



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2016-0419-02 699
Amendment

Multi-County: El Dorado Irrigation District

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Board Election Modifications — Notice File No. Z2016-0419-06 700

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

White and Black Oak Woodland Special Prescription — Notice File No. Z2016-0418-01 702

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

Fees for Lake/Streambed Alteration Agreements — Notice File No. Z2016-0419-08 706

TITLE 18. BOARD OF EQUALIZATION

Newspapers and Periodicals — Notice File No. Z2016-0419-01 710

TITLE 22. STATE WATER RESOURCES CONTROL BOARD

Drinking Water Fee Regulations — Notice File No. Z2016-0419-05 718

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Stanford University Habitat Conservation Plan (HCP) — California Endangered Species Act (CESA)
Consistency Determination (CD) Request 2080-2016-001-03 723

DEPARTMENT OF HEALTH CARE SERVICES

Nursing Facility/Acute Hospital (NF/AH) Waiver Renewal Expert Workgroup Meeting 723

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Former Chicago Musical Instruments Site Settlement 724

(Continued on next page)

*Time-Dated
Material*

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Public Meeting and Business Meeting 725

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 725

Sections Filed, November 18, 2015 to April 20, 2016 727

2016 RULEMAKING CALENDAR

(Incorporated by Reference)

Special Note 734

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: El Dorado Irrigation District

A written comment period has been established commencing on April 29, 2016, and closing on June 13, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the pro-

posed conflict-of-interest code(s). Any written comments must be received no later than June 13, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commis-

sion should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend §554, §554.1, §554.3, §554.4, §554.5, §554.6, §554.7, §554.8, §554.9, §554.10, and §554.11, and add §554.2 of Title 2 of the California Code of Regulations (CCR). The proposed regulations would amend the current CalPERS Board election process, allowing voters to submit their vote by telephone and internet, as well as the current mail ballot method. This change could potentially increase voter participation as it allows voters to cast their vote in a manner most convenient to them. The regulations would also make technical changes to provide more clarity to the election process.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing April 29, 2016 and closing at 5:00 p.m. June 13, 2016. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; via E-mail at Regulation_Coordinator@calpers.ca.gov, or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, the Board has not scheduled a public hearing on this matter. However, if any interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulation Coordinator, a request for a public hearing at least 15 days prior to the close of the written comment period, May 31, 2016, a public hearing shall be scheduled before the CalPERS Finance and Administration Committee. Notice of the time, date, and place

of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC § 20121.

Reference citation: GC § 20096.

VI. INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The CalPERS Board election process requires voters to submit their vote with a mail-in ballot in order for their vote to be counted. Currently, CalPERS uses two vendors to administer the Board election process. One vendor is responsible for administering the election process and the second vendor is responsible for printing and counting the ballots.

This rulemaking action provides CalPERS the authority to implement and administer a new Board election process by allowing voters the flexibility to vote by telephone, internet or by mail. This new process will allow CalPERS the best opportunity to reach the goal to streamline the process, reduce costs, and attempt to increase voter participation.

Technical and clarifying amendments are also proposed.

Consistency Evaluation

CalPERS has evaluated and determined that the proposed regulations are not inconsistent, nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC § 11346.5, subdivision (a), paragraph (3)(D).

Anticipated Benefits

CalPERS believes that the adoption of this regulation will have no impact on the health and welfare of California residents since this regulation only modifies the CalPERS Board election process. However, this regulation will streamline the CalPERS Board election process by allowing more voting options for members to cast their vote, allowing greater efficiency in election processes, and potentially being more cost efficient. There is no existing, comparable federal regulation or statute.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it only modifies voting methods for the CalPERS Board election by adding the ability to submit votes by telephone and internet, in addition to the current mail ballot method.

VIII. DISCLOSURES REGARDING THE PROPOSED RULEMAKING ACTION

The Board has made the following initial determinations:

- A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: This regulation package will not impose any mandates on local agencies and school districts.
- B. COST OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action may result in a savings to the State.
- C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action does not impose costs on any local agency or school district.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose any nondiscretionary costs or savings on local agencies.
- E. COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE: There are no costs or savings in federal funding to the state.
- F. ADVERSE ECONOMIC IMPACT: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of businesses in California to compete with businesses in other states.
- G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. RESULTS OF THE ECONOMIC IMPACT ANALYSIS: The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) affect worker safety or the state's environment.

As stated under the Informative Digest/Policy Statement Overview above, the benefits to this regulation include allowing more voting options for members to cast their vote, providing CalPERS the best opportunity to reach the goal to streamline the process, potentially reduce costs, and attempt to increase voter participation.
- I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect on housing costs.

- J. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC § 17500 THROUGH § 17630: There are no costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through § 17630.

IX. CONSIDERATION OF ALTERNATIVES

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

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

X. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Anthony Martin, Board Election Coordinator
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-9347
E-mail: Anthony_Martin@calpers.ca.gov

The backup contact person for these inquiries is:

Christina Nutley, Board Election Manager
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-2397
E-mail: Christina_Nutley@calpers.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Anthony Martin or Christina Nutley at the above address.

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

The entire rulemaking file is available for public inspection by contacting the Regulation Coordinator at the address shown in Section II. To date, the file consists of this notice, the Initial Statement of Reasons (ISOR) and the text of the proposed regulations. A copy of the proposed text and the ISOR is available at no charge by

written request to the CalPERS Regulation Coordinator, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulations after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept notified of the results of the regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulation Coordinator at the address shown in Section II.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“WHITE AND BLACK OAK WOODLAND MANAGEMENT SPECIAL PRESCRIPTION”

Title 14 of the California Code of Regulations (14 CCR):

**Division 1.5, Chapter 4,
Subchapter 4, Article 3
Subchapter 5, Article 3**

Amend: § 913.4 [933.4] Special Prescriptions.

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, June 15, 2016, at its regularly scheduled meeting com-

mencing at 9:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on Monday, June 13, 2016.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416^{9th} Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

publiccomments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

14 CCR § 913.4(f), 933.4(f) Note: Authority cited: Sections 4551, 4553, and 4561.2, Public Resources Code. Reference: 4512, 4561, 4561.2, 4551.5, 4582 and 4582.5, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

(pursuant to GOV § 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973 (FPA, Public Resources Code (PRC) § 4511, et seq.), the Board is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4561.2 authorizes the Board to adopt alternative stocking standards that meet the purposes of PRC § 4561 if those alternative standards reasonably address the variables in forest characteristics, achieve suitable resource conservation, and contribute to specific forest health and ecological goals as defined by the board. PRC § 4551 requires the Board to adopt district forest practice rules to assure the continuous growing and harvesting of commercial forest trees and to protect the soil, air, fish, and wildlife. PRC § 4553 requires the Board to continuously review and revise the rules in consultation with other interests.

The purpose of the proposed action is to enable landowners, through a new special prescription applicable in the Coast and Northern Districts, to manage stands for Oregon white oak (*Quercus garryana*) and/or California black oak (*Quercus kelloggii*) in which Group A species are encroaching. Removal of encroaching conifers has been shown to be effective in maintaining and/or restoring oak tree health and associated plant communities in Oregon white oak and California black oak woodlands. There is strong landowner interest in conifer removal (across the diameter classes) in the North Coast and Northern districts.

The problem is the loss of oak woodlands to conifer encroachment, which is widely recognized as a major conservation concern, and it has been documented in a number of research and other publications. The increased occupancy of oak woodlands by Douglas fir and other conifers has been reported throughout portions of California and the Pacific Northwest in multiple oak habitat types. Studies point to altered disturbance regimes, and the suppression of low-intensity fire in particular, as the primary cause of increased conifer establishment in oak woodlands.

Oak woodland habitat and the presence of oaks within forested landscapes are consistently identified in forest research as critically important for fulfilling wildlife

needs and sustaining biodiversity in California. Oak woodland structures and ecological associations uniquely sustain or enhance wildlife populations and biodiversity, and are distinct from habitats within coniferous forests. Many oak species also represent economically and culturally important resources within the state, both currently and historically. The transition of oak habitat toward conifer dominance greatly affects these unique resources and values, and results in social, economic, and ecological losses.

A 2011 report by the North Coast Regional Land Trust on the status of oak woodlands in Humboldt County specifically identified the increasing abundance of Douglas fir in oak woodlands as “. . . a primary factor driving the loss of oak woodlands in Humboldt County.” Among the obstacles to enhancement or restoration of oak woodlands identified in the Land Trust report are the minimum post-harvest stocking requirements of Forest Practice Rule Sections 912.7, [932.7, 952.7].

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action (including portions of §§ 895.1, 912.7 [932.7], 913.2 [933.2], 913.3 [933.3], 913.4 [933.4], 913.5 [933.5], 913.6 [933.6], 913.7 [933.7], 913.9 [933.9], 913.10 [933.10], 913.11 [933.11], and 1071–1075 of Title 14 of the California Code of Regulations) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the system of forest practices applicable to timber management on state and private timberlands developed pursuant to the FPA and related to the Prevention and Control of Forest Fires and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules; it amends them, providing for a new Special Prescription.

MANDATED BY FEDERAL LAW
OR REGULATIONS

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations related to the system of forest practice applicable to timber management on state and private timberlands developed pursuant to the FPA and regarding the existing system of regulation related to the Prevention and Control of Forest Fires. No existing Federal regulations that met the same purpose as the proposed action were identified.

OTHER STATUTORY REQUIREMENTS

(pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

LOCAL MANDATE

(pursuant to GOV § 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT

(pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Regarding costs or savings to any State agency, the anticipated fiscal impact of the proposed amendment to 14 CCR § 931.4 [933.4] is expected to be less than \$50,000.

These costs would result from additional time spent by the Department and reviewing agencies on the annual potential 10–50 additional timber harvesting plan (THP) submissions, THP amendments, or nonindustrial timber management plan (NTMP) amendments made possible by this regulatory proposal. Initially, there will likely be a minimal number of new THPs or amendments submitted in a year (2–10) due to the unfamiliarity with the new regulation. The fiscal impact of this proposal shows that projects completed under this proposed silvicultural regulation alone will often result in only a break—even or marginal economic gain. Therefore, this new regulation will likely often be used in conjunction with other existing more profitable silvicultures under one project (i.e. THP), and is not likely to result in a substantial number of additional project submittals. As such, no increase in agency staffing or significant increase in THP review is anticipated. Finally, even with the improved economic conditions for landowners, these will remain economically marginal projects, and in the long term only a few new projects are ex-

pected each year that will require review under the THP process.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS

(pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

(pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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

Pursuant to **GOV § 11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

- Testimony on additional project opportunities by the U.C. Extension Service in the Board’s Forest Practice Committee meeting.
- The Board of Equalization Timber Yield Tax Tables

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- (A) will create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will create new businesses;
- (B) will not eliminate existing businesses within California;
- (C) will beneficially affect the expansion of businesses currently doing business within California.
- (D) will have nonmonetary benefits.

The types of businesses that will be impacted are industrial and nonindustrial forest landowners, forestry

consulting, logging firms, restoration contractors, lumber mills, biogenic energy producers and shavings plants. Therefore, both large and small businesses may have positive economic impacts.

Businesses will be beneficially impacted by the proposed action. Currently, timber harvesting for the purpose of white and black oak conservation is not feasible under current regulations due to state stocking standards requiring stocking be met with Group A conifer species post-harvest (PRC § 4561). Therefore, potential projects are not currently implemented and businesses potentially associated with these projects not employed. This proposal would allow all areas managed under this draft regulatory proposal to meet stocking standards with Group B species making these projects feasible and requiring professional employment and other business activity to implement.

This proposal may create 2–10 project opportunities per county with oak woodland stands in the Northern and Coast Forest Districts (14 counties), which could result in an additional 10–50 THPs, THP amendments or NTMP amendments per year. Thus, new opportunities would be created for the types of businesses listed in this section. The project estimate is partially based on an estimate of potential new projects provided by the U.C. Extension Service.

The oak woodland projects made feasible by this proposal will have lower net return from timber values than the average fully stocked conifer stands. The harvest trees may have a wider spacing than typical harvest stands and therefore more equipment time will be required to remove the same board footage as fully stocked conifer stands. A high percentage of these potential projects will exist on land of lower site quality which means the volume per tree harvested may be smaller. There may also be a higher number of open grown trees on these projects. Open grown trees tend to have a greater number of large branches that produce in larger knots in lumber and thus result in a log with lower value. Together these factors will likely result in a significantly lower return per acre for the landowner than if the harvest occurred on a fully stocked conifer stand.

The economic potential from these projects will be quite variable. It is reasonable to expect a potential harvest of 2.5 to 7.5 thousand board feet (Mbf) per acre. Board of Equalization values for Douglas fir range from \$100–350/Mbf. That provides a range of gross harvest value of \$250–2,625 per acre. If we assume a log and haul cost of \$175–300/Mbf, it is apparent that not all potential projects will provide a positive economic outcome.

A number of the projects conducted with this proposal will be accomplished with an economic “break-even” outcome. In these instances the landowner is driven to complete the project due to management ob-

jectives rather than economic incentive. Management objectives may include: 1) a desire to reduce the risk of large damaging fires, 2) maintenance of biological diversity, or 3) increase of wildlife benefits.

Given the many variables for starting and maintaining a business in California, and the limited scope of the proposed action, the number of businesses that may be created as a result of the proposed action is small. Existing businesses may have more work.

The primary benefit of this proposal is increasing the ability of the landowner to commercially manage oak woodlands for their biological diversity, wildlife, and water quality benefits.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV §11346.5(a)(9))

The Board is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This initial determination is based on the same record facts, evidence, documents, testimony, or other evidence as listed as the basis for the Significant Statewide Adverse Economic Impact.

The proposed action provides the landowner a regulatory pathway to manage for oak (Group B) species by reducing the amount of Group A species and specifying certain Group B species be used to meet post-harvest requirements to meet the stocking standards as allowed for in PRC § 4561.2. The requirements for the submission and approval of the Timber Harvesting Plan (PRC § 4581), a Timber Operations Completion Report (PRC § 4585) and Stocking Report (PRC § 4587) will still apply. Thus, the proposal cost impacts for these requirements are neutral.

BUSINESS REPORT

(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS

(pursuant to 1 CCR §4(a) and (b))

Small business, within the meaning of GOV § 11342.61, is expected to be affected by the proposed action. The types of small businesses that will be beneficially impacted by the proposed action are industrial and nonindustrial forest landowners, forestry consulting, logging, tree removal, landscapers, lumber mills, biogenic energy producers and shavings plants.

Small business:

- (1) Is legally required to comply with the regulation to the extent that a representative private person hires a small business for implementation;

- (2) Is not legally required to enforce the regulation;
- (3) Does derive a benefit from the enforcement of the regulation by being hired for implementation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Matt Dias
Acting Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Mr. Matt Dias is not available is Doug Wickizer for the Board of Forestry and Fire Protection. Mr. Wickizer may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a)(16))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.

2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)** and **GOV § 11346.2(a)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations 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 regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt regulations regarding: 1) fees for lake and streambed alteration agreements; and 2) fees for marijuana cultivation sites that require remediation, all described below

(proposed action), after considering all comments, objections, and recommendations regarding the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department will hold a public hearing on **June 13, 2016, from 10:00 a.m. to 11:30 a.m.**, at the Natural Resources Building, Resources Auditorium, 1416 9th Street, Sacramento, California. The Resources Auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to the Department. All written comments must be received by the Department no later than 5:00 p.m. on June 13, 2016.

For the Department to consider any written comments, the comments must be submitted at the hearing or by mail, fax, or e-mail no later than 5:00 p.m. on June 13, 2016, as follows:

California Department of Fish and Wildlife
 Lake and Streambed Alteration Program
 Attn: Lance Salisbury, Senior Environmental
 Scientist
 1416 Ninth Street, 12th Floor
 Sacramento, CA 95814
 Fax: (916) 653-2588
 Email: lance.salisbury@wildlife.ca.gov

Authority cited: Sections 713, 1609, and 12029, Fish and Game Code; and Section 21089, Public Resources Code.

Reference: Sections 713, 1609, and 12029, Fish and Game Code; and Sections 4629.6(c) and 21089, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposed Amendments to Section 699.5, Title 14, California Code of Regulations (CCR), Fees for Lake and Streambed Alteration Agreements:

Fish and Game Code (FGC) section 702 authorizes the Department to administer and enforce the provisions of the Fish and Game Code through regulations adopted by the Department.

FGC Section 1609 authorizes the Department to charge fees to any entity subject to FGC Section 1602 in an amount necessary to pay for the total costs the Department incurs in administering and enforcing Fish and Game Code Section 1600 *et seq.*, referred to by the Department as the Lake and Streambed Alteration (LSA) Program. The Department's existing fee schedule for Lake and Streambed Alteration Agreements (fee schedule) is in Section 699.5 in Title 14 of the California Code of Regulations (CCR).

FGC section 12029(d) requires the Department to adopt regulations "to enhance the fees on any entity subject to [FGC] Section 1602 for marijuana cultivation sites that require remediation."

Adoption of these proposed regulations will:

- Increase all fees in the existing fee schedule by 129% to generate near term revenues to maintain the existing LSA Program at its current level pursuant to Fish and Game Code (FGC) Section 713(g) and FGC Section 1609.
- Establish for the first time an additional fee for marijuana cultivation sites that require remediation pursuant to FGC Section 12029(d).
- Add a new category to the fee schedule to allow an entity to pay fees by credit card and to allow the Department to recover credit card company transaction fees.
- Reorganize some sections in the existing fee schedule.
- Add and amend some language and reformat some sections in the existing fee schedule.
- Modify the definition of "master agreement" in the fee schedule.
- Clarify that the Department has final authority to determine the type of lake or streambed alteration agreement (agreement) an entity may obtain for a particular project.

BENEFITS OF THE PROPOSED REGULATIONS

Fees for Lake or Streambed Alteration Agreements

The Department must adjust the fees in the fee schedule for lake or streambed alteration agreements periodically to pay the total costs it incurs to administer and enforce the Department's LSA Program. If the Department does not adjust the fees as proposed, it will experience a significant budget shortfall that will affect its ability to administer and enforce FGC Section 1600 *et seq.*, the purpose of which is to protect and conserve the state's fish and wildlife resources, as set forth in FGC Section 1600.

Fees for Projects to Remediate Marijuana Cultivation Sites

Rather than establish a new fee schedule under a separate section in CCR, Title 14, the Department has decided to establish these fees by adding a new fee category in the existing fee schedule for lake or streambed alteration agreements. This is because the code section that requires the Department to establish fees for these types of projects expressly require the fees be consistent with the fees the Department adopts under FGC Section 1609.

By adopting the proposed regulations, the Department does not anticipate benefits to the protection of worker safety, the prevention of discrimination, the promotion of fairness or social equity, or to the increase in openness and transparency in business and government.

The Department anticipates nonmonetary benefits to the health and welfare of California residents through the protection of aquatic and riparian habitats and the fish and wildlife resources that depend on them. The Department also anticipates benefits to the environment. The fee increases and new fees included in this rulemaking will enable the Department to maintain the LSA Program at its current level and to facilitate the remediation of marijuana cultivation sites, thereby conserving and protecting the state’s fish and wildlife resources, the express purpose of FGC Section 1600 *et seq.* and FGC Section 12029.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

The Department has reviewed Title 14 in the CCR and has determined that the proposed action is neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS RELIED UPON

Lake and Streambed Alteration Program Fiscal Analysis for FYs 2010–2014 LSA Program Costs Table FYs 2016–2018

DISCLOSURES REGARDING THE PROPOSED ACTION

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Only entities that must notify the Department for a particular project under FGC Section 1602 or to remediate a marijuana cultivation site will be affected by the proposed action. The proposed fee increases and new fees in the fee schedule are not significant compared to the cost of the particular projects to which the fees apply and the cost to the public if such environmental protections were not in place.

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

The proposed action will not impact the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California because only entities required by statute to obtain an agreement from the Department, including to remediate a marijuana cultivation site, will be affected by the proposed action. The proposed fee increases and new fees in the fee schedule are not significant compared to the cost of the particular projects to which the fees apply.

The proposed action supports the Department’s statutory mandate to reduce impacts on the state’s environment, and thereby create benefits to the health and welfare of California residents. The proposed action does not address or affect worker safety.

(c) Cost Impacts on a Representative Private Person or Business:

The Department anticipates that a representative private person or business may incur cost impacts from fee increases for projects subject to FGC Section 1602 ranging from \$300 to \$5,000 per project in the reasonable compliance with the proposed action. For projects to remediate marijuana cultivation sites, the person or business will need to pay an additional \$3,000 or \$5,000, depending on the size of the remediation site.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Any state agency that engages in work that requires a lake and streambed alteration agreement from the Department may incur cost impacts from fee increases ranging from \$300 to \$5,000 per project. The Department does not anticipate that a state agency will need to remediate a marijuana cultivation site, but if it must remediate a site, the agency would need to pay an additional \$3,000 or \$5,000, depending on the size of the remediation site.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

Any local agency that engages in work that requires a lake or streambed alteration agreement from the Department may incur cost impacts from fee increases ranging from \$300 to \$5,000 per project. The Department does not anticipate that a local agency will need to remediate a marijuana cultivation site, but if it must remediate a site, the agency would need to pay an additional \$3,000 or \$5,000, depending on the size of the remediation site.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.
- (i) Effect on Small Business:

The proposed action is likely to have minor effect on small business by increasing the fee a small business must pay to obtain an agreement. The Department anticipates that a representative small business may incur cost impacts from fee increases for projects subject to FGC Section 1602 ranging from \$300 to \$5,000 per project in the reasonable compliance with the proposed action. For projects to remediate marijuana cultivation sites, the small business will need to pay an additional \$3,000 or \$5,000, depending on the size of the remediation site. However, the proposed action will affect only those small businesses that need to complete a project subject to FGC Section 1602 or remediate a marijuana cultivation site, which will be a relatively small number of small businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety.

Benefits to the Health and Welfare of California Residents:

The Department anticipates benefits to the health and welfare of California residents from better protection of the State's natural resources.

BENEFITS TO THE STATE'S ENVIRONMENT

The Department anticipates the cumulative effects of the changes to be positive with regard to the state's environment. The proposed regulations provide the Department the ability to collect fees in the amount necessary to pay the total costs it incurs to administer and enforce FGC Section 1600 *et seq.* and to remediate marijuana cultivation sites, the purposes of which are to protect and conserve the state's fish and wildlife resources.

CONSIDERATION OF ALTERNATIVES

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

MITIGATION MEASURES REQUIRED BY REGULATORY ACTION

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

CONTACT PERSONS

Inquiries concerning the proposed administrative action should be directed to:

Lance Salisbury, Senior Environmental Scientist
California Department of Fish and Wildlife
Lake and Streambed Alteration Program
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Telephone: (916) 653-3559
Email: lance.salisbury@wildlife.ca.gov

The backup contact person is:

Cathie Vouchilas, Environmental Program Manager
California Department of Fish and Wildlife
Lake and Streambed Alteration Program
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Telephone: (916) 651-1190
Email: cathie.vouchilas@wildlife.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Lance Salisbury (see above for contact information).

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

The Department will have the entire rulemaking file available for inspection and copying at its office at the above address. As of the date this notice is published, the rulemaking file consists of:

- Notice of Proposed Rulemaking
- Proposed Regulatory Text
- Initial Statement of Reasons
- Lake and Streambed Alteration Program Fiscal Analysis for FYs 2010–2014
- LSA Program Costs Table 2016–2018; and
- Economic and Fiscal Impact Assessment (STD. Form 399).

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Website Access: The rulemaking file is available at: <https://www.wildlife.ca.gov/Notices/Regulations>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received by the Department, the Department may adopt the proposed regulations sub-

stantially 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. Please send requests for copies of any modified regulations to the attention of Lance Salisbury (see above for contact information). The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lance Salisbury (see above for contact information).

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 1590, *Newspapers and Periodicals*

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation or Reg.) 1590, *Newspapers and Periodicals*. The proposed amendments define the term “mixed newspaper subscription” to mean “a subscription for a tangible newspaper combined with a subscription for the right to access digital content.” The proposed amendments clarify in subdivision (b)(3) that in “the sale of a mixed newspaper subscription, tax is applied to the tangible personal property portion of the transaction (unless otherwise exempt or excluded) and the right to access the digital content is not subject to tax.” The proposed amendments establish that, on and after October 1, 2016, it is presumed that fifty-three (53) percent of the lump-sum charge for a mixed newspaper subscription is for the nontaxable sale of the right to access digital content. The proposed amendments also provide that the presumption may be overcome by evidence demonstrating to the satisfaction of the Board that the digital-only subscription rate (as proposed to be defined) divided by the sum of the print-only subscription rate (as proposed to be defined) and the digital-only subscription rate is greater than fifty-three (53) percent.

In addition, the proposed amendments make changes to subdivision (b)(5) so that it more clearly follows the

language of RTC section 6362.8. The proposed amendments delete outdated references to 1990's effective dates and obsolete guidance regarding early 1990's transactions from subdivision (b), and delete the outdated reference to RTC section 6362.3 from the regulation's reference note. Furthermore, the proposed amendments make minor grammatical and formatting changes to Exemption Certificates A through D set forth in the regulation and add language to Exemption Certificates C and D to make them consistent with the requirements of RTC section 6362.8.

PUBLIC HEARING

The Board will conduct a meeting in Room 121 at 450 N Street, Sacramento, California on June 14–15, 2016. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:00 a.m. or as soon thereafter as the matter may be heard on June 14 or 15, 2016. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulation 1590.

AUTHORITY

RTC section 7051.

REFERENCE

RTC sections 6005, 6006, 6007, 6010, 6015, 6361.5, 6362.7, and 6362.8.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

California imposes sales tax on retailers for the privilege of selling tangible personal property at retail. (RTC, § 6051.) Unless an exemption or exclusion applies, the tax is measured by a retailer's gross receipts from the retail sale of tangible personal property in California. (RTC, §§ 6012, 6051.) The term "gross receipts" means the total amount of the sale price without any deduction for the cost of materials used, labor or service costs, interest paid, losses, or any other expense. (RTC, § 6012, subd. (a)(2).) Although sales tax is imposed on retailers, retailers may collect sales tax reim-

bursement from their customers if their contracts of sale so provide. (Civ. Code, § 1656.1; Reg. 1700.) It is presumed that all gross receipts are subject to the sales tax until the contrary is established, and the burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless he takes from the purchaser a resale certificate. (RTC, § 6091.)

When sales tax does not apply, use tax is imposed on the use of tangible personal property purchased from a retailer for storage, use, or other consumption in California. (RTC, §§ 6201, 6401.) Unless an exemption or exclusion applies, the use tax is measured by the sales price of tangible personal property and the person actually storing, using, or otherwise consuming the property is liable for the tax. (RTC, §§ 6201, 6202.) However, every retailer "engaged in business" in California that makes sales subject to California use tax is required to collect the use tax from its customers and remit it to the Board, and such retailers are liable for California use tax that they fail to collect from their customers and remit to the Board. (RTC, §§ 6203, 6204; Reg. 1684.) For purposes of the use tax, it is presumed that tangible personal property sold by any person for delivery in California is sold for storage, use, or other consumption in this state until the contrary is established and the burden of proving the contrary is upon the person who makes the sale, unless he takes from the purchaser a resale certificate. (RTC, § 6241.)

"Tangible personal property" means "personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses." Whereas tax is only imposed on transactions involving tangible personal property, neither sales tax nor use tax is imposed on charges entirely for the provision of services. (RTC, §§ 6051, 6201; Reg. 1501.) Further, a transaction is not subject to tax if the true object of the transaction is to obtain the provision of services, even though some tangible personal property is transferred incidental to the provision of the services. (Reg. 1501.) On the other hand, a transaction is entirely subject to tax when the true object of the transaction is to obtain tangible personal property and services are part of the sale of tangible personal property. (RTC, § 6012, subd. (b)(1); Reg. 1501; see Reg. 1524, subd. (a).)

A "mixed transaction," in contrast, is a transaction in which "the goods and services . . . are distinct (not intertwined) and each is a significant object of the transaction (not one incidental to the other)." (*Dell, Inc. v. Superior Court (Dell)* (2008) 159 Cal.App.4th 911, 925.) If a transaction is a "mixed transaction," each element of the transaction is analyzed as a separate transaction, and tax is applied to the tangible personal property portion and the service portion is not taxed. (*Ibid.*) The Board and the Board's Legal Department have pre-

viously concluded that the Sales and Use Tax Law (RTC, § 6001 et seq.) generally requires taxpayers to make a “reasonable” and “fair” allocation of a lump-sum charge based upon the value of the taxable and nontaxable portions of a mixed transaction. (See, e.g., Reg. 1603, subd. (a)(2)(A) [reasonable allocation to nontaxable rooms and taxable meals]; Sales and Use Tax Annotations 120.0104 (1/24/90) [fair and reasonable allocation to nontaxable database access and taxable software], 295.0035.200 (4/28/86) [reasonable allocation to nontaxable theatrical performance and taxable balloons], 515.0002.900 (4/23/86) [reasonable allocation to nontaxable color consulting services and taxable color book], 550.0343 (7/19/85) [reasonable allocation between nontaxable theatrical performance and taxable meals].) (Annotations are summaries of the conclusions reached in selected opinions of attorneys of the Board’s Legal Department and are intended to provide guidance regarding the interpretation of statutes and Board regulations as applied by staff to specific factual situations. See Reg. 5700.) In the case where the lump-sum price of both elements together is less than their combined individual prices, the Board’s Legal Department has previously opined that it is appropriate to allocate to the taxable tangible personal property and to the nontaxable service proportionally, relative to the value of the tangible personal property and non-taxable service.

Also, as relevant here, RTC section 6362.3 exempts from tax the sale or use of newspapers or periodicals, during the term of a prepaid subscription entered into and paid for prior to July 15, 1991. RTC section 6362.7 exempts from tax the sale or use of newspapers and periodicals, and the components thereof, that are distributed without charge and issued at average intervals not exceeding three months, and the sale or use of periodicals, and the components thereof, regularly issued at average intervals not exceeding three months and sold by subscription. RTC section 6362.7 contains a definition of “periodical” which includes the requirement that a periodical appear at stated intervals at least four times per year, but not more than 60 times per year. RTC section 6362.8 exempts from tax the sale or use of newspapers and periodicals, and the components thereof, issued at average intervals not exceeding three months that are published by specified tax-exempt organizations or non-profit organizations when certain other statutory conditions are satisfied.

In addition, Regulation 1590 implements, interprets, and makes specific the RTC sections that pertain to the application of tax to newspapers and periodicals. It provides that a “newspaper” is a publication that is “commonly understood to be a newspaper” and is “printed and distributed periodically at daily, weekly, or other short intervals for the dissemination of news of a general character and of general interest.” (Reg. 1590, subd.

(a)(1).) It explains that, since July 15, 1991, the sale of newspapers and periodicals is subject to tax unless otherwise exempt. (Reg. 1590, subd. (b)(1).) It provides notice regarding the exemption for subscriptions ordered and paid for prior to July 15, 1991. (Reg. 1590, subd. (b)(3), (8).) It also provides that the exemption for newspapers and periodicals distributed without charge was first effective October 2, 1991. (Reg. 1590, subd. (b)(2).)

Further, Regulation 1590 explains that each delivery of a newspaper or periodical pursuant to a subscription is a separate sale transaction. It also provides that the exemption for periodicals sold by subscription was effective for transactions on or after November 1, 1992, and it provides that sales tax reimbursement collected on the sale of a periodical subscription prior to November 1, 1992, but for the sale of issues delivered on or after November 1, 1992, constitutes excess sales tax reimbursement and must either be refunded to the customer or paid to the Board. (Reg. 1590, subd. (b)(3).)

Furthermore, Regulation 1590 provides that the exemption for newspapers and periodicals published by specified tax-exempt organizations was first effective November 1, 1991, and that the requirement that such newspapers and periodicals be regularly issued at average intervals not exceeding three months was added to the exemption effective November 1, 1992. (Reg. 1590, subd. (b)(5)(A).) It also explains that the exemption for newspapers and periodicals published by nonprofit organizations was first effective November 1, 1991, and it incorporates the statutory requirements for the exemption, but it omits the statutory requirement that newspapers and periodicals be regularly issued at average intervals not exceeding three months. (Reg. 1590, subd. (b)(5)(B).)

Effects, Objective, and Benefit of the Proposed Amendments to Regulation 1591

When Regulation 1590 was last amended in 1994, newspaper publishers generally sold printed newspapers. However, since then, technology and reader preferences have evolved, and newspaper publishers regularly sell digital services over the Internet, including access to digital content, such as online editions of the newspapers they sell. Often, the access to the digital content includes material that is not otherwise provided with a printed publication alone, such as expanded articles, additional photographs, and mobile applications. Also, access to the digital content may be sold as a stand-alone service (e.g., daily access to digital content only) for a separately stated price or sold in combination with a subscription for printed newspaper delivery for a lump-sum price with each being a significant object of the transaction. The access to digital content and frequency of delivery of the printed newspapers may vary

in the subscription packages (e.g., daily print and daily access to digital content or weekend print and daily access to digital content). And, as an incentive, the lump-sum price a publisher charges for access to digital content sold in combination with a subscription for printed newspaper delivery is generally lower than the sum of the prices at which the publisher would separately sell the access to the digital content or the subscription for printed newspaper delivery.

Charges for printed newspapers that appear more than 60 times a year are subject to tax under Regulation 1590. However, no portion of a charge for access to digital content via the Internet (digital only subscription) is subject to tax if the purchaser does not obtain possession of any tangible personal property, such as storage media, in the transaction. (See, e.g., Reg. 1502, subd. (f)(1)(D)). Also, under *Dell, supra*, only a portion of a lump-sum charge for both digital services provided over the Internet without the transfer of tangible personal property and a subscription for taxable printed newspaper delivery is subject to tax because both the digital services and the printed newspapers are significant objects of the contract. Publishers are required to make a reasonable and fair allocation of such a lump-sum charge based upon the value of the taxable and nontaxable portions of the mixed transaction. And, guidance has previously been requested about how to make an acceptable allocation. Therefore, the Board's Business Taxes Committee (BTC) staff determined that there is an issue because Regulation 1590 does not provide guidance to newspaper retailers about how to make an acceptable allocation of a lump-sum charge for a subscription for printed newspaper delivery and access to digital content.

Initially, BTC staff prepared draft amendments to Regulation 1590 to address the issue discussed above. The draft amendments proposed to add a new subdivision (a)(8) to define a "mixed newspaper subscription" as a subscription for a tangible newspaper combined with a subscription for the right to access digital content, and amend subdivision (b)(3) to set thirty-eight (38) percent as the portion of all lump-sum charges for mixed newspaper subscriptions that are for access to digital content and therefore not subject to tax, on a prospective basis. BTC staff recommended this approach because it would provide clarity and certainty to retailers, consumers, and Board staff and BTC staff arrived at the figure of 38 percent based solely on data previously provided by a retailer that requested an opinion from the Board's Legal Department with regard to its mixed newspaper subscription transactions. BTC staff recommended that the amendments pertaining to the application of tax to mixed newspaper subscriptions have a prospective application so that retailers of such sub-

scriptions are notified well in advance of the date the amendments are operative.

In addition, the draft amendments to Regulation 1590 proposed changes to make the provisions of subdivision (b)(5) regarding the exemptions for newspapers and periodicals published by tax-exempt organizations and nonprofit organizations more clearly follow the language of RTC section 6362.8 requiring that newspapers and periodicals be regularly issued at average intervals not exceeding three months. The draft amendments also proposed to delete the references to 1990's effective dates and obsolete guidance regarding early 1990's transactions (discussed above) from subdivision (b) because the references and guidance are no longer relevant.

BTC staff subsequently provided its draft amendments to interested parties and conducted an interested parties meeting on August 5, 2015. During the August 2015 meeting, the interested parties were supportive of the approach of allowing a retailer to use a single percentage to determine the nontaxable portions of the lump-sum charges for all mixed newspaper subscriptions (of varying frequency of delivery). However, the interested parties did not agree with the nontaxable percentage in the draft amendments and recommended that the draft amendments be revised to provide a rebuttable presumption that the nontaxable percentage applies so that retailers can rebut the presumption when there are unique facts and circumstances. Therefore, BTC staff requested additional input from the interested parties regarding other alternative nontaxable percentages with backup data to support the alternate suggestions, and asked the interested parties to provide examples of documentation they could provide to establish that there are unique facts and circumstances related to a mixed newspaper subscription and thereby rebut a presumption that the nontaxable percentage applies.

Following the interested parties meeting, BTC staff received comments from Mr. James Ewert on behalf of the California Newspaper Publishers Association (CNPA), in a letter dated August 17, 2015. The CNPA expressed support in concept of BTC staff's proposed amendments and acknowledged that the proposed amendments recognize the growing use of mixed subscriptions within the newspaper industry. The CNPA further asserted that BTC staff's proposed percentage for determining the nontaxable portion of a mixed newspaper subscription may not reflect the circulation practices of the entire newspaper industry. The CNPA stated that it was in the process of examining various methodologies and obtaining information to support the assertion. The CNPA also reiterated comments made at the interested parties meeting that the proposed amendments should only establish a rebuttable pre-

sumption that the proposed nontaxable percentage applies with the idea being that a seller of mixed newspaper subscriptions could apply an alternate nontaxable percentage when supported by unique facts and circumstances.

Following the interested parties meeting, BTC staff reviewed the websites of several major California newspapers and used the available information to calculate an average ratio of the price of a subscription for access to digital content only to a subscription that includes both daily print delivery and access to digital content, which supported staff's initial nontaxable percentage. However, there was insufficient information available to establish similar ratios for the same newspapers' mixed newspaper subscriptions that include less than daily print delivery, such as weekend print delivery subscriptions. Based on this initial research, BTC staff, in the Second Discussion Paper, proposed to amend Regulation 1590, subdivision (b)(3), to include two different nontaxable percentages. BTC staff suggested adding subdivision (b)(3)(B)(1) to specify the taxable and nontaxable percentages applicable to mixed newspaper subscriptions in which delivery of printed material occurs four or more days per week and further proposed adding subdivision (b)(3)(B)(2) to specify the taxable and nontaxable percentages applicable to newspaper subscriptions in which delivery of printed material occurs three days or less per week. Based on the initial research, BTC staff proposed setting thirty-eight (38) percent as the nontaxable portion of lump-sum charges for mixed newspaper subscriptions in which delivery of printed material occurs four or more days per week. Based upon limited data and some assumptions, staff provided sample language establishing forty-eight (48) percent as the nontaxable portion of lump-sum charges for mixed newspaper subscriptions in which delivery of printed material occurs three days or less per week for purposes of further discussion. However, staff also requested more data from industry to determine an appropriate percentage for subscriptions in which printed delivery occurs less than four days per week. In addition, BTC staff stated that it would consider adding a "safe harbor" provision to the regulation, so that there is a rebuttable presumption that the stated nontaxable percentages apply, which could be overcome by evidence establishing a different percentage, but staff reiterated that such provision should explain the types of evidence or documentation that a retailer would retain to rebut the presumption.

On September 29, 2015, BTC staff again met with the interested parties to discuss the draft amendments. The interested parties did not support using two different percentages. Following the interested parties meeting, staff received comments from Mr. Ewert on behalf of the CNPA, in a letter dated November 3, 2015. The

CNPA explained that two rates would be considerably burdensome and unnecessarily complicated for the newspapers to calculate with little, if any, benefit to the newspapers or the Board and that they did not support this approach. The CNPA presented a list of twenty-seven (27) newspapers they surveyed with nontaxable percentages ranging from forty-four (44) percent to sixty-three (63) percent, and an overall unweighted average nontaxable percentage of fifty-three (53) percent for all twenty-seven newspapers combined. The CNPA provided staff with a copy of their confidential data and calculations, which also showed that to compute the nontaxable percentages, the CNPA divided each newspaper's digital-only subscription rate by the sums of the newspaper's print-only subscription rates (i.e., 6 or 7 day a week rate, weekend rate, and Sunday only rate) and the digital-only subscription rate. They then averaged these percentages together for each newspaper publisher to arrive at each newspaper's nontaxable percentage and then averaged all twenty-seven (27) newspapers' nontaxable percentages together. (Attachment A to the initial statement of reasons contains the redacted data and calculations). The CNPA also asserted that many newspapers were decreasing the frequency of their print products and relying more on digital content and that the overall unweighted average nontaxable percentage of fifty-three (53) percent (referred to above) does not accurately reflect rapidly changing developments in the industry. For these reasons, the CNPA proposed that "sixty (60) percent is a more accurate percentage for purposes of establishing a rebuttable presumption that reflects the non-taxable digital portion of a Mixed Newspaper Subscription." In addition, the CNPA proposed language to be added to subdivision (b)(3) to establish a rebuttable presumption.

Following this submission, BTC staff informally met with interested parties to discuss these issues. BTC staff also reviewed the data provided by the CNPA, determined the number of subscribers for each newspaper using data obtained from the Gale Directory of Publications and Broadcast Media (151st edition), and calculated a weighted average nontaxable percentage of approximately fifty (50) percent for all twenty-seven newspapers combined, so as not to give disproportionate weight to smaller publishers' average nontaxable percentages. (Attachment B to the initial statement of reasons contains BTC staff's calculation of the weighted average nontaxable percentage.) Based on the industry data, the CNPA's and BTC staff's calculations, and interested parties' presentation of evidence during their discussions that the nontaxable percentage is trending upwards, BTC staff concluded that the unweighted average nontaxable percentage of fifty-three (53) percent, as calculated by the CNPA, will accurately reflect the average nontaxable percentage of newspaper

retailers' lump-sum charges for mixed newspaper subscription by the time the amendments are effective.

BTC staff also determined that because of the great variance within the newspaper industry with respect to pricing models and product offerings, the fact that there is an upward trend in the nontaxable percentages of lump-sum charges for mixed newspaper subscriptions, and the need to ensure that all newspaper retailers' lump-sum charges for mixed newspaper subscriptions continue to be fairly and reasonably allocated between the taxable and nontaxable components of the subscriptions, it is necessary to add a rebuttable presumption to the regulation that allows a newspaper retailer to document a higher nontaxable percentage than fifty-three (53) percent based on the specific facts of that retailer's business. Therefore, BTC staff revised its proposed amendments adding subdivision (b)(3), so that new subdivision (b)(3)(B)1. establishes a rebuttable presumption that fifty-three (53) percent of the lump-sum charge for a mixed newspaper subscription is nontaxable, on or after October 1, 2016; and new subdivision (b)(3)(B)2. explains that retailers may rebut the presumption by providing evidence demonstrating to the satisfaction of the Board that the price of the digital-only subscription rate divided by the sum of the digital-only subscription rate and the print-only subscription rate is greater than fifty-three (53) percent. (The same methodology the CNPA used to make the calculations in Attachment A to the initial statement of reasons.) The revised language also required that records be maintained to support any nontaxable percentage greater than fifty-three (53) percent. In addition, BTC staff proposed adding new subdivisions (a)(9) and (10) to the regulation to define "digital-only subscription" and "print-only subscription" for purposes of applying the formula proposed to be added to subdivision (b)(3)(B)2.

Subsequently, BTC staff prepared Formal Issue Paper 15-012 and distributed it to the Board Members for consideration at the Board's January 26, 2016, BTC meeting. Formal Issue Paper 15-012 recommended that the Board propose to adopt BTC staff's amendments to Regulation 1590 discussed above to address the issue discussed above by providing guidance to newspaper retailers about how to make a reasonable and fair allocation of a lump-sum charge for a mixed newspaper subscription based upon the value of the taxable and nontaxable portions of the mixed transaction.

Specifically, BTC staff's proposed amendments added definitions for the terms "mixed newspaper subscription," "digital-only subscription rate," and "print-only subscription rate" to subdivision (a). The proposed amendments clarified in subdivision (b)(3) that in "the sale of a mixed newspaper subscription, tax is applied to the tangible personal property portion of the transaction

(unless otherwise exempt or excluded) and the right to access the digital content is not subject to tax." The proposed amendments established in new subdivision (b)(3)(B) that on and after October 1, 2016, it is presumed that fifty-three (53) percent of the charge for a mixed newspaper subscription is for the nontaxable sale of the right to access digital content. The proposed amendments also provided in new subdivision (b)(3)(B) that the "presumption may be overcome by evidence demonstrating to the satisfaction of the Board that the digital-only subscription rate divided by the sum of the print-only subscription rate and the digital-only subscription rate is greater than fifty-three (53) percent."

Furthermore, as discussed above, BTC staff's proposed amendments made changes to make the provisions of subdivision (b)(5) regarding the exemptions for newspapers and periodicals published by tax-exempt organizations and nonprofit organizations more clearly follow the language of RTC section 6362.8 requiring that newspapers and periodicals be regularly issued at average intervals not exceeding three months. The proposed amendments also deleted the references to 1990's effective dates and obsolete guidance regarding early 1990's transactions from subdivision (b) because the references and guidance are no longer relevant, and deleted the reference to RTC section 6362.3 from the regulation's reference note because the statute's provisions are only applicable to early 1990's transactions.

In addition, BTC staff's proposed amendments made minor formatting changes to replace the boxes that are required to be initialed in Exemption Certificates A through D set forth in Regulation 1590 and replace the boxes that are required to be checked on Exemption Certificate C with lines that can be initialed and checked, respectively. Staff's proposed amendments deleted the outdated references to "19" from the exemption certificates' date lines because the exemption certificates will no longer be signed with dates in the 1900s. Staff's proposed amendments deleted the word "the" from the phrase "measured by the purchase price of *the* such property" (italics added) in Exemption Certificate B to make the phrase grammatically correct. Staff's proposed amendments inserted the word "seller's" before the word "permit" in the text following the second line that can be initialed on Exemption Certificate C to clarify that the current text refers to a seller's permit, as opposed to some other type of permit. Staff's proposed amendments inserted "the" before "business" in the phrase "engaged in business of selling or publishing" in Exemption Certificate D to make the phrase grammatically correct. Staff's proposed amendments also added language to Exemption Certificates C and D to require that purchasers certify that they are engaged in the business of selling or publishing a newspaper or

periodical “which is regularly issued at average intervals not exceeding three months” to comply with the requirements of RTC section 6362.8 regarding the exemption for newspapers and periodicals published by tax-exempt and nonprofit organizations.

The Board discussed Formal Issue Paper 15-012 during its January 26, 2016, BTC meeting. Mr. Ewert appeared on behalf of the CNPA and expressed the CNPA’s support for staff’s proposed amendments. At the conclusion of the discussion, the Board Members unanimously voted to propose to adopt the amendments to Regulation 1590 recommended by staff.

The Board determined that the proposed amendments to Regulation 1590 are reasonably necessary to have the effect and accomplish the objective of addressing the issue with Regulation 1590, discussed above, by providing guidance regarding the application of tax to mixed newspaper subscriptions; establishing, beginning October 1, 2016, a rebuttable presumption that fifty-three (53) percent of the lump-sum charge for a mixed newspaper subscription is for the nontaxable sale of the right to access digital content; and establishing the means by which newspaper retailers may rebut the presumption. The Board also determined that the proposed amendments are reasonably necessary to have the effects and accomplish the objectives of ensuring that the provisions of Regulation 1590, including the provisions of Exemption Certificates C and D, clearly follow and are consistent with the current provisions of RTC section 6362.8 regarding the exemption for newspapers and periodicals published by tax-exempt and nonprofit organizations, and deleting the outdated references to 1990’s effective dates and obsolete guidance regarding early 1990’s transactions from the regulation.

The Board anticipates that the proposed amendments to Regulation 1590 will promote fairness and benefit taxpayers, Board staff, and the Board by providing clarity with regard to the application of tax to lump-sum charges for mixed newspaper subscriptions, particularly because of the increasing focus on digital content in the newspaper industry.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1590 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because there are no other sales and use tax regulations that specifically prescribe the application of the sales and use tax to sales and purchases of newspapers and periodicals. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1590 or the proposed amendments to Regulation 1590.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1590 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY, OR SCHOOL DISTRICT

The Board has determined that the adoption of the proposed amendments to Regulation 1590 will result in no direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulation 1590 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1590 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has determined that the proposed amendments to Regulation 1590 are not a major regulation, as defined in Government Code section 11342.548 and

California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1590 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create new businesses or expand businesses currently doing business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1590 will not affect the benefits of Regulation 1590 to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulation 1590 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Scott Claremon, Tax Counsel III, by telephone at (916) 323-3184, by e-mail at Scott.Claremon@boe.ca.gov, or by mail at State Board of Equalization, Attn: Scott Claremon, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80,

450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Mr. Bennion is the designated backup contact person to Mr. Claremon.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:00 a.m. on June 14, 2016, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1590 during the June 14-15, 2016, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board, and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulation 1590. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underscored and strikethrough version of the text of Regulation 1590 illustrating the express terms of the proposed amendments. The Board has prepared a separate document illustrating the format of amended Exemption Certificates A through D after the proposed formatting changes are made to provide additional clarity. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1590, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments, the document illustrating the format of amended Exemption Certificates A through D, and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulation 1590 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result

from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulation 1590, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board’s Website at www.boe.ca.gov.

TITLE 22. STATE WATER RESOURCES CONTROL BOARD

The State Water Resources Control Board (State Board) proposes to adopt the proposed regulations described below after all comments, objections, and recommendations regarding the proposed action.

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED DRINKING WATER FEE REGULATIONS

The State Board will conduct a public hearing at the time and place noted below. At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described below.

DATE: June 22, 2016
 TIME: 9:00 a.m.
 PLACE: California Environmental Protection Agency
 State Water Resources Board
 Coastal Hearing Room
 1001 I Street
 Sacramento, California 95814

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;

- Documents made available in an alternate format or another language;
- A disability–related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk to the Board at (916) 341–5600 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 341–5600 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Any interested person, or his or her representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 341–5248 or by email to DAS-DrinkingWaterFees@waterboards.ca.gov. The written comment period closes at **5:00 p.m. on June 22, 2016**. The Board will consider only comments received at the Board offices by that time.

Submit written comments to:

Postal mail:	Jeanine Townsend, Clerk to the Board State Water Resources Control Board 1001 I Street, 24th Floor Sacramento, California 95814
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Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code (HSC) sections 116271, 116350, 116375, and 116565. This action is proposed to implement, interpret, and make specific sections 116565 and 116590.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
(GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected:

Proposed adoption to California Code of Regulations, title 22, sections 64300, 64305, 64310, and 64315. The proposed regulations would be contained in a new chapter, Title 22, division 4, chapter 14.5, California Code of Regulations. The following provides a detailed discussion of the proposed changes.

Title 22, CCR, Division 4, Chapter 14.5.

The State Board proposes to add the title of the chapter to be added, chapter 14.5, division 4, Title 22 Code of Regulations.

Section 64300, Definitions.

The purpose of this section is to provide clarification of the terms used in chapter 14.5. Specifically, the terms “severely disadvantaged community” and “wholesaler” are defined.

The addition of the term severely disadvantaged community is necessary as the proposed fee schedule would provide that a community water system that serves a severely disadvantaged community may receive a reduction in the annual fee that the system is required to pay. The definition clarifies which public water systems are eligible for the reduced rate.

The addition of the term wholesaler is necessary because the fee schedule establishes a new category of public water systems: wholesalers, and would require them to pay an annual fee that is determined differently than the fees established for other public water systems. A wholesaler would be defined as a public water system that sells water to other public water systems. The definition would also provide that public water systems that would otherwise meet the definition of a wholesaler, but that have 1,000 service connections or more or that sell water only on a short-term or intermittent basis would be excluded from the definition of wholesaler for purposes of the chapter establishing the fee regulations. It is common for public water systems to sell water to other public water systems on a short-term or intermittent basis, such as during a fire or water outage. As set forth in the fee schedule, a public water system would not be required to pay both the community water system and wholesaler fee.

Section 64305, Fee Schedule for Annual Fees.

The purpose of this section is to establish the annual fees that must be paid by all public water systems, and inform the public water system as to how the fee will be calculated. The fees are set forth separately for community water systems, nontransient noncommunity water systems, transient noncommunity water systems, and wholesalers. Except for the term “wholesaler,” which would be defined in the proposed regulations, the categories of public water systems are defined in Health and Safety Code section 116275.

Each of the fees is specified in Table 64305–A. The fees for the community water systems would be established based on the number of service connections, a term that is defined in the Safe Drinking Water Act (SDWA), and systems would be eligible to pay a reduced rate if they serve a severely disadvantaged community, a term that would be defined in section 64300. Nontransient noncommunity water systems would pay an annual fee of \$2.00 per person served, but not less than \$456.00. Transient noncommunity public water systems would pay a flat fee of \$800.00. Wholesalers would pay \$1.36 per Million Gallons, and the regulation will define “Million Gallons.”

Section 64310, Reduction of Fees for Public Water Systems Serving Severely Disadvantaged Community.

The purpose of this section is to establish the criteria for reducing the annual fee for community water systems serving a severely disadvantaged community. The community water system would be required to pay the annual fee established in Section 64305, Table A unless the water system requests and receives approval from the State Board to reduce the fees because it serves a severely disadvantaged community. A public community water system must certify, and must provide documentation to the State Board upon request, that it serves a severely disadvantaged community. The fees for those systems that serve severely disadvantaged communities, and have received approval from the State Board to pay a reduced fee, are established in Table 64305 — A.

The proposed regulation would authorize the State Board to require documentation from any public water system that self-certifies that they are a severely disadvantaged community. Some community water systems have already been found to be severely disadvantaged communities because they did so as part of the application for receiving funding from the Drinking Water State Revolving Fund (DWSRF) operated by the State Board, which uses the same definition for severely disadvantaged as is being proposed in these regulations.

Section 64315, Payment of Fees.

The purpose of this section (64315) is to establish that fees must be paid to the State Board within thirty (30)

calendar days of the date of the invoice. The due date for the fees may be extended by the State Board for good cause, a determination which is to be made at the sole discretion of the State Board.

Background and Effect of the Proposed Regulatory Action:

These proposed regulations establish a fee schedule to support the Drinking Water Program as required by SB 83 (2015). Effective July 1, 2016, the existing HSC section 116565, which establishes annual fees for public water systems, will become inoperative (Stats. 2015, ch. 24, § 19), and a new HSC section 116565 (added by Stats. 2015, ch. 24, § 20), will become operative, requiring the State Board to adopt a fee schedule in regulation. The fees that the State Board is required to establish in a fee schedule are to reimburse the State Board for costs it incurs in administering the SDWA (Stats. 2015, ch. 24, § 20). HSC section 116565, subdivision (d), which will become operative July 1, 2016, provides that the State Board “shall set the amount of total revenue collected each year through the fee schedule at an amount equal to the amount appropriated by the Legislature in the annual Budget Act from the Safe Drinking Water Account for expenditure for the administration of this chapter, taking into account the reserves in the Safe Drinking Water Account” (Stats. 2015, ch. 24, § 20). The legislature acknowledged, in subdivision (d) of new HSC section 116565, that the actual amount of revenue may not equal the amount appropriated, and so authorized the State Board to adjust fees accordingly (Stats. 2015, ch. 24, § 20). The law requires that the fee schedule initially be set through the regular rulemaking process and that, thereafter, amendments to the schedule may be done as emergency regulations that are not subject to review by the Office of Administrative Law (Stats. 2015, ch. 24, § 20).

Objectives and Benefits of the Proposed Regulatory Action:

The proposed regulations set forth a fee schedule for public water systems, which ensures, as the law requires, that the State Board generates sufficient revenue to pay for the level of expenditures authorized in the Budget Act.

The benefits to be provided by the regulation are that the legislative mandate will be carried out and the regulation will ensure the program will be fully funded, allowing the necessary resources to ensure that water delivered by public water systems is pure, wholesome, and potable.

Comparable Federal Regulations:

There are no regulations in the federal Code of Regulations that address the same issues as are addressed by these proposed regulations. These regulations relate only to fees charged by the State Board, and federal reg-

ulations regarding public water systems do not address fees.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):

The State Board evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. HSC section 116565 establishes the current fee schedule for public water systems. These proposed regulations establish a fee schedule to support the Drinking Water Program as required by SB 83 (2015). Effective July 1, 2016, the existing HSC section 116565, which prescribes the annual fees to be paid by public water systems, will become inoperative (Stats. 2015, ch. 24, § 19), and a new HSC section 116565 (added by Stats. 2015, ch. 24, § 20), will become operative, requiring the State Board to adopt a fee schedule in regulation. No other state regulations exist that would conflict with the proposed regulations for fees to support the State Board’s drinking water program.

MANDATED BY FEDERAL LAW
OR REGULATIONS
(Gov. Code §.§11346.2, subd. (c))

The proposed regulatory action is not identical to previously adopted or amended federal regulations.

DISCLOSURE REGARDING THE
PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):

Pursuant to Government Code Sections 11346.5(a)(5), the State Board has determined the proposed regulatory action would not impose a mandate on a local agency or school district that requires reimbursement pursuant to Section 17500 et seq. as the Division is implementing HSC section 116565 (added by Stats. 2015, ch. 24, § 20).

Local agencies and school districts currently incur costs in their operation of public water systems. The costs imposed by these regulations are not the result of a “new program or higher level of service” within the meaning of Article XIII B, Section 6 of the California Constitution because they apply generally to all individuals and entities that operate public water systems in California, and do not impose unique requirements on local governments (County of Los Angeles v. State of California, et al., 43 Cal.App. 3d 46 (1987)). Therefore, no state reimbursement of these costs is required.

Local regulatory agencies also may incur additional costs for their responsibility to enforce state regulations

related to small public water systems (fewer than 200 service connections) that they regulate. However, local agencies are authorized to assess fees to pay reasonable expenses incurred in enforcing statutes and regulations related to small public water systems (Health and Safety Code, § 101325). Therefore, no reimbursement of any incidental costs to local agencies in enforcing this regulation would be required (Gov. Code, § 17556(d)).

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 or savings to any state agency: None.

Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):

The State Board has determined that the proposed regulations would have no impact on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):

The proposed regulations apply only to public water systems (PWS) as defined pursuant to HSC section 116275, which are not businesses or individuals. PWS are water companies providing drinking water to the public, and pursuant to Government Code section 11342.610, are exempt from the definition of a small business. As such, there will be no economic impact to businesses.

NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):

The State Board has determined that the proposed regulations would not significantly affect the following:

- A. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any effect in that there would not be any significant change in public water system or regulatory personnel needed for compliance with the new requirements.
- B. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the drinking water industry is such that the adoption of this proposed regulation would not result in the creation or elimination of businesses. The impact of the proposed regulations would be insignificant.
- C. The expansion of businesses currently doing business within the State of California. Since public water system size is basically a function of the number of service connections (consumers)

served, the proposed regulations should not have any effect on expansion.

- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment. The State Board has made a determination that the proposed regulations would improve the protection of the public’s health and welfare by fully funding the Drinking Water Program and ensuring that water delivered by public water systems is pure, wholesome and potable.

Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):

The State Board has determined that the proposed regulations would not require reports from businesses.

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):

The State 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. The proposed regulations apply only to public water systems, as defined pursuant to HSC section 116275, which are not businesses or individuals. Public water systems are water companies providing drinking water to the public and, pursuant to Government Code section 11342.610, are exempt from the definition of a small business.

Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):

The State Board has determined that the proposed regulations would not affect small business because Government Code chapter 3.5, article 2, section 11342.610 excludes drinking water utilities from the definition of small business.

Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):

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

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

CALIFORNIA ENVIRONMENTAL
QUALITY ACT

The California Environmental Quality Act (CEQA) provides a statutory exemption for the review and modification of charges by public agencies. Specifically, Public Resources Code Section 21080(b)(8) provides for such statutory exemption if the public agency finds that such charges “are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter.”

The State Water Board intends to use the exemption in Public Resources Code Section 21080(b)(8) and find that the charges identified in proposed Title 22, California Code of Regulations, division 4, chapter 14.5 are for the purpose of: meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials; and meeting financial reserve needs and requirements. In establishing and adopting the proposed regulations, the State Board considered the statewide policy set forth in section 106.3 of the Water Code and determined the proposed regulations will further the stated policy.

AGENCY CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to: Justin Davis, Analyst, Division of Administrative Services (DAS), at phone: (916) 449-5670, email: Justin.Davis@waterboards.ca.gov, or address: 1001 I Street, 17th Floor, Sacramento, CA 95814

or (designated back-up contact):

Ryan Wilson, Manager, Fee Branch, at phone: (916) 341-5135, email: Ryan.Wilson@waterboards.ca.gov, or address: 1001 I Street, 17th Floor, Sacramento, CA 95814.

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Davis.

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 office at the above address by contacting the agency contact persons. 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, Economic and Fiscal Impact Statement (STD 399), and the Notice of Publication/Regulations Submission (Form 400). Copies may be obtained by contacting Justin Davis at the address, phone number, or email listed above.

Further, the agency representative to whom inquiries concerning the proposed administrative action may be directed is Justin Davis, Regulations Coordinator, (916) 449-5670.

INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through the Board’s website at: http://www.waterboards.ca.gov/press_room/announcements/index.shtml.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are substantially related to the originally proposed text, it will make the modified text, with the modifications clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Justin Davis at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF
REASONS AVAILABILITY

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained from the agency contact persons in this notice, or may be accessed on the State Board’s website listed below.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Stanford University Habitat Conservation Plan
2080–2016–001–03
Santa Clara County**

California Department of Fish and Wildlife (CDFW) received a notice April 8, 2016, that the Board of Trustees of Leland Stanford Junior University (Stanford) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves a Habitat Conservation Plan and the associated implementing agreement between Stanford and the United States Fish and Wildlife Service (Service). The proposed project will occur on Stanford-owned lands in northern Santa Clara County along the southeastern base of the San Francisco Peninsula in California.

The Service issued a federal biological opinion (Service File No. 81420–2011–F–0721) (BO) and incidental take statement (ITS) to Stanford on August 5, 2013 which considered the effects of the proposed project on the state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Stanford is requesting a determination that the BO and associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and associated ITS are consistent with CESA for the proposed project, Stanford will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF HEALTH CARE SERVICES

**Notice of 30–Day Public Comment
May 14, 2016–June 13, 2016
Nursing Facility/Acute Hospital Transition and
Diversion Waiver Renewal**

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (DHCS) intends to submit a

1915(c) Home and Community–Based Services Nursing Facility/Acute Hospital Transition and Diversion (NF/AH) Waiver renewal. This notice provides information of public interest with respect to DHCS seeking approval from the federal Centers for Medicare and Medicaid Services (CMS) to allow DHCS to renew the NF/AH Waiver. This proposal will be effective upon approval from CMS.

DHCS plans to submit the NF/AH Waiver renewal to CMS no sooner than August 31, 2016. The NF/AH Waiver may be modified, including a new CMS requirements relating to the HCBS Transition Plan, to reflect many of the changes that have been discussed during public meetings, the technical workgroups as well as public comment received during the public comment period.

WRITTEN PUBLIC COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments to the Department relevant to the changes described in this notice.

The draft NF/AH Waiver renewal discussed above will be posted on May 6, 2016, on the DHCS NF/AH Waiver Renewal webpage at:

[http://www.dhcs.ca.gov/services/itc/Pages/Nursing-Family-Acute-Hospital-\(NF-AH\)-Waiver-Renewal.aspx](http://www.dhcs.ca.gov/services/itc/Pages/Nursing-Family-Acute-Hospital-(NF-AH)-Waiver-Renewal.aspx).

The full NF/AH Waiver application is also available upon request. **Written public comments will be accepted from May 14, 2016 through 5:00 p.m. on June 13, 2016.**

Mail
Delivery: **ATTN: Gopinath Vijayalakshmi
Department of Health Care
Services
Long–Term Care Division
1501 Capitol Avenue, MS 4502
P.O. Box 997437
Sacramento, CA 95899–7437**

Email: **nfahwaiverrenewal@dhcs.ca.gov**

The written comment period closes at 5:00 p.m. on June 13, 2016; any written comments regardless of the method of transmittal must be received electronically by 5:00 p.m., or postmarked on this date, for consideration.

DHCS will hold five stakeholder meetings throughout the state to discuss the comments received on the waiver renewal during the 30–day public comment period, and to inform the public of changes made to the waiver as a result of public input. A summary of comments received and DHCS response(s) will be made available on the DHCS NF/AH Waiver Renewal webpage listed above by June 30, 2016 (hard copies will be

mailed to waiver beneficiaries/providers upon request).
 Dates and locations of July meetings are listed below.

Date	Time	County	Address
7/7/2016	8 AM- 5 PM	Sacramento, EEC	1500 Capitol Ave, Sac, CA 95814 (916) 445-3548
7/14/2016	8 AM- 5 PM	Fresno, Mariposa Mall	2550 Mariposa Mall, Room 1036 Fresno, CA 93721 (559) 445-5084
7/18/2016	8 AM- 5 PM	Los Angeles, Ronald Reagan	300 S. Spring St, Ste 1726, Los Angeles, CA 90013 (213) 897-2241
7/19/2016	8 AM- 5 PM	San Diego, Eshleman	1350 Front St, Ste 6034, SD, CA 92101 (619) 525-4001
7/29/2016	8 AM- 5 PM	Redding, Oxford Suites	1967 Hilltop Drive, Redding, CA 96002 (530) 221-0100

For individuals with disabilities, the Department will provide assistive devices such as reading or writing assistance, and conversion of materials into Braille, large print, audio, or computer disk. To request such services or copies in an alternate format or language, write or email by May 29, 2016:

ATTN: Jonathan Alspektor
 Department of Health Care Services
 Long-Term Care Division
 1501 Capitol Avenue, MS 4502
 P.O. Box 997437
 Sacramento, CA 95899-7437
 Email: nfahwaiverrenewal@dhcs.ca.gov

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

AGREEMENT TO PERFORM RESPONSE ACTIONS & SETTLEMENT FORMER CHICAGO MUSICAL INSTRUMENTS SITE

30-Day Public Comment Period: April 29 through May 30, 2016

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control (DTSC) invites public comment on a proposed Agreement to Perform Response Actions & Settlement (“Proposed Settlement Agreement”) with Pitney Bowes Inc. and Novitex Enterprise Solutions, Inc. (the “Settling Parties”) regarding the Former Chicago Musical Instruments site (the “Site”). The Site is at 350 South Raymond Avenue, Fullerton, California 92831. The Proposed Settlement Agreement is entered into pursuant to California Health and Safety Code sections

25355.5(a)(1)(C) and 25358.3. The Proposed Settlement Agreement constitutes an administrative settlement for purposes of section 113(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613(f)(2).

The Proposed Settlement Agreement requires the Settling Parties to continue the investigation and remediation of contaminants originating from releases at the Site in soil and groundwater, both on- and off-Site, including, but not limited to, developing a Remedial Design and implementing the approved Feasibility Study and Remedial Action Plan (FS/RAP). The Proposed Settlement Agreement also requires the Settling Parties to reimburse DTSC’s past response costs in the amount of \$866,484.89 and pay DTSC’s future response costs related to the Site. The Proposed Settlement Agreement includes a covenant not to sue the Settling Parties, subject to a reservation of rights, and contribution protection pursuant to section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2).

DTSC will receive written comments on the Proposed Settlement Agreement from **April 29, 2016 through May 30, 2016**. DTSC will consider all comments received. DTSC may modify or withdraw its consent to the Proposed Settlement Agreement if comments received disclose facts or considerations that indicate the Proposed Settlement Agreement is inappropriate, improper, or inadequate.

WHERE DO I GET MORE INFORMATION:

Copies of the Proposed Settlement Agreement and other Site-related documents are available by contacting the DTSC Project Manager listed below; online at the DTSC EnviroStor website https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60001251; at the DTSC Regional Records Office, File Room, 5796 Corporate Avenue, Cypress, CA 90630, Phone: Jone Barrio (714) 484-5336; or at the Fullerton

Public Library, 353 W. Commonwealth Avenue, Fullerton, CA 92832, Phone: (714) 738-6333.

WHERE TO SEND COMMENTS: Comments on the Proposed Settlement Agreement should include "Former Chicago Musical Instruments Proposed Settlement Agreement" in the subject line of the e-mail or letter. All comments must be postmarked or e-mailed by **May 30, 2016**, and submitted to: Hossein Nassiri, Project Manager, 5796 Corporate Avenue, Cypress, CA 90630 or Hossein.Nassiri@dtsc.ca.gov.

For more information contact:

Hossein Nassiri
Project Manager
5796 Corporate Avenue
Cypress, California 90630
Hossein.Nassiri@dtsc.ca.gov
(714) 484-5432

Marcia Rubin
Public Participation Specialist
9211 Oakdale Ave.
Chatsworth, California 91311
Marcia.Rubin@dtsc.ca.gov
(818) 717-6565

Russ Edmonson
Public Information Officer
1001 I Street
Sacramento, California 95814
Russ.Edmonson@dtsc.ca.gov
(916) 323-2208

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: On **June 16, 2016**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California

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

BUSINESS MEETING: On **June 16, 2016**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street Sacramento, California

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

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

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

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# 2016-0310-02

BOARD OF EQUALIZATION

Definitions, Board Hearing Procedures

This filing of changes without regulatory effect by the Board of Equalization amends sections in Title 18 of the California Code of Regulations, to make non-substantive changes to each section and one attached form. The changes include deleting references to a repealed regulation, deleting provisions for which the statutory authority was repealed, and grammatical and formatting changes.

Title 18

AMEND: 5600, 5601, 5603

Filed 04/20/2016

Agency Contact: Richard Bennion (916) 445-2130

File# 2016-0310-04

BOARD OF PHARMACY

Pharmacy, Related Self-Assessments

This rulemaking action amends sections of Title 16 of the California Code of Regulations to specify new editions for three pharmacy and drug wholesaler self-assessment forms and to amend those three incorporated self-assessment forms. The forms were last amended in 2011. The amended forms conform to post-2011 amendments to the Code of Federal Regulations, California Business and Professions Code, California Health and Safety Code, and California Code of Regulations (Title 16) regarding compliance with legal requirements for pharmacies and drug wholesalers. The self-assessment forms must be completed by community and hospital pharmacies and by drug wholesalers biennially or within 30 days of any change in: a pharmacy's or drug wholesaler's permit; the pharmacist-in-charge or drug wholesaler's designated representative; or the licensed location of a pharmacy or drug wholesaler.

Title 16

AMEND: 1715, 1784

Filed 04/20/2016

Effective 04/20/2016

Agency Contact: Lori Martinez (916) 574-7917

File# 2016-0301-02

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY**

Residential Energy Efficiency Loan Assistance Program

The California Alternate Energy and Advanced Transportation Finance Authority submitted this timely certificate of compliance to make permanent the regulations adopted in OAL File No. 2015-0227-01E, read-

opted in OAL File No. 2015-0827-02EE, and readopted again in OAL File No. 2015-1125-01EE. The emergency rulemaking adopted sections in Title 4 of the California Code of Regulations for the purpose of implementing the Residential Energy Efficiency Loan Assistance Program, approved by the California Public Utilities Commission under the 2013-2014 Energy Efficiency Pilot Program. This action establishes affordable financing to homeowners and small business owners undertaking emergency efficiency retrofit projects to meet the energy efficiency goals of California.

Title 4

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

Filed 04/13/2016

Effective 04/13/2016

Agency Contact: Jennifer Gill (916) 653-3033

File# 2016-0308-04

**DENTAL HYGIENE COMMITTEE OF
CALIFORNIA**

Resubmittal of Educational Programs Regulation

In this resubmitted regulatory action, the Committee proposes to adopt various sections in Title 16 of the California Code of Regulations to establish educational program requirements for dental hygienists. It also describes the appeals process to contest the Committee's denial or withdrawal of its approval of a program and the process for changes to an existing approved program.

Title 16

ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106

Filed 04/20/2016

Effective 04/20/2016

Agency Contact: Anthony Lum (916) 576-5004

File# 2016-0328-03

**DEPARTMENT OF CHILD SUPPORT SERVICES
Conflict-of-Interest Code**

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

Title 22

AMEND: 123000

Filed 04/19/2016

Effective 05/19/2016

Agency Contact:

Alejandra Serratos (916) 464-5344

File# 2016-0308-02
 DEPARTMENT OF CONSERVATION
 Aquifer Exemption Compliance Schedule

This timely certificate of compliance filing by the Department of Conservation adopts sections 1760.1 and 1779.1 in title 14 of the California Code of Regulations to provide an aquifer exemption compliance schedule for the oil and gas industry. This rulemaking action establishes deadlines for the oil and gas industry to obtain aquifer exemptions in an effort to bring California's Class II Underground Injection Control program into compliance with the federal Safe Drinking Water Act.

Title 14
 ADOPT: 1760.1, 1779.1
 Filed 04/20/2016
 Effective 04/20/2016
 Agency Contact: Justin Turner (916) 322-2405

File# 2016-0323-01
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

Health and Safety Code section 25249.8 provides that the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity and shall cause the list to be revised and republished in light of additional knowledge at least once per year. This list is contained in section 27001 of the California Code of Regulations. In this action, the Office of Environmental Health Hazard Assessment is amending the section 27001 list. Health and Safety Code section 25249.8(e) provides that in carrying out the duties under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act.

Title 27
 AMEND: 27001
 Filed 04/13/2016
 Effective 04/13/2016
 Agency Contact:
 Michelle Robinson (916) 327-3015

File# 2016-0408-02
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Proposition 65 Bisphenol A — Warning Requirements

On May 11, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) added bisphenol A (BPA) to the list of chemicals known to the state to cause reproductive toxicity for purposes of the Safe

Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). OEHHA submitted this emergency action to amend section 25603.3 of title 27 of the California Code of Regulations. The proposed amendments add provisions that, if followed, are deemed to comply with the Proposition 65 warning requirements for BPA contained in canned and bottled foods and beverages.

Title 27
 AMEND: 25603.3
 Filed 04/18/2016
 Effective 04/18/2016
 Agency Contact: Monet Vela (916) 323-2517

File# 2016-0316-01
 STATE WATER RESOURCES CONTROL BOARD
 San Gabriel River, Estuary, and Tributaries Indicator Bacteria TMDL

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3939.48 in title 23 of the California Code of Regulations. The new section adds a concise summary of an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The Basin Plan amendment incorporates a total maximum daily load (TMDL) for indicator bacteria in the San Gabriel River, Estuary, and tributaries, and was adopted by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) on June 10, 2015 in Resolution No. R15-005. The State Water Board approved the Basin Plan amendment on November 17, 2015 in Resolution No. 2015-0067.

Title 23
 ADOPT: 3939.48
 Filed 04/14/2016
 Effective 04/14/2016
 Agency Contact: Jenny Newman (213) 576-6691

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 18, 2015 TO
 April 20, 2016**

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

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 18-Z

Title 2

04/12/16 AMEND: 18239
 04/12/16 AMEND: 18616
 03/22/16 AMEND: 18215.3, 18247.5, 18404,
 18405, 18422, 18425, 18427.1, 18450.4,
 18531.5, 18531.62 REPEAL: 18402.5
 03/22/16 AMEND: 18406, 18530.4, 18530.45,
 18992
 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

Title 3

04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,
 451, 452
 04/05/16 AMEND: 3589
 03/29/16 AMEND: 3435(b)
 03/21/16 AMEND: 3435
 03/10/16 AMEND: 3435(b)
 03/09/16 AMEND: 3435(b)
 03/08/16 AMEND: 3435(b)
 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

Title 4

04/13/16 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
 04/12/16 AMEND: 1489
 03/28/16 AMEND: 10176(d), 10181
 03/23/16 ADOPT: 12465 AMEND: 12460, 12461,
 12462, 12463, 12464, 12466
 03/10/16 ADOPT: 5258, 5271, 5273 AMEND:
 5033, 5052, 5100, 5102 (renumbered to
 5101), 5103 (renumbered to 5102), 5104

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 18-Z

	(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	03/23/16	AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19
03/08/16	AMEND: 1658	03/14/16	AMEND: 9789.21, 9789.25
03/03/16	AMEND: 10176, 10179, 10180, 10181	03/14/16	AMEND: 333, 336
02/04/16	AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230	03/07/16	AMEND: 4307
02/01/16	ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229	03/07/16	AMEND: 4412
01/26/16	ADOPT: 1866.1 AMEND: 1844	03/04/16	AMEND: 9785.4.1
01/25/16	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11	02/25/16	AMEND: 3328
01/04/16	AMEND: 130	01/06/16	AMEND: 5194(c)
12/29/15	AMEND: 1887	12/30/15	ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
12/24/15	AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337	11/23/15	AMEND: 10133.32
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	Title 10	
11/30/15	ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127	03/22/16	AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6
Title 5		03/08/16	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5
03/28/16	ADOPT: 1700	02/04/16	AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218
03/22/16	ADOPT: 9526	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
03/21/16	AMEND: 80057.5, 80089.2	01/07/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
03/03/16	AMEND: 19810	12/23/15	ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
02/26/16	AMEND: 27007	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
02/24/16	AMEND: 80499	12/04/15	ADOPT: 1422.3, 1950.122.4.2
02/24/16	AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2	Title 11	
02/18/16	ADOPT: 40106	04/06/16	ADOPT: 28.5
01/12/16	ADOPT: 27700, 27701, 27702, 27703, 27704, 27705	04/06/16	ADOPT: 28.6
12/14/15	AMEND: 80057.5, 80089, 80089.1, 80089.2	03/23/16	ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559
12/08/15	AMEND: 3030(b)(10)	03/10/16	AMEND: 20
11/23/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150	02/24/16	AMEND: 1005, 1007, 1008, 1052
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	02/24/16	AMEND: 1951, 1953, 1954, 1955
11/18/15	ADOPT: 80002 AMEND: 80001	02/17/16	AMEND: 1005, 1081
Title 8			
04/12/16	AMEND: 3207, 3212		

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 18-Z

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

Title 12

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

Title 13

04/06/16 ADOPT: 150.10
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

Title 14

04/20/16 ADOPT: 1760.1, 1779.1
04/06/16 AMEND: 1038
03/29/16 AMEND: 27.80
03/28/16 ADOPT: 8.01
03/07/16 ADOPT: 749.8
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

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

Title 15

03/30/16 AMEND: 8004.2
03/30/16 REPEAL: 3999.16
03/29/16 AMEND: 3315, 3375.2
03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,
3078.4
03/10/16 ADOPT: 3000, 3268.2 REPEAL:
3999.17
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

Title 16

04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2,
1105.3, 1105.4, 1106
04/20/16 AMEND: 1715, 1784
04/11/16 AMEND: 1399.523
04/08/16 ADOPT: 1746.1
04/04/16 AMEND: 974
03/22/16 AMEND: 1970.4
03/21/16 AMEND: 1380.5

03/07/16	AMEND: 1001	03/17/16	AMEND: 3500
03/03/16	ADOPT: 1463.5, 1485.5	02/03/16	AMEND: 5218, 5235, 5237, 5267
02/29/16	ADOPT: 1960	01/06/16	AMEND: 1619
02/24/16	AMEND: 1446, 1447, 1447.1	12/29/15	ADOPT: 18416.5
02/23/16	AMEND: 109, 111	12/16/15	AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1805, 1825
02/18/16	ADOPT: 1108	12/08/15	AMEND: 1584
02/08/16	AMEND: 1417		
01/27/16	ADOPT: 1746.3	Title 19	
01/25/16	ADOPT: 1746.2	12/07/15	AMEND: 2600
01/25/16	AMEND: 420.1, 3021.1	Title 20	
01/11/16	AMEND: 995	04/12/16	AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207
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	04/06/16	AMEND: 2401, 2402
	AMEND: 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877	03/08/16	AMEND: 2.1
12/23/15	ADOPT: 1399.50, 1399.52	02/10/16	AMEND: 1601, 1604, 1605.3
11/30/15	ADOPT: 1820.7 AMEND: 1820, 1820.5, 1822	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
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		
Title 17			
04/04/16	ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67		
03/08/16	AMEND: 60201		
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		
Title 18			
04/20/16	AMEND: 5600, 5601, 5603		
03/28/16	AMEND: 2401, 2413, 2422		
		03/29/16	AMEND: 51516.1
		03/17/16	AMEND: 97232
		02/25/16	ADOPT: 100450.100
		02/23/16	AMEND: 69502.2

CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 18-Z

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

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

04/14/16 ADOPT: 3939.48

04/11/16 ADOPT: 3939.49

03/30/16 ADOPT: 876

03/21/16 ADOPT: 908, 911, 912, 916, 917, 922, 924, 931, 931.5, 932, 933, 934, 935, 936, 937, 938

03/07/16 AMEND: 3930

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

Title 25

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

02/18/16 AMEND: 10001

Title 27

04/18/16 AMEND: 25603.3

04/13/16 AMEND: 27001

02/08/16 AMEND: 25705

01/19/16 ADOPT: 25205

Title 28

03/28/16 AMEND: 1010

12/09/15 AMEND: 1300.76, 1300.76.1, 1300.82.1, 1300.84.06, 1300.84.2, 1300.84.3

11/18/15 AMEND: 1000

Title MPP

03/30/16 REPEAL: 12-201, 12-202, 12-202.1, 12-202.1.11, 12-202.1.11.111, 12-202.2, 12-202.2.21, 12-202.2.21.211, 12-202.2.21.212,

12-202.2.22, 12-202.2.23, 12-202.2.24,
 12-202.3, 12-202.3.31,
 12-202.3.31.311, 12-202.3.31.312,
 12-202.3.31.313, 12-202.3.32,
 12-202.3.33, 12-202.3.33.331,
 12-202.4, 12-202.4.41, 12-202.5,
 12-202.5.51, 12-202.5.52, 12-202.5.53,
 12-202.5.54, 12-202.6, 12-202.6.61,
 12-202.6.61.611, 12-202.6.61.612,
 12-202.6.61.613, 12-202.6.62,
 12-202.7, 12-202.8, 12-202.8.81,
 12-202.8.82, 12-202.8.83, 12-202.8.84,
 12-202.8.84.841, 12-202.8.84.842,
 12-202.8.85, 12-202.8.85.851, 12-203,
 12-203.1, 12-203.1.11,
 12-203.1.11.111, 12-203.1.11.112,
 12-203.1.11.113, 12-203.1.11.113(a),
 12-203.1.11.113(b),
 12-203.1.11.113(c), 12-203.1.11.114,
 12-203.1.11.114(a),
 12-203.1.11.114(b),
 12-203.1.11.114(c), 12-203.1.11.115,
 12-203.2, 12-203.2.21, 12-203.2.22,
 12-203.2.23, 12-203.3, 12-203.3.31,
 12-203.3.32, 12-203.3.32.321,
 12-203.3.32.322, 12-203.3.33,
 12-203.4, 12-203.4.41, 12-203.4.42,
 12-203.5, 12-203.6, 12-203.7,
 12-203.7.71, 12-203.7.71.711,
 12-203.7.71.712, 12-203.7.71.713,
 12-203.7.72, 12-203.7.72.721,
 12-203.7.73, 12-203.8, 12-204,
 12-204.1, 12-204.1.11,
 12-204.1.11.111, 12-204.1.11.112,
 12-204.1.11.113, 12-204.1.11.114,
 12-204.1.12, 12-204.1.13, 12-204.2,
 12-204.3, 12-204.3.31,
 12-204.3.31.311, 12-204.3.31.312,
 12-204.3.31.313, 12-204.3.31.314,
 12-204.3.31.315, 12-204.3.31.316,
 12-205, 12-205.1, 12-205.1.11,
 12-205.1.12, 12-205.1.13, 12-205.1.14,
 12-205.1.15, 12-205.1.16, 12-205.1.17,
 12-205.2, 12-205.2.21, 12-205.2.22,
 12-205.2.23, 12-205.3, 12-205.3.31,
 12-205.3.32, 12-205.4, 12-205.5,
 12-205.5.51, 12-205.5.52, 12-205.5.53,
 12-205.5.54, 12-205.5.55,
 12-205.5.55.551, 12-205.5.55.552,
 12-205.6, 12-205.6.61, 12-205.6.62,
 12-205.6.62.621, 12-205.6.63,
 12-205.6.63.631, 12-205.6.64,
 12-205.6.65, 12-205.7, 12-206,
 12-206.1, 12-206.2, 12-206.3,
 12-206.3.31, 12-206.4, 12-206.4.41,
 12-206.4.41.411, 12-206.4.41.411(a),
 12-206.4.41.412, 12-206.4.41.412(a),
 12-206.4.41.413, 12-206.4.41.413(a),
 12-206.4.41.413(b),
 12-206.4.41.413(c), 12-206.4.41.414,
 12-206.4.41.415, 12-206.4.41.415(a),
 12-206.4.41.416, 12-206.5, 12-207,
 12-207.1, 12-207.1.11,
 12-207.1.11.111, 12-207.1.11.112,
 12-207.1.11.113, 12-207.2, 12-207.3,
 12-207.3.31, 12-207.3.31.311,
 12-207.3.31.312, 12-207.3.31.312(a),
 12-207.3.31.312(b),
 12-207.3.31.312(c), 12-207.3.32,
 12-207.3.32.321, 12-207.3.32.322,
 12-207.3.32.322(a),
 12-207.3.32.322(b),
 12-207.3.32.322(c), 12-207.4,
 12-207.4.41, 12-207.4.42, 12-207.5,
 12-207.5.51, 12-207.5.52, 12-207.5.53,
 12-207.5.53.531, 12-207.5.53.532,
 12-207.5.53.533, 12-207.6,
 12-207.6.61, 12-207.6.62, 12-207.6.63,
 12-207.7, 12-207.7.71,
 12-207.7.71.711, 12-207.7.71.711(a),
 12-207.7.71.711(b), 12-207.8,
 12-207.8.81, 12-207.8.82, 12-210,
 12-210.1, 12-210.1.11, 12-211,
 12-211.1, 12-211.2, 12-222, 12-222.1,
 12-222.1.11, 12-222.1.11.111,
 12-222.1.12, 12-224, 12-224.1,
 12.224.1.11, 12.224.1.12, 12.224.1.13,
 12-224.2, 12.224.2.21, 12-224.2.22,
 12-224.2.23, 12-225, 12-225.1,
 12-225.2, 12-225.2.21, 12-228,
 12-228.1, 12-228.1.11, 12-228.1.12,
 12-228.1.13, 12-228.1.13.131,
 12-228.1.13.132, 12-228.1.13.133,
 12-228.1.13.134, 12-228.1.14,
 12-228.2, 12-228.2.21,
 12-228.2.21.211, 12-228.2.21.212,
 12-228.2.22, 12-228.3, 12-228.4,
 12-228.5, 12-228.6, 12-228.6.61,
 12-228.6.62, 12-228.6.63, 12-228.6.64,
 12/24/15 ADOPT: 42-749 AMEND: 41-440,
 42-711, 42-716, 44-207
 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
 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

2016 RULEMAKING CALENDAR

Special Note

In an effort to conserve resources, the 2016 Rulemaking Calendar is being incorporated by reference into this edition of the California Regulatory Notice Register (CRNR).

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