPA examination and licensure applicants.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

Document incorporated by reference:
Credentials Evaluation Service Application 11A-54 (09/15).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The CBA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination. The CBA presently has eighteen CBA-approved credentials evaluation service firms who would be directly affected by this proposal. On average the CBA receives less than one new CES applicant in any given year. Entities that provide credentials evaluation services would not experience a significant financial burden in completing the application and complying with the proposed amendments to Title 16, California Code of Regulations section 9.1 since they currently provide, through a less formal manner, the information required on the proposed application. Costs associated with changes to the evaluation reports, including a single disclaimer, provided to CPA candidates and statistical reporting should be minor and absorbable by the firms. Any potential adverse economic impact would only occur if a CES failed or refused to meet minimum standards and their approval was withdrawn. Given the volume of approved credential evaluation services and the level and number of the changes proposed, no “significant” adverse impact is expected.

Cost Impact on Representative Private Person or Business:

Costs associated with changes to the evaluation reports, including a single disclaimer, provided to CPA candidates and statistical reporting should be minor and absorbable by the firms.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The CBA has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state’s environment.

This regulatory proposal does not affect worker safety because it has nothing to do with worker safety.

This regulatory proposal benefits the health and welfare of California residents because it will help ensure that the CBA’s minimum standards for education are met by foreign-educated CPA candidates. The CBA will be better able to meet its obligations to protect the consumers of California as a result of these proposed amendments since only a CES who meets these new minimum standards will be authorized to provide evaluation reports for consideration of a CPA candidate’s eligibility by the CBA. Setting minimum standards for licensure helps protect the public by helping ensure that only qualified applicants practice public accountancy.

The regulatory proposal does not affect the state’s environment because it has nothing to do with the environment.

As stated above under the Informative Digest, the proposed regulation would benefit credentials evaluation service firms by clarifying what information is required for initial approval and maintenance of approval to provide these services.

CONSIDERATION OF ALTERNATIVES

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

persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the CBA at 2000 Evergreen St, Ste. 250, Sacramento, California, 95815.

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

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

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

CONTACT PERSON

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

Name: Pat Billingsley
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916-561-1782
Fax No.: 916-263-3678
E-Mail
Address: pat.billingsley@cba.ca.gov

The backup contact person is:

Name: Nooshin Movassaghi
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916-561-1742
Fax No.: 916-263-3678
E-Mail
Address: nooshin.movassaghi@cba.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml.

TITLE 18. BOARD OF EQUALIZATION

**The State Board of Equalization Proposes to
Adopt Amendments to
California Code of Regulations, Title 18,
Section 1698, *Records*, and Section 4901, *Records***

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) sections 7051, 8251, 9251, 30451, 32451, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601 proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation or Reg.) 1698, *Records*, and Regulation 4901, *Records*. The proposed amendments to both regulations define the term electronic cash register and provide that the term includes integrated point of sale (POS) systems. The proposed amendments add an example to both regulations explaining that if the taxpayer's POS system periodically overwrites stored data, the taxpayer should transfer and maintain a copy of all the data that would be overwritten or otherwise removed for the specified record retention period. The proposed amendments update the term "machine-sensible records" to "electronic records" throughout both of the regulations. The proposed amendments to both regulations clarify that storage-only imaging media includes "PDF files" and the amendments to Regulation 1698 clarify that storage-only imaging media includes "other media used in electronic imaging" to be consistent with the current provisions of Regulation 4901. The proposed amendments also replace the references to the Marine Invasive Species Fee, California Tire Fee, Natural Gas Surcharge, Covered Electronic Waste Recycling Fee, and Water Rights Fee with a reference to the Fee Collection Procedures Law (FCPL) (RTC § 55001 et seq.) in Regulation 4901, subdivision (a)(1), to cover all the taxes and fees currently enacted and administered under the FCPL.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on March 29-30,

2016. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 10:00 a.m. or as soon thereafter as the matter may be heard on March 29–30, 2016. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulations 1698 and 4901.

AUTHORITY

Regulation 1698: RTC section 7051.

Regulation 4901: RTC sections 8251, 9251, 30451, 32451, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601.

REFERENCE

Regulation 1698: RTC sections 6455, 7053, 7054, and 7153.6.

Regulation 4901: RTC sections 8301, 8302, 8303, 8304, 9253, 9254, 30453, 30454, 32551, 32453, 40172, 40173, 40174, 40175, 41056, 41073, 41129.30, 43502, 45852, 46602, 46603, 50153, 55302, 55363.5, 60604, 60605, and 60606.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

Sales and Use Tax

The Board administers California's sales and use taxes. The Board's Sales and Use Tax Department is responsible for administering the Board's sales and use tax programs, including performing audits to ensure that sales and use taxes are reported properly.

There are two statutes related to the retention and examination of records for sales and use tax purposes. RTC section 7053 provides that "[e]very seller, every retailer as defined in subdivision (b) of section 6015, and every person storing, using, or otherwise consuming in this State tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the [B]oard may require."

RTC section 7054 specifies that the Board, or any person authorized in writing by it, "may examine the books, papers, records, and equipment of any person

selling tangible personal property and any person liable for the use tax." It further specifies that the Board "may investigate the character of the business of the person in order to verify the accuracy of any return made" or "if no return is made by the person, to ascertain and determine the amount required to be paid."

The Board adopted Regulation 1698 to implement, interpret, and make specific RTC sections 7053 and 7054 by specifying the types of records that must be maintained and made available for examination on request by the Board for sales and use tax purposes. The regulation currently allows records to be maintained and made available in hardcopy or electronic format. The regulation also generally requires all records to be preserved for a period of not less than four years, except for records for reporting periods beginning before January 1, 2003, that are subject to the extended ten-year statute of limitations contained in RTC section 7073(d), which the regulation requires to be preserved for a period of not less than ten years. The Board made amendments that substantially updated Regulation 1698 in 1997, and added the provisions regarding records for reporting periods beginning before January 1, 2003, in 2005. However, Regulation 1698 has not been substantially updated since 1997.

As relevant here, Regulation 1698 currently defines the terms "database management system," "electronic data interchange" or "EDI Technology," "hardcopy," and "machine-sensible record." It explains that machine-sensible records do not include hardcopy records "stored in or by a storage-only imaging system such as microfilm or microfiche." It also provides the requirements for hardcopy records to be converted to "storage-only imaging media, such as microfilm and microfiche."

Special Taxes and Fees

The Board also administers a number of special taxes and fees, in addition to the sales and use taxes. As relevant here, those special taxes and fees are administered under the Motor Vehicle Fuel Tax Law (RTC § 7301 et seq.), the Use Fuel Tax Law (RTC § 8601 et seq.), the Cigarette and Tobacco Products Tax Law (RTC § 30001 et seq.), the Alcoholic Beverage Tax Law (RTC § 32001 et seq.), the Energy Resources Surcharge Law (RTC § 40001 et seq.), the Emergency Telephone Users Surcharge Law (RTC § 41001 et seq.), the Hazardous Substances Tax Law (RTC § 43001 et seq.), the Integrated Waste Management Fee Law (RTC § 45001 et seq.), the Oil Spill Response, Prevention, and Administration Fees Law (RTC § 46001 et seq.), the Underground Storage Tank Maintenance Fee Law (RTC § 50101 et seq.), the FCPL, and the Diesel Fuel Tax Law (RTC § 60001 et seq.) (hereafter, collectively referred to as special tax and fee laws).

As relevant here, the Covered Electronic Waste Recycling Fee imposed by Public Resources Code (PRC) section 42464 is administered under the FCPL pursuant to PRC section 42464.2. The California Tire Fee imposed by PRC section 42885 is administered under the FPCL pursuant to PRC section 42882. The Lumber Products Assessment imposed by PRC section 4629.5 is administered under the FCPL pursuant to PRC section 4629.5. The Marine Invasive Species Fee imposed by PRC section 42885 is administered under the FCPL pursuant to RTC sections 44002 and 44003. The Natural Gas Surcharge imposed by Public Utilities Code (PUC) section 890 is administered under the FCPL pursuant to PUC section 893. The Prepaid Mobile Telephony Services Surcharge imposed by RTC section 42010 and Local Charges as defined in RTC section 42101 that are required to be collected by sellers other than direct sellers are administered under the FCPL pursuant to RTC sections 42020 and 42103. And, the Water Rights Fee imposed by Water Code sections 1525 and 13160.1 is administered under the FCPL pursuant to Water Code section 1552.

The Board's Special Taxes and Fee Department is responsible for administering the Board's special taxes and fees programs under the special tax and fee laws.

The Board adopted Regulation 4901 in 2003 to implement, interpret, and make specific the statutes related to the retention and examination of records under the special tax and fee laws, which are similar to RTC sections 7053 and 7054 (discussed above). (RTC §§ 8301, 8302, 8303, 8304, 9253, 9254, 30453, 30454, 32551, 32453, 40172, 40173, 40174, 40175, 41056, 41073, 41129.30, 43502, 45852, 46602, 46603, 50153, 55302, 60604, 60605, and 60606.) As relevant here, Regulation 4901 contains a list of "Applicable Tax Laws" and prescribes the types of records that must be maintained and made available for examination on request by the Board to determine taxpayers' and fee payers' correct liabilities under the applicable tax laws. Regulation 4901 generally mirrors the provisions of Regulation 1698, except that it provides the requirements for hardcopy records to be converted to "storage-only imaging media, such as *microfilm, microfiche or other media used in electronic imaging.*" (Italics added.)

Regulation 4901 was amended in 2010 to clarify that it applies to the Water Rights Fee (enacted in 2003) and Cover Electronic Waste Recycling Fee (enacted in 2004). However, Regulation 4901 has not been substantially updated since it was adopted in 2003 and does not currently refer to the Lumber Products Assessment and the Prepaid Mobile Telephony Services Surcharge, which were enacted, or Local Charges, which the Board was first required to administer under the FCPL, after the regulation was last amended.

Electronic Cash Registers

Cash registers have existed for many years. They offer business owners an organized place to ring up sales and store money from their sales transactions. Electronic cash registers have also been in use for some time and now include a wide range of devices, such as integrated POS systems.

POS systems are sophisticated computer systems that use commercially available operating systems to record each sale when it happens. In recent years, POS systems have become more popular than traditional cash registers with business owners because of their user-friendly interface, data tracking capabilities, and increased affordability. These systems are also popular because they can be integrated with third-party accounting software, online ordering, and credit and debit card processors.

The Legislature added RTC section 7153.6 to the Sales and Use Tax Law (RTC § 6001 et seq.) and RTC section 55363.5 to the FCPL, effective January 1, 2014. (Stats. 2013, ch. 532.) As relevant here, both statutes define the term "electronic cash register" to mean "a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in whatever manner" and both statutes indicate that electronic cash registers include POS systems.

Effect, Objectives, and Benefits of the Proposed Amendments

Need to Update Regulation 1698

As new technologies and business practices emerge, the Board must adapt to the new technologies and keep taxpayers informed with relevant guidance using the current terminology in the industry. Board staff determined that there was an issue (or problem within the meaning of Gov. Code, § 11346.2, subd. (b)(1)) because Regulation 1698 currently defines the outdated term "machines-sensible record" and generally uses the term to refer to information in an "electronic format," which is now simply referred to as "electronic records." Staff determined that there was an issue (or problem) with Regulation 1698 because it does not define the commonly used term electronic cash register or refer to POS systems. Staff also determined that there was an issue with Regulation 1698 because it did not provide guidance to business owners with POS systems that overwrite data after a period of time about how to maintain their data before it is overwritten.

Interested Parties Process

As a result, the Board's Business Taxes Committee (BTC) staff prepared draft amendments to update Regulation 1698 and address the issues described above,

and a discussion paper explaining the draft amendments. Both were provided to interested parties.

Staff's draft amendments to Regulations 1698:

- Defined the term "electronic cash register" and explained that the term includes integrated POS systems.
- Replaced the term "machine-sensible record" with "electronic record" and explained that electronic records included records recorded and maintained by electronic cash registers.
- Changed the format of the example provided in subdivision (c)(2)(A).
- Added an example to subdivision (i) to further explain how business owners should maintain their data if they have POS systems that overwrite data after a period of time.

On June 17, 2015, BTC staff conducted an interested parties meeting to discuss the draft amendments. Following the meeting, staff received a submission, dated July 1, 2015, from Mr. Robert Jones of Collins, Mason & Company LLP. Mr. Jones proposed that each occurrence of "microfilm or microfiche" in the regulation be replaced with "microfilm, microfiche, or pdf."

PDF or "portable document format" is a type of storage-only imaging format that is independent of software, hardware, or operating systems. Invented and developed by Adobe, PDF has become the most popular imaging format since 1994 when Adobe announced that it would provide its Adobe Reader software free online as an open file format. With increased availability and ease of use, PDF files have become the standard for document exchange, almost replacing microfilm or microfiche. Staff agreed with Mr. Jones that PDF is an acceptable record storage format, and as such agreed to add PDF to the regulation where it refers to microfilm and microfiche.

When preparing the second discussion paper and revising the draft amendments to Regulation 1698, BTC staff determined that Regulation 4901 generally mirrors Regulation 1698 (as discussed above). BTC staff also noticed that Regulation 4901 contains language in subdivision (h)(1) and (h)(2) that refers to "microfilm, microfiche or other media used in electronic imaging" (as discussed above). As such, staff revised its draft amendments to Regulation 1698, subdivisions (a)(4), (h)(1), and (h)(2) to replace each occurrence of "microfilm or microfiche" with "microfilm, microfiche, PDF files, or other media used in electronic imaging."

In addition, BTC staff drafted amendments to update Regulation 4901 that mirrored the amendments to Regulation 1698, discussed above, including adding "PDF files" to subdivisions (a)(5), (h)(1), and (h)(2) of Regulation 4901 to ensure consistency between Regulations 1698 and 4901. Also, to further update Regulation

4901, staff drafted amendments to remove the references to the Marine Invasive Species Fee, California Tire Fee, Natural Gas Surcharge, Covered Electronic Waste Recycling Fee, and Water Rights Fee from subdivision (a)(1)'s list of applicable tax laws and insert a reference to the FCPL to cover all the taxes and fees currently enacted and administered under the FCPL, as well as eliminate the need for further revisions to Regulation 4901 when new taxes and fees are enacted that are administered under the FCPL.

On August 11, 2015, BTC staff conducted a second interested parties meeting to discuss the draft amendments to Regulations 1698 and 4901. At the meeting, there was overall support for the proposed amendments. Also at the meeting, Mr. Marc Brandeis of Brandeis & Associates, LLC, requested that Excel worksheets and Access databases be included as acceptable forms of records in the regulations. Although staff did not receive a written submission for this request, staff did consider the suggestion. Staff determined that worksheets and database files are not necessarily source data and that they are often summaries or analyses of source data. Staff determined that worksheets and databases are already required to be maintained and made available to the Board under the provisions in subdivision (b)(1)(C) of both regulations, which refer to "schedules or working papers used in connection with the preparation of tax returns." Additionally, staff determined that it would be unnecessarily restrictive to revise the regulation to refer to specific proprietary software products, such as Excel and Access. For these reasons, BTC staff did not agree to incorporate Mr. Brandeis's suggestion into staff's draft amendments.

October 27, 2015, BTC Meeting

Subsequently, staff prepared Formal Issue Paper 15-011 and distributed it to the Board Members for consideration at the Board's October 27, 2015, BTC meeting. Formal Issue Paper 15-011 recommended that the Board propose to add a definition for "electronic cash register" to subdivision (a)(2) of Regulation 1698 and subdivision (a)(3) of Regulation 4901 to address the second issue (or problem) referred to above. The definitions in the regulations are in alphabetical order, therefore the issue paper recommended that the definition for "electronic cash register" be inserted alphabetically, and the remaining definitions be renumbered.

Subdivision (i) of both regulations explains that records must be kept for a period of not less than four years. The formal issue paper recommended that the Board propose to add an example to this subdivision to address the third issue (or problem) referred to above by explaining that if the taxpayer's POS system periodically overwrites stored data, the taxpayer should transfer

and maintain a copy of all the data that would be overwritten or otherwise removed for the specified period.

The formal issue paper recommended that the Board propose to update the term “machine–sensible records” to “electronic records” throughout the regulations to address the first issue (or problem) referred to above. “Machine–sensible records” is an outdated term, and “electronic records” is a current and readily understood term. Board staff also recommended that the Board propose to change the formatting of the regulations in subdivision (c)(2)(A) where they provide examples of what retained records should contain when a taxpayer uses electronic data interchange processes and technology. The recommended amendments reformatted the examples as numbered lists for easier reading and consistent formatting with other subdivisions in the regulations.

Additionally, the formal issue paper recommended that the Board revise Regulation 4901 to remove the references to the Marine Invasive Species Fee, California Tire Fee, Natural Gas Surcharge, Covered Electronic Waste Recycling Fee, and Water Rights Fee from the list of applicable tax laws under subdivision (a)(1) and insert a reference to the FCPL to cover all the taxes and fees currently enacted and administered under the FCPL, as well as eliminate the need for further revisions to Regulation 4901 when new taxes and fees are enacted that are administered under the FCPL. The recommended amendments to subdivision (a)(1) were also arranged in alphabetical order.

Furthermore, the formal issue paper recommended that the Board propose to amend Regulation 1698, subdivisions (a)(4), (h)(1), and (h)(2) to replace each occurrence of “microfilm or microfiche” with “microfilm, microfiche, PDF files, or other media used in electronic imaging” and propose to amend Regulation 4901 to add “PDF files” to subdivisions (a)(5), (h)(1), and (h)(2), to address Mr. Jones’s submission, which was included as Exhibit 4 to the formal issue paper.

At the conclusion of the Board’s discussion of Formal Issue Paper 15–011 during the October 27, 2015, BTC meeting, the Board Members unanimously voted to propose the amendments to Regulations 1698 and 4901 recommended in the formal issue paper. The Board determined that the proposed amendments are reasonably necessary to have the effect and accomplish the objectives of clarifying and updating the regulations to address the issues (or problems) referred to above and respond to Mr. Jones’s submission.

The Board anticipates that the proposed amendments to Regulations 1698 and 4901 will benefit business owners that use electronic cash registers, including POS systems, and maintain records in electronic format by providing updated guidance about the electronic records they must maintain and make available to the Board. The Board also anticipates that the amendments

to Regulation 4901, subdivision (a)(1), will benefit the Board by eliminating the need for further revisions to Regulation 4901 when new taxes and fees are enacted that are administered under the FCPL.

The Board has performed an evaluation of whether the proposed amendments to Regulations 1698 and 4901 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulations 1698 and 4901 are the only regulations that specify the types of records that must be maintained and made available for examination on request by the Board under the Sales and Use Tax Law and special tax and fee laws, and the Board is making consistent amendments to both regulations. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulations 1698 and 4901 or the proposed amendments to Regulations 1698 and 4901.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 1698 and 4901 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 1698 and 4901 will result in no direct or indirect cost or savings to any state agency and will result in no cost or savings in federal funding to the State of California. The Board has also determined that the adoption of the proposed amendments to Regulations 1698 and 4901 result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, and will result in no other non–discretionary cost or savings imposed on local agencies.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulations 1698 and 4901 will not have a significant, statewide adverse economic impact directly affecting business, in-

cluding the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulations 1698 and 4901 may affect small business.

NO KNOWN COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the adoption of the proposed amendments to Regulations 1698 and 4901 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulations 1698 and 4901 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulations 1698 and 4901 will not affect the benefits of Regulations 1698 and 4901 to the health and welfare of California residents, worker safety, or the state’s environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulations 1698 and 4901 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

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

sons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Pamela Mash, Tax Counsel, by telephone at (916) 323-3248, by e-mail at Pamela.Mash@boe.ca.gov, or by mail at State Board of Equalization, Attn: Pamela Mash, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board’s consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Mr. Bennion is the designated backup contact person to Ms. Mash.

WRITTEN COMMENT PERIOD

The written comment period ends at 10:00 a.m. on March 29, 2016, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1698 and 4901 during the March 29-30, 2016, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulations 1698 and 4901. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared underscored and strikeout versions of the text of Regulations 1698 and 4901 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulations 1698 and 4901, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon

request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

**SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GOVERNMENT CODE
SECTION 11346.8**

The Board may adopt the proposed amendments to Regulations 1698 and 4901 with changes that are non-substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Regulations 1698 and 4901, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

**TITLE 23. CALIFORNIA
WATER COMMISSION**

The California Water Commission (Commission) will conduct a public hearing at the time and place noted below to consider the adoption of regulations regarding the Water Storage Investment Program. The proposed regulations would allow the State of California to invest funds in public benefits associated with water storage, pursuant to Water Code section 79750 *et seq.*

OPPORTUNITY FOR PUBLIC COMMENT

- **Public Hearings.** The hearing will be held in accordance with the requirements set forth in Government Code section 11346.8. The hearing details are as followings:

Date: March 16, 2016
Time: 9:30 a.m.

This item may be considered at any time during the regularly scheduled meeting of the Commission. Please consult the agenda, which will be available at least ten (10) days before March 16, 2016, to confirm the time at which this item will be considered. The agenda will be posted at <http://cwc.ca.gov>.

Location: California Resources Building
1416 Ninth Street, First Floor
Auditorium
Sacramento, CA 95814

Sections Affected: Proposed adoption of California Code of Regulations, title 23, new article 1, which contains new sections 6000, 6001, 6002, 6003, 6004, 6005, 6006 and 6007.

**WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January 29, 2016. To be considered by the Commission, written comments not physically submitted at the hearing, must be submitted on or after January 29, 2016 and received **no later than 5:00 p.m. on March 14, 2016** and must be addressed to the following:

Jennifer Marr
California Water Commission
901 P Street, Room 314
P.O. Box 924836
Sacramento, CA 94236
916-651-0156
Jennifer.Marr@water.ca.gov

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

The Commission requests, but does not require, that written and email statements on this item be filed at least 10 days prior to the hearing so that Commission staff and Commissioners have additional time to consider each comment. The Commission encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Commission requests, but does not require, that persons who submit written comments to the Commission reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

Water Code Section 79754 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific sections 79705, 79707, 79711, 79712, 79750, 79751, 79752, 79753, 79754, 79755, 79756, 79757, 79758 and 79759 of the Water Code. The proposed regulations make references to: sections 79705, 79707, 79711, 79712, 79750, 79751, 79752, 79753, 79754, 79755, 79756, 79757, 79758 and 79759 of the Water Code.

DOCUMENTS INCORPORATED BY REFERENCE

No documents are incorporated by reference in the regulations.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE 11346.5(a)(3)

Background and Effect of the Proposed Rulemaking

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”) was approved by the voters in November 2014. Proposition 1 is codified as Division 26.7 of the Water Code. The purposes of Proposition 1 include funding the public benefits of water storage projects. In particular, Chapter 8 of Proposition 1 allocates \$2.7 billion to the Commission to implement a competitive investment program to fund public benefits and directs the Commission to develop and adopt regulations specifying the methods for the quantification and management of public benefits. The broad objective of these regulations is to facilitate the implementation of the Water Storage Investment Program authorized under Chapter 8 of Proposition 1.

The proposed regulations provide the application process and requirements applicants must follow to quantify the public benefits of their proposed water storage projects. Additionally, the proposed regulations include the ecosystem and water quality priorities, as provided by the California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (State Water Board), to be considered by the

Commission when evaluating projects that have applied for funding pursuant to Proposition 1.

Objectives, Benefits, and Policy Statement Explaining the Specific Benefits Anticipated from the Proposed Regulatory Action

This proposed regulation is the first step to establish a program that evaluates public benefits associated with water storage projects and funds up to 50% of the capital costs of those projects (the maximum cost share is dictated by Water Code sections 79756(a) and (b)). The proposed regulation implements the Legislative and voter directives and provides the following benefits:

- The proposed regulations describe consistent standards for quantifying public benefits. The standards allow the Commission and other state review agencies to evaluate and compare projects cost-effectively.
- The proposed regulations provide for a fair, competitive application and evaluation process that allows the Commission to evaluate the magnitude of public benefits associated with water storage projects and rank storage projects based on the return on public investment and other criteria.
- The proposed regulations explain to potential applicants how information should be developed and presented to be eligible for funding.
- The proposed regulations define how projects will be selected based on the magnitude of benefits and the relative environmental values of CDFW and the State Water Board.
- The proposed regulations help to implement a key goal expressed in the California Water Action Plan,¹ to expand water storage capacity and improve groundwater management.
- The proposed regulations improve the likelihood that the projects funded and built will provide the greatest net public benefits for the State.

Determination of Inconsistency and Incompatibility with Existing State Regulations Pursuant to Government Code 11346.5(a)(3)(D)

The proposed regulations establish a novel methodology for quantifying public benefits of a new California water storage investment program and guidance for a state program to fund certain water storage projects. None of the proposed regulations are inconsistent or incompatible with existing state regulations. The Commission has developed these regulations in alignment with existing state law and regulations that govern state grant programs.

¹ California Natural Resources Agency, California Department of Food and Agriculture, and California Environmental Protection Agency, 2014. California Water Action Plan. Available at: http://resources.ca.gov/california_water_action_plan/.

The Commission developed the proposed regulations to be consistent with the following sections of the Water Code: Sections 79700 through 79716 specifying the general objectives of Proposition 1 and Sections 79750 through 79760 outlining the specific requirements of Chapter 8 of Proposition 1 which funds the public benefits of certain types of water storage projects.

The proposed regulations are uniquely applicable to the implementation of the Water Storage Investment Program newly established by Sections 79750 through 79760 of the Water Code. In addition to the consistency of the regulatory policies with the implementing statute, the policies are also consistent with existing laws and regulations that relate to the specific policies discussed below.

During the process of developing the proposed regulatory action, Commission staff has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Mandated by Federal Law or Regulations

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

Comparable Federal Regulations

The proposed regulation implements a new state investment program that does not have a federal counterpart and does not impact, duplicate, or conflict with federal regulations or statutes. The Commission has reviewed federal regulations and standards specifically regarding quantification of benefits for water storage projects, and has striven to develop methods consistent with those (see Water Resources Council, 1983, incorporated by reference into the Code of Federal Regulations, Title 43, Subtitle B, Chapter 1, §404.4). Differences between the proposed regulation and the federal regulations occur where required by provisions of Proposition 1 or other state law, or where required to evaluate benefits from the state's perspective rather than the federal perspective.

Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking

Chapter 8 of Proposition 1, codified in Sections 79750 through 79760 of the Water Code, charges the Commission with implementing a competitive program to fund public benefits associated with water storage projects. Specifically, the Commission is directed in Section 79754 to develop by regulation methods for the quantification and management of the public benefits described in Section 79753.

Other Statutory and Legal Requirements

- Executive Order B-10-11: Establishes administrative policy that every state agency and department subject to executive control shall encourage communication and consultation with California Indian tribes and provide the opportunity for meaningful input into the development of legislation and regulations, rules, and policies on matters that may affect tribal communities.

The Commission has included tribal representatives in its Stakeholder Advisory Committee and regularly consulted with the Department of Water Resources' (DWR's) tribal advisor, who has twice briefed the Commission. The Commission has complied with the California Natural Resources Agency's tribal consultation policy and in June 2015 organized, in conjunction with DWR, CDFW and State Water Board, a two-day forum on Tribal Government Consultation on Proposition 1 Water Bond, exploring funding opportunities for tribal governments.

- Executive Order B-30-15 (Climate Change): Governor Jerry Brown's Executive Order B-30-15 and AB1482 require State agencies to take climate change into account in project planning and investment decisions. To comply with these directives, climate change is required in the analyses and quantification of public benefits of water storage projects for the Water Storage Investment Program. Several methods and approaches of incorporating climate change in water resources planning were considered. Climate change analysis options for the Storage Investment Program were developed to draw on the same suite of climate change projections as will be used for the forthcoming 4th California Climate Change Assessment.
- Human Right to Water (HRTW): Section 106.3(a) of the Water Code codifies the state policy that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes" (the human right to water). Section 106.3(b) of the Water Code requires that state agencies consider this policy when adopting regulations or grant criteria if the regulations or criteria are "pertinent to" the domestic uses of water enumerated in subsection (a). Section

6005(b)(9) of the proposed regulations includes HRTW as a priority established under Section 79754 of the Water Code.

FISCAL IMPACT DETERMINATION
REGARDING THE PROPOSED ACTION
(Government Code sections 11346.5(a)(5)(6)&(7))

Local Mandate (Government Code 11346.5(a)(5))

Pursuant to Government Code sections 11346.5(a)(5) and (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs to covered State agencies. The proposed regulatory actions would not create costs or savings in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500) or other nondiscretionary costs of savings to State or local agencies.

The regulation does not impose a mandate on any private individual, business or local government. Participation in a WSIP funding request is entirely voluntary. Participation is open to local public agencies, and certain private organizations including mutual water companies and non-profit organizations as defined in the Act.

The determinations of the Commission's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below:

- Cost to any Local Agency or School District Requiring Reimbursement Pursuant to Government Code section 17500 et seq.: None.
- Cost or Savings for State Agencies: None.
- Other Non-Discretionary Costs or Savings on Local Agencies: None.

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

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

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, Commission staff evaluated the potential economic impacts on representative private persons or businesses. The Commission is not aware of any cost impacts that a representa-

tive private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the projects that would apply for funding under these proposed regulations do not meet the qualifications of a small business.

Business Reporting Requirements

The administrative requirements of the proposed regulations do not apply to business or private individuals. Therefore, there is no reporting requirement that applies to business.

Housing Costs

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

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT PREPARED
PURSUANT TO GOVERNMENT CODE
SECTION 11346.3(b)

Effect on Jobs/Businesses

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Regulation

The objective of the proposed regulations is to invest in public benefits associated with water storage. The benefit of this investment will support the statutory purposes associated with the program and promote ecosystem improvements, water quality improvements, flood control benefits, emergency response, and recreational purposes associated with water storage.

A detailed explanation of the benefits of the proposed regulation is in the Initial Statement of Reasons, under "Purpose of Proposed Regulations" above.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The proposed regulation satisfies the legislative and voter direction to develop and adopt a regulation on methods to quantify and manage public benefits of water storage projects. It also describes the process the Commission will use to solicit applications, review applications, and award bond funds to projects.

The proposed regulation does not authorize the \$2.7 billion of funding; nor does it specify when or where in the State the funds will be spent. The location and timing of spending will depend on what projects choose to apply for funds, are deemed eligible according to Proposition 1, and are chosen through the competitive process required by Water Code 79750(c). Spending of bond revenues is not expected until fiscal year (FY) 2018/19. Considering the requirements of the Act and other planning and permitting requirements, funding and construction of projects could begin in FY 2018/19 or FY 2019/20, or even later depending on the size or complexity of funded projects.

The regulation itself does not initiate a mandate for planning studies for eligible projects. Rather, most planning studies, feasibility studies and environmental documentation in particular, are required by the legislation and California Environmental Quality Act. Feasibility studies normally include a quantification of benefits, project costs, and a cost allocation. Therefore, even costs of quantifying public benefits cannot all be assigned to the regulation alone. However, because feasibility studies vary in their degree of detail, the Economic and Fiscal Impact Analysis considers all potential quantification costs.

The following summarizes the sections of the proposed regulation and the potential categories of economic and fiscal impact:

- Section 6000. Definitions clarify how words and phrases are used in the regulation.
- Section 6001. General Provisions describe eligibility criteria.
- Section 6002. General Selection Process includes evaluation considerations and the Commission's review and selection process.
- Section 6003. Funding Commitments describes how the Commission will provide funding to selected projects.
- Section 6004. Requirements for the Quantification of Benefits describes how public benefits and project costs should be quantified in physical and monetary terms.
- Section 6005. Priorities provides the ecosystem priorities developed by CDFW and the water quality priorities developed by the State Water Board.
- Section 6006. Relative Environmental Values provides the factors that will be used by CDFW and the State Water Board to determine the relative environmental value of the ecosystem and water quality benefits.

- Section 6007. Managing Public Benefits describes what assurances should be provided and the plan for monitoring, assurances, and reporting the public benefits provided by a project.

Costs potentially resulting from the Water Storage Investment Program regulation are:

- Costs to local agencies and other applicants to prepare information, submit applications, and respond to requests for further information.
- Costs to local agencies and other applicants to attend meetings and workshops, and, if selected, to meet requirements for successful applicants.
- Costs to the Commission and its staff to prepare and conduct the application solicitation.
- Costs to the Commission and its staff to review applications.
- Costs to DWR, the State Water Board, CDFW, and other State agencies participating in the review process.
- The application and review process may indirectly result in costs to some private individuals and businesses through assessments, user fees, rates, or other mechanisms that the local proposing agencies use to fund application activities.

The following are conclusions of an economic and fiscal impact analysis for the proposed regulations:

- Costs will depend on the number of applicants that choose to participate in the Water Storage Investment Program. Based on an estimate of the probable range of applicants, costs to applicants resulting from the regulation could range from under \$3 million to nearly \$6 million over a four year period, and costs to state agencies for review of applications and interactions with applicants would be about \$5 million.
- The proposed regulation will not result in a significant or permanent change in the number of jobs within the state.
- No creation or elimination of businesses within the state would occur as a result of this proposed regulation.
- The proposed regulation would not affect the competitive advantages or disadvantages of businesses within the state.
- The proposed regulation would not significantly affect investment in the state.
- Incentives for innovation in business products, materials, or processes would not be affected.

ALTERNATIVES STATEMENT

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

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

Commission staff has prepared an ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled “Initial Statement of Reasons.”

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the Commission’s website listed below, or may be obtained from Elizabeth Perkins, California Water Commission, 901 P Street, Sacramento, California, 95814, (916) 651-7501.

The following materials are available for public review:

- Text of Proposed Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Materials Relied Upon
- Form 400
- Form 399
- Final Statement of Reasons (upon completion)
- Final Text of Regulation (upon completion)

These materials may be viewed in two ways:

- Visiting the Commission’s website (<http://cwc.ca.gov>)
- Arranging an in-person review. Please contact Elizabeth Perkins (contact information is provided below).

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the Commission’s website (<http://cwc.ca.gov>).

Agency Contact Persons

Inquiries concerning the substance of the proposed regulatory action may be directed to:

Jennifer Marr
 California Water Commission
 901 P Street, Room 314
 P.O. Box 924836
 Sacramento, CA 94236
 916-651-0156
Jennifer.Marr@water.ca.gov

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is:

Elizabeth Perkins
 California Water Commission
 901 P Street, Room 314
 P.O. Box 924836
 Sacramento, CA 94236
 916-651-7501
Elizabeth.Perkins@water.ca.gov

The Commission staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the Commission’s website for this rulemaking at <https://cwc.ca.gov/Pages/DocumentLibrary.aspx>.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (beginning with section 11340).

Following the public hearing, the Commission may adopt the regulatory text as originally proposed, or with non-substantial or grammatical modifications. The Commission may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified text from the Commission contact persons listed in this notice.

The hearing location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Commis-

sion 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.

GENERAL PUBLIC INTEREST

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

PUBLIC

MEETING: On **March 17, 2016**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California.

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

BUSINESS

MEETING: On **March 17, 2016**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California.

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

DISABILITY ACCOMMODATION NOTICE:

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

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to,

an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE OF INTENT TO LIST ABIRATERONE ACETATE JANUARY 29, 2016

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list abiraterone acetate as known to the state to cause reproductive toxicity (developmental, female and male endpoints) under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism².

Chemical	CAS No.	Toxicological Endpoint	Reference
Abiraterone acetate	154229-18-2	Developmental toxicity Female reproductive toxicity Male reproductive toxicity	FDA (2015)

Background on listing via the formally required to be labeled or identified mechanism: A chemical must be listed under Proposition 65³ and its implementing regulations (Section 25902⁴) when a state or federal

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

³ See Health and Safety Code section 25249.8(b).

⁴ All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

OEHHA is the lead agency for Proposition 65 implementation, and evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902. According to Section 25902(b):

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application;”
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical;”
- “[I]dentified’ means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”; and
- “As causing reproductive toxicity” means: “For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.”

OEHHA’s determination: *Abiraterone acetate* has been identified and labeled to communicate a risk of reproductive harm (developmental, female and male endpoints) (FDA, 2015) in accordance with formal requirements by the US Food and Drug Administration (FDA). The FDA-approved label indicates that uses of *abiraterone acetate* during pregnancy can cause fetal harm and that *abiraterone acetate* has the potential to impair reproductive function and fertility in humans. Zytiga is the trade name of a drug that is composed of abiraterone acetate.

Language from the FDA-approved product label (Reference ID 3686945; FDA, 2015) which meets the requirements of Section 25902 is quoted below:

Abiraterone acetate

Reproductive Toxicity (Developmental, Female and Male Endpoints)

Under HIGHLIGHTS OF PRESCRIBING INFORMATION:

CONTRAINDICATIONS. “ZYTIGA [*abiraterone acetate*] is contraindicated in women who are or may become pregnant. (4.1, 8.1)”

Under CONTRAINDICATIONS:

“4.1 Pregnancy. ZYTIGA [*abiraterone acetate*] can cause fetal harm when administered to a pregnant woman. ZYTIGA is not indicated for use in women. ZYTIGA is contraindicated in women who are or may become pregnant. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, apprise the patient of the potential hazard to the fetus and the potential risk for pregnancy loss [*see Use in Specific Populations (8.1)*].”

Under USE IN SPECIFIC POPULATIONS:

“8.1 Pregnancy. Pregnancy Category X [*see Contraindications (4.1)*]. ZYTIGA [*abiraterone acetate*] can cause fetal harm when administered to a pregnant woman based on its mechanism of action and findings in animals. While there are no adequate and well-controlled studies with ZYTIGA in pregnant women and ZYTIGA is not indicated for use in women, it is important to know that maternal use of a CYP17 inhibitor could affect development of the fetus. Abiraterone acetate caused developmental toxicity in pregnant rats at exposures that were lower than in patients receiving the recommended dose. ZYTIGA is contraindicated in women who are or may become pregnant while receiving the drug. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, apprise the patient of the potential hazard to the fetus and the potential risk for pregnancy loss. Advise females of reproductive potential to avoid becoming pregnant during treatment with ZYTIGA.”

“In an embryo–fetal developmental toxicity study in rats, abiraterone acetate caused developmental toxicity when administered at oral doses of 10, 30 or 100 mg/kg/day throughout the period of organogenesis (gestational days 6–17). Findings included embryo–fetal lethality (increased post implantation loss and resorptions and decreased number of live fetuses), fetal developmental delay (skeletal effects) and urogenital effects (bilateral ureter dilation) at doses ≥ 10 mg/kg/day, decreased fetal ano–genital distance at ≥ 30 mg/kg/day, and decreased fetal body weight at 100 mg/kg/day. Doses ≥ 10 mg/kg/day caused maternal toxicity. The doses tested in rats resulted in systemic exposures (AUC) approximately 0.03, 0.1 and 0.3 times, respectively, the AUC in patients.”

Under NONCLINICAL TOXICOLOGY:

“13.1 Carcinogenesis, Mutagenesis, and Impairment of Fertility. . . . ZYTIGA [*abiraterone acetate*] has the potential to impair reproductive function and fertility in humans based on findings in animals. In repeat-dose toxicity studies in male rats (13- and 26-weeks) and monkeys (39-weeks), atrophy, aspermia/hypospermia, and hyperplasia in the reproductive system were observed at ≥ 50 mg/kg/day in rats and ≥ 250 mg/kg/day in monkeys and were consistent with the antiandrogenic pharmacological activity of abiraterone [*see Nonclinical Toxicology (13.2)*]. These effects were observed in rats at systemic exposures similar to humans and in monkeys at exposures approximately 0.6 times the AUC in humans.”

“In fertility studies in rats, reduced organ weights of the reproductive system, sperm counts, sperm motility, altered sperm morphology and decreased fertility were observed in males dosed for 4 weeks at ≥ 30 mg/kg/day. Mating of untreated females with males that received 30 mg/kg/day abiraterone acetate resulted in a reduced number of corpora lutea, implantations and live embryos and an increased incidence of pre-implantation loss. Effects on male rats were reversible after 16 weeks from the last abiraterone acetate administration. Female rats dosed for 2 weeks until day 7 of pregnancy at ≥ 30 mg/kg/day had an increased incidence of irregular or extended estrous cycles and pre-implantation loss (300 mg/kg/day). There were no differences in mating, fertility, and litter parameters in female rats that received abiraterone acetate. Effects on female rats were reversible after 4 weeks from the last abiraterone acetate administration. The dose of 30 mg/kg/day in rats is approximately 0.3 times the recommended dose of 1,000 mg/day based on body surface area.”

“13.2 Animal Toxicology and/or Pharmacology. In 13- and 26-week studies in rats and 13- and 39-week studies in monkeys, a reduction in circulating testosterone levels occurred with abiraterone acetate at approximately one half the human clinical exposure based on AUC. As a result, decreases in organ weights and toxicities were observed in the male and female reproductive system, adrenal glands, liver, pituitary (rats only), and male mammary glands. The changes in the reproductive organs are consistent with the antiandrogenic pharmacological activity of abiraterone acetate.”

Under HOW SUPPLIED/STORAGE AND HANDLING:

“Storage and Handling. Based on its mechanism of action, ZYTIGA [*abiraterone acetate*] may harm a developing fetus. Therefore, women who are pregnant or women who may be pregnant should not handle ZYTIGA without protection, e.g., gloves [*see Use in Specific Populations (8.1)*].”

Under PATIENT COUNSELING INFORMATION:

“Patients should be informed that ZYTIGA [*abiraterone acetate*] may harm a developing fetus; thus, women who are pregnant or women who may be pregnant should not handle ZYTIGA without protection, e.g., gloves. Patients should also be informed that it is not known whether abiraterone or its metabolites are present in semen and they should use a condom if having sex with a pregnant woman. The patient should use a condom and another effective method of birth control if he is having sex with a woman of child-bearing potential. These measures are required during and for one week after treatment with ZYTIGA.”

Under PATIENT INFORMATION:

“Who should not take ZYTIGA? Do not take ZYTIGA [*abiraterone acetate*] if you are pregnant or may become pregnant. ZYTIGA may harm your unborn baby.”

“Women who are pregnant or who may become pregnant should not touch ZYTIGA without protection, such as gloves.”

Request for comments: OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because this is a ministerial listing, comments should be limited to whether FDA requires that *abiraterone acetate* be labeled to communicate a risk of reproductive or developmental harm. OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, February 29, 2016.** We encourage you to submit comments in elec-

tronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Please include “abiraterone acetate” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing

Address: Michelle Robinson
 Proposition 65 Implementation Program
 Office of Environmental Health Hazard Assessment
 P.O. Box 4010, MS-12B
 Sacramento, California 95812-4010

Fax: (916) 323-2265

Street

Address: 1001 I Street
 Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Michelle Robinson at Michelle.Robinson@oehha.ca.gov or at (916) 445-6900.

References

Food and Drug Administration (FDA, 2015). FDA approved drug label for Zytiga (abiraterone acetate), Reference ID 3686945, Revised 01/2015. Available at http://www.accessdata.fda.gov/drugsatfda_docs/label/2015/202379s015lbl.pdf.

DECISION NOT TO PROCEED

CALIFORNIA GAMBLING CONTROL COMMISSION

PLAYING BOOKS
 CGCC-GCA-2015-02-R

NOTICE IS HEREBY GIVEN, pursuant to Government Code section 11347, that the California Gambling Control Commission (Commission) will not proceed with the proposed action to amend Sections 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.13, 12220, 12220.13, 12250, 12251, 12253, 12255, 12257, 12259, AND 12560, Title 4, California Code of Regulations, concerning playing books for Third-Party Providers of Proposition Player Services and Gambling

Businesses, as described in the Notice of Proposed Action (Notice) published August 7, 2015, in the *California Regulatory Notice Register (Register)*, No. 32-Z, Notice File No. Z2015-0724-01. Publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on August 7, 2015.

PLEASE BE ADVISED that the Commission may initiate a new proposed action to adopt regulations pertaining to the same or similar subject matter at a later date, in which case a new Notice will be published in the *Register* at least 45 days in advance of any new hearings. Comments submitted in response to the August 7, 2015 Notice will not be considered as part of any future rulemaking.

DISAPPROVAL DECISION

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at www.oal.ca.gov under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DIVISION OF THE STATE ARCHITECT

State of California
 Office of Administrative Law

In re:
Division of the State Architect
Regulatory Action:
Title 21, California Code of Regulations
Adopt sections: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171
Amend sections: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132)
Repeal sections: 132, 134, 135, 136, 141, 151, 152, 153

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2015-1123-01

OAL Matter Type: Regular Resubmittal (SR)

SUMMARY OF REGULATORY ACTION

On November 23, 2015, the Division of the State Architect (Division) submitted to the Office of Administrative Law (OAL) its proposed regulatory action to make comprehensive amendments to the certified access specialist (CASp)¹ program in title 21, division 1, chapter 1, subchapter 2.5 of the California Code of Regulations (CCR) by adopting, amending, and repealing numerous sections, adding two articles under subchapter 2.5, and adopting six incorporated by reference forms and two documents.^{2, 3} The proposed action clarifies and updates requirements for CASp eligibility, examination, certification, certification renewal, continuing education and disciplinary actions, and establishes professional standards for the administration of CASp services.

On January 8, 2016, OAL notified the Division that OAL disapproved the proposed regulatory action for failure to comply with specified standards and procedures of the California Administrative Procedure Act (APA). The reasons for the disapproval are summarized below.

DECISION

OAL disapproved the Division’s regulatory action for the following reasons:

- A. The proposed regulations and incorporated by reference documents fail to comply with the necessity standard of Government Code section 11349.1(a)(1) and title 1, CCR, section 10(b);

¹ A CASp is a person certified by the State Architect to review building plans or inspect building sites of public accommodations for compliance with state and federal accessibility standards for the disabled, and to issue inspection reports and disability access inspection certificates, which give defendants to accessibility lawsuits certain legal benefits, as authorized under the Construction-Related Accessibility Standards Compliance Act in Civil Code sections 55.51– 55.545.

² These two documents are titled the *CASp Examination, Certification, and Practice Standards Handbook* (CASp Handbook) and the *ADA Test Accommodation(s) Guidelines for the CASp Examination* (Accommodation Guidelines). They are documents mentioned in five of the six incorporated by reference forms being adopted in this action.

³ Unless the context of the discussion in this decision requires otherwise, the six primary incorporated by reference forms and CASp Handbook and the Accommodation Guidelines will be collectively referred to as the incorporated by reference documents.

- B. The proposed regulations and incorporated by reference documents fail to comply with the clarity standard of Government Code section 11349.1(a)(3) and title 1, CCR, section 16;
- C. The proposed regulations and the CASp Handbook fail to comply with the consistency standard of Government Code section 11349.1(a)(4);
- D. The Division failed to comply with APA procedural requirements regarding:
 - 1. Incorporation by reference of documents pursuant to title 1, CCR, section 20;
 - 2. An updated informative digest that meets the requirements of Government Code sections 11346.9(b) and 11347.3(b)(2);
 - 3. The final statement of reasons inaccurately lists the documents incorporated by reference in the proposed regulations, and inaccurately identifies an incorporated by reference document⁴ as a document relied upon;
 - 4. Inclusion of an incorporated by reference form in the rulemaking file and in the regulation text attached to the STD. 400 pursuant to Government Code section 11343(a) and title 1, CCR, section 6(a);
 - 5. Inclusion of two public notices in the rulemaking file of 15–day availability periods pursuant to Government Code section 11347.3(b)(2);
 - 6. Documents identified in the second Update to the Initial Statement of Reasons as being in the rulemaking file are not in the rulemaking file;
 - 7. The table of contents to the rulemaking file required by Government Code section 11347.3(b)(12) does not accurately identify each item contained in the rulemaking file;
 - 8. The affidavit of the rulemaking file required by Government Code section 11347.3(b)(12) contains inaccurate information;
 - 9. The content of the statement of mailing notice required by title 1, CCR, section 86 is inaccurate; and
 - 10. The CASp Handbook must comply with the nonduplication standard of Government Code section 11349.1(a)(6) and title 1, CCR, section 12.

All APA issues must be resolved prior to OAL’s approval of any resubmission.

⁴ This document is the CASp Handbook, which the Division will need to incorporate by reference as discussed below.

CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action. Pursuant to Government Code section 11349.4, the Division has 120 days from the date of this decision to resubmit the regulatory action with all issues resolved as discussed above. If you have any questions, please contact me at (916) 323-6809.

Date: January 15, 2016

/s/

Richard L. Smith

Senior Attorney

FOR: DEBRAM. CORNEZ

Director

Original: Chester A. Widom

Copy: Ida Clair

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2015-1203-01

CALIFORNIA HIGHWAY PATROL

Liquid Fuel Supply Tanks and Systems

This rulemaking action by the Department of California Highway Patrol (CHP) amends section 1253 of title 13 of the California Code of Regulations to incorporate by reference subpart E of part 393 of title 49 of the Code of Federal Regulations, which includes requirements for liquid fuel supply tanks and systems.

Title 13

AMEND: 1253

Filed 01/19/2016

Effective 04/01/2016

Agency Contact: Kristi McNabb (916) 843-3416

File# 2015-1203-02

CALIFORNIA HIGHWAY PATROL

General Hazardous Material Regulations

The California Highway Patrol (CHP) submitted this action to amend section 1160.2 and to adopt sections

1160.7 and 1161.8 in title 13 of the California Code of Regulations. Title 49, United States Code, Chapter 51, Section 5125 requires states to adopt hazardous materials laws and regulations that are “substantively the same as” corresponding federal hazardous materials laws and regulations. CHP proposes to amend and update the state’s hazardous materials regulations applicable to persons subject to federal jurisdiction, pursuant to Title 49, Code of Federal Regulations (CFR), Part 171, to be consistent with national transportation requirements as required by federal law. The proposed action adopts the most recent edition of the federal hazardous materials regulations by updating the existing incorporation by reference of the federal standards in section 1160.2(a) to the October 1, 2014 federal standards in the CFR. In order to further align state and federal regulations, this action adopts sections 1160.7 and 1161.8 to include the federal requirements for hazardous materials registration and safety and security plans by incorporating by reference the federal standards in the CFR for these two areas of law.

Title 13

ADOPT: 1160.7, 1161.8 AMEND: 1160.2

Filed 01/19/2016

Effective 04/01/2016

Agency Contact: Adam Roha (916) 843-3407

File# 2015-1207-04

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

The Department of Food and Agriculture submitted this timely certificate of compliance to make permanent the emergency regulation amended in OAL file no. 2015-0623-01E. The emergency rulemaking action amended section 3435(b) in title 3 of the California Code of Regulations, to expand the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) by approximately 13 square miles in the San Jose area of Santa Clara County and into Alameda County.

Title 3

AMEND: 3435(b)

Filed 01/20/2016

Effective 01/20/2016

Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0112-02

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the “Department”) creates quarantine areas for the Asian Citrus Psyllid (“ACP”) (*Diaphorina citri*) in the Fresno area of Fresno County and the Oakdale area of Stanislaus County. The Fresno quarantine area is approximately 97 square miles and is

created in response to the identification of one adult ACP on December 14, 2015. The Oakdale quarantine area is approximately 133 square miles and is created in response to the identification of one adult ACP on November 18, 2015. This emergency action provides authority for the State to perform quarantine activities against ACP within these additional areas.

Title 3
AMEND: 3435(b)
Filed 01/14/2016
Effective 01/14/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-1221-02
FAIR POLITICAL PRACTICES COMMISSION
Gifts: Agency Provided Tickets or Passes

In this action, the Fair Political Practices Commission amends section 18944.1, dealing with gifts such as agency provided tickets or passes.

Title 2
AMEND: 18944.1
Filed 01/14/2016
Effective 02/13/2016
Agency Contact: Cesar R. Cuevas (916) 324-3854

File# 2015-1221-03
FAIR POLITICAL PRACTICES COMMISSION
Scope of Audits and Investigations

In this action, the Fair Political Practices Commission amends section 18996, dealing with the scope of audits and investigations.

Title 2
AMEND: 18996
Filed 01/14/2016
Effective 02/13/2016
Agency Contact: Cesar R. Cuevas (916) 324-3854

File# 2015-1201-05
FISH AND GAME COMMISSION
Market Squid Logbooks

This rulemaking action by the California Fish and Game Commission amends the Market Squid Vessel and Market Squid Light/Brail Logbooks located in title 14 of the California Code of Regulations.

Title 14
AMEND: 149
Filed 01/13/2016
Effective 04/01/2016
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2015-1203-03
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 — Lead Agency Website

This rulemaking action creates a centralized website as a source for obtaining supplemental information regarding Proposition 65 warnings about chemicals that are listed under Proposition 65 for their toxic effects and for information on how persons may be exposed to these chemicals and how they might reduce or avoid such exposures.

Title 27
ADOPT: 25205
Filed 01/19/2016
Effective 04/01/2016
Agency Contact: Monet Vela (916) 323-2517

File# 2015-1201-02
STATE WATER RESOURCES CONTROL BOARD
Remove MUN beneficial use from certain groundwaters beneath China Lake

In this action, the State Water Resources Control Board approves the basin plan amendment adopted by the Lahontan Regional Water Quality Control Board, which removes the Municipal and Domestic Supply (MUN) beneficial use designation for certain groundwaters beneath Naval Air Weapons Station China Lake.

Title 23
ADOPT: 3959.7
Filed 01/14/2016
Effective 01/14/2016
Agency Contact:
Mary Fiore-Wagner (530) 542-5425

File# 2016-0107-01
STATE WATER RESOURCES CONTROL BOARD
Emergency Regulation Amending FY 15-16 Water Rights Fee Schedule

On December 1, 2015, the State Water Resources Control Board (the "Board") adopted Resolution 2015-0073, which revised by emergency regulations the water rights fee schedule in section 1062 in title 23 of the California Code of Regulations to include a new fee for temporary permits under Water Code section 1425 for the diversion of water to underground storage during high flow events.

Title 23
AMEND: 1062
Filed 01/15/2016
Effective 01/15/2016
Agency Contact: Glen Osterhage (916) 341-5032

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 19, 2015 TO
January 20, 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

- 01/14/16 AMEND: 18944.1
- 01/14/16 AMEND: 18996
- 01/06/16 AMEND: 48000
- 12/30/15 AMEND: 53900
- 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198
- 12/23/15 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190
- 12/22/15 AMEND: 51000
- 12/21/15 AMEND: 58200
- 12/21/15 AMEND: 59100
- 12/21/15 AMEND: 1859.76
- 12/15/15 ADOPT: 18360 AMEND: 18362
REPEAL: 18360
- 12/15/15 AMEND: 57500
- 12/15/15 REPEAL: 18413
- 12/14/15 ADOPT: 5.1, 5.2, 90, 248, 548.2, 548.5
REPEAL: 548.77
- 12/09/15 ADOPT: 11023 AMEND: 11005.1 (renumbered to 10500), 11006, 11008, 11009, 11019, 11023 (renumbered to 11024), 11028, 11029, 11030, 11031, 11034, 11035, 11036, 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11049, 11050, 11051, 11059, 11060, 11062, 11064, 11065, 11066, 11067, 11068, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11121, 11122, 11123, 11128, 11131, 11132, 11133 (renumbered to 10250), 11134 (renumbered to 10251), 11135 (renumbered to 10252), 11136 (renumbered to 10253), 11137 (renumbered to 10254), 11138 (renumbered to 10255), 11139 (renumbered to 10256), 11140 (renumbered to 10257), 11141 (renumbered to 10258) REPEAL: 11024

- 12/08/15 ADOPT: 59790
- 12/03/15 REPEAL: 28010
- 12/02/15 ADOPT: 25, 26
- 12/02/15 ADOPT: 11, 12, 12.1, 155, 156, 157, 158, 159 AMEND: 547.52
- 11/19/15 ADOPT: 59550
- 11/09/15 AMEND: 18225.7 REPEAL: 18550.1
- 11/04/15 AMEND: 37000
- 11/03/15 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.167.2, 1859.193
- 10/28/15 AMEND: 52400
- 10/19/15 AMEND: 18422
- 10/19/15 AMEND: 18422.5
- 10/12/15 AMEND: 599.500
- 09/24/15 AMEND: 1181.1, 1181.2, 1181.3, 1181.4, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.10, 1182.12, 1182.13, 1183.1, 1183.2, 1183.4, 1183.5, 1183.7, 1183.8, 1183.9, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5
- 09/21/15 AMEND: 35101
- 09/16/15 AMEND: 54100
- 09/14/15 AMEND: 55200
- 09/10/15 AMEND: 60000, 60010, 60510, 60550, 60560
- 09/09/15 ADOPT: 59750
- 09/08/15 AMEND: 560

Title 3

- 01/20/16 AMEND: 3435(b)
- 01/14/16 AMEND: 3435(b)
- 01/06/16 AMEND: 3435(b)
- 01/05/16 AMEND: 3435(b)
- 12/30/15 AMEND: 3435(b)
- 12/23/15 ADOPT: 3441
- 12/21/15 AMEND: 3435(b)
- 12/16/15 AMEND: 3435(b)
- 12/15/15 AMEND: 3435(b)
- 12/14/15 AMEND: 3435
- 12/07/15 AMEND: 3435(b)
- 12/02/15 AMEND: 6170.5, 6723, 6724, 6761

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11/24/15 AMEND: 3435(b)
 11/24/15 AMEND: 3435(b)
 11/18/15 AMEND: 6260, 6262, 6264, 6266
 11/13/15 AMEND: 3435(b)
 11/12/15 AMEND: 3435(b)
 11/09/15 AMEND: 1358.4
 11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793
 10/29/15 AMEND: 3435(b)
 10/22/15 ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8
 09/30/15 AMEND: 3435(b)
 09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45
 09/16/15 AMEND: 3435(b)
 08/27/15 AMEND: 3435
 08/26/15 AMEND: 6502
 08/20/15 AMEND: 3435(b)

Title 4

01/04/16 AMEND: 130
 12/29/15 AMEND: 1887
 12/24/15 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337
 12/10/15 AMEND: 1632
 12/03/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127
 11/17/15 AMEND: 2000
 11/09/15 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101
 11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
 10/27/15 AMEND: 8035
 10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 10/05/15 AMEND: 1843.2
 09/08/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
 09/08/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 08/31/15 AMEND: 1844

08/19/15 AMEND: 1433

Title 5

01/12/16 ADOPT: 27700, 27701, 27702, 27703, 27704, 27705
 12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2
 12/08/15 AMEND: 3030(b)(10)
 11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
 11/23/15 ADOPT: 851.5, 853.6, 853.8 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 860, 861, 862, 862.5, 863, 864
 11/18/15 ADOPT: 80002 AMEND: 80001
 11/03/15 AMEND: 1505
 10/06/15 AMEND: 80225
 10/05/15 AMEND: 19810
 09/10/15 AMEND: 19810

Title 8

01/06/16 AMEND: 5194(c)
 12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
 11/23/15 AMEND: 10133.32
 11/05/15 AMEND: 333, 336
 10/21/15 AMEND: 15600, 15609
 09/21/15 ADOPT: 14006.1 AMEND: 14003, 14007
 09/21/15 ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1
 09/15/15 AMEND: 3437, 3441, 3664(b)
 08/28/15 AMEND: 3411
 08/27/15 AMEND: 8397.4
 08/27/15 AMEND: 1710
 08/24/15 AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813
 08/20/15 AMEND: 14300.2

Title 9

11/05/15 AMEND: 4210
 10/07/15 ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010
 10/02/15 AMEND: 10701
 08/31/15 AMEND: 881
 08/26/15 AMEND: 513, 524, 530, 541, 553, 620, 620.1, 1900, 1901, 1904, 1913, 1921
 08/24/15 AMEND: 1810.110, 1810.214, 1810.215, 1810.218, 1810.219, 1810.223.5, 1810.224, 1810.230, 1810.236, 1810.237, 1810.239, 1810.246, 1810.252, 1810.355,

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	1810.380,	1810.425,	1820.110,	08/26/15	AMEND: 1011
	1820.115,	1820.200,	1830.115,	Title 12	
	1840.100,	1840.210,	1840.302,	12/02/15	AMEND: 800.1, 803, 804, 809 REPEAL:
	1840.312,	1850.210,	1850.213,		808
	1850.505,	1850.515,	1850.520,	Title 13	
	1850.530,	1850.535	REPEAL:	01/19/16	AMEND: 1253
	1810.214.1			01/19/16	ADOPT: 1160.7, 1161.8 AMEND:
Title 10					1160.2
01/07/16	ADOPT: 5508, 5509, 5510, 5511, 5512,			12/21/15	AMEND: 423.00
	5513, 5514, 5515, 5516			12/09/15	ADOPT: 1157.21 AMEND: 1157,
12/23/15	ADOPT: 6650, 6652, 6656, 6657, 6658,				1157.4, 1157.6, 1157.8, 1157.10,
	6660, 6662, 6664, 6666, 6668, 6670				1157.12, 1157.13, 1157.14, 1157.16,
12/14/15	ADOPT: 6408, 6410, 6450, 6452, 6454,			11/16/15	ADOPT: 2293, 2293.1, 2293.2, 2293.3,
	6470, 6472, 6474, 6476, 6478, 6480,				2293.4, 2293.5, 2293.6, 2293.7, 2293.8,
	6482, 6484, 6486, 6490, 6492, 6494,				2293.9, Appendix 1 AMEND: 2290,
	6496, 6498, 6500, 6502, 6504, 6506,				2291, 2293 (renumbered to 2294), 2293.5
	6508, 6510, 6600, 6602, 6604, 6606,				(renumbered to 2295)
	6608, 6610, 6612, 6614, 6616, 6618,			11/09/15	AMEND: 551.21
	6620			10/21/15	ADOPT: 551.22 AMEND: 550, 551.2
12/04/15	ADOPT: 1422.3, 1950.122.4.2			10/12/15	AMEND: 1962.1, 1962.2
11/02/15	AMEND: 2498.5			10/08/15	AMEND: 1900, 1956.8, 1961.2, 1962.2,
11/02/15	AMEND: 2498.4.9				1965, 1976, 1978
11/02/15	AMEND: 2498.6			09/21/15	AMEND: 1.00
10/26/15	ADOPT: 2240.15, 2240.16, 2240.6,			Title 14	
	2240.7 AMEND: 2240, 2240.1, 2240.4,			01/13/16	AMEND: 149
	2240.5			12/30/15	AMEND: 180.6
10/15/15	ADOPT: 5508, 5509, 5510, 5511, 5512,			12/29/15	AMEND: 1038
	5513, 5514, 5515, 5516			12/28/15	ADOPT: 8.01
09/17/15	ADOPT: 6408, 6410, 6450, 6452, 6454,			12/15/15	AMEND: 4970.00, 4970.01, 4970.04,
	6470, 6472, 6474, 6476, 6478, 6480,				4970.05, 4970.06.1, 4970.07, 4970.08,
	6482, 6484, 6486, 6490, 6492, 6494,				4970.09, 4970.10.4, 4970.17, 4970.23,
	6496, 6498, 6500, 6502, 6504, 6506,				4970.24.1, 4970.25.1
	6508, 6510, 6600, 6602, 6604, 6606,			12/10/15	AMEND: 1.92, 703
	6608, 6610, 6612, 6614, 6616, 6618,			11/30/15	AMEND: 1665.7
	6620, 6622			11/30/15	AMEND: 163, 164
08/19/15	AMEND: 1422.6.1, 1422.6.3,			11/24/15	AMEND: 29.85
	1950.122.5.1, 1950.122.5.3			11/23/15	AMEND: 1052.1
Title 11				11/23/15	AMEND: 895.1, 916.9, 917.2, 937.2,
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