



California Regulatory Notice Register

REGISTER 2016, NO. 11-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 11, 2016

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2016-0301-02 365
Adoption

Multi-County: Madera Groundwater Authority

Amendment

Multi-County: Chaffey Joint Union High School District

TITLE 13. NEW MOTOR VEHICLE BOARD

Case Management — Notice File No. Z2016-0301-01 366

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Mail and Publications — Notice File No. Z2016-0222-01 368

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Long Term Offender Program — Notice File No. Z2016-0229-03 371

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Citation Program — Notice File No. Z2016-0301-03 373

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Research/Recovery on San Francisco Garter Snakes — LSA Associates, Inc. 376

DEPARTMENT OF MOTOR VEHICLES

Public Hearing on Driver's Licenses (AB 60) 377

RULEMAKING PETITION DECISION

BOARD OF EQUALIZATION

Consignees and Lienors of Tangible Personal Property for Sale 377

(Continued on next page)

Time-Dated Material

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	380
Sections Filed, September 30, 2015 to March 2, 2016	383

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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

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

ADOPTION

MULTI-COUNTY: Madera Groundwater Authority

AMENDMENT

MULTI-COUNTY: Chaffey Joint Union High School District

A written comment period has been established commencing on March 11, 2016, and closing on April 25, 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 per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than April 25, 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 13. NEW MOTOR VEHICLE BOARD

NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board (“Board”), pursuant to the authority vested in the Board by subdivision (a) of Vehicle Code section 3050 proposes to amend the proposed regulation as described below, after considering all comments, objections, and recommendations regarding the proposed regulatory action.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 550 of Title 13 of the California Code of Regulations pertaining to case management.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered and adopted the proposed regulation at a noticed General Meeting held on November 12, 2015. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulation was mailed to all individuals and entities on the Board’s Public Mailing list, Electronic Public Mailing list, and website subscription list. The agenda was also posted on the Board’s website.

No comments by the public were received at the November 12, 2015, General Meeting, and no further public discussion was held prior to publication of the notice.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board 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

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916)

323-1632 or by e-mail at dvare@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes at 5:00 p.m. on April 25, 2016. The Board will consider only comments received at the Board’s offices by that time. Submit comments to:

Danielle R. Vare, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 327-3129 direct line
(916) 445-1888 main line
(916) 323-1632 fax
dvare@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050, subdivision (a), authorizes the Board to amend the proposed regulation. The proposed regulation implements, interprets, and makes specific Business and Professions Code section 472.5, Code of Civil Procedure sections 2015.5 and 2016.020, and Vehicle Code sections 1504, 3050, 3050.7, 3052, 3060, 3062, 3064, 3065, 3065.1, 3070, 3072, 3074, 3075, 3076, and 3085.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The adopted mission of the Board is to: “. . . enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner. The adopted vision statement provides that the Board safeguard for its “constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes, which ultimately improves relations and reduces the need for costly litigation and . . . develop methods that further improve the delivery of Board services in a timely and cost-effective manner. . .”

Current Board regulations provide the procedures by which a new motor vehicle dealer or motor vehicle manufacturer or distributor may file a protest, petition or appeal with the Board.

The Board proposes to amend Section 550 to clarify two definitions that are currently in the Board’s regulations: Protest and Protestant. The definitions of Protest and Protestant must be amended to include the new type of Protest created by recently enacted legislation whereby an association primarily owned by, or comprised of, new motor vehicle dealers and that primarily represents the interest of dealers can file a protest before the Board challenging an export or sale-for-resale prohibition policy of a manufacturer or distributor.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The broad objective of the regulation is to clarify for litigants that appear before the Board the information necessary to effectively represent themselves or their clients.

The specific benefit anticipated from the regulation is promoting the expeditious and economical resolution of statutorily enumerated disputes between associations and manufacturers or distributors. The Board keeps these types of cases from further clogging our already congested courts. It provides a uniformity of decisions across the state, allowing franchisors and their dealers to conduct their business in compliance with California law. Lastly, through its Consumer Mediation Program, the Board offers, at no cost to the consumer, an informal means for efficiently resolving disputes between members of the public and any new motor vehicle dealer, manufacturer, or distributor.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board conducted an evaluation of the proposed regulation's potential inconsistency or incompatibility with existing state regulations and has found that this is the only regulation pertaining to the subject matter of the case management rulemaking. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board 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:

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

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board concludes that the proposed regulation will not (1) create any jobs within the State of California, (2) eliminate any jobs within the State of California, (3) create any new businesses within the State of California, (4) eliminate any existing businesses within the State of California, or (5) cause the expansion of businesses currently doing business within the State of California.

BENEFITS OF THE REGULATION

The proposed regulation will promote the expeditious and economical resolution of disputes between new motor vehicle dealers, associations, and manufacturers or distributors.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulation merely clarifies case management for franchised new motor vehicle dealers and new vehicle manufacturers or distributors who choose to file a protest, petition or appeal with the Board and associations who choose to file protests with the Board.

CONSIDERATION OF ALTERNATIVES

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

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present comments, statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at the public hearing, if one is requested.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Ms. Vare at the following address:

Danielle R. Vare, Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 327–3129 direct line
(916) 445–1888 main line
(916) 323–1632 fax
dvare@nmvb.ca.gov

The backup contact person for these inquiries is:

Robin P. Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95811
(916) 323–1536 direct line
(916) 445–1888 main line
(916) 323–1632 fax
rparker@nmvb.ca.gov

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

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 regulations, the initial statement of reasons, the Economic and Fiscal Impact Statement, and all the information upon which the proposal is based. Copies

may be obtained by contacting the contact persons identified above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulation as revised. Requests for copies of any modified regulation should be addressed to the Board contact person or back-up contact person at the addresses indicated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, copies thereof may be obtained by contacting Ms. Vare or Ms. Parker 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 regulation in underline and strikeout font can be accessed through the Board’s website at www.nmvb.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, proposes to amend Sections 3134.1 and 3136 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Processing of Publications and Disapproval of Inmate Mail, and the CDCR form 1819 (Rev. 01/16), Notification of Disapproval — Mail/Packages/Publications.

PUBLIC HEARING

Date and Time: **April 27, 2016 — 9:00 a.m. to 10:00 a.m.**
 Place: Department of Corrections and Rehabilitation
 Kern Room
 1515 S Street — North Building
 Sacramento, CA 95811
 Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **April 27, 2016 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
 Regulation and Policy Management Branch
 Department of Corrections and Rehabilitation
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Telephone (916) 445-2269**

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

**S. Garcia
 Regulation and Policy Management Branch
 Telephone (916) 445-2266**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Brent Burkhart
 Department of Corrections and Rehabilitation
 (916) 327-5305**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in

this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action:

- Amends the revision date from “6/98” to “01/16” of the CDCR form 1819, Notification of Disapproval — Mail/Packages/Publications which is incorporated by reference.
- Amends Section 3134.1 Processing of Publications.
- Amends Section 3136 Disapproval of Inmate Mail.
- Proposes to increase the amount of time an inmate has to respond to the notice of disapproved mail, packages, or publications from fifteen (15) calendar days to thirty (30) calendar days on the CDCR form 1819 (Rev. 6/98-01/16).

FORMS INCORPORATED BY REFERENCE

CDCR form 1819 (Rev. 01/16) Notification of Disapproval — Mail/Packages/Publications

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

Regulations concerning the amount and type of inmate property (Section 3190 and following) and the types of mail and inmate can send/receive (Sections 3130 and following) were adopted to ensure the safety and security of the public, inmates, and staff in its institutions. The Department anticipates that this revision to the CDCR form 1819 will better serve inmates by conforming to the inmate appeal time limits and by giving them additional time to consider the disposition of their disapproved mail, packages, or publications, or to appeal the Department’s disallowance.

The proposed revisions to the CDCR form 1819 also clear up the ambiguous “fifteen days” by specifying and adding 30 “calendar” days on the form. This provides clarity to both staff and inmates on timeframes for the process.

EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department has reviewed existing regulations pertaining to inmate property and mail within CCR, Title 15, Division 3 and determined that these proposed regulations are not inconsistent or incompatible.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no ef-

fect on worker safety, or the state’s environment, because the proposed regulations relate strictly to the internal management of CDCR institutions. The proposed regulations will have no effect on the health and welfare of California residents, worker safety, or the State’s environment as these regulations deal with the internal management of prisons.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department 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 Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, proposes to amend Sections 3000, 3040.1, 3041, 3041.3, 3043.6, and 3379, and adopt Section 3040.2 of the California Code of Regulations (CCR), Title 15, Division 3 concerning the Long Term Offender Program.

PUBLIC HEARING

Date
and Time: May 5, 2016 — 10:00 a.m.
to 11:00 a.m.
Place: Department of Corrections and
Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this
action.

PUBLIC COMMENT PERIOD

The public comment period will close **May 5, 2016, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 445-2269

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

R. Ruiz
Regulation and Policy Management Branch
Telephone (916) 445-2244

Questions regarding the substance of the proposed regulatory action should be directed to:

Mike Mott
Division of Rehabilitative Services
Telephone (916) 324-0661

AUTHORITY AND REFERENCE

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to GC Section 11340.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current regulations establish that rehabilitative programs are provided to inmates to help prepare them for their release from prison, providing valuable skills and reducing the likelihood of recidivism. However, due to the cost of prison overcrowding and significant budget restrictions, the Department was able to serve only a small percentage of its offender population with rehabilitative services.

Assembly Bill 109, The Public Safety Realignment Act (Realignment), was signed into law in 2011, and directed offenders with certain felony convictions to serve their incarceration in local jails rather than in prison. As a result of Realignment, the Department experienced a significant population reduction and was able to redirect resources to its goal of enhancing rehabilitative programs in an effort to reduce recidivism.

The proposed regulations provide authority for the Department to establish the Long Term Offender Program (LTOP) at designated institutions to provide inmates who are serving long-term sentences with evidenced-based Cognitive Behavioral Treatment (CBT) programs with the goal of minimizing the risk to society if released, and with services upon release to allow an easier transition back into society.

This action provides the following:

- A definition of the LTOP.
- Program eligibility and exclusionary criteria.
- A priority system for placement into an LTOP.
- Inmates will not be subject to disciplinary action for failure to participate in the LTOP as it is a voluntary program.
- Inmate transfer procedures for the purpose of participating in an LTOP.
- Program participants receive priority for work reassignment upon completion of their LTOP assignment.
- LTOP participants are exempt from the standard institution wait list merging process, and upon completion of an LTOP assignment, have priority over other inmates waiting for a similar work assignment.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The Department anticipates that the proposed regulations will reduce recidivism by preparing inmates for their release and successful reintegration into society, and promote fairness and social equality by providing valuable rehabilitative programs to long-term offenders. This will also result in the protection of public health and safety upon the inmates' release.

EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING REGULATIONS

In developing the proposed regulations, the Department researched existing statutes and regulations concerning rehabilitative programs for long-term offenders and concluded that the proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT AFFECTING BUSINESS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

It is determined that this action has no significant adverse economic impact on small business as these regulations describe a rehabilitative program for long-term offenders, and the prison population does not have a significant impact on small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing businesses within California, or affect the expansion of businesses currently doing business in California as the proposed regulations relate only to the internal management of CDCR institutions. Existing Department staff will perform the actions described in the proposed regulations through their current duties.

The Department anticipates that the proposed regulations reduce recidivism by preparing inmates for their release and successful reintegration into society, and promote fairness and social equality by providing valuable rehabilitative programs to long-term offenders. This will also result in the protection of public health and safety upon the inmates' release.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action are also available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's website.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department 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 Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5:00 p.m. on April 11, 2016. The Board, 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 the 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.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 25, 2016.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, 6716, 7818, and 8710 of the Business and Professions Code, and to implement, interpret, or make specific Sections 125.9, 148, 149, 6775, 6786, 6787, 7860, 7871, 7872, 8780, 8791, and 8792 of said Code, the Board is considering changes to Division 5 and Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. To that extent, staff is proposing amendments to the regulations that implement the enforcement components of the Professional Engineers Act, Professional Land Surveyors' Act, and Geologist and Geophysicist Act (Acts) so that they are all similar in content and form. These modifications will make it easier for the consumers of California and our Board's licensees and certificate holders to comprehend and follow the laws and regulations and will provide consistency with the Board's current procedures and maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

The Board's Enforcement Unit is responsible for reviewing and investigating any complaints that are filed against any person, licensed or unlicensed, who is alleged to have violated the Acts. The Board itself can also open a complaint investigation case against a person for alleged violations of the Acts based on information it has received and reviewed from any source. After reviewing and investigating the allegations, the Board can take any of the following actions: close the case with no violations found; close the case with a written warning (if a violation of the law was found but determined by the Board to not be so serious as to warrant enforcement action); issue an administrative citation (if the violations by a licensed or unlicensed person are found to be significant enough to take enforcement action against the person); or refer the matter for formal disciplinary action through the Attorney General's Office (if the violations by a licensed person appear to rep-

resent a significant danger to the public health, safety, and welfare such that would warrant removing the person's right to practice through suspension or revocation of the license).

Issuing administrative citations to licensed and unlicensed individuals is one form of public safety the Board can use to mitigate further violations of its laws. When a fine is levied with a citation, payment of the fine represents satisfactory resolution of the matter. All citations issued by the Board are matters of public record.

AMEND SECTIONS

Sections 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, and 473.4 of Title 16, Division 5 of the California Code of Regulations are being amended to correct grammar, replace vague terminology, and clarify the citation process. Accordingly, the word "appeal" is replacing the word "contest" since "appeal" is the more commonly used verbiage by the Board in statute and in practice. In addition, this amendment would add a sentence allowing the Executive Officer to extend the 30-day period for notifying the cited person of whether the citation had been affirmed, modified, or dismissed. This extension is necessary because the cited person is often allowed to provide additional information to the Executive Officer following the informal conference in support of their citation appeal. Currently, a cited person has a very short timeframe in which to submit follow-up information to the Executive Officer following the informal conference to allow the Executive Officer time to review the additional information and issue the informal conference decision within the 30-day time limit.

Sections 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3, and 3063.4 of Title 16, Division 29 of the California Code of Regulations are being amended to match the sections referenced above to provide consistency among the regulations that support and implement all three Acts. The language being amended will provide for consistency within the Board's Citation Program by mirroring the language in Sections 472-473.4. The amendments will not task the licensees with any additional work and will not require the licensees to expend any additional money to comply with the law. They will simply clarify and document the process.

Since the current regulations do not contain a Section 3063.2; current Section 3063.3 is being re-numbered to become Section 3063.2, and current Section 3063.4 is being re-numbered to become Section 3063.3. These changes will correctly numerate the sections. New Section 3063.4 is being added to maintain consistency among the regulations.

POLICY STATEMENT
OVERVIEW/ANTICIPATED BENEFITS
OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to ensure that the Board's regulations are clear, concise, and necessary. It is important that both consumers and licensees can understand and abide by the laws. By not properly detailing language and procedures, licensees can be confused as to their rights and limitations. This is especially important in matters involving enforcement actions that may be taken against them. Allowing an extension of the 30-day time period after the informal conference will benefit both licensee and consumer since the licensee will have additional time to produce information that could be essential to the matter. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSISTENCY AND COMPATIBILITY WITH
EXISTING STATE REGULATIONS

The Board has evaluated this proposed regulatory action, and it is neither inconsistent nor incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that pertain to the citation program in compliance with the Acts.

FISCAL IMPACT ESTIMATES

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

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

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

None.

Business Impact:

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

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

This proposed regulatory action would not have an impact on licensees or businesses. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the proposed changes involve clarifying and modifying procedures within the Board's citation program. The citation program enforces Board rules and regulations against individuals only.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact of Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the State's government:

These amendments will provide language that is more consistent within the Board's citation program, will make all terminology similar within all the Board's laws and regulations, and will be easier for the public, particularly individuals issued citations, to understand. Providing clearer language will benefit everyone. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative is 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 as and less burdensome to affected private persons than the proposal described in this Notice and would be more cost-effective to private persons and equally effective in implementing the statutory policy or other provision of law.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board 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 of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Jeff Alameida
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone
No.: (916) 263-2269
Fax No.: (916) 263-2246
E-Mail
Address: Jeff.Alameida@dca.ca.gov

The backup contact person is:

Name: Kara Williams
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone
No.: (916) 263-5438
Fax No.: (916) 263-2246
E-Mail
Address: Kara.Williams@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bpelsg.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES**

Research on the San Francisco Garter Snake

The Department of Fish and Wildlife (Department) received a proposal on December 1, 2015, from John Kunna, on behalf of LSA Associates, Inc., requesting authorization to take the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) ('snake'), for scientific research purposes, consistent with conservation and recovery of the species. The snake is a Fully Protected reptile, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Kunna is requesting authorization to conduct surveys for the snake's presence, to monitor existing populations, and to salvage dead specimens throughout the species' range in San Mateo and Santa Cruz Counties, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service).

The proposed research and recovery activities include surveys and habitat assessments, capture of wild snakes by hand, hand-held reptile stick, and by terrestrial trap lines (i.e., funnel traps and drift fencing), taking of body measurements, and release. Population monitoring requires the ability to identify individuals in order to track their growth and survival through time. Mr. Kunna is proposing to use standard marking methods for snakes including clipping ventral scales, micro-branding ventral scales, and/or implanting passive inte-

grated transponder (PIT) tags subcutaneously. The PIT-tag is a small device (1.5x6mm) that does not interfere with muscle, skeletal, and organ functions. If found, snake carcasses may be salvaged, and the remains donated to a public scientific institution as designated by the Department and the Service.

Mr. Kunna has extensive experience in herpetology and working with snakes, including the San Francisco garter snake. Mr. Kunna and any others deemed qualified by the Department for this purpose would conduct the activities described above, in order to provide population and distribution information and assess efficacy of recovery efforts. No adverse effects on individual snakes or snake populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Mr. Kunna as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the snake, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptile species after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the MOU on or after April 11, 2016, for an initial and renewable term of up to, but not to exceed, four years.

Contact: Laura Patterson, Laura.Patterson@wildlife.ca.gov, 916-341-6981.

DEPARTMENT OF MOTOR VEHICLES

Notice of Public Hearing

Title 13, Division 1, Chapter 1, Article 2.0

*Driver's Licenses Issued Under
Assembly Bill (AB) 60*

Pursuant to Government Code section 11346.8, the Department of Motor Vehicles (department) will be conducting a public hearing to take comments related to the proposed regulatory action that adds several documents to the list of approved identity documents that an applicant can use to establish his or her identity when applying for a driver's license under AB 60.

April 4, 2016
10:00 a.m.–1:00 p.m.
Auditorium
Department of General Services
707 Third Street
Sacramento, California

At the hearing, any interested person may present comments, statements or contentions that are relevant to the action described in the notice published on February 19, 2016 under OAL File number 2016-0208-01. The department will **only** take comments on the regulatory amendments currently available for comment and will not take comments on any other subject, including any underlying legislation.

Assembly Bill 60 (Chapter 524; Statutes of 2013) adopted Vehicle Code section 12801.9, requiring the department to issue an original driver's license to a person that is unable to provide sufficient proof that his or her presence in the United States is authorized by federal law, if he or she meets all other requirements for licensure and can provide satisfactory proof of his or her identity and California residency.

The hearing will continue until all oral and written comments have been presented; however, since the department is not able to anticipate the number of participants, the department reserves the right to limit the length of time each participant has to comment. Parking at the venue is limited so please plan accordingly.

Material related to the proposed action (Notice of Proposed Regulatory Action, Initial Statement of Reasons, Express Terms) may be accessed on the department's Regulatory Actions webpage at <http://www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions>.

Any inquiries related to the public hearing should be directed to Randi Calkins at (916) 657-6469, by facsimile to (916) 657-6243, or by email to LADRegulations@dmv.ca.gov.

**RULEMAKING PETITION
DECISION**

BOARD OF EQUALIZATION

**NOTICE OF DECISION REQUIRED BY
GOVERNMENT CODE
SECTION 11340.7**

On Tuesday, November 17, 2015, the State Board of Equalization's (Board's) Legal Department received a petition dated November 12, 2015, from Mr. Tony DeMarco on behalf of the California Pawnbrokers

Association (Petitioner), pursuant to Government Code section 11340.6. On Monday, November 23, 2015, the Legal Department received a revised petition from Petitioner dated November 17, 2015, which superseded the original, requesting an amendment to California Code of Regulations, title 18, section (Regulation or Reg.) 1569, *Consignees and Lienors of Tangible Personal Property for Sale*. The petition requested that the Board add subparagraph (1) to the regulation pertaining to “the taxability of the transfer of personal property between a pawnbroker and the original pledg[o]r.” Specifically, the new subparagraph would “add clarifying language. . . to allow the original pledg[o]r to redeem personal property from a pawnbroker within six months of the expiration of the grace period as a nontaxable event” for sales and use tax purposes.

Revenue and Taxation Code section 7051 authorizes the Board to prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of the Sales and Use Tax Law (Rev. & Tax. Code, § 6001 et seq.), and the Board adopted Regulation 1569 pursuant to that authority.

The Board’s Legal Department reviewed the petition and prepared a Chief Counsel Memorandum dated January 6, 2016, which recommended that the Board deny the petition in its entirety because tax applies to the retail sale of tangible personal property in California, unless specifically exempt from taxation by statute, and the Legal Department determined that the petition would, in effect, add an exemption for which there is no statutory basis. The memorandum explained that:

I. Background Information

A. *Sales and Use Tax Law*

California imposes sales tax on a retailer’s gross receipts from the retail sale of tangible personal property in California unless the sale is specifically exempt from taxation by statute. (Rev. & Tax. Code, §§ 6051, 6091.) The retailer is directly liable for the sales tax but may collect sales tax reimbursement from the customer if the contract of sale so provides. (Civ. Code, § 1656.1; Reg. 1700, subd. (a)(1).) When sales tax does not apply, use tax is imposed, measured by the sales price of tangible personal property purchased from a retailer for storage, use, or other consumption in California, unless specifically exempted or excluded from taxation by statute. (Rev. & Tax. Code, §§ 6201, 6401.) The consumer is directly liable for the use tax. (Rev. & Tax. Code, § 6202.)

A sale means and includes any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. (Rev. & Tax. Code, § 6006, subd. (a).) “Transfer of possession” includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter. (*Ibid.*) A retail sale means a sale for any purpose other than resale in the regular course of business in the form of tangible personal property. (Rev. & Tax. Code, § 6007.)

A retailer includes every seller who makes any retail sale or sales of tangible personal property and every person engaged in the business of making sales for storage, use, or other consumption. (Rev. & Tax. Code, § 6015.) A retailer also includes every individual, firm, copartnership, joint venture, trust, business trust, syndicate, association or corporation making more than two retail sales of tangible personal property during any 12-month period. (Rev. & Tax. Code, § 6019; see *Davis Wire Corp. v. State Bd. of Equalization* (1976) 17 Cal.3d 761, 767 [stating that section 6019 does not constrict, but enlarges, the statutory definition of retailer].) A seller is a person engaged in the business of selling tangible personal property of a kind the gross receipts from the retail sale of which are required to be included in the measure of the sales tax. (Rev. & Tax. Code, § 6014.)

There is no statutory authority in the Sales and Use Tax Law that specifically deals with pawnbrokers. Regulation 1569 states that “[p]awnbrokers, storage men, mechanics, artisans, or others selling the property to enforce a lien thereon, are retailers with respect to sales of the property to consumers and tax applies to the receipts from such sales.” The only referenced authority for Regulation 1569 is [Revenue and Taxation Code] section 6015, which, as stated above, sets forth the general definition of a retailer.

B. *Financial Code Provisions Related to Pawnbrokers*

Loans made by pawnbrokers are subject to Division 8 of the California Financial Code. (Fin. Code, § 21000 et seq.) A pawnbroker is defined as any person engaged in the business of receiving goods in pledge as security for a loan. (Fin. Code, § 21000.) Pledged property is property held as

security for a loan, the title to which remains with the pledgor and has not passed to the pawnbroker pursuant to Financial Code section 21201. (Fin. Code, § 21002.) Vested property is property the title to which has been transferred from the pledgor to the pawnbroker pursuant to Financial Code section 21201. (*Ibid.*)

Chapter 2 of Division 8 sets forth the provisions that control the terms and conditions of loans made by pawnbrokers. (Fin. Code, § 21200 et seq.) Financial Code section 21201 sets forth the procedures by which a pawnbroker may foreclose on pledged property. Specifically, within one month after the expiration of the loan period, the pawnbroker must send a notice to the borrower, and if the pledged article is not redeemed within 10 days of the notice, “the pawnbroker shall become vested with all right, title, and interest of the pledgor, or his or her assigns, to the pledged article, to hold and dispose of as his or her own property.” (Fin. Code, § 21201, subd. (f).) Once the 10–day grace period starts, pursuant to recent statutory changes that became effective January 1, 2016 (via Senate Bill (SB) 300), title will irrevocably vest with the pawnbroker unless the pledgor requests, and the pawnbroker consents to, a replacement loan prior to the expiration of the grace period. (Fin. Code, § 21201.5, subd. (b).)

II. Discussion of the Petition

The petition seeks to “add clarifying language . . . to allow the original pledg[o]r to redeem personal property from a pawnbroker within six months of the expiration of the grace period as a non–taxable event.” The proposed amendments would include a definition of “original pledger” as “the person who transfers possession of pledged property to a pawnbroker as security for a pawn loan entered into with the Pawnbroker.” It would further state that the reacquisition of vested property by the original pledgor is a non–taxable transfer when it is in exchange for the final loan balance plus applicable interest and charges. The transaction would be taxable if the original pledgor pays more than the final loan balance plus applicable interest and charges and/or title vested in the pawnbroker more than six months prior. [Footnote omitted.] The petition states that, currently, the “acquisition of vested personal property by the original pledg[o]r results in a duplicate payment of tax on a single item of personal property” and that a change would “further the public policy purpose of keeping ownership of the item with the consumer.”

As discussed above, Regulation 1569, which states that pawnbrokers are retailers with respect to sales of property to consumers and that tax applies to the gross receipts from such sales, is not based on statutory authority specific to pawnbrokers. Rather, it is based on the basic definitions and general provisions of the Sales and Use Tax Law, and is consistent with the Financial Code. The ordinary business of a pawnbroker includes the sale of tangible personal property. (See, e.g., Fin. Code, § 21208 [compliance with reporting requirements of secondhand dealers]; see also Bus. & Prof. Code, § 21626, subd. (a) [defining secondhand dealer as including any person whose business includes buying, selling and taking into pawn secondhand tangible personal property].) Accordingly, when a pawnbroker transfers title of tangible personal property for any purpose other than resale in exchange for consideration, the transaction constitutes a retail sale. (Rev. & Tax. Code, §§ 6006, subd. (a), 6007.) Pawnbrokers are thus considered retailers under the Sales and Use Tax Law in that they are sellers that make retail sales, they are persons in the business of making sales for storage, use or other consumption, and they are persons that make more than two retail sales during any 12–month period. (Rev. & Tax. Code, §§ 6014, 6015, 6019.) Therefore, tax applies to sales by pawnbrokers, unless the subject sale is specifically exempt by statute. (Rev. & Tax. Code, §§ 6051, 6091.)

There is no statutory basis to distinguish a retail sale made by a pawnbroker to a former pledger of the tangible personal property from a sale to any other purchaser. As explained above, 10 days after notice is sent to the pledgor regarding the expiration of the loan period, the pawnbroker is “vested with all right, title, and interest of the pledgor, or his or her assigns, to the pledged article, to hold and dispose of as his or her own property.” (Fin. Code, § 21201, subd. (f) [emphasis added].) In other words, after title has vested with the pawnbroker, the former pledgor no longer has any legal right to the property that would distinguish him or her from any other third–party purchaser. Accordingly, at that time, if the pawnbroker were to transfer title to the former pledgor in exchange for consideration for any purpose other than resale, that transaction would constitute a retail sale under the Sales and Use Tax Law. [Footnote omitted.] Since it is not

specifically exempt by statute, the transaction is subject to tax. (Rev. & Tax. Code, §§ 6051, 6091.)

Therefore, the petition, in proposing to classify these retail sales as “nontaxable transfers,” is, in essence, proposing to create an exemption from the sales and use tax that is not based in statute. Notwithstanding any policy interest that may exist in seeing pledged property returned to the former pledgor, enactment of such a regulatory exemption would not be consistent with the Sales and Use Tax Law and thus not be within the scope of the regulatory authority conferred on the Board. (Rev. Tax Code, § 7051; Gov. Code, §§ 11342.1, 11342.2.)

The Board scheduled a hearing on the petition for January 26, 2016, and made the petition and the January 6, 2016, Chief Counsel Memorandum available to the public as an attachment to the Board’s public agenda notice for its January 26, 2016, meeting.

During the hearing on January 26, 2016, the Board considered the petition. The Board heard comments from Legal Department staff who explained that, in staff’s opinion, there is a lack of statutory authority for the requested amendments. The Board heard comments from Mr. Bill Duplissea, Lobbyist for the California Pawn Brokers Association, who urged the Board to support the policy of seeing pledged property returned to the former pledger and asked the Board to propose the requested amendments to Regulation 1569 or support legislation that would implement the policy. The Board Members also expressed their support for the policy of seeing pledged property returned to the former pledger, but expressed some concerns about granting the petition due to the apparent lack of statutory authority. Therefore, at the conclusion of the hearing, the Board determined that “other action” was warranted on the petition (within the meaning of Gov. Code, § 11340.7, subd. (b)) and the Board Members unanimously voted to refer the petition to the Board’s Legislative Committee on concept to expedite legislation that accomplishes the petition’s goal.

Interested persons have the right to obtain a copy of the petition from the Board and may do so by contacting Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445–2130, by fax at (916) 324–3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279–0080. A copy of the petition is also available on the Board’s website at www.boe.ca.gov.

Questions regarding this matter should be directed to Mr. Bradley Heller, Tax Counsel IV, by telephone at (916) 323–3091, by e-mail at Bradley.Heller@boe.ca.gov,

boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279–0082.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2016–0128–02
BOARD OF REGISTERED NURSING
Intervention Program Guidelines

This change without regulatory effect filing by the Board of Registered Nursing amends three sections in title 16 of the California Code of Regulations by changing the term “diversion” to “intervention” pursuant to a statutory change.

Title 16
AMEND: 1446, 1447, 1447.1
Filed 02/24/2016
Agency Contact: Ronnie Whitaker (916) 574–8257

File# 2016–0112–04
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Basic Courses Test Management and Security Protocols

This rulemaking by the Commission on Peace Officer Standards and Training (POST) amends sections in Title 11 of the California Code of Regulations regarding basic courses test management and security protocols. In 2010, POST established a Basic Course Test Task Force Committee. This rulemaking is the result of that Committee’s most recent review of POST testing security procedures. The changes will help to ensure the integrity of entry–level law enforcement training and testing.

Title 11
AMEND: 1005, 1007, 1008, 1052
Filed 02/24/2016
Effective 04/01/2016
Agency Contact: Patti Kaida (916) 227–4847

File# 2016-0112-05
 COMMISSION ON PEACE OFFICER STANDARDS
 AND TRAINING
 Peace Officer Selection Standards

The Commission on Peace Officer Standards and Training amended sections 1951, 1953, 1954, and 1955 of title 11 of the California Code of Regulations, which pertain to peace officer selection standards. The amendments provide clear and consistent requirements for the sharing of background information between a background investigator and a screening psychologist, outline the requirements for the reporting of continuing professional education courses by peace officer screening psychologists, clarify that only candidates found medically and psychologically suitable can be appointed as peace officers, and update three incorporated-by-reference documents related to testing and assessments of peace officer candidates.

Title 11
 AMEND: 1951, 1953, 1954, 1955
 Filed 02/24/2016
 Effective 04/01/2016
 Agency Contact: Patti Kaida (916) 227-4847

File# 2016-0111-04
 COMMISSION ON TEACHER CREDENTIALING
 Adding a Subject or Content Area

This regulatory action by the Commission on Teacher Credentialing expands the definition of "California English Learner Authorization" as it relates to the requirements for adding a new teaching or content area to an existing general education teaching credential.

Title 5
 AMEND: 80499
 Filed 02/24/2016
 Effective 04/01/2016
 Agency Contact: Erin Skubal (916) 323-9596

File# 2016-0111-05
 COMMISSION ON TEACHER CREDENTIALING
 Reading and Literacy AA and Specialist Credential

The Commission on Teacher Credentialing (Commission) amended sections 80014, 80014.1, and 80066 and repealed section 80014.2 of title 5 of the California Code of Regulations. The action updates the names of the existing Reading Certificate and the existing Reading and Language Arts Specialist Credential to the Reading and Literacy Added Authorization and the Reading and Literacy Leadership Specialist Credential, respectively, and updates and clarifies requirements for acquiring these documents. The action also updates the services authorized under these documents to align with a Commission incorporated-by-reference document,

the Reading and Literacy Added Authorization and Reading and Literacy Leadership Specialist Credential Program Standards.

Title 5
 AMEND: 80014, 80014.1, 80066 REPEAL:
 80014.2
 Filed 02/24/2016
 Effective 04/01/2016
 Agency Contact: Tammy Duggan (916) 323-5354

File# 2016-0112-06
 DEPARTMENT OF HOUSING AND COMMUNITY
 DEVELOPMENT
 Emergency Solutions Grants Program

In this regulatory action, the Department is amending several sections in Title 25 of the California Code of Regulations. The regulations update existing definitions and add new definitions. They also describe how Emergency Solutions Grants (ESG) funds are allocated and set forth the requirements and processes for Continuum of Care Allocations and Balance of State Allocations.

Title 25
 ADOPT: 8402, 8403, 8404, 8405, 8406, 8407, 8408,
 8409, 8414 AMEND: 8400, 8401, 8410, 8412 (re-
 numbered to 8411), 8416 (renumbered to 8412),
 8417 (renumbered to 8413), 8419 (renumbered to
 8415), 8420 (renumbered to 8416), 8421 (renum-
 bered to 8417) REPEAL: 8402, 8403, 8404, 8405,
 8406, 8407, 8408, 8409, 8411, 8413, 8414, 8415,
 8418
 Filed 02/25/2016
 Effective 04/01/2016
 Agency Contact:
 Christina DiFrancesco (916) 263-0415

File# 2016-0114-05
 Emergency Medical Services Authority
 EMS Plan Appeal Process

In this rulemaking the Emergency Medical Services Authority (EMSA) adopted in title 22 of the California Code of Regulations new section 100450.100. EMSA is required to review emergency medical services (EMS) plans received from local EMS agencies (LEMSAs). EMSA is required to either approve or disapprove the plan based on whether the plan meets specific requirements. The LEMSAs are permitted pursuant to statute to appeal an EMSA determination to the EMS Commission. This new section being adopted establishes the appeal procedures to the EMS Commission. The appeal hearings would be conducted through the Administrative Procedure Act using an Administrative Law Judge (ALJ). The decision of the ALJ would be heard at the next regularly scheduled Commission meeting. The

Commission would then either accept the decision, reject the decision or send it back for a re-hearing.

Title 22
ADOPT: 100450.100
Filed 02/25/2016
Effective 04/01/2016
Agency Contact: Teri Harness (916) 431-3708

File# 2016-0115-02
FISH AND GAME COMMISSION
Freshwater Sport Fishing

This regulatory action by the Fish and Game Commission deals with regulations concerning snagging, landlocked salmon, San Francisco and San Pablo Bays, Solano Lake, and reptiles. This action also establishes a low-flow restriction on the lower American River, adds a new fishing restriction to protect sturgeon, and increases fishing opportunities on the Sacramento River.

Title 14
ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, 230
Filed 02/29/2016
Effective 03/02/2016
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2016-0223-03
FISH AND GAME COMMISSION
Sacramento River Closure Due to Drought Conditions

This emergency regulatory action by the Fish and Game Commission amends section 7.50 in CCR title 14, to put in place an emergency fishing closure from the Keswick Dam to the Highway 44 bridge, a 5.5 mile closure commencing the effective date of the emergency regulation through July 31, 2016. Normal fishing opportunities resume August 1, 2016.

Title 14
AMEND: 7.50
Filed 03/01/2016
Effective 03/01/2016
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2016-0125-03
NEW MOTOR VEHICLE BOARD
2015-2016 ACP Fees

The New Motor Vehicle Board submitted this action without regulatory effect for the annual update of the Arbitration Certification Program fee based on the formula established in title 13, California Code of Regulations, section 553.70. The updated fee will decrease from \$.647 to \$.625, which will be applicable to each new motor vehicle sold, leased, or otherwise distributed during calendar year 2014.

Title 13
AMEND: 553.70
Filed 02/29/2016
Effective 02/29/2016
Agency Contact: Danielle R. Vare (916) 327-3129

File# 2016-0127-01
NEW MOTOR VEHICLE BOARD
Case Management

This change without regulatory effect filing by the New Motor Vehicle Board (NMVB) amends several sections in title 13 to reflect recent statutory changes. The NMVB is adding authority and reference citations and making other changes for which they have no discretion pursuant to statutory changes.

Title 13
AMEND: 551.8, 551.12, 591, 592
Filed 02/25/2016
Agency Contact: Danielle R. Vare (916) 327-3129

File# 2016-0122-06
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Definition of Adequate Design

The Occupational Safety and Health Standards Board submitted this amendment of section 3328 of title 8 of the California Code of Regulations to clarify how machinery and equipment must be adequately designed or engineered to ensure safety.

Title 8
AMEND: 3328
Filed 02/25/2016
Effective 04/01/2016
Agency Contact: Marley Hart (916) 274-5721

File# 2016-0114-01
STATE TEACHERS RETIREMENT SYSTEM
Assessment of Penalties for Late Contributions

This rulemaking action by the California State Teachers' Retirement System (CalSTRS) establishes a new penalty rate on employers that submit late payment of contributions to CalSTRS. The new rate is the greater of the statutory state appropriation rate in effect on the first day of March immediately preceding the date the contribution was received or five percent of the creditable compensation.

Title 5
AMEND: 27007
Filed 02/26/2016
Effective 03/01/2016
Agency Contact: Ellen Maurizio (916) 414-1994

File# 2016-0121-04
STRUCTURAL PEST CONTROL BOARD
 Fingerprint Requirement

This rulemaking by the Structural Pest Control Board adopts section 1960 in Title 16 of the California Code of Regulations regarding licensee fingerprint requirements for the purpose of criminal history record checks. In 2004, Business and Professions Code section 144 became effective, which required licensure applicants to submit fingerprints. However, some licensees who were licensed prior to July 1, 2004, may not have submitted fingerprints. This rulemaking will fully implement B&P Code section 144 by requiring all licensees who have not submitted fingerprints to do so as a condition of license renewal.

Title 16
 ADOPT: 1960
 Filed 02/29/2016
 Effective 02/29/2016
 Agency Contact: David Skelton (916) 561-8722

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN September 30, 2015 TO
 March 2, 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

02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024
 02/22/16 ADOPT: 59800
 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

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
 01/27/16 ADOPT: 3591.26
 01/21/16 AMEND: 3435(b)
 01/20/16 AMEND: 3435(b)
 01/14/16 AMEND: 3435(b)
 01/06/16 AMEND: 3435(b)
 01/05/16 AMEND: 3435(b)
 12/30/15 AMEND: 3435(b)
 12/23/15 ADOPT: 3441
 12/21/15 AMEND: 3435(b)
 12/16/15 AMEND: 3435(b)
 12/15/15 AMEND: 3435(b)
 12/14/15 AMEND: 3435
 12/07/15 AMEND: 3435(b)
 12/02/15 AMEND: 6170.5, 6723, 6724, 6761
 11/24/15 AMEND: 3435(b)
 11/24/15 AMEND: 3435(b)
 11/18/15 AMEND: 6260, 6262, 6264, 6266
 11/13/15 AMEND: 3435(b)
 11/12/15 AMEND: 3435(b)
 11/09/15 AMEND: 1358.4
 11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793
 10/29/15 AMEND: 3435(b)
 10/22/15 ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8
 09/30/15 AMEND: 3435(b)
 09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45

Title 4

02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230
 02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229
 01/26/16 ADOPT: 1866.1 AMEND: 1844
 01/25/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 01/04/16 AMEND: 130
 12/29/15 AMEND: 1887
 12/24/15 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337
 12/10/15 AMEND: 1632
 12/03/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7,

10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127
 11/17/15 AMEND: 2000
 11/09/15 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267
 REPEAL: 5101
 11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
 10/27/15 AMEND: 8035
 10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 10/05/15 AMEND: 1843.2

Title 5

02/26/16 AMEND: 27007
 02/24/16 AMEND: 80499
 02/24/16 AMEND: 80014, 80014.1, 80066
 REPEAL: 80014.2
 02/18/16 ADOPT: 40106
 01/12/16 ADOPT: 27700, 27701, 27702, 27703, 27704, 27705
 12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2
 12/08/15 AMEND: 3030(b)(10)
 11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140
 AMEND: 70000, 71400, 71650, 75150
 11/23/15 ADOPT: 851.5, 853.6, 853.8 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 860, 861, 862, 862.5, 863, 864
 11/18/15 ADOPT: 80002 AMEND: 80001
 11/03/15 AMEND: 1505
 10/06/15 AMEND: 80225
 10/05/15 AMEND: 19810

Title 8

02/25/16 AMEND: 3328
 01/06/16 AMEND: 5194(c)
 12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
 11/23/15 AMEND: 10133.32
 11/05/15 AMEND: 333, 336
 10/21/15 AMEND: 15600, 15609

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 11-Z

Title 9

11/05/15 AMEND: 4210
 10/07/15 ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010
 10/02/15 AMEND: 10701

Title 10

02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 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

Title 11

02/24/16 AMEND: 1005, 1007, 1008, 1052
 02/24/16 AMEND: 1951, 1953, 1954, 1955
 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

02/29/16 AMEND: 553.70
 02/25/16 AMEND: 551.8, 551.12, 591, 592
 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

Title 14

03/01/16 AMEND: 7.50
 02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, 230
 02/23/16 AMEND: 632
 02/18/16 ADOPT: 748.5
 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

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 11-Z

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, 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

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

02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379 REPEAL: 3999.15
 02/18/16 AMEND: 3375.1, 3377
 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

Title 16

02/29/16 ADOPT: 1960
 02/24/16 AMEND: 1446, 1447, 1447.1
 02/23/16 AMEND: 109, 111
 02/18/16 ADOPT: 1108
 02/08/16 AMEND: 1417
 01/27/16 ADOPT: 1746.3
 01/25/16 ADOPT: 1746.2

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 11-Z

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
 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

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
- Title 22**
- 02/25/16 ADOPT: 100450.100
- 02/23/16 AMEND: 69502.2
- 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
- 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
- 02/01/16 AMEND: 64806
- 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
- 01/05/16 AMEND: 51180, 51349
- 12/14/15 ADOPT: 50188
- 12/10/15 ADOPT: 51190.4.1 AMEND: 51231.1, 51231.2, 51323, 51360, 51491
- 10/20/15 REPEAL: 75051
- 10/16/15 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97228, 97229
- 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
- 10/02/15 ADOPT: 51315.1, 51315.2 AMEND: 51161, 51315
- Title 22, MPP**
- 02/10/16 AMEND: 102352, 102416.5, 102417, 102421
- 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
- Title 23**
- 02/11/16 ADOPT: 863, 864, 865, 866
- 01/28/16 ADOPT: 3009
- 01/15/16 AMEND: 1062
- 01/14/16 ADOPT: 3959.7
- 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

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 11-Z

10/12/15	ADOPT: 2200.7, 2200.8 AMEND: 2200, 2200.7	10/28/15	AMEND: 10010
Title 25		Title 28	
02/25/16	ADOPT: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8414 AMEND: 8400, 8401, 8410, 8412 (renumbered to 8411), 8416 (renumbered to 8412), 8417 (renumbered to 8413), 8419 (renumbered to 8415), 8420 (renumbered to 8416), 8421 (renumbered to 8417) REPEAL: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8411, 8413, 8414, 8415, 8418	12/09/15	AMEND: 1300.76, 1300.76.1, 1300.82.1, 1300.84.06, 1300.84.2, 1300.84.3
02/18/16	AMEND: 10001	11/18/15	AMEND: 1000
10/13/15	AMEND: 8000, 8002, 8004, 8006, 8008, 8010, 8012	Title MPP	
Title 27		12/24/15	ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207
02/08/16	AMEND: 25705	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, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111
01/19/16	ADOPT: 25205	11/30/15	AMEND: 40-034, 44-211, 44-303, 44-307, 44-316, 82-832
		11/30/15	ADOPT: 30-777 AMEND: 30-701, 30-776

