



# 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**

**MULTI-COUNTY:** Alameda Contra-Costa  
Transit District

A written comment period has been established commencing on February 26, 2016, and closing on April 11, 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 Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than April 11, 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 re-

spective 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 2. LEGISLATIVE COUNSEL BUREAU**

### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE LEGISLATIVE COUNSEL BUREAU**

NOTICE IS HEREBY GIVEN that the Legislative Counsel Bureau, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. All inquiries should be directed to the contact listed below.

The Legislative Counsel Bureau proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of 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. The amendment carries out the purposes of law and no other alternative would do so and be less burdensome to affected persons.

Changes to the Legislative Counsel Bureau's Conflict-of-Interest Code include:

#### **Appendix A**

- Designation of the positions Staff Services Manager III — Deputy Administrative Officer and Staff Services Manager I — Business Services Operations Manager in the Administrative Branch.
- Removal of the designated position Staff Services Manager I — Business Services Manager from the Administrative Branch.
- Designation of the position Data Processing Manager in the Legislative Data Center.

#### **Appendix C**

- Various nonsubstantive changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than April 11, 2016, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than March 27, 2016.

The Legislative Counsel Bureau has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose 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 concerning this proposed amendment and any communication required by this notice should be directed to:

Name: Aaron D. Silva  
Chief Deputy Legislative Counsel

Address: Office of Legislative Counsel  
925 L Street, Suite 900  
Sacramento, CA 95814

Telephone Number: (916) 341-8342

Email Address: Aaron.Silva@legislativecounsel.ca.gov

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

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on January 5, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than July 5, 2016.

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

### **PUBLIC HEARING**

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on April 11, 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](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

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

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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

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

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State

and determine the probability of its spread, and the feasibility of its control or eradication.

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

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

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

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

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

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

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

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

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 plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in San Joaquin County by approximately 94 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 53,087 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

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

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**INTERNET ACCESS**

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

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

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

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

**TITLE 3. FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. 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. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning February 26, 2016 and ending at 5:00 p.m., April 11, 2016. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, 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 407, 20171, and 21111, Food and Agricultural Code, and to implement, interpret or make specific sections 20017, 20021 and 21111 of said Code, the Department is proposing to amend section 850 Article 1, Chapter 3, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW/BENEFITS**

Existing law, section 20017 of the Food and Agricultural Code, defines a modified point-of-origin (MPO) inspection area as meaning any area in the state designated by regulation, pursuant to section 21111.

Existing law, section 21051 of the Food and Agricultural Code, authorizes the Department's Bureau of Livestock Identification to inspect all cattle sold, transferred, moved out of state, moved out of an MPO inspection area, moved into a registered feedlot, public auction yard or sales yard, public or private sales market, out of a full point-of-origin inspection area, or from areas designated as quarantine, restricted, or isolated areas, with limited exceptions.

Existing law, section 21111 of the Food and Agricultural Code, specifies that the Secretary, by regulation, shall establish and maintain an MPO inspection area whenever cattle producers owning cattle in the affected

area request the action by a two-thirds vote of those cattle producers, who are either property taxpayers, lessees, or residents of the affected area and who are present at a public hearing held at a central location in the area.

Existing law, section 21111.5 of the Food and Agricultural Code, specifies that cattle producers owning cattle in the affected area may, upon written request or petition signed by at least 25 cattle producers owning cattle in that area, request that the Secretary repeal regulations establishing an MPO inspection area pursuant to section 21111 in the manner prescribed by the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Existing law, section 21112 of the Food and Agricultural Code, specifies that an MPO inspection area may consist of one or more counties or geographical areas.

Existing law, section 21172.2 specifies that the Department may, by regulation, provide that any person who ships any cattle from an MPO inspection area for inspection at destination, is required to notify the local brand inspector prior to shipment of such cattle, if he finds, following a public hearing in the area, such requirement is needed to protect cattle owners from losses by theft or straying of their livestock.

Existing law, section 20021 of the Food and Agricultural Code, specifies that an MPO inspection area as provided in sections 21111 and 21112, pertains only to the inspection of cattle where there is no sale within a designated MPO inspection area prior to transportation for pasture-to-pasture purposes when crossing the area boundary.

Existing law, section 21288 of the Food and Agricultural Code, specifies that in a modified point-of-origin inspection area, as provided in section 21111, the fee for the inspection of cattle, other than suckling calves that are accompanying their mothers, is \$1.25 per head if the cattle are transported out of the area for purposes other than sale or slaughter and no change of ownership is involved.

To implement the above sections of law, the Department has in place regulations under Articles 1-4 of Chapter 3, Division 2, of Title 3 of the California Code of Regulations. This proposal pertains to section 850 of Article 1, Chapter 3, Division 2 of Title 3 of the California Code of Regulations, which describes the MPO inspection areas within California as designated by area numbers 1, 2, and 3. This proposal will remove Area #1, Yolo County, from regulation section 850 as a result of a petition and vote from cattle producers in that county.

Anticipated Benefits of the Proposal: This proposal benefits the cattle producers in Yolo County as they have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the

California Code of Regulations. This will eliminate the need for a brand inspector to be called to the county to conduct a brand inspection when commingled cattle are moved out of the area by the owner or manager of the cattle. The reason for this is that cattle producers in Yolo County have not been experiencing significant loss of cattle in their county and therefore, brand inspections to determine ownership are no longer needed except when otherwise specified by existing statutes or regulations. When the cattle producers in the area need to ship the cattle to another location, the delay and cost for waiting for a brand inspector is not warranted. The Department inspects approximately 10,400 head of cattle annually in Yolo County at a cost to cattle producers of \$1.25 per head. The cattle producers in the area will be saving over \$13,000 in brand inspection fees annually with the deletion of their county as an MPO inspection area.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and it is not inconsistent or incompatible with existing state regulations. It pertains to cattle brand inspections in the state.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations:

1. Petition dated March 5, 2015, from Scott Stone, Yolo Land & Cattle Company.
2. Department's response to the petitioner dated March 27, 2015.
3. Yolo County Cattlemen's Association public meeting notices for the October 22, 2015 public vote on whether to remove Area #1 Yolo County as an MPO inspection area.
4. Voting sheets showing 36 were in favor of removing Area #1 Yolo County as an MPO inspection area and 10 against.
5. Map of Area #1 Yolo County.
6. Map of the Cattle Brand Inspection Regions for California with Area #1 Yolo County circled.

#### 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.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 et seq. Require Reimbursement: None.

Business Impact: The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This determination is based on the fact that the proposal is necessary because cattle pro-

ducers in Yolo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. The proposal is necessary because cattle producers in Yolo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code.

Persons/Businesses affected by the proposal:

- Affects cattle producers in Yolo County who have voted to delete their county as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations in accordance with section 21111.5 of the Food and Agricultural Code.
- The Department inspects approximately 10,400 head of cattle annually in Yolo County at a cost to cattle producers of \$1.25 per head. The cattle producers in the area will be saving over \$13,000 in brand inspection fees annually with the deletion of their county as an MPO inspection area.

Anticipated compliance requirements as a result of this proposal:

- None. No paperwork or reporting requirements are needed and no brand inspection fees would be required in Yolo County as a result of this proposal unless as otherwise specified by existing statutes or regulations.

Effect on Housing Costs: None.

Effect on Small Businesses: The Department's proposal may affect small businesses.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made a determination that this regulatory proposal:

- Will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services.

- Will not create or eliminate jobs or occupations.
- Does not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California.
- Does not impact multiple industries.
- Does not directly impact or affect human health, worker safety, or the State's environment. It pertains to cattle brand inspections for the Yolo County MPO inspection area. Cattle may be moved out of that area without a brand inspection for purposes other than sale or slaughter and no change in ownership is involved as specified in Food and Agricultural Code section 21051.
- Affects cattle producers in Yolo County who have voted to delete their county as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations in accordance with section 21111.5 of the Food and Agricultural Code.
- Represents a cost savings to cattle producers in Yolo County of over \$13,000 in brand inspection fees annually, with the deletion of their county as an MPO inspection area. The Department inspects approximately 10,400 head of cattle annually in Yolo County at a cost to cattle producers of \$1.25 per head. The Department would no longer need to send brand inspectors to that area, and they can be further utilized at saleyards and auctions, with continued efforts working with local law enforcement agencies to prevent and mitigate activities involving cattle theft and misappropriation throughout the state.

Benefits of the proposed regulation to the health and welfare of California residents, worker safety, and the State's environment: The proposed regulation does not directly impact or affect human health, worker safety, or the State's environment. It pertains to cattle brand inspections for the Yolo County MPO inspection area. Cattle may be moved out of that area without a brand inspection for purposes other than sale or slaughter and when no change in ownership is involved as specified in Food and Agricultural Code section 21051. The proposal is necessary because cattle producers in Yolo County have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code.

The above determinations are based on the fact that this regulatory proposal is necessary as a result of a petition and vote by cattle producers to delete Area #1 Yolo County as an MPO inspection area from section 850 of Title 3 of the California Code of Regulations, in accor-

dance with sections 20017, 20021, 21111, 21111.5, and 21112 of the Food and Agricultural Code.

**Occupations/Businesses Impacted:** The Department has made an initial determination that this regulatory proposal will impact cattle producers in Yolo County who have voted to remove their county as an MPO inspection area as specified in section 850 of Title 3 of the California Code of Regulations, in accordance with section 21111.5 of the Food and Agricultural Code. No brand inspections would be required to move cattle out of that county unless otherwise specified by existing statutes or regulations.

**Business Reporting Requirement:** The regulation does not require a report that shall apply to businesses.

**Comparable Federal Regulations:** There are no comparable federal regulations. The Department of Food and Agriculture, Bureau of Livestock Identification, is the sole State authority to register and inspect cattle operations in accordance with Division 10 (commencing with section 20001) of the Food and Agricultural Code.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal is a result of a petition and public vote from the cattle producers in Yolo County to delete their county as an MPO inspection area in accordance with section 21111.5 of the Food and Agricultural Code.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an initial statement of 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 of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by

accessing the Department of Food and Agriculture's website as indicated below in this Notice.

#### 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 persons named below.

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

John Suther, Branch Chief  
Department of Food and Agriculture  
Bureau of Livestock Identification  
1220 N Street  
Sacramento, CA 95814  
Telephone (916) 900-5006  
E-mail: john.suther@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Regulation Coordinator  
Department of Food and Agriculture  
Animal Health & Food Safety Services  
1220 N Street  
Sacramento, CA 95814  
Telephone (916) 900-5033  
E-mail: nancy.grillo@cdfa.ca.gov

**Website Access:** Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

#### TITLE 4. CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

NOTICE IS HEREBY GIVEN that the California Debt Limit Allocation Committee (Committee) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The California Debt Limit Allocation Committee has complied with the requirements to provide notice of proposed rulemaking action pursuant to Government code section 11346.5.

PUBLIC HEARING

The Committee has scheduled the following public hearing on this proposed action:

Public Comment Hearing  
 Tuesday, April 12, 2016 at 10:00 a.m.  
 915 Capitol Mall, Room 587  
 Sacramento, CA

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Committee. Comments may also be submitted by facsimile (FAX) at (915) 653-6827 or by e-mail to [cdlac@treasurer.ca.gov](mailto:cdlac@treasurer.ca.gov). The written comment period begins on February 26, 2016 and closes at 5:00 p.m. on April 11, 2016. The Committee will consider only comments received at the Committee offices by that time, in addition to those comments received at the public hearing. Submit comments to:

Brian Clark  
 CDLAC Regulations Analyst  
 California Debt Limit Allocation Committee  
 915 Capitol Mall, Room 311  
 Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 8869.94, California Government Code. Section 8869.94 of the Code authorizes the Committee to adopt regulations relating to an allocation system to administer the state unified volume ceiling as proposed regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.”

Reference: Sections 8869.80 to 8869.94, California Government Code. These Regulations implement, interpret and make specific Sections 8869.80 to 8869.94 of the Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These Regulations primarily address the statutory mandate, Section 8869.84(c) of the Code, to create an allocation system to administer the state unified volume

ceiling. The proposed allocation system will provide tax-exempt private activity bond allocation (state ceiling) to state and local agencies, and promote the following: housing for lower income families and individuals; and preserving and rehabilitating existing governmental assisted housing for lower income families and individuals. More specifically, the proposed regulations will:

- prevent Joint Power Authorities (JPA’s) from issuing Private Activity Bonds for projects located outside the boundaries of its members;
- replace the requirement that Resolutions required by the Tax Equity and Fiscal Responsibility Act (TEFRA) be signed by an applicable elected representative with a certification that may be executed by a designee;
- require submission of proof of public notice of TEFRA hearings;
- establish uniform TEFRA resolution submission deadlines;
- clarify criteria for Mortgage Credit Certificate (MCC) performance deposit forfeiture and refunds;
- effectuate the online administration of the Compliance Certification process;
- require Qualified Residential Rental Program (QRRP) allocation recipients to execute a regulatory agreement as a condition of receiving an allocation;
- add Project Issuers to the list of entities whose actions and/or omissions may form the basis of disqualification for QRRP allocation eligibility; and
- require Project Sponsors to apply for and accept project-based rental assistance or operating subsidy renewals where a project is receiving such assistance or subsidy;
- clarify the eligibility criteria and proof requirements for projects submitting alternative market studies pursuant to Sections 5200 and 5250.

The objectives of these Proposed Regulations are to ensure compliance with state and federal law in a fair, flexible and streamlined manner so applicants may take full advantage of the QRRP Program, thus preserving and creating low income multi-family housing developments for residents of California, and to provide public benefits to the residents of these projects. (Government Code 11346.5(a)(3)(C).)

CDLAC has conducted an evaluation of existing state regulations and has determined that the Proposed Regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D).)

**Anticipated Benefits of the Proposed Regulation:**

The objectives of these proposed regulations are to ensure compliance with state and federal law in a fair, flexible and streamlined manner; implement a streamlined online compliance certification process; clarify existing regulatory provisions; provide objective verification of alternative market study eligibility; ensure that multi-family residential rental projects provide a public benefit and that the affordability, energy efficiency, service amenities, etc. promised by sponsors/developers in order to obtain an allocation are provided to tenants; and to ensure the long-term affordability and financial viability of multi-family residential rental projects. (Government Code 11346.5(a)(3)(C).)

**Evaluation of Whether the Proposed Regulations Are Inconsistent or Incompatible:** We have conducted a review of any related regulations in this area and have determined that these are the only regulations concerning this subject area. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D).)

**List of forms to be incorporated by reference:**

- Annual Applicant Public Benefits and Ongoing Compliance Self-Certification (12-15-15)
- Certification of Compliance (12-15-15)

DISCLOSURES REGARDING THE PROPOSED ACTION

***The Committee and/or Executive Director have made the following initial determinations:***

**Mandate on Local Agencies or School Districts:** The Executive Director of the Committee has determined that the Regulations do not impose a mandate on local agencies or school districts.

**Fiscal Impact:** The Executive Director of the Committee has determined that the Regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

**Housing Costs:** The Executive Director of the Committee has determined that the Regulations do not have a significant effect on housing costs.

**Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete:** The Executive Director of the Committee has determined that the Regulations do not have an adverse economic impact affecting California businesses.

**Cost Impacts on Representative Private Person or Businesses:** The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Business Reporting Requirement:** The proposed regulations do not require any reports by businesses other than those for which an award of Allocation was granted. The reporting required is limited to certifications of compliance with the Committee’s resolution that transferred the award to the business.

**Small Business Determination:** The proposed regulations will not have an adverse impact on small businesses in California as the awards of the state ceiling will only encourage the development of housing or facilities developed or operated primarily by small businesses.

**Results of the Economic Impact Analysis:** The proposed regulations will not have an effect on the creation or elimination of jobs within the State of California. The proposed regulations will not affect the creation of new businesses or the elimination of existing business with the State of California. The proposed regulations will not have an effect on the expansion of businesses currently doing business within the State of California. The proposed regulations will ensure low income housing developments are following building guidelines and that public benefits are being provided to the residents of these projects.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Committee 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Committee invites interested persons to present statements or arguments with respect to alternatives to

the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

*Inquiries concerning the proposed regulatory action may be directed to:*

Misti Armstrong  
Program Manager  
California Debt Limit Allocation Committee  
915 Capitol Mall, Room 311  
Sacramento, CA 95814  
(916) 653-3255

*The back-up contact person for these inquiries is:*

Brian Clark  
Regulations Analyst  
California Debt Limit Allocation Committee  
915 Capitol Mall, Room 308  
Sacramento, CA 95814  
(916) 653-8183

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, forms to be incorporated by reference, or other information upon which the rulemaking is based to Brian Clark at the above address.

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the written comment period hearing and considering all timely and relevant comments received, the Committee may adopt the proposed regulations substantially as described in this notice. If the Committee makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Committee adopts the regulations as revised. Please send re-

quests for copies of any modified regulations to the attention of Misti Armstrong at the address indicated above. The Committee will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Misti Armstrong at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.treasurer.ca.gov/cdlac/index.asp>.

### TITLE 4. CALIFORNIA HORSE RACING BOARD

#### NOTICE OF PROPOSAL TO AMEND RULE 1689.1, SAFETY VEST REQUIRED

The California Horse Racing Board (Board, or CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board is proposing to amend Rule 1689.1 to include any person licensed by the Board that is mounted on a horse while on a racetrack to the list of those required to wear a safety vest. The rule currently only requires jockeys, apprentice jockeys, exercise riders, drivers, and assistant starters to wear a safety vest on the grounds of a racing association or racing fair.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 21, 2016**, or as soon thereafter as business before the Board will permit, at the **Bay-view Lounge (Turf Club) at Golden Gate Fields, 1100 Eastshore Hwy, Berkeley, California**. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. It is requested,

but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 11, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Nicole Lopes–Gravelly, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263–6397  
Fax: (916) 263–6042  
E–mail: [nlgravelly@chrb.ca.gov](mailto:nlgravelly@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in the State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board (Board). Business and Professions Code section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider to improve the safety of horses, riders, and workers in the racing inclosure. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California. Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys, and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility. Rule 1689.1 also specifies that such safety vests shall meet the Brit-

ish Equestrian Trade Association (BETA) standard for horse riders' body and shoulder protectors.

The Board is proposing to amend Rule 1689.1 to require any person licensed by the Board that is mounted on a horse while on the track of a racing association, racing fair, or authorized training facility to wear a safety vest. The track on a racing association, racing fair, or authorized training facility is used to train and race horses, and safety on the track is an ongoing concern of the Board because horse racing is an inherently dangerous sport. Horses outweigh riders by a thousand pounds or more and have a propensity to respond to situations based on fright and flight, which increases the possibility for an accident. Therefore, the Board has determined that anyone mounted on a horse while on a track must wear a safety vest to increase rider safety. Currently, Rule 1689.1 requires jockeys, apprentice jockeys, and exercise riders to wear a safety vest while riding in a race or while training or exercising a horse. However, there are situations where individuals including, but not limited to, pony riders, trainers, and assistant trainers, are mounted on a horse while on a racetrack but are unprotected because they are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on horseback to wear a safety helmet. Rule 1689.1 was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1(b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. Trainers and assistant trainers are responsible for riding horses and training the horses to perform desired movements and behaviors. Some of the trainer and assistant trainers' duties can include planning training exercises, breaking horses to saddle and bridle, desensitizing horses to unfamiliar sight and sounds, and utilizing various training aids. Many of the duties performed by pony riders, trainers, and assistant trainers occur on a race track, which has been identified by the Board as a more dangerous area due to horses riding at a faster pace. While pony riders, trainers, and assistant trainers are not exposed to the dangers of riding in a race, they are subject

to the rigors of handling powerful animals, which may result in injury, especially while mounted on a horse while on a race track. The amendment to Rule 1689.1 will serve to provide those individuals that are mounted on a horse while on a race track with an additional measure of personal safety by wearing a safety vest to accommodate for the higher risk area.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1689.1 promotes the health and safety of any person that is mounted on a horse while on a race track. The health and safety of pony riders, trainers, assistant trainers, and any other individual that would be subject to the rule is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If any person that is mounted on a horse while on a race track is wearing a safety vest, the risk of injury is decreased. The safety vest protects the torso of a person should they fall off a horse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects internal organs, spine, and ribs. If the safety practices of any person that is mounted on a horse while on a race track improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the CHRB 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.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.  
 Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The proposed amendment requires any person licensed by the Board mounted on a horse on a track of a racing association, racing fair, or authorized training facility to wear a safety vest. The Board has determined that there will be an approximate one-time cost of \$190.00 to \$300.00 per individual. The cost of the safety vest is a variable that cannot be controlled by the Board. Board-licensed jockeys, apprentice jockeys, and exercise riders are currently required to wear a safety vest while riding in a race, or when training or exercising, and should not incur additional expenses.

Significant effect on housing costs: none.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Rule 1698.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1689.1 is a benefit to the health and welfare of California residents because it promotes the health and safety of any person that is mounted on a horse while on a racetrack by requiring a safety vest. The health and safety of trainers, assistant trainers, and pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If any person that is mounted on a horse while on a racetrack is wearing a safety vest, the risk of injury is decreased because a person's torso would be protected should he or she fall off of a horse. If the safety practices of individuals that are mounted on a horse while on a racetrack improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Effect on small businesses: none. The proposal to amend Rule 1689.1 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or

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

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

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes-Gravelly, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6042  
E-mail: [nlgravely@chrb.ca.gov](mailto:nlgravely@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Laurel Houle  
Regulation Analyst  
Telephone: (916) 274-6043

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Nicole Lopes-Gravelly, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made

available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Nicole Lopes-Gravelly at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes-Gravelly at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board's website address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

#### SUSPENSION AND REVOCATION OF LICENSES; DISCIPLINARY GUIDELINES

The Department of Alcoholic Beverage Control ("Department") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

#### **WRITTEN COMMENT PERIOD February 26, 2016 through April 11, 2016**

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

proposed regulatory action to the Department. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., **April 11, 2016**.

Written comments for the Department's consideration should be directed to:

Devin Gray, Rulemaking Office  
 Department of Alcoholic Beverage Control  
 3927 Lennane Drive, Suite 100  
 Sacramento, CA 95834  
 E-mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov)  
 Facsimile (FAX): (916) 419-2516

#### AUTHORITY AND REFERENCE

California Constitution, Article XX, Section 22 and Business and Professions Code Section 25750 authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Section 23001 of the Business and Professions Code and Section 11425.50(e) of the Government Code, which are included as reference citations in the proposed regulation.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, balances, and updates the Department's disciplinary guidelines relating to regulation of its licensees.

It is the policy of the Department to impose administrative, non-punitive discipline in a consistent and uniform manner with the goal of encouraging and reinforcing voluntary compliance with the law. The California Constitution authorizes the Department, in its discretion, to suspend or revoke any license to sell alcoholic beverages if it shall determine for good cause that the continuance of such license would be contrary to the public welfare or morals.

The regulations proposed in this rulemaking action would update and include within Rule 144, Title 4, of the California Code of Regulations the existing "Penalty Guidelines" currently incorporated by reference in Rule 144, Title 4, in the California Code of Regulations.

#### Anticipated Benefits of the Proposed Regulation:

The objective of this proposed regulation is to ensure that the Department is able to continue to impose administrative, non-punitive discipline in an adequate and fair manner which is up to date with current business practices.

The specific benefits anticipated by the regulation include the continued safety and welfare of the public as

well as the continued fair regulation of business practices within the state.

By putting the "Disciplinary Guidelines" directly within Rule 144, Title 4, of the California Code of Regulations, instead of only incorporating it by reference, the Department hopes to clarify the guidelines that it uses when imposing administrative action upon its licensees.

#### Determination of Inconsistency/incompatibility with Existing State Regulations:

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the disciplinary guidelines used by the Department in determining the extent of administrative action.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and 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.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impacts on a representative private person or business: This proposed regulatory action only updates existing administrative guidelines which apply to individuals who fail to comply with the law. Based on the above determination, the Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals: The Department has determined that this regulation only affects those licensees found in violation of law and being disciplined. Thus, any impact on businesses, small businesses, or individuals would be after due process was provided. The Department concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will likely not be significant.

The Department has determined that the proposed regulations will not directly affect small businesses. This regulatory action updates and rebalances laws currently enforced by the Department. These laws only affect licensees who are found in violation of the law and

who are in the process of being disciplined. Thus, any impact on small businesses would be after the law was violated and after due process was provided.

Significant effect on housing costs: None.

**Results of the Economic Impact Analysis/Assessment**

Assessment Regarding Creation or Elimination of Jobs in California: The Department has made an initial assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Benefits of the Proposed Action: The proposed regulation will benefit residents of California by ensuring that business practices are upheld in an updated and fair manner consistent with the law.

Small Business Determination: The Department has determined that the proposed regulations will not directly affect small businesses. This regulatory action only affects those licensees found in violation of law and being disciplined. Thus, any impact on small businesses would be after the law was violated and after due process was provided.

**CONSIDERATION OF ALTERNATIVES**

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

**CONTACT PERSONS**

Inquiries concerning the substance of the proposed action should be directed to:

Devin Gray, Rulemaking Office  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
E-mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov)  
Phone: (916) 928-7627

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to the backup contact person:

Adriana Ruelas, Legislative Officer  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
E-mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov)  
Phone: (916) 928-6821

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Devin Gray at the address or facsimile number listed above or accessing the Department website at <http://www.abc.ca.gov> (located under "Pending Changes: Regulations").

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from Mr. Gray or viewed on the website.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the comment period, the Department may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Department adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Devin Gray at the address indicated above. The Department will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**TITLE 4. DEPARTMENT OF  
ALCOHOLIC BEVERAGE CONTROL**

**Submission and Contents of Protests;  
Protest Processes**

The Department of Alcoholic Beverage Control ("Department") proposes to adopt the regulation described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to adopt a new section 61 of Title 4 of the California Code of Regulations, concerning protests. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at a scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD February 26, 2016 through April 11, 2016**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department at any time during the public comment period. To be considered for summary and response, **all written comments must be received no later than 5:00 p.m., April 11, 2016.**

Written comments for the Department’s consideration should be directed to:

Devin Gray, Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
E-mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov)  
Facsimile (FAX): (916) 419-2516

AUTHORITY AND REFERENCE

Specific authority for the proposed regulations is provided by Business and Professions Code section 24013, amended by AB 593 (Stats 2013 ch 502).

The proposed regulation implements, interprets, or makes specific Business and Professions Code sections 24013 and 24014, which are included as reference citations in the proposed regulation.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The California Constitution (Article XX, section 22) and the Alcoholic Beverage Control Act (Business and Professions Code 23000 *et seq.*) charge the Department

with issuing licenses for the sale, distribution, or manufacture of alcoholic beverages, including providing a process for the public to protest a new license.

The proposed regulation provides clarity on the process for protesting the issuance of a license and makes specific the requirements for submitting a valid protest.

Business and Professions Code Section 24013 allows individuals to file protests against the issuance of alcoholic beverage licenses if done so within the 30-day period. This section also allows the Department to reject protests it determines to be false, vexatious, frivolous, invalid or unreasonable.

Business and Professions Code Section 24014 states that protests made pursuant to this section shall be submitted by an individual and shall be limited to one signatory. This is a legislative change to a former process by which “petitions” had been filed by multiple protestants.

The regulation proposed in this rulemaking action would clarify the protest process by providing a standard protest form (ABC-510-A, Rev January 2016) which includes instructions (ABC-510, Rev January 2016) stating how to effectively fill out and complete the form in a valid and reasonable manner. The regulation will also define how the form may be submitted as well as provide the deadlines for such. Finally, the regulation will provide a level of transparency within the protest process by stating that all valid protests will be sent to the alcoholic beverage license applicant.

Anticipated Benefits of the Proposed Regulation:

The objective of the regulation is to clarify the protest process by providing and requiring an official Department protest form. This form will help Protestants adequately express their concerns with the necessary information for the protest to be considered valid by the Department.

A standardized form will also increase productivity within the Department by allowing the Department to more easily process protests with the ability to not respond to protests which are deemed invalid or unreasonable. By requiring the form with the statutorily-mandated verification, this may save applicants up to three weeks of processing time while the Department has previously had to follow up on and wait for additional verifications from unverified protests.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the alcoholic beverage license protest process.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Department has made the following initial determinations:

**Mandate on local agencies and school districts:** These regulations do not impose a mandate on local agencies or school districts.

**Cost or savings to any state agency:** None.

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500–17630:** None.

**Other non–discretionary cost or savings imposed upon local agencies:** None.

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

**Cost impact on representative private person or business:** No additional costs are contemplated in this regulation — the regulatory text clarifies the protest procedure, and the majority of protestants already use the currently–optional form available from the Department. Based on the above determination, the Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Impact on Business:** The Department has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has made a determination that the proposed regulatory changes will affect small businesses.

The Department has determined that this regulation may result in an increased number of protests because it will simplify and standardize the protest process. If the new protests are valid and represent reasonable concerns from individuals, this regulation could possibly lead to fewer new licensed alcoholic beverage retail businesses or the imposition of conditions on new licenses due to protests.

However, this regulation may also result in a decreased number of protests. By clearly stating what is considered a valid protest and by defining how the filing date must be met, individuals may realize that their reason for protest is invalid or out of the time frame, and thus, file fewer protests. Fewer protests would allow new alcoholic beverage retail businesses to begin operation much faster. The standardization of the protest form will also streamline the process, which may make the time to obtain a license shorter.

**Significant effect on housing costs:** The Department has made an initial determination that the pro-

posed regulatory action would not significantly cause an effect on housing costs.

RESULTS OF ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT

**Assessment Regarding Creation or Elimination of Jobs in California:** The Department has made an initial assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**Benefits of the Proposed Action:** The proposed regulation will benefit residents of California by providing them with a clear and standardized way to file alcoholic beverage license protests with the Department and thus provide Californians more clearly a voice to be heard and provide input.

**Effect on Small Business:** Some license applicants may be small businesses; the cost effects on these applicants are the same as that addressed under “Impact on Business.”

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Devin Gray, Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
E–mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov)  
Phone: (916) 928–7627

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to the backup contact person:

Adriana Ruelas, Department of Alcoholic Beverage Control  
 3927 Lennane Drive, Suite 100  
 Sacramento, CA 95834  
 E-mail: [LegislativeOffice@abc.ca.gov](mailto:LegislativeOffice@abc.ca.gov) or  
 facsimile (FAX): (916) 419-2516  
 Phone: (916) 928-6821

8587.1 of said Code, proposes to amend Sections 190 and 195, Title 14, California Code of Regulations, relating to Fishing Activity Records and CPFV Logbooks.

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

**AVAILABILITY OF STATEMENT OF REASONS  
 (Initial and Final) AND TEXT OF  
 PROPOSED REGULATIONS**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Devin Gray at the address or facsimile number listed above or accessing the Department website at <http://www.abc.ca.gov> (located under "Pending Changes: Regulations").

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from Mr. Gray or viewed on the website.

Current regulations in Title 14, CCR, require that the owners and operators of commercial fishing vessels, holders of commercial fishing licenses or permits participating in specified fisheries, and the owners and license holders of commercial passenger fishing vessels, keep and submit complete and accurate records of fishing activities on paper "logbooks" provided by the Department. Due to advances in computer and internet technology and the use of handheld devices by many businesses, including the fishing industry, it is necessary that the Department update its processes.

**Proposed Regulations**

- Section 190 is amended to add that records may be completed and submitted on the Department's web site at <https://apps.wildlife.ca.gov/marinelogs>.
  - Other minor revisions are proposed which clarify that the participant may choose either electronic or paper format but not both.
  - That fishing activity records shall be called logbooks, which is the common term for these reports.
  - Logbooks shall be made available to authorized representatives of the department for inspection.
  - The subsections have been edited and renumbered for clarity.
- Subsection 195(a) is amended providing that records are to be kept "pursuant to Section 190".
  - The subject forms, with instructions, are incorporated by reference, and the provision that the forms appear in Appendix A is deleted.
  - The current provisions in subsections (a)(1)–(5) are deleted because they appear in the form instructions.
  - The subsections have been edited and renumbered for clarity.
- Forms DFW 195A and DFW 195B have been updated and incorporated by reference in regulation.
  - The instructions have been edited to include the deleted language from current regulation which relates only to the use of the forms, including subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5).
  - The revision date will be 01/16.

**AVAILABILITY OF CHANGED OR  
 MODIFIED TEXT**

Following the comment period, the Department may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Department adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Devin Gray at the address indicated above.

The Department will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**TITLE 14. FISH AND GAME  
 COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 7071, 7920, 7923, 7924, 8026, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific Sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, 8026, and

## BENEFITS OF THE PROPOSED REGULATIONS

Permitting the use of electronic reporting is in line with the increasing use of computer and internet technology and the use of handheld devices by many businesses, including the fishing industry. The proposed regulations could reduce the time required for making reports and will improve the accuracy of the data. Additionally, electronic reporting will improve the Department's data collection and ability to monitor and manage fish populations.

## EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the activities of commercial fishing vessels and to monitor the take of fish. The Commission has searched the CCR for any regulations regarding other authority and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 13, 2016. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Caren Woodson at the preceding address or phone number. **Ms. Katie Perry, Department of Fish and Wildlife, phone**

**805-568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

### Availability of Modified Text

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

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

### Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Electronic reporting of fishing activities in lieu of paper forms is voluntary at this time.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations will not change the level of commercial fishing activity in the state.

As mentioned in the Informative Digest/Policy Statement Overview above, the proposed regulations will improve the quality of reporting requirements, as well as facilitate the submitting of reporting data, by allowing modern computer and internet technology methods as another means of submitting data to the Department.

- (c) **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.
- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.
- (e) **Nondiscretionary Costs/Savings to Local Agencies:** None.
- (f) **Programs Mandated on Local Agencies or School Districts:** None.
- (g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:** None.
- (h) **Effect on Housing Costs:** None.

**Effect on Small Business**

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

**Consideration of Alternatives**

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

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1050, 9054 and 9055, of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, of said Code, proposes to amend Sec-

tion 120.7, Title 14, California Code of Regulations, relating to Commercial Sea Urchin Fishery.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

State law (Section 9054, Fish and Game Code) authorizes the Commission to set the conditions for issuance of commercial sea urchin diving permits, and to limit the number of permits that may be issued when necessary to prevent overutilization or to ensure efficient and economic operation of the fishery on a statewide basis or within selected geographical areas.

Proposed changes to regulations:

- Subsection 120.7(d)(2), Title 14, CCR, currently provides for new sea urchin diving permits to be issued annually, dependent on whether the number of renewed permits from the prior year is less than or greater than the capacity goal of 300. The proposed amendments to the regulation would ensure that if any new permits are added, the capacity goal of 300 permits will not be exceeded. All qualified diving permits from the previous year are eligible to be renewed.
- Existing regulations (subsection 120.7(m), Title 14, CCR) require that each permittee shall record daily fishing activity records on a logbook provided by the Department, and specifies to which office the completed daily records shall be sent based on the location of fishing activity. The proposed regulation would add a cross-reference to Section 190, Title 14, CCR, regarding fishing activity records, and would delete the location of Department offices where fishing activity records shall be sent, since this information is already specified on the logbook forms.

The proposed regulatory action will benefit fishermen, processors, and the State's economy in the form of a healthy sustainable fishery, and future harvestable sea urchin populations.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of sea urchins (Sections 9054 and 9055, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of sea urchins.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 14, 2016. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Sheri Tiemann at the preceding address or phone number. **Ms. Susan Ashcraft, Fish and Game Commission, phone (916) 653-1803, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

**Availability of Modified Text**

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

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

**Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery.

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

No impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or the expansion of businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

- (c) 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.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

**Effect on Small Business**

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

**Consideration of Alternatives**

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

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific Sections 202, 355 and 356 of said Code, proposes to amend sections 502 and 507, Title 14, California Code of Regulations (CCR), relating to waterfowl hunting.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**Section 502**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl hunting.

The frameworks for the 2016–17 season have been approved by the Flyway Councils and adopted at the Service Regulation’s Committee meeting October 20–21, 2015. The proposed frameworks allow for a liberal duck season which includes a 107–day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86–day season). Duck daily bag limits ranges, duck season length ranges and goose season

length ranges have been provided to allow the FGC flexibility. Lastly, Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. Based on the frameworks, the Department of Fish and Wildlife (Department) provides an annual recommendation to the Fish and Game Commission.

The Department recommendations are as follows:

1. Changes in current subsection 502(d)(1) propose to allow hunting on the Department’s Type C wildlife areas and public waters during the late season hunt in the Northeastern Zone.
2. Changes in current subsection 502(d) propose to increase the total daily bag limit for geese in the Northeastern, Southern San Joaquin Valley, and the Balance of State zones from 25 to 30 geese per day; the Southern California Zone total daily bag limit for geese will increase from 18 to 23 geese per day. The bag limit for white geese will increase from 15 to 20 per day in the zones referenced.
3. Proposed changes in current subsection 502(d)(5)(D)8 increase the white goose daily bag limit in the Imperial County Special Management Area from 15 to 20 per day.
4. Proposed changes in current subsection 502(e) modify the age limit to participate in the Youth Waterfowl Hunting Days from 15 years of age and under to 17 years of age and under.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

**Section 507**

Current regulations in Section 507(a)(2), Title 14, California Code of Regulations (CCR), prohibit archery hunters from carrying a firearm while hunting migratory birds. However, since there is no specific archery only hunt set aside for migratory birds, there is no reason to think individuals would take a bird with a firearm but pretend it was taken with archery equipment. Consequently, there is no reason to restrict archers from carrying firearms when taking migratory birds. The existing regulation also refers to “crossbows bolts,” rather than the proposed “crossbow bolts.” This amendment is intended to correct a grammatical error and is necessary to improve the clarity of the regulation.

The Department proposes to delete that part of subsection 507(a)(2) prohibiting the possession of a firearm while archery hunting.

**Benefits of the regulations**

The benefit of the proposed regulations is consistency in regulations. Adoption of scientifically–based cri-

teria for migratory waterfowl provides for the protection and maintenance of waterfowl populations to ensure their continued existence. The benefits of the proposed regulations are in sustainable management of the State's waterfowl resources, the businesses that rely on sport fishing in California and Federal guidelines.

Consistency with State and Federal Regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations. Pursuant to Section 355, Fish and Game Code, the Commission may annually adopt regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the federal Migratory Bird Treaty Act.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 14, 2016.

If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Mike Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Mike Yaun or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Senior Environmental Scientist, Waterfowl Program, Department of Fish and Wildlife, phone (916) 445–3717, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

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

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation

of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2016–17 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the proposed regulations for the waterfowl hunting season in 2016–17. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources. The Commission anticipates benefits to the State’s environment by the sustainable management of California’s waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

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

**Effect on Small Business**

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

**Consideration of Alternatives**

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

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE OF EXTENSION OF WRITTEN PUBLIC COMMENT PERIOD**

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation has **extended the written public comment period** regarding proposed amendments to California Code of Regulations, Title 15, Division 3, Sections 3349, 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, and 3349.9 regarding the administration of the death penalty by lethal injection. The Notice was originally published on November 6, 2015, in the Office of Administrative Law Notice Register 2015, No. 45–Z.

Written comments sent by mail, fax, or e-mail to the addresses listed under Contact Person in this Notice must be received by the close of the public comment period on **April 6, 2016, at 5:00 p.m.**

**CONTACT PERSON**

Comments or inquiries should be directed to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, California 94283–0001, by telephone at (916) 445–2269, fax at (916) 324–6075, or by e-mail at [LJ.comments@cdcr.ca.gov](mailto:LJ.comments@cdcr.ca.gov). In the event the contact person is unavailable, inquiries should be directed to Joshua Jugum at (916) 445–2228.

**FISH AND GAME COMMISSION**

**NOTICE OF FINDINGS**

Humboldt marten  
(*Mertes caurina humboldtensis*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its February 11, 2016, meeting in Sacramento, California, accepted for consideration the petition submitted to list Humboldt marten as an endangered species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife’s written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 11, 2016 Commission meeting, are on file and available for public review from Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY**

**AIR TOXICS HOT SPOTS PROGRAM**

**NOTICE OF PUBLIC COMMENT PERIOD  
AND WORKSHOPS ON  
DRAFT INHALATION CANCER UNIT RISK  
FACTOR FOR PERCHLOROETHYLENE**

**FEBRUARY 26, 2016**

The Office of Environmental Health Hazard Assessment (OEHHA) has released a document summarizing

the derivation of an inhalation cancer unit risk factor (URF) for perchloroethylene (tetrachloroethylene). URFs are used to estimate lifetime cancer risks associated with inhalation exposure to a carcinogen. OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In implementing this requirement, OEHHA develops new and revises existing URFs for many air pollutants. The existing inhalation URF for perchloroethylene was revised using the most recent “Air Toxics Hot Spots Program Technical Support Document for Cancer Potency Factors,” finalized by OEHHA in 2009.

The inhalation URF document for perchloroethylene was made available February 16, 2016 on the OEHHA website at <http://www.oehha.ca.gov>. **The posting of the document commenced a 45-day public review period that will end on April 1, 2016.** Public workshops will be held in Northern and Southern California at the following locations and times:

March 8, 2016  
9:00 a.m.–12:00 p.m.  
Room CC-2  
South Coast Air Quality Management District  
21865 E. Copley Drive  
Diamond Bar, CA 91765

March 11, 2016  
1:00 p.m.–4:00 p.m.  
Coastal Hearing Room  
Cal/EPA Building  
1001 I Street  
Sacramento, CA 95812

After the close of the public comment period, the documents will be revised as appropriate by OEHHA, and peer reviewed in 2016 by the State’s Scientific Review Panel on Toxic Air Contaminants.

Please direct your comments on the documents, in writing or by e-mail, and any inquiries concerning technical matters or availability of the documents to:

Dr. John Budroe  
Chief, Air Toxicology and Risk Assessment Section  
Air, Community, and Environmental Research  
Branch  
Office of Environmental Health Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94612  
E-mail: [John.Budroe@oehha.ca.gov](mailto:John.Budroe@oehha.ca.gov)  
Telephone: (510) 622-3145

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

**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](http://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.

**DEPARTMENT OF TRANSPORTATION**

**State of California  
Office of Administrative Law**

**In re:  
Department of Transportation**

**Regulatory Action:**

**Title 21, California Code of Regulations**

**Adopt sections: 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2015-1224-02S**

**DECISION SUMMARY**

On December 24, 2015, the California Department of Transportation (Department) submitted to the Office of Administrative Law (OAL) this rulemaking action which concerns the sale by the State of California of surplus residential properties which the Department has determined to be excess real properties because they are no longer needed or used for a state highway or other public purpose.

OAL disapproved the proposed regulations for the Department’s failure to comply with the clarity and necessity standards and with various procedural requirements of the Administrative Procedure Act (APA), pursuant to Government Code sections 11349,

11349.1, 11346.2, 11346.9, 11347.1, and 11347.3 and certain regulations that implement those statutes.

**CONCLUSION**

For the foregoing reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Department may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. The Department shall make all substantial regulatory text changes, which are sufficiently related to the original text, and any additional documents relied upon, as well as its addendum to the ISR, available for at least 15 days for public comment pursuant to Government Code sections 11346.8 and 11347.1, respectively. OAL reserves the right to review the Department’s resubmitted regulations and rulemaking record for compliance with all substantive and procedural requirements of the APA.

Date: 2/16/2016

Dale P. Mentink  
Senior Staff Counsel

For: Debra M. Cornez  
Director

Original: Malcolm Dougherty, Director  
Copy: Kimberly Erickson

**AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS**

**CALIFORNIA GAMBLING CONTROL COMMISSION**

**NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS AND DECISION INDEX**

Re: Government Code section 11425.60, subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission’s office below. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel  
Legal Division  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, California 95833-4231  
Telephone: (916) 263-1523  
Facsimile: (916) 263-1365  
E-Mail: [rjohnson@cgcc.ca.gov](mailto:rjohnson@cgcc.ca.gov)

The index and text of the precedential decisions also can be viewed on the Internet at <http://www.cgcc.ca.gov/?pageID=PrecedentialDecisions>.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2015-1228-02  
CALIFORNIA ENERGY COMMISSION  
Kitchen Faucet, Tub Spout Diverter, and Showerhead Regulations

This regulatory action by the California Energy Commission amends sections in Title 20 of the California Code of Regulations. The amendments limit the scope of the current regulations to kitchen faucets that are consumer products, clarify the tub spout diverter test method, and update the minimum flow rate standard for showerheads. The regulations are transmitted to OAL for filing with the Secretary of State and publication in the California Code of Regulations only.

Title 20  
AMEND: 1601, 1604, 1605.3  
Filed 02/10/2016  
Effective 02/10/2016  
Agency Contact: Jared Babula (916) 651-1462

File# 2016-0126-01  
CALIFORNIA STATE UNIVERSITY RISK  
MANAGEMENT AUTHORITY  
Conflict-of-Interest Code

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

Title 2  
AMEND: 57200  
Filed 02/11/2016  
Effective 03/12/2016  
Agency Contact: Tevea Him (415) 403-1416

File# 2016-0107-02  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING  
Minimum Standards for Training and Minimum  
Standards for Legislatively Mandated Courses

This rulemaking action by the Commission on Peace Officer Standards and Training (POST) amends sections 1005 and 1081 of title 11 of the California Code of Regulations to clarify rifle and shotgun training requirements for peace officers.

Title 11  
AMEND: 1005, 1081  
Filed 02/17/2016  
Effective 04/01/2016  
Agency Contact: Patti Kaida (916) 227-4847

File# 2015-1228-05  
DEPARTMENT OF FISH AND WILDLIFE  
Dreissenid mussels

This resubmittal action adopts regulations to implement controls over dreissenid mussels with permits, reporting, conveyance quarantines, violation procedures, and appeal procedures.

Title 14  
ADOPT: 672, 672.1, 672.2  
Filed 02/10/2016  
Effective 04/01/2016  
Agency Contact: Craig Martz (916) 653-4674

File# 2016-0216-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Huanglongbing Interior Quarantine

This emergency re-adopt amends section 3439 of Title 3 of the California Code of Regulations. The amendment expands the quarantine area for Huanglongbing (HLB) disease by including the San Gabriel area of Los Angeles County. The effect of this amendment will provide authority for the State to perform quarantine activities against HLB within this additional area and existing regulated areas.

Title 3  
 AMEND: 3439(b)  
 Filed 02/17/2016  
 Effective 02/17/2016  
 Agency Contact: Sara Khalid (916) 403-6625

This change without regulatory effect filing by the Department of Resources Recycling and Recovery (DRRR) revises section 17381.2 of title 14 of the California Code of Regulations to correct several erroneous cross-references and missing hyphens.

File# 2015-1230-01  
 DEPARTMENT OF HEALTH CARE SERVICES  
 Drug Medi-Cal/Provider Enrollment

Title 14  
 AMEND: 17381.2  
 Filed 02/10/2016  
 Agency Contact: Harlee Branch (916) 341-6056

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 2015-0806-03EFP) adopted by the Department of Health Services that revised definitions and enrollment requirements related to the Drug Medi-Cal program. This action also amended related enrollment criteria under the Medi-Cal program. These amendments were made to help curtail and prevent provider fraud and abuse.

File# 2015-1228-01  
 DEPARTMENT OF SOCIAL SERVICES  
 Family Child Care Home Capacity

This rulemaking action by the Department of Social Services includes capacity requirements for Family Child Care Homes that are being revised and clarified in order to conform to related legislative changes. Also included are a number of relevant definitions and forms.

Title 22  
 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1  
 Filed 02/11/2016  
 Effective 02/11/2016  
 Agency Contact: Jasmin Delacruz (916) 440-7688

Title 22, MPP  
 AMEND: 102352, 102416.5, 102417, 102421  
 Filed 02/10/2016  
 Effective 04/01/2016  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2016-0104-04  
 DEPARTMENT OF PESTICIDE REGULATION  
 Field Fumigant Use Requirements

This rulemaking by the Department of Pesticide Regulation amends sections in Title 3 of the California Code of Regulations, pertaining to environmental monitoring and pesticide enforcement. The changes add and revise existing field fumigation methods in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas when using methyl bromide, and other field fumigants, to make the methods consistent with product labeling.

File# 2016-0203-01  
 STATE WATER RESOURCES CONTROL BOARD  
 Drought Emergency Water Conservation

The State Water Resources Control Board submitted this action to readopt and further amend sections 863, 864, 865, and 866 in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. (Sections 863, 864, and 865 were adopted and readopted in OAL file nos. 2014-0718-01E, 2015-0320-01EE, and 2015-0506-02EE. Section 866 was adopted in OAL file no. 2015-0506-02EE.) The extension of these regulations implement Governor Brown's most recent executive order (B-36-15; issued November 13, 2015) requiring continued statewide water conservation measures through October 31, 2016 due to ongoing drought conditions in California. The additional amendments to the sections primarily focus on credits and adjustments to urban water suppliers' conservation standards that consider the differences in climate affecting different parts of the state, growth experienced by urban areas, and significant investments that have been made by some suppliers toward creating new, local, drought-resilient sources of potable water supply; penalties for homeowners' associations or community service organizations impeding homeowners from reducing or eliminating the watering of vegetation or lawns during the declared drought emergency; and updates to compliance and reporting timelines.

Title 3  
 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784  
 Filed 02/17/2016  
 Effective 04/01/2016  
 Agency Contact:  
 Linda Irokawa-Otani (916) 445-3991

File# 2016-0111-02  
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
 Compostable Materials Transfer and Processing

Title 23  
 ADOPT: 863, 864, 865, 866  
 Filed 02/11/2016  
 Effective 02/11/2016  
 Agency Contact: David Rose (916) 341-5196

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN September 16, 2015 TO  
 February 17, 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**

02/11/16 AMEND: 57200  
 02/10/16 AMEND: 57200  
 02/04/16 ADOPT: 555.5  
 02/04/16 AMEND: 18351  
 02/04/16 AMEND: 18616  
 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  
**Title 3**  
 02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784  
 02/17/16 AMEND: 3439(b)  
 02/09/16 AMEND: 3435(b)  
 02/02/16 ADOPT: 3442

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 9-Z**

01/27/16	ADOPT: 3591.26		5101), 5103 (renumbered to 5102), 5104
01/21/16	AMEND: 3435(b)		(renumbered to 5103), 5105 (renumbered
01/20/16	AMEND: 3435(b)		to 5104), 5106 (renumbered to 5105),
01/14/16	AMEND: 3435(b)		5107 (renumbered to 5106), 5132, 5170,
01/06/16	AMEND: 3435(b)		5190, 5191, 5192, 5200, 5205, 5210,
01/05/16	AMEND: 3435(b)		5230, 5232, 5250, 5255, 5260, 5267
12/30/15	AMEND: 3435(b)		REPEAL: 5101
12/23/15	ADOPT: 3441	11/02/15	ADOPT: 8078.3, 8078.4, 8078.5, 8078.6,
12/21/15	AMEND: 3435(b)		8078.7
12/16/15	AMEND: 3435(b)	10/27/15	AMEND: 8035
12/15/15	AMEND: 3435(b)	10/26/15	AMEND: 10170.2, 10170.3, 10170.4,
12/14/15	AMEND: 3435		10170.5, 10170.6, 10170.7, 10170.8,
12/07/15	AMEND: 3435(b)		10170.9, 10170.10, 10170.11
12/02/15	AMEND: 6170.5, 6723, 6724, 6761	10/05/15	AMEND: 1843.2
11/24/15	AMEND: 3435(b)	<b>Title 5</b>	
11/24/15	AMEND: 3435(b)	01/12/16	ADOPT: 27700, 27701, 27702, 27703,
11/18/15	AMEND: 6260, 6262, 6264, 6266		27704, 27705
11/13/15	AMEND: 3435(b)	12/14/15	AMEND: 80057.5, 80089, 80089.1,
11/12/15	AMEND: 3435(b)		80089.2
11/09/15	AMEND: 1358.4	12/08/15	AMEND: 3030(b)(10)
11/04/15	AMEND: 6000, 6188, 6742, 6746, 6793	11/23/15	ADOPT: 71105, 71105.5, 71410, 71471,
10/29/15	AMEND: 3435(b)		71775, 71775.5, 74240, 74250, 75140
10/22/15	ADOPT: 1280.11 AMEND: 1280,		AMEND: 70000, 71400, 71650, 75150
	1280.1, 1280.7, 1280.8	11/23/15	ADOPT: 851.5, 853.6, 853.8 AMEND:
09/30/15	AMEND: 3435(b)		850, 851, 853, 853.5, 853.7, 855, 857,
09/30/15	AMEND: 1380.19, 1430.10, 1430.12,		858, 859, 860, 861, 862, 862.5, 863, 864
	1430.14, 1430.26, 1430.27, 1430.45	11/18/15	ADOPT: 80002 AMEND: 80001
09/16/15	AMEND: 3435(b)	11/03/15	AMEND: 1505
<b>Title 4</b>		10/06/15	AMEND: 80225
02/04/16	AMEND: 5000, 5033, 5052, 5144, 5205,	10/05/15	AMEND: 19810
	5220, 5221, 5230	<b>Title 8</b>	
02/01/16	ADOPT: 7210, 7213, 7214, 7215, 7216,	01/06/16	AMEND: 5194(c)
	7217, 7218, 7219, 7220, 7221, 7222,	12/30/15	ADOPT: 1950, 1951, 1952, 1953, 1954,
	7223, 7224, 7225, 7225.1, 7226, 7227,		1955, 1956, 1957, 1958, 1959, 1960,
	7228, 7229		1961, 1962
01/26/16	ADOPT: 1866.1 AMEND: 1844	11/23/15	AMEND: 10133.32
01/25/16	AMEND: 10170.2, 10170.3, 10170.4,	11/05/15	AMEND: 333, 336
	10170.5, 10170.6, 10170.7, 10170.8,	10/21/15	AMEND: 15600, 15609
	10170.9, 10170.10, 10170.11	09/21/15	ADOPT: 14006.1 AMEND: 14003,
01/04/16	AMEND: 130		14007
12/29/15	AMEND: 1887	09/21/15	ADOPT: 9785.2.1, 9785.3.1, 9785.4.1,
12/24/15	AMEND: 10302, 10315, 10317, 10320,		AMEND: 9770, 9785, 9785.4, 9792.5.1
	10322, 10325, 10326, 10327, 10328,	<b>Title 9</b>	
	10337	11/05/15	AMEND: 4210
12/10/15	AMEND: 1632	10/07/15	ADOPT: 3200.245, 3200.246, 3510.010,
12/03/15	ADOPT: 10091.1, 10091.2, 10091.3,		3560, 3560.010, 3560.020, 3700, 3701,
	10091.4, 10091.5, 10091.6, 10091.7,		3705, 3706, 3710, 3715, 3720, 3725,
	10091.8, 10091.9, 10091.10, 10091.11,		3726, 3730, 3735, 3740, 3745, 3750,
	10091.12, 10091.13, 10091.14, 10091.15		3755, 3755.010
11/30/15	ADOPT: 7125.1 AMEND: 7113, 7116,	10/02/15	AMEND: 10701
	7118, 7119, 7125, 7127	<b>Title 10</b>	
11/17/15	AMEND: 2000	02/04/16	AMEND: 2201, 2202, 2203, 2204, 2205,
11/09/15	ADOPT: 5258, 5271, 5273 AMEND:		2206, 2207, 2208, 2209, 2210, 2211,
	5033, 5052, 5100, 5102 (renumbered to		

2212, 2213, 2214, 2215, 2216, 2217, 2218  
 02/02/16 ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268 REPEAL: 2218.1, 2255, 2261, 2262, 2263, 2264, 2265, 2269.1, 2269.4, 2269.7, 2269.10, 2269.11, 2269.13, 2269.14  
 01/07/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516  
 12/23/15 ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670  
 12/14/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620  
 12/04/15 ADOPT: 1422.3, 1950.122.4.2  
 11/02/15 AMEND: 2498.5  
 11/02/15 AMEND: 2498.4.9  
 11/02/15 AMEND: 2498.6  
 10/26/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5  
 10/15/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516  
 09/17/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622

**Title 11**

02/17/16 AMEND: 1005, 1081  
 01/27/16 AMEND: 1953(e)(5)  
 12/09/15 AMEND: 1070(c)  
 12/09/15 AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1018, 1019, 1051, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960  
 11/23/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259  
 10/27/15 ADOPT: 313, 314, 315, 316, 999.9, 999.9.1, 999.9.2, 999.9.3, 999.9.4, 999.9.5 AMEND: 999.6, 999.7, 999.8  
 10/20/15 AMEND: 1005, 1007, 1008

**Title 12**

12/02/15 AMEND: 800.1, 803, 804, 809 REPEAL: 808

**Title 13**

02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442  
 01/26/16 AMEND: 1239  
 01/25/16 AMEND: 1162.1, 1242  
 01/19/16 AMEND: 1253  
 01/19/16 ADOPT: 1160.7, 1161.8 AMEND: 1160.2  
 12/21/15 AMEND: 423.00  
 12/09/15 ADOPT: 1157.21 AMEND: 1157, 1157.4, 1157.6, 1157.8, 1157.10, 1157.12, 1157.13, 1157.14, 1157.16, 1157.18, 1157.20  
 11/16/15 ADOPT: 2293, 2293.1, 2293.2, 2293.3, 2293.4, 2293.5, 2293.6, 2293.7, 2293.8, 2293.9, Appendix 1 AMEND: 2290, 2291, 2293 (renumbered to 2294), 2293.5 (renumbered to 2295)  
 11/09/15 AMEND: 551.21  
 10/21/15 ADOPT: 551.22 AMEND: 550, 551.2  
 10/12/15 AMEND: 1962.1, 1962.2  
 10/08/15 AMEND: 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, 1978  
 09/21/15 AMEND: 1.00

**Title 14**

02/10/16 ADOPT: 672, 672.1, 672.2  
 02/10/16 AMEND: 17381.2  
 02/09/16 AMEND: 3550.11  
 02/05/16 AMEND: 1724.9  
 01/25/16 AMEND: 870.15, 870.17, 870.19, 870.21  
 01/21/16 ADOPT: 1760.1, 1779.1  
 01/13/16 AMEND: 149  
 12/30/15 AMEND: 180.6  
 12/29/15 AMEND: 1038  
 12/28/15 ADOPT: 8.01  
 12/15/15 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.08, 4970.09, 4970.10.4, 4970.17, 4970.23, 4970.24.1, 4970.25.1  
 12/10/15 AMEND: 1.92, 703  
 11/30/15 AMEND: 1665.7  
 11/30/15 AMEND: 163, 164  
 11/24/15 AMEND: 29.85  
 11/23/15 AMEND: 1052.1  
 11/23/15 AMEND: 895.1, 916.9, 917.2, 937.2, 957.2, 937.3, 957.3, 929.1, 949.1, 969.1,

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1038, 1039.1, 1041, 1092.01, 1092.26,  
1092.28, 1109.4  
11/19/15 AMEND: 890  
11/13/15 AMEND: 478, 479  
11/06/15 AMEND: 29.80, 29.85  
11/06/15 ADOPT: 131  
11/05/15 AMEND: 29.85  
11/03/15 AMEND: 895.1, 1038, 1038.2  
11/03/15 AMEND: 870.15, 870.17, 870.19,  
870.21  
10/19/15 ADOPT: 1760.1, 1779.1  
10/16/15 AMEND: 17354, 17356  
10/12/15 AMEND: 819, 819.01, 819.02, 819.03,  
819.04, 819.05, 819.06, 819.07  
10/05/15 ADOPT: 18660.44, 18660.45, 18660.46  
AMEND: 18660.7  
09/28/15 AMEND: 310.5  
09/24/15 AMEND: 1665.7  
09/22/15 AMEND: 502  
09/21/15 AMEND: 18419

**Title 14, 27**

11/10/15 ADOPT: Title 14: 17017, 17854.1,  
17863.4.1, 17868.3.1, 17896.1, 17896.2,  
17896.3, 17896.4, 17896.5, 17896.6,  
17896.7, 17896.8, 17896.9, 17896.10,  
17896.11, 17896.12, 17896.13,  
17896.14, 17896.15, 17896.16,  
17896.17, 17896.18, 17896.19,  
17896.20, 17896.21, 17896.22,  
17896.23, 17896.24, 17896.25,  
17896.26, 17896.27, 17896.28,  
17896.29, 17896.30, 17896.31,  
17896.32, 17896.33, 17896.34,  
17896.35, 17896.36, 17896.37,  
17896.38, 17896.39, 17896.40,  
17896.41, 17896.42, 17896.43,  
17896.44, 17896.45, 17896.46,  
17896.47, 17896.48, 17896.49,  
17896.50, 17896.51, 17896.52,  
17896.53, 17896.54, 17896.55,  
17896.56, 17896.57, 17896.58,  
17896.59, 17896.60, 17896.61,  
18221.5.1, 18221.6.1 AMEND: Title 14:  
17362.2, 17377.2, 17381.1, 17383.3,  
17383.4, 17383.7, 17388.3, 17403.1,  
17403.2, 17403.3, 17409.2, 17852,  
17855, 17855.2, 17855.3, 17856,  
17857.1, 17857.2, 17859.1, 17862,  
17862.1, 17863, 17863.4, 17867,  
17868.1, 17868.2, 17868.3, 17868.5,  
17869, 18083, 18100, 18101, 18102,  
18103, 18103.1, 18103.2, 18104,  
18104.1, 18104.2, 18104.3, 18104.6,  
18104.9, 18105, 18105.1, 18105.2,

18105.3, 18105.5, 18105.6, 18105.8,  
18105.9, 18105.11, 18227, 18302; Title  
27: 21620, Appendix 1 REPEAL: Title  
14: 17855.4

**Title 15**

12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2  
12/24/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3  
AMEND: 1700, 1706, 1712.2, 1714.2,  
1730.2, 1731, 1740.2, 1747, 1747.1,  
1748, 1748.5, 1749, 1749.1, 1750,  
1750.1, 1751, 1752, 1753, 1754, 1756,  
1760, 1766, 1767, 1768, 1770, 1772,  
1776, 1778, 1788, 1790, 1792  
12/14/15 AMEND: 3124  
12/14/15 ADOPT: 3999.20  
12/03/15 ADOPT: 3340, 3341, 3341.1, 3341.2,  
3341.3, 3341.4, 3341.5, 3341.6, 3341.7,  
3341.8, 3341.9 AMEND: 3000, 3044,  
3269, 3269.1, 3335, 3335.5, 3336, 3337,  
3338, 3339, 3340 (Renumbered to  
3335.5), 3342, 3343, 3344 REPEAL:  
3341, 3341.5  
11/23/15 AMEND: 3173.2  
11/17/15 ADOPT: 3317.1, 3317.2 AMEND: 3310,  
3315, 3317  
11/05/15 AMEND: 3349 REPEAL: 3349.1.1,  
3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1,  
3349.2.2, 3349.2.3, 3349.2.4, 3349.3,  
3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4,  
3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1,  
3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5,  
3349.4.6  
09/28/15 AMEND: 8199

**Title 16**

02/08/16 AMEND: 1417  
01/27/16 ADOPT: 1746.3  
01/25/16 ADOPT: 1746.2  
01/25/16 AMEND: 420.1, 3021.1  
01/11/16 AMEND: 995  
12/30/15 ADOPT: 1805.01, 1805.05, 1822.50,  
1822.51, 1822.52, 1829.1, 1829.2,  
1829.3, 1877.1, 1877.2, 1877.3  
AMEND: 1805, 1806, 1816, 1816.2,  
1816.3, 1816.4, 1816.5, 1816.6, 1816.7,  
1829, 1877  
12/23/15 ADOPT: 1399.50, 1399.52  
11/30/15 ADOPT: 1820.7 AMEND: 1820, 1820.5,  
1822  
11/25/15 AMEND: 1209, 1214, 1216, 1221, 1255,  
1258, 1258.1, 1258.2, 1258.4 REPEAL:  
1258.3  
11/24/15 ADOPT: 2386.5 AMEND: 2382, 2383,  
2384, 2385, 2386, 2387, 2388  
11/23/15 AMEND: 109

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11/20/15 AMEND: 4151, 4152  
 11/19/15 AMEND: 1793.5  
 10/28/15 AMEND: 1399.100, 1399.101,  
 1399.102, 1399.105, 1399.111,  
 1399.113, 1399.114, 1399.115,  
 1399.116, 1399.117, 1399.118,  
 1399.119, 1399.120, 1399.121,  
 1399.122, 1399.126, 1399.127,  
 1399.132, 1399.133, 1399.134,  
 1399.135, 1399.136, 1399.137,  
 1399.138, 1399.139, 1399.140,  
 1399.141, 1399.142, 1399.143,  
 1399.144, 1399.150.1, 1399.150.2,  
 1399.150.3, 1399.151, 1399.151.1,  
 1399.152, 1399.152.1, 1399.152.2,  
 1399.152.3, 1399.153, 1399.153.2,  
 1399.153.3, 1399.153.4, 1399.153.8,  
 1399.153.9, 1399.154, 1399.154.1,  
 1399.154.2, 1399.154.3, 1399.154.4,  
 1399.154.5, 1399.155, 1399.156,  
 1399.156.2, 1399.156.3, 1399.156.5,  
 1399.157.2, 1399.159, 1399.159.01,  
 1399.159.1, 1399.159.2, 1399.159.3,  
 1399.160.1, 1399.160.2, 1399.160.3,  
 1399.160.7, 1399.160.8, 1399.160.9,  
 1399.160.10, 1399.160.12, 1399.170.15,  
 1399.170.18, 1399.180, 1399.182

09/29/15 ADOPT: 1746.3  
 09/21/15 ADOPT: 1399.15, 1399.16 AMEND:  
 1398.1, 1398.3, 1398.11, 1398.13,  
 1398.26.5, 1398.31, 1398.37, 1398.44,  
 1398.47, 1398.52, 1399, 1399.12,  
 1399.24, 1399.94 REPEAL: 1399.15,  
 1399.16

09/21/15 AMEND: 639, 641  
 09/21/15 AMEND: 635

**Title 17**

02/05/16 ADOPT: 59050, 59051, 59052, 59053,  
 59054, 59055, 59056, 59057, 59058,  
 59059, 59060, 59061, 59062, 59063,  
 59064, 59065, 59066, 59067, 59068,  
 59069, 59070, 59071, 59072  
 02/03/16 AMEND: 95000 REPEAL: 95001,  
 95002, 95003, 95004, 95005, 95006,  
 95007  
 01/25/16 REPEAL: 60090, 60091, 60092, 60093,  
 60094  
 01/21/16 AMEND: 100003  
 01/11/16 ADOPT: 94017 AMEND: 94010, 94011,  
 94016  
 01/06/16 ADOPT: 100503  
 11/16/15 ADOPT: 95480, 95481, 95482, 95483,  
 95483.1, 95483.2, 95484, 95485, 95486,  
 95487, 95488, 95489, 95490, 95491,

95492, 95493, 95494, 95495, 95496,  
 95497 REPEAL: 95480, 95480.1,  
 95480.2, 95480.3, 95480.4, 95480.5,  
 95481, 95482, 95483, 95484, 95485,  
 95486, 95487, 95488, 95489, 95490

10/20/15 AMEND: 95802, 95973, 95975, 95976,  
 95981, 95985, 95990

**Title 18**

02/03/16 AMEND: 5218, 5235, 5237, 5267  
 01/06/16 AMEND: 1619  
 12/29/15 ADOPT: 18416.5  
 12/16/15 AMEND: 1532, 1533.1, 1533.2, 1534,  
 1535, 1805, 1825  
 12/08/15 AMEND: 1584  
 11/10/15 AMEND: 284, 1027  
 11/05/15 AMEND: 1705.1, 4903, 5240, 5241,  
 5242

**Title 19**

12/07/15 AMEND: 2600

**Title 20**

02/10/16 AMEND: 1601, 1604, 1605.3  
 12/21/15 ADOPT: 1208, 1208.1, 1209, 1210,  
 1211, 1211.5, 1212, 1230, 1231, 1232,  
 1232.5, 1233, 1233.1, 1233.2, 1233.3,  
 1233.4, 1234 AMEND: 1003, 1101,  
 1104, 1200, 1201, 1202, 1203, 1204,  
 1205, 1206, 1207 [renumbered to  
 1211.7], 1208 [renumbered to 1207],  
 1718 [renumbered to 1207.5], 1225,  
 1240, 1675, 1701, 1706, 1707, 1709.5,  
 1709.7, 1712.5 [renumbered to 1710],  
 1710 [renumbered to 1711], 1714,  
 1714.5, 1720, 1720.4, 1729, 1742, 1744,  
 1744.5, 1748 [renumbered to 1745], 1749  
 [renumbered to 1745.5], 1753  
 [renumbered to 1746], 1754 [renumbered  
 to 1747], 1755 [renumbered to 1748],  
 1769, 1804, 1863, 2001, 2010, 2012,  
 2027, 2028, 2030, 2322, 2325, 2328,  
 Appendix A [following section 2340],  
 Appendix B [following section 2012 and  
 Appendix A] REPEAL: 1209, 1209.5,  
 1210, 1211, 1212, 1213, 1214, 1217,  
 1230, 1231, 1232, 1233, 1233.5, 1234,  
 1235, 1236, 1236.5, 1237, 1702, 1705,  
 1711, 1712, 1716.5, 1717, 1718, 1718.5,  
 1719, 1742.5, 1743, 1745, 1747, 1751,  
 1752, 1752.3, 1752.5, 1752.7, 1757,  
 1765

10/20/15 AMEND: 3103

**Title 21**

10/01/15 ADOPT: Article Heading AMEND:  
 1412.1

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09/23/15	AMEND: 7000	10/15/15	ADOPT: 100044, 100044.1, 100044.2, 100044.3, 100044.4, 100044.5, 100044.6, 100044.7, 100044.8, 100044.9, 100044.10, 100045, 100046, 100047, 100048, 100049, 100050, 100051, 100052, 100053, 100054
<b>Title 22</b>		10/02/15	ADOPT: 51315.1, 51315.2 AMEND: 51161, 51315
02/11/16	ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1	<b>Title 22, MPP</b>	
02/08/16	AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172	02/10/16	AMEND: 102352, 102416.5, 102417, 102421
02/01/16	AMEND: 64806	12/30/15	ADOPT: 84092, 84093, 85092, 85093, 87794, 87795 AMEND: 84001, 84002, 84064, 84064.2, 84064.3, 84064.4, 84064.5, 84090, 84090.1, 84090.2, 84091, 84091.1, 84091.2, 84091.3, 84091.4, 85001, 85002, 85064, 85064.2, 85064.3, 85064.4, 85064.5, 85090, 85090.1, 85090.2, 85091, 85091.1, 85091.2, 85091.3, 85091.4, 87101, 87102, 87405, 87406, 87407, 87408, 87409, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793
01/05/16	ADOPT: 81005, 81006, 81007, 81008, 81011, 81012, 81017, 81019, 81019.1, 81020, 81021, 81023, 81025, 81026, 81028, 81029, 81030, 81034, 81035, 81036, 81040, 81043, 81044, 81045, 81046, 81052, 81053, 81054, 81055, 81055.1, 81056, 81058, 81059, 81062, 81063, 81069.2, 81071, 81073, 81074, 81075.1, 81077.2, 81077.3, 81077.4, 81077.5, 81086, 81090, 81091, 81092, 81092.1, 81092.2, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81093, 81094, 81094.5 AMEND: 80000, 80001, 80019, 80065, 80068, 80068.5, 80069, 80069.2, 80070, 80075, 80077.2, 80077.5, 80088, 80092.1, 80092.2, 81000, 81001, 81009, 81010, 81018, 81022, 81024, 81027, 81031, 81042, 81051, 81060, 81061, 81064, 81064.1, 81065, 81065.5, 81065.6, 81066, 81068, 81068.1, 81068.2, 81068.3, 81068.4, 81068.5, 81069, 81070, 81072, 81075, 81076, 81078, 81079, 81080, 81087, 81087.2, 81087.3, 81088	<b>Title 23</b>	
01/05/16	AMEND: 51180, 51349	02/11/16	ADOPT: 863, 864, 865, 866
12/14/15	ADOPT: 50188	01/28/16	ADOPT: 3009
12/10/15	ADOPT: 51190.4.1 AMEND: 51231.1, 51231.2, 51323, 51360, 51491	01/15/16	AMEND: 1062
10/20/15	REPEAL: 75051	01/14/16	ADOPT: 3959.7
10/16/15	AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97228, 97229	12/23/15	AMEND: 3949.5
		12/17/15	AMEND: 879
		12/02/15	ADOPT: 3008
		11/09/15	ADOPT: 3939.47
		11/06/15	ADOPT: 340, 340.2, 340.4, 341, 342, 342.2, 342.4, 342.6, 343, 343.2, 343.4, 343.6, 343.8, 343.9, 343.10, 343.12, 343.14, 344, 344.2, 344.4, 344.6, 344.8, 344.10, 344.12, 344.14, 344.16, 344.18, 345, 345.2, 345.4, 346, 346.2, 346.4, 346.6
		10/28/15	AMEND: 1062, 1064, 1066
		10/12/15	ADOPT: 2200.7, 2200.8 AMEND: 2200, 2200.7
		<b>Title 25</b>	
		10/13/15	AMEND: 8000, 8002, 8004, 8006, 8008, 8010, 8012
		<b>Title 27</b>	
		02/08/16	AMEND: 25705
		01/19/16	ADOPT: 25205
		10/28/15	AMEND: 10010
		<b>Title 28</b>	
		12/09/15	AMEND: 1300.76, 1300.76.1, 1300.82.1, 1300.84.06, 1300.84.2, 1300.84.3

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11/18/15	AMEND: 1000		42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111
<b>Title MPP</b>			
12/24/15	ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207	11/30/15	AMEND: 40-034, 44-211, 44-303, 44-307, 44-316, 82-832
12/23/15	ADOPT: 42-708, 42-709 AMEND: 42-302, 42-701, 42-711, 42-712, 42-713, 42-714, 42-716, 42-717,	11/30/15	ADOPT: 30-777 AMEND: 30-701, 30-776