



# California Regulatory Notice Register

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JUNE 17, 2016

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

MULTI-COUNTY: Caliber Schools

**AMENDMENT**

STATE AGENCY: Department of Fair  
Employment and Housing  
Department of Pesticide  
Regulation  
California State Teachers'  
Retirement System

A written comment period has been established commencing on June 17, 2016, and closing on August 1, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 1, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS  
AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

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

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission,"), under the authority vested in it under the Political Reform Act (the "Act")<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **July 21, 2016**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on July 18, 2016**.

**Amend Regulation 18239 Definition of Lobbyist**

BACKGROUND/OVERVIEW

Section 82039 defines "lobbyist" under the Act as either of the following: (1) Any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action, or (2) A placement agent, as defined in Section 82047.3.

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Regulation 18239 further clarifies the definition of lobbyist. It defines "compensation" to a lobbyist under Regulation 18239(d)(1)(B)(2) as any economic consideration, other than reimbursement for reasonable travel expenses, i.e., expenses for transportation plus a reasonable sum for food and lodging.

Proposed amendments to Regulation 18239 would specify situations giving rise to a rebuttable presumption that certain payments made to an individual are for direct communication with a qualifying official for the purpose of influencing legislative or administrative action.

This presumption is triggered only if the following criteria are met: (1) the individual receives or becomes entitled to receive compensation from a person for services including direct communication, (2) the compensation is \$2,000 or more, and (3) the compensation is for services in a calendar month.

The presumption may be rebutted by evidence that may include testimony, records, bills, and receipts establishing the allocation of the individual's compensation for all goods and services provided.

- (1) Amend 2 Cal. Code Regs. Section 18239. The proposed amendments incorporate the above changes into Regulation 18239.

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Section 82039.

CONTACT

You may send inquiries to Emelyn Rodriguez, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814, telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

**TITLE 2. DEPARTMENT OF GENERAL SERVICES**

**PROCUREMENT DIVISION  
OFFICE OF SMALL BUSINESS &  
DISABLED VETERAN  
BUSINESS ENTERPRISE SERVICES**

**NOTICE IS HEREBY GIVEN** that the Director of the Department of General Services (DGS), pursuant to the rulemaking authority granted by Government Code (GC) Subsections 14837(d)(4), 14839(g) and Section 14843 in order to implement, interpret, and make specific the Small Business Procurement and Contract Act, Article 1 of Chapter 6.5, Part 5.5 of Division 3, Title 2, Government Code, commencing with Section 14835, proposes action effecting regulations for the Small Business (SB) certification program found in California Code of Regulations (CCR), Title 2, Division 2, Chapter 3, Sections 1896-1896.22. To prevent regulatory disconformities, limited and primarily non-substantial adjustments in CCR, Title 2, Division 2, Chapter 3, Subchapter 10.5—Disabled Veteran Business Enterprise (DVBE) Participation Goal Program — are also proposed. These additional revisions and deletions, intended overall to be changes without regulatory effect, are in accordance with Military and Veterans Code (MVC) Subsection 999.5(a) authority granted DGS as the administrating agency.

PUBLIC HEARING

DGS will hold a public hearing from 9:00 a.m. to Noon on **Monday, August 1, 2016**, at the DGS Auditorium, located at 707 Third Street, 1st Floor, West Sacramento, California, 95605. The auditorium is wheelchair accessible. At the hearing, any person attending may present statements or arguments orally or in writing relevant to the proposed action described in the Informa-

tive Digest/Policy Statement Overview section below. DGS requests but does not require that persons who offer oral comments at the hearing also submit a written copy of their testimony at the hearing.

PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DGS. Comments may also be submitted by facsimile at (916) 375-4950 or by e-mail to [SBSRegulations@dgs.ca.gov](mailto:SBSRegulations@dgs.ca.gov). The written comment period is June 17, 2016, through August 1st, 2016. The comment period closes at **5:00 p.m. on Monday, August 1<sup>st</sup>, 2016**. DGS will consider only comments received by that time or comments received at the public hearing.

Written comments may also be submitted to the following address:

Angel Carrera, Branch Chief  
Department of General Services,  
Procurement Division  
Office of Small Business and DVBE Services  
ATTN: SB Rule Changes  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605

AUTHORITY AND REFERENCE

In accordance with GC Section 14600, the DGS develops and enforces policy for the centralization of purchasing, administrative hearings and the acquisition of various services for itself and other agencies by contract. Furthermore, GC Section 14615(a) affords the department general powers of supervision over all matters concerning the financial and business policies of the state in regard to duties, powers, responsibilities, and jurisdiction specifically vested in the department. Responsibility for implementing, interpreting, and making specific provisions of the Small Business Procurement and Contract Act is directly and specifically vested with the Office of Small Business and DVBE Services (OSDS) per the above-cited Government Code. Finally, DGS has lead responsibility for administration of the DVBE program in accordance with Military and Veterans Code Subsections 999.5(a) and (f).

This rulemaking action incorporates chaptered legislation:

- Chapter 185, Statutes of 2005, Assembly Bill 348
- Chapter 342, Statutes of 2010, Assembly Bill 177
- Chapter 383, Statutes of 2010, Assembly Bill 2249
- Chapter 114, Statutes of 2012, Assembly Bill 1783
- Chapter 421, Statutes of 2012, Senate Bill 1510

- Chapter 76, Section 87, Statutes of 2013, Assembly Bill 383
- Chapter 513, Statutes of 2015, Assembly Bill 413

In 2010, the SB regulations were revised to reflect statutory increases in the “Gross Annual Receipts” thresholds from \$12 million to \$14 million for small businesses and from \$2.75 million to \$3.5 million for microbusinesses. Otherwise, existing rules initially adopted in 1978, and last amended substantially in 2004, have not been subsequently updated to reflect legislative enactments, and specifically those enumerated above. As regulations have neither kept up with statutory change or programmatic evolution over time, the presence of obsolete content fosters multiple difficulties because the applicable rules no longer provide clear and consistent direction for stakeholders. Inconsistent and subjective interpretations result, multiplying confusion and disconformity across the board. First and foremost, therefore, the proposed regulatory changes are intended to provide improved, more effective and clear directions for small businesses (and to the degree necessary for purposes of consistency, disabled veteran business enterprises) seeking program participation through the certification process set forth under law.

The proposed regulations further articulate the intention and commitment of the Legislature to assist SBs by communicating to them revised rules established for program administration grounded in contemporary best practice and procedure, derived directly from more than a decade’s experience with existing requirements. As SB regulations complement DVBE regulations, these revisions are desirable from the standpoint of providing greater clarity for firms wanting to participate in both certification programs overseen by the OSDS. They also benefit small business and Disabled Veteran applicants who apply or possess dual certifications to better understand program similarities and differences. Aiding and protecting the interests of SB and DVBE program participants in this manner are among the OSDS responsibilities specifically added by the Legislature in 2005 (AB 348). Finally, the OSDS will benefit organizationally from this regulatory revision as it delivers changes allowing for administrative improvement in both the SB and DVBE certification programs.

This rulemaking, therefore, upholds and promulgates the following Government Code intent and duty sections:

- 14836(a): *The Legislature hereby declares that it [. . .] is [. . .] essential that opportunity is provided for full participation in our free enterprise system by small business enterprises. (b): Further, it is the declared policy of the Legislature that the state should aid, counsel, assist, and protect, to the*

*maximum extent possible, the interests of small business concerns, including microbusinesses, in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the state be placed with these enterprises.*

- 14839(d): *[The duties of the OSDS shall include]: Assisting small businesses, microbusinesses, and disabled veteran business enterprises, in complying with the procedures for bidding on state contracts.*

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California statute currently promotes and encourages the participation of small businesses (including those of Disabled Veterans), in obtaining state contracting dollars. Existing Small Business regulations set forth the information and program requirements necessary for California businesses desiring certification for participation. In turn, certification affords these enterprises certain benefits and opportunities to be competitive in securing state contracting dollars. While significant programmatic changes are not being proposed, additions, deletions, consolidations and other modifications of CCR Title 2 are necessitated for the reasons set forth in this Notice of Proposed Rulemaking, and as the Initial Statement of Reasons (ISOR) explains in detail.

This action specifically:

- Proposes to amend Sections 1896–1896.22 (including adoption of 1896.15 and 1896.17): Changes found throughout effectuate both existing and amended statute. Rule additions, reordering or relocation, revisions in structure, syntax, grammar and/or punctuation; as well as changes ensuring regulatory consistency with a recently changed California statute — as are many of the proposed adjustments — represent changes without regulatory effect, under the Administrative Procedure Act (APA). Additional adjustments in the SB program’s rules proceed because necessity, clarity, consistency and nonduplication principles can no longer be upheld otherwise, in accordance with statutory expectations.
- Proposes to amend regulatory subsection text for 1896.62(l), 1896.62(t), 1896.71, 1896.73, 1896.82(g), and 1896.82(h)(3)(B), add 1896.82(h)(3)(C) and repeal 1896.83. The changes are mostly non–substantial, largely absent regulatory effect or withdraw previously adopted rules. This is to ensure that DVBE rules

remain current and consistent with SB rules, repeal provisions found inconsistent with statute, reflect new program expectations recently set forth in the law, adjust authority and reference citations, and correct syntax, cross-references, grammar and punctuation for improved clarity.

Anticipated Benefits and Objectives of the Proposed Regulation:

The general non-monetary benefits anticipated by the proposed adoption include promotion of the requirements of the small business certification program to a wider audience, with improved clarity and more concise language; continued uniformity in assessing applications for certification; as well as enhancement and continuation of transparency in business and government. More specifically, it reduces stakeholder’s subjective interpretation of chaptered legislation, clarifies existing language and affords improved consistency with SB and DVBE regulations. Consequently, the Department maintains that this proposed regulation is necessary and essential for the continued administrative success of the Small Business certification program. The current regulations insufficiently promulgate over a decade’s worth of pertinent chaptered statutes. The comprehensiveness of this revision will ensure that stakeholders are aware of certification program components and requirements; incorporate chaptered legislation; eliminate or update outdated provisions; and where applicable, establish needed consistency with DVBE regulations.

Determination of Inconsistency/Incompatibility with Existing Regulations:

Certain changes incorporated in this action are necessary, in the manner more fully explained in the Initial Statement of Reasons (ISOR), to maintain consistency and compatibility within subchapters 8 and 10.5 of Title 2, Division 2, Chapter 3. Also, in order to ensure that these rules are solidly grounded, the authority and reference citations appearing in the existing text have all been thoroughly audited. Underline and strikethrough throughout the proposed text appear wherever authority which permits or obligates the agency to adopt, amend or repeal the rule in question has been found insufficient or incorrect. Likewise, changes in the citation of statute, case law, or similar binding provisions which DGS implements, interprets or intends to make specific by reference are also changed when determined insufficient. On the other hand, as these are the only regulations included in the CCR governing and authorizing the Small Business certification program, inconsistencies or incompatibilities with regulations adopted by other state agencies are not expected, or known, to exist.

The Federal government has promulgated regulations affecting small business and veterans in Titles 13

and 38 of the Code of Federal Regulations (CFR) and in the Federal Acquisition Regulations (FAR). As the federal rules specified apply exclusively to the federal government and inasmuch the SB CCR rules are applicable only to a California-specific program, unsupported by Federal funding, CFR/FAR and CCR inconsistencies or incompatibilities do not exist. Proposed CCR section 1896.12(d)(3) would delete the only CFR specified in the existing rules. Instead, federal Small Business Administration factors for determining a business to be a manufacturer already paraphrased will be retained unchanged (as “(A)” clause), despite the citation deletion.

ECONOMIC AND FISCAL IMPACT  
DISCLOSURES/RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

The proposed regulations may affect small business, but as GC section 14837(d) statutorily defines, only those seeking SB certification directly. While changes will have statewide applicability, the “major regulation with significant statewide economic impact” threshold of \$50 million in any single year is not crossed. DGS has further concluded that adverse economic impacts will not be significant for the reasons disclosed here and discussed more fully in the ISOR, particularly because non-statutory changes in an existing program will be minimal. In making this declaration, the following has been relied upon:

- Data gathered over a number of years demonstrate that slightly in excess of 30,000 small businesses, including individual disabled veterans, seek certification, recertification or are otherwise OSDS processed cumulatively. Of these, however, no more than 5–10% (approximately 3,000 at most) will be affected by the proposed revisions in the upcoming fiscal year. Businesses are not obligated to seek OSDS certification, unless the intention is to take advantage of a conferred status. Also, businesses are not required to be certified in order to operate in California. However, only California-based businesses are eligible for certification and the preferences certification affords.
- The Creation or Elimination of Jobs within the State of California: Potentially beneficial thanks to improved rule clarity. The estimated number of jobs created could exceed 25,000 in number, over the entire life of the program, according to a 2009 study.
- The Creation of New Businesses or the Elimination of Existing Businesses within the State of California: As historically documented, the value of the state’s awarding such contracts is incrementally positive, resulting in net new job

creation, new Gross State Product, net new labor income and indirect business taxes. These rules are not expected to eliminate existing California businesses.

- The Expansion of Businesses Currently Doing Business within the State of California: A wide variety of jobs and occupations integral to the services and products that may be secured or acquired under public sector contract stand to benefit from the continuation of this program.
- Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment: The anticipated benefits of the rulemaking revisions are that stakeholders have updated regulations regarding the certification program. The proposed action reduces subjective interpretation of law, promotes transparency and should reduce unnecessary costs associated with program administration.

Cost Impacts on Representative Private Persons and Small Businesses:

- There are no fees or miscellaneous costs incurred by applicants for certification. However, to remain in good standing, registrants have to maintain licenses and registrations issued by various jurisdictions, including local governments. While these do represent indirect initial and ongoing costs, none are imposed by DGS in conjunction with the small business certification process. Moreover, existing reporting, recordkeeping and other compliance requirements apply only in the limited circumstances of clouded eligibility (infrequent) and re-registration at least every 2–5 years. As such, these rules are no more burdensome to comply with than any other financial obligation commonly encountered in the course of conducting business lawfully. Therefore, the range of direct or ongoing costs that a representative private person or business will necessarily incur in reasonable compliance are negligible and wholly consistent with those normally associated with usual and ordinary business activity and, most importantly, consistent with the voluntary nature of the program in question.
- Statutory authority has been granted for the implementation of civil monetary penalties and the collection of costs, in various amounts, imposed in the event of deliberate and willful acts of fraud associated with certification, reapplication and performance of contracts. These penalties have been established by law, and OSDS lacks authority to change the amounts or their imposition. Whether there have actually been any

finances imposed is not certain, as there is no provision for centralized reporting. At the very least they afford some deterrence value, as was the legislator’s stated intent.

- Statutory authority has also been granted for the imposition of sanctions, including revocation of program participation, which would represent a loss of income for the participant in question. An income loss for a representative business so sanctioned would depend entirely on the nature of the enterprise and the scope of contracted services, and is therefore difficult to reliably estimate.

MISCELLANEOUS DISCLOSURES REGARDING THE PROPOSED ACTION

Cost to any local agency or school district which must be reimbursed in accordance with GC Sections 17500–17630: No reimbursement is required inasmuch as the only costs incurred are because the definition of an existing crime has been expanded, and the costs of such enactments are permitted to be unreimbursed within the meaning of Section 6, Article XIII B of the California Constitution [see specifically, Section 3, Chapter 383, Statutes of 2010].

Nondiscretionary cost or savings imposed upon local agencies: The unquantified costs of local government associated with SB certification in contract bidding are intended to be reduced by access to the statewide directory created and maintained by DGS as a program component, in accordance with AB 1783.

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

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the subject matter of the proposed SB rulemaking revisions may be directed to the following staff member with regulations adoption expertise who is responsible for coordinating this action:

Mr. Ellery Kuhn  
 Department of General Services,  
 Procurement Division  
 Office of Small Business and DVBE Services  
 (OSDS)  
 707 Third Street, 1st Floor, Room 400  
 West Sacramento, CA 95605  
 Office Phone: (916) 375-4940  
 Direct line: (916) 375-4589  
 Email: [Ellery.Kuhn@dgs.ca.gov](mailto:Ellery.Kuhn@dgs.ca.gov)

The alternate contact person for inquiries is:

Demeshia Swanson, Staff Services Manager I  
 Department of General Services,  
 Procurement Division  
 Office of Small Business and DVBE Services  
 707 Third Street, 1st Floor, Room 400  
 West Sacramento, CA 95605  
 Office Phone: (916) 375-4940  
 Direct line: (916) 375-4919  
 Email: [Demeshia.Swanson@dgs.ca.gov](mailto:Demeshia.Swanson@dgs.ca.gov)

Please direct requests for copies of the Notice of Rulemaking, the Initial Statement of Reasons, and the proposed text of the SB regulations, or other information upon which the rulemaking is based to [SBSRegulations@dgs.ca.gov](mailto:SBSRegulations@dgs.ca.gov).

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

The Department of General Services has prepared an Initial Statement of Reasons (ISOR) for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action, with additions in underline and deletions in strikeout format (text of proposed regulations). In addition, documented rulemaking efforts conducted in 2015 represent a “pre-2016-notice” public discussion phase. DGS will have the entire rulemaking file, including 2015 content, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the current rulemaking initiative consists of the following and copies may be obtained by contacting the OSDS Regulations Adoption Coordinator at the address, email or telephone number(s) listed above:

- Notice of Proposed Rulemaking
- Proposed Text of SB Regulations
- Initial Statement of Reasons

AVAILABILITY OF THE CHANGED OR  
 MODIFIED TEXT

After holding the public hearing and considering all timely and relevant comments received, DGS may adopt the proposed regulations substantially as described in this notice. If DGS 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 DGS takes action to adopt the regulations as revised. Please send requests for copies of any modified regulations to the address or email indicated above (attention: RE SB Rule Changes).

AVAILABILITY OF THE FINAL STATEMENT  
 OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting any of individuals identified at the above address. It shall also be posted on the internet at the below identified address.

AVAILABILITY OF DOCUMENTS ON  
 THE INTERNET

DGS will make available copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout at <http://www.dgs.ca.gov/pd/Programs/OSDS/NoticeofRulemaking.aspx>.

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

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on March 21, 2016. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than September 19, 2016.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly

authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on August 1, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

##### Anticipated Benefits from This Regulatory Action

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

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably

necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

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

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

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

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

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

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

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

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

as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in Santa Clara and Alameda counties by approximately 26 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 53,477 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There is one retail nursery in the affected area. There are zero citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide

while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

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

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention

would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

#### **AUTHORITY**

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

#### **REFERENCE**

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

#### **CONTACT**

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

#### **INTERNET ACCESS**

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

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

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon

request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

### **TITLE 3. DEPARTMENT OF PESTICIDE REGULATION**

Sales of Agricultural and Restricted Use Pesticides  
DPR Regulation No. 16-002

#### **NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to adopt section 6302 and amend section 6414 of Title 3 California Code of Regulations (3 CCR). In summary, the proposed regulation is intended to set forth in one section within 3 CCR the prohibitions on the sale of agricultural and restricted material pesticides that require these pesticides be distributed only through licensed entities and be sold only to end users by licensed pest control dealers. The proposed action clarifies that it is illegal and a violation for registrants and licensed pest control brokers to sell pesticides labeled for agricultural use or designated as a restricted material pesticide, to anyone other than a registrant, licensed pest control dealer, or licensed pesticide broker; and clarifies that it is illegal and a violation for a licensed pest control dealer to sell pesticides designated as a restricted material that requires a restricted materials permit to anyone who does not have a permit or, if exempt from the permit requirement, to anyone who is not a certified commercial or certified private applicator.

#### **SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on August 1, 2016. Comments regarding this proposed action may also be transmitted via e-mail to [dpr16002@cdpr.ca.gov](mailto:dpr16002@cdpr.ca.gov) or by facsimile at 916-324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written

request to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

### EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. This regulatory action is clarifying existing laws and regulations surrounding the sale of agricultural and restricted material pesticides.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

Pesticides must be registered (licensed for sale and use) with the U.S. Environmental Protection Agency (U.S. EPA) before they can be registered in California. DPR's preregistration evaluation is in addition to, and complements, U.S. EPA's evaluation. Before a pesticide can be sold or used in California, both agencies require data on a product's toxicology and chemistry—how it behaves in the environment; its effectiveness against targeted pests and the hazards it poses to nontarget organisms; its effect on fish and wildlife; and its degree of worker/bystander exposure.

There are several FAC sections that govern the sales of pesticides in California. DPR interprets these FAC sections as making it unlawful for registrants to sell agricultural use pesticides to anyone other than a licensed pesticide broker or a licensed pest control dealer and for licensed pesticide brokers to sell agricultural use pesticides to anyone other than a registrant, a licensed pest control dealer, or another licensed pesticide broker. However there is no single law or regulation section explicitly restricting to whom a registrant or licensed pesticide broker can sell an agricultural use pesticide.

Certain pesticides can be especially dangerous to human health or the environment if not used correctly, and therefore, pesticides can be designated as restricted-use pesticides (RUPs) by U.S. EPA or as restricted material

pesticides by DPR. All federal RUPs are by regulation state-restricted material pesticides. There are several FAC sections that deal with the sale of state-restricted material pesticides, but no single law or regulation section that explicitly outlines the restrictions on how they can be distributed from registrant to end user.

Federal RUPs must be used by or under the supervision of certified private or certified commercial applicators, and restrictions are carried out through instruction on pesticide product labels. Controls on state-listed restricted materials are carried out through permits issued by the local county agricultural commissioner and are in addition to any controls on the product labels. All federal RUPs are by regulation state-restricted material pesticides, but do not require a permit for use unless they are separately listed in regulation as a state-restricted material. FAC section 14015 states that, except as provided in regulation by the Director, restricted material pesticides can only be possessed and used by or under the supervision of a certified applicator (private applicator or certified commercial applicator). FAC section 14006.6(c) states that a permit for possession of a restricted material is not required by a registrant or a licensed pest control dealer. This allows pest control dealers and registrants to possess and sell restricted materials, but not licensed pest control brokers. DPR proposes amending section 6414 by adding subsection (f) to exempt licensed pesticide brokers from requiring a permit for possession of restricted materials for sales to a registrant, licensed pest control dealer, or another licensed pesticide broker in California.

DPR's proposed regulation is intended to set forth in one section within 3 CCR the prohibitions on the sale of agricultural and restricted material pesticides that require these pesticides be distributed only through licensed entities and be sold only to end users by licensed pest control dealers.

DPR proposes adopting section 6302(a) to clarify that it is illegal for a registrant or licensed pesticide broker to sell in California an agricultural use pesticide to any person other than a registrant, licensed pest control broker or licensed pesticide dealer. This proposal is consistent with FAC sections 11407(a), 12116, and 12400.

DPR proposes adopting section 6302(b) to clarify that it is illegal for a registrant or licensed pesticide broker to sell any pesticide designated as a state-restricted material to any person in California other than a registrant, licensed pesticide broker, or licensed pest control dealer. This proposal is consistent with FAC sections 11407(d), 14006.6, and proposed section 6414(f).

DPR proposes adopting section 6302(c) to clarify that it is illegal for any licensed pest control dealer to sell a restricted material to an end user who does not have a permit, or if exempt from the permit require-

<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

ment, to anyone who is not a certified commercial or certified private applicator. This is consistent with FAC sections 14007(d), 14006.6(d), and 3 CCR sections 6412 and 6568.

Without clear laws or regulations stating who may and may not sell pesticides labeled for agricultural use and pesticides designated as restricted materials, registrants and licensed pesticide brokers may not know that they are prohibited from selling agricultural-use pesticides or restricted materials to end users. Only licensed pest control dealers are authorized to sell agricultural use and restricted material pesticides to end users. This assures that key provisions of DPR's regulatory control over these pesticides are implemented.

By clearly outlining the legal requirements surrounding the sale of agricultural use pesticides, DPR anticipates the benefit of the proposed regulation will be increasing compliance and assuring successful enforcement.

During the process of developing these regulations, DPR conducted a search of any similar regulations on this topic and concluded that the proposed regulation is not inconsistent or incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the sale and use of pesticides.

#### **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code sec. 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

#### **COSTS OR SAVINGS TO STATE AGENCIES**

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### **EFFECT ON FEDERAL FUNDING TO THE STATE**

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

DPR made an initial determination that the proposed action will have no effect on housing costs.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

DPR made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

DPR 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 ANALYSIS**

Impact on the Creation, Elimination, or Expansion of Job/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California because the proposed regulation is clarifying existing laws and regulations already in effect.

DPR does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment. As mentioned above, the proposed regulation clearly outlines the legal requirements surrounding the sale of agricultural use pesticides necessary to increase compliance and assure successful enforcement.

#### **CONSIDERATION OF ALTERNATIVES**

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12781, 12976, 14005, and 14102.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11407, 11501, 12116, 12400, 14006, 14006.6, and 14015.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
 Department of Pesticide Regulation  
 1001 I Street, P.O. Box 4015  
 Sacramento, California 95812-4015  
 916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory

action may be directed to the following back-up person at the same address as noted above:

Susan McCarthy,  
 Environmental Program Manager II  
 Product Compliance Branch  
 916-445-6095

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 10. BUREAU OF REAL ESTATE APPRAISERS**

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers ("Bureau" or "BREA") is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Department of Consumer Affairs  
 1747 North Market Blvd.  
 1<sup>st</sup> Floor Hearing Room  
 Sacramento, CA 95834

Date: August 3, 2016  
 Time: 1:00 p.m.

Written comments including those sent by mail, facsimile, or email to the address listed under "Contact Person" in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on August 3, 2016 or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit

written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 11313 and 11314 of the Business and Professions Code; and Section 11425.50, Government Code, and to implement, interpret or make specific Sections 11310.1, 11315.5, and 11320 of the Business and Professions Code; and Section 11425.50(e), Government Code, the Bureau is considering adding Section 3733 to Title 10 of the California Code of Regulations as described in this Notice.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposal will establish disciplinary guidelines for parties to use when evaluating appropriate discipline to be imposed. This document will be most helpful for administrative law judges to use when deciding discipline to be imposed after an administrative hearing. The guidelines detail each violation and assign that violation a minimum and maximum discipline. The guidelines also identify many mitigating and aggravating factors to assist the reader in determining if the minimum, maximum or some discipline in between should be applied to the respondent. The guidelines are being incorporated by reference.

### ANTICIPATED BENEFITS

The guidelines will provide consistent discipline for similar violations. The guidelines will also make the administrative law judge's job much easier by providing the terms for probation if probation is necessary to protect the public.

### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

### DOCUMENT INCORPORATED BY REFERENCE

A Manual of Disciplinary Guidelines and Model Disciplinary Orders Rev. 2015).

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. As part of its Economic Impact Analysis, BREA has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. Instead, it will simply provide guidance regarding the amount of discipline to be imposed.

Impact on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: None.

Effect on Housing Costs: None.

Effect on Small Businesses: The Bureau has determined that the proposed regulations will not affect small businesses. This proposal does not change whether a licensee or registrant is subject to discipline. Instead, the proposed regulation will only provide guidance when a licensee or registrant is subject to discipline

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Bureau has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, new or existing businesses, or the expansion of businesses in the State of California.

Benefits: BREA has made an initial determination that the proposed regulatory action will have the following benefits to the health and welfare of California residents:

The proposal will increase consumer protection from incompetent behavior of licensees and registrants. The appraisal industry will be put on notice that the violations of statutes and regulations enforced by BREA could lead to imposing of appropriate administrative discipline, potentially deterring dishonest behavior.

Occupations/Businesses Impacted: The proposed regulation will not have an occupational/business impact.

Reporting Requirements: The proposed regulation does not set forth any new reporting requirements.

Comparable Federal Regulations: None.

### CONSIDERATION OF ALTERNATIVES

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

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

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action containing information upon which the proposal is based.

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at [www.brea.ca.gov](http://www.brea.ca.gov). Click the "Laws" tab at the top of the page. Under the heading "Rulemaking Notifications" find the docs associated with this rulemaking subject: "Disciplinary Guidelines."

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, BREA may adopt the proposed regulation substantially as described in this notice. If BREA makes modifications which are suffi-

ciently 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 BREA adopts the regulations as revised. Please send requests for copies of any modified regulation to the attention of the contact person named below. BREA 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 the person named below.

### CONTACT PERSON

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

Kyle Muteff, Legal Counsel  
1102 Q Street, Suite 4100  
Phone: 916-341-6126  
FAX: 916-440-7406  
[kyle.muteff@orea.ca.gov](mailto:kyle.muteff@orea.ca.gov)

The backup person is:

Thu Tran  
1102 Q Street, Suite 4100  
Phone: 916-440-7876  
FAX: 916-440-7406  
[Thu.Tran@orea.ca.gov](mailto:Thu.Tran@orea.ca.gov)

## TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801, 2808, and 2809 in order to implement, interpret and make specific Penal Code Sections 2801, 2808, and 2809, propose to amend Section 8105 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning employee reporting of arrest, conviction, or change in driving status.

### PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed changes to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than July 17, 2016.

PUBLIC COMMENT PERIOD

The public comment period will close, **August 1, 2016 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL OR HAND DELIVER

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

FAX

(916) 358-2709

E-MAIL

[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

CONTACT PERSON

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

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

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

**Jeff Sly, General Counsel**  
**California Prison Industry Authority**  
**560 East Natoma Street, CA 95630**  
**Telephone (916) 358-1711**

AUTHORITY AND REFERENCE

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

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

PC section 2809 provides CALPIA and the PIB with the authority to adopt regulations concerning policies and practices concerning personnel.

INFORMATIVE DIGEST  
POLICY STATEMENT OVERVIEW

The proposed amendment of Section 8105 will require reporting of any employee arrest, conviction, or change in driving status to the General Manager. The General Manager must be made aware of immediate threats to the safety and operations of CALPIA to quickly assess if an employee should be temporarily or permanently reassigned or removed from civil service based on arrest, conviction, or driving restriction. Each incident will be decided on a case by case basis.

The proposed amendments will be vetted through the public process of the PIB, as required in PC 2808(h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB will vote on these proposed regulations at their Board Meeting on June 30, 2016. Upon approval, the PIB's Record of Vote and applicable portion of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL) and are available to the public upon request.

**Anticipated Benefits of the Proposed Regulation:**

The broad objective of the regulation is to ensure safe and continuous productions of CALPIA operations. The specific benefits anticipated from the regulation are:

- Protecting and maintaining CALPIA's purpose as an agency
- Preventing negative impact on worker safety and health
- Avoid cost of government to the taxpayers of California
- Employee well being

**Evaluation of Inconsistency/Incompatibility with Existing Regulations:**

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

**Local Mandates:**

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

**Fiscal Impact Statement:**

Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500-17630: None.

Cost or savings to any state agency: None.  
 Other nondiscretionary cost or savings imposed on local agencies: None.  
 Cost or savings in federal funding to the State: None.

ous risk of human injury or property damage and avoid cost of government to the taxpayers of California.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

**Effect on Housing Costs:**

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

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

**Significant Statewide Adverse Economic Impact On Business:**

The CALPIA has initially determined that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

**EFFECT ON SMALL BUSINESSES**

CALPIA has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of CALPIA employees.

**ALTERNATIVES DETERMINATION STATEMENT**

**ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

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

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

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

**Creation or Elimination of Jobs within the State of California**

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

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

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

This action will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of CALPIA employees.

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

The Proposed Text and Initial Statement of Reasons have been placed in the rulemaking file and are available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**BENEFITS OF THE PROPOSED AMENDMENTS TO THE REGULATIONS**

The proposed regulatory action will protect and maintain CALPIA's purpose as an agency, prevent seri-

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) avail-

able to the public for at least 15 days before the PIB reviews and approves the regulations as revised. The CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website [www.calpia.ca.gov](http://www.calpia.ca.gov).

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

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

**DECISION NOT TO PROCEED**

**CALIFORNIA HORSE RACING BOARD**

**NOTICE OF DECISION NOT TO PROCEED  
PURSUANT TO GOVERNMENT CODE  
SECTION 11347  
RE: NOTICE OF PROPOSED  
RULEMAKING CONCERNING  
RULE 1843.3. PENALTIES FOR  
MEDICATION VIOLATIONS**

Pursuant to Government Code section 11347, the California Horse Racing Board (CHRB/Board) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on June 3, 2016, Register 2016, No. 23-Z. The proposed rulemaking concerned Penalties for Medication Violations (OAL Notice Z-2016-0524-06).

Any interested person with questions concerning this rulemaking should contact:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6026  
Fax: (916) 263-6022  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

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

Andrea Ogden, Manager  
Policy and Regulations  
Telephone (916) 263-6033

This Notice of Decision Not to Proceed may also be found on the CHRB website. The Board's website address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

**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# 2016-0525-02  
CALIFORNIA HEALTH BENEFIT EXCHANGE  
Eligibility and Enrollment Process for the Individual Exchange

This emergency action was submitted for an eighth re-adopt of the regulations pursuant to Government Code section 100504(a)(6). These regulations established the Health Benefit Exchange's policies and procedures for eligibility determination and redetermination, enrollment in qualified health plans, and termination of coverage through the Exchange in the individual Market.

In this eighth re-adopt, the regulations are amended to remove and add definitions. The regulations also revise various provisions related to eligibility requirements, enrollment verification, premium payments, special enrollment periods, termination of coverage, and the appeals process. These changes are made in order for the regulations to align with federal regulations.

Title 10  
ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
Filed 06/06/2016  
Effective 06/06/2016  
Agency Contact: Bahara Hosseini (916) 228-8486

File# 2016-0426-01  
DENTAL HYGIENE COMMITTEE OF  
CALIFORNIA  
Definitions

This action adopts definitions of dental hygiene terms used in statute and in dental hygiene practice.

Title 16  
 ADOPT: 1100  
 Filed 06/07/2016  
 Effective 10/01/2016  
 Agency Contact: Anthony Lum (916) 576-5007

File# 2016-0426-02  
 DENTAL HYGIENE COMMITTEE OF CALIFORNIA  
 Administration and Examinations

This rulemaking by the Dental Hygiene Committee of California adopts sections in Title 16 of the California Code of Regulations to establish the necessary structure and procedures relating to the examination and appeals process.

Title 16  
 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133  
 Filed 06/07/2016  
 Effective 10/01/2016  
 Agency Contact: Anthony Lum (916) 576-5007

File# 2016-0426-03  
 DENTAL HYGIENE COMMITTEE OF CALIFORNIA  
 RDH Educational Programs — Feasibility Study

This resubmittal of OAL File No. 2015-0722-03S by the Dental Hygiene Committee of California (the “Committee”) adopts sections 1104, 1104.1, and 1104.2 in title 16 of the California Code of Regulations. Senate Bill 1202 (2011-2012 Reg. Sess.) gave the Committee permissive authority to approve any registered dental hygiene (“RDH”) educational program accredited by the Commission on Dental Accreditation. These regulations clarify the approval process for both existing and new programs, including specifying the instructions for the feasibility study required for new RDH educational programs seeking approval.

Title 16  
 ADOPT: 1104, 1104.1, 1104.2  
 Filed 06/07/2016  
 Effective 10/01/2016  
 Agency Contact: Lori Hubble (916) 263-2010

File# 2016-0518-01  
 DEPARTMENT OF AGING  
 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: 7000  
 Filed 06/08/2016  
 Effective 07/08/2016  
 Agency Contact:  
 Chisorom Okwuosa (916) 419-7508

File# 2016-0513-02  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 Automation of Inmate Discipline — SOMS

This action amends regulations implementing the automation of the Inmate Disciplinary Process.

Title 15  
 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6  
 Filed 06/02/2016  
 Effective 06/02/2016  
 Agency Contact: Anthony Carter (916) 445-2220

File# 2016-0425-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Huanglongbing Interior Quarantine

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

Title 3  
 AMEND: 3439(b)  
 Filed 06/02/2016  
 Effective 06/02/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0425-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Denial, Suspension or Revocation of an Egg Handler Registration

In this file and print action, the Department of Food and Agriculture adopts section 1358.7 of title 3 of the California Code of Regulations to establish procedures relating to the denial, suspension, or revocation of an egg handler or egg producer certificate of registration. This filing is exempt from review by the Office of Administrative Law review pursuant to Food and Agricultural Code section 27561.5.

Title 3  
 ADOPT: 1358.7  
 Filed 06/06/2016  
 Effective 06/06/2016  
 Agency Contact: Nancy Grillo (916) 900-5033

Title 3  
 AMEND: 3435(b)  
 Filed 06/02/2016  
 Effective 06/02/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0517-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Modified Point of Origin Inspection Areas

The Department of Food and Agriculture amended section 850 of title 3 of the California Code of Regulations to remove Yolo County as a modified point-of-origin inspection area. This action was taken as a result of a petition and vote of cattle producers owning cattle in Yolo County to remove Yolo County as a modified point-of-origin inspection area, pursuant to Food and Agricultural Code section 21111.5.

Title 3  
 AMEND: 850  
 Filed 06/08/2016  
 Effective 10/01/2016  
 Agency Contact: Nancy Grillo (916) 900-5033

File# 2016-0527-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

The Department of Food and Agriculture submitted this emergency action to expand the interior quarantine area for the Asian citrus psyllid by approximately 36 square miles in the East Bakersfield and Maricopa areas of Kern County.

Title 3  
 AMEND: 3435(b)  
 Filed 06/01/2016  
 Effective 06/01/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0527-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in the Fresno, Selma, and Reedley areas of Fresno County. When combined with the neighboring quarantine in the Madera area of Madera County, the total quarantine area covers 781 square miles. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

File# 2016-0422-03  
 DEPARTMENT OF HEALTH CARE SERVICES  
 Patients Rights

This change without regulatory effect filing by the Department of Health Care Services amends eight sections in title 9 of the California Code of Regulations to revise the existing references to the Department of Mental Health to the Department of Health Care Services, revise internal cross references, clarify acronyms, improve grammar, and update authority and reference citations.

Title 9  
 AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5  
 Filed 06/06/2016  
 Agency Contact: Greg Rodriguez (916) 440-7766

File# 2016-0509-01  
 DEPARTMENT OF JUSTICE  
 Department of Motor Vehicles Bond Form

This file and print action amends section 51.22 of the title 11 listing of approved surety bonds and is the Department of Justice's approval and printing of the revised Surety Bond of Motorcycle Dealer, Motorcycle Lessor-Retailer, All-Terrain Vehicle Dealer, or Wholesale-Only Dealer (Less Than 25 Vehicles Per Year) for the Department of Motor Vehicles.

Title 11  
 AMEND: 51.22  
 Filed 06/01/2016  
 Effective 06/01/2016  
 Agency Contact: Karen W. Yiu (510) 622-2131

File# 2016-0428-01  
 GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT  
 Made in California ("CA Made")

This rulemaking action adds new Article 2 to Chapter 13 of Title 10 of the California Code of Regulations to implement Senate Bill 12, Chapter 541, Statutes of 2013. More specifically, the action creates the application process for the "Made in California Program," which enables manufacturers to apply for and be licensed by the state to represent to consumers that a product is made in California.

Title 10  
 ADOPT: 8100, 8110, 8120, 8130, 8140, 8150  
 Filed 06/07/2016  
 Effective 06/07/2016  
 Agency Contact: Janelle Green (916) 322-0564

File# 2016-0421-04  
 STATE WATER RESOURCES CONTROL BOARD  
 San Francisco Bay BP North San Francisco Bay Selenium TMDL

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3919.16 in title 23 of the California Code of Regulations regarding amendments to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan). The Basin Plan amendments were adopted by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) on November 18, 2015 in Resolution No. R2-2015-0048. The State Water Board approved the Basin Plan amendments on March 15, 2016 in Resolution No. 2016-0017. The Basin Plan amendments establish a Total Maximum Daily Load (TMDL) and Implementation Plan for selenium in North San Francisco Bay.

Title 23  
 ADOPT: 3919.16  
 Filed 06/02/2016  
 Effective 06/02/2016  
 Agency Contact: Barbara Baginska (510) 622-2474

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN January 6, 2016 TO  
 June 15, 2016**

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

**Title 2**

05/25/16 AMEND: 604  
 05/23/16 AMEND: 23000  
 05/19/16 ADOPT: 18750 REPEAL: 18750,  
 18750.1, 18750.2, 18752  
 04/21/16 AMEND: 599.744  
 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

**Title 3**

06/08/16 AMEND: 850  
 06/06/16 ADOPT: 1358.7  
 06/02/16 AMEND: 3439(b)  
 06/02/16 AMEND: 3435(b)  
 06/01/16 AMEND: 3435(b)  
 05/25/16 AMEND: 3435(b)  
 05/23/16 AMEND: 3435(b)  
 05/18/16 AMEND: 3435  
 05/17/16 AMEND: 3906  
 05/12/16 AMEND: 3435(b)  
 05/12/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/10/16 AMEND: 3435(b)  
 05/09/16 ADOPT: 3591.27  
 04/25/16 AMEND: 3435(b)  
 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)

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01/14/16 AMEND: 3435(b)  
01/06/16 AMEND: 3435(b)

**Title 4**

04/27/16 AMEND: 10170.2, 10170.3, 10170.4,  
10170.5, 10170.6, 10170.7, 10170.8,  
10170.9, 10170.10, 10170.11, 10170.12  
04/25/16 ADOPT: 1866.1 AMEND: 1844  
04/21/16 ADOPT: 610  
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  
(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  
03/08/16 AMEND: 1658  
03/03/16 AMEND: 10176, 10179, 10180, 10181  
02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205,  
5220, 5221, 5230  
02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216,  
7217, 7218, 7219, 7220, 7221, 7222,  
7223, 7224, 7225, 7225.1, 7226, 7227,  
7228, 7229  
01/26/16 ADOPT: 1866.1 AMEND: 1844  
01/25/16 AMEND: 10170.2, 10170.3, 10170.4,  
10170.5, 10170.6, 10170.7, 10170.8,  
10170.9, 10170.10, 10170.11

**Title 5**

05/31/16 REPEAL: 9517.1, 9531, 9532, 9535  
05/31/16 ADOPT: 11533, 11534 AMEND: 11530,  
11531  
05/31/16 ADOPT: 11524, 11525 AMEND: 11520,  
11521, 11522  
05/18/16 ADOPT: 851.5, 853.6, 853.8, 860  
AMEND: 850, 851, 853, 853.5, 853.7,  
855, 857, 858, 859, 861, 862, 862.5, 863,  
864  
04/25/16 AMEND: 41906.5, 41906.6  
03/28/16 ADOPT: 1700  
03/22/16 ADOPT: 9526  
03/21/16 AMEND: 80057.5, 80089.2  
03/03/16 AMEND: 19810  
02/26/16 AMEND: 27007  
02/24/16 AMEND: 80499

02/24/16 AMEND: 80014, 80014.1, 80066  
REPEAL: 80014.2  
02/18/16 ADOPT: 40106  
01/12/16 ADOPT: 27700, 27701, 27702, 27703,  
27704, 27705

**Title 8**

05/18/16 AMEND: 362, 364, 364.1  
04/12/16 AMEND: 3207, 3212  
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  
03/14/16 AMEND: 9789.21, 9789.25  
03/14/16 AMEND: 333, 336  
03/07/16 AMEND: 4307  
03/07/16 AMEND: 4412  
03/04/16 AMEND: 9785.4.1  
02/25/16 AMEND: 3328  
01/06/16 AMEND: 5194(c)

**Title 9**

06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865,  
865.4, 865.5  
05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020,  
7024, 7029.9, 7054, 7055, 7060, 7062,  
7062.3, 7122, 7143, 7157, 7164, 7164.4,  
7194, 7198 REPEAL: 7004.3, 7019.2, 7022,  
7029.3  
05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5,  
7164.6, 7196, 7211, 7290, 7353.6  
04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704,  
1705, 1706, 1707, 1708, 1709, 1710,  
1711, 1712, 1713, 1714, 1715, 1716,  
1717, 1718, 1719, 1720, 1721, 1722,  
1723, 1724, 1725, 1726, 1727, 1728,  
1729, 1730, 1731, 1739, 1740, 1741,  
1742, 1743, 1744, 1745, 1746, 1747,  
1748, 1749, 1750, 1751, 1752, 1753,  
1754, 1755, 1765, 1766, 1767, 1768,  
1769, 1770, 1771, 1772, 1773, 1774,  
1775, 1776, 1777, 1778, 1779, 1790,  
1791, 1792, 1793, 1794, 1795, 1796,  
1797, 1798, 1799

**Title 10**

06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140,  
8150  
06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454,  
6470, 6472, 6474, 6476, 6478, 6480,  
6482, 6484, 6486, 6490, 6492, 6494,  
6496, 6498, 6500, 6502, 6504, 6506,  
6508, 6510, 6600, 6602, 6604, 6606,  
6608, 6610, 6612, 6614, 6616, 6618,  
6620, 6622  
05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505,  
2507.1, 2507.2, 2508 REPEAL: 2502

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05/26/16	ADOPT: 6858	2861, 2862, 2863, 2864, 2865, 2866,
05/23/16	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	2867, 2868, 2869 AMEND: 2440, 2442
05/11/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	01/26/16 AMEND: 1239
05/10/16	AMEND: 2318.6, 2353.1, 2354	01/25/16 AMEND: 1162.1, 1242
05/10/16	AMEND: 2353.1	01/19/16 AMEND: 1253
03/22/16	AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6	01/19/16 ADOPT: 1160.7, 1161.8 AMEND: 1160.2
03/08/16	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5	<b>Title 14</b>
02/04/16	AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218	05/25/16 AMEND: 1670
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	05/11/16 AMEND: 17852
01/07/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	05/02/16 AMEND: 29.85
<b>Title 11</b>		04/28/16 ADOPT: 131
06/01/16	AMEND: 51.22	04/27/16 AMEND: 27.80
04/28/16	ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132	04/26/16 AMEND: 29.45
04/25/16	ADOPT: 50.24	04/26/16 AMEND: 28.20
04/06/16	ADOPT: 28.5	04/20/16 ADOPT: 1760.1, 1779.1
04/06/16	ADOPT: 28.6	04/06/16 AMEND: 1038
03/23/16	ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559	03/29/16 AMEND: 27.80
03/10/16	AMEND: 20	03/28/16 ADOPT: 8.01
02/24/16	AMEND: 1005, 1007, 1008, 1052	03/07/16 ADOPT: 749.8
02/24/16	AMEND: 1951, 1953, 1954, 1955	03/01/16 AMEND: 7.50
02/17/16	AMEND: 1005, 1081	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
01/27/16	AMEND: 1953(e)(5)	02/23/16 AMEND: 632
<b>Title 12</b>		02/18/16 ADOPT: 748.5
05/23/16	ADOPT: 462	02/10/16 ADOPT: 672, 672.1, 672.2
<b>Title 13</b>		02/10/16 AMEND: 17381.2
05/09/16	AMEND: 156.00, 156.01	02/09/16 AMEND: 3550.11
04/06/16	ADOPT: 150.10	02/05/16 AMEND: 1724.9
02/29/16	AMEND: 553.70	01/25/16 AMEND: 870.15, 870.17, 870.19, 870.21
02/25/16	AMEND: 551.8, 551.12, 591, 592	01/21/16 ADOPT: 1760.1, 1779.1
02/08/16	ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860,	01/13/16 AMEND: 149
		<b>Title 15</b>
		06/02/16 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6
		05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
		05/11/16 AMEND: 3000, 3213
		05/10/16 AMEND: 3173.2
		04/28/16 AMEND: 3000
		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

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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

**Title 16**

06/07/16 ADOPT: 1100

06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133

06/07/16 ADOPT: 1104, 1104.1, 1104.2

05/26/16 ADOPT: 1815.5

05/13/16 AMEND: 910

05/10/16 AMEND: 2403

05/04/16 AMEND: 4170

05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5

04/28/16 AMEND: 1417

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

03/03/16 ADOPT: 1463.5, 1485.5

02/29/16 ADOPT: 1960

02/24/16 AMEND: 1446, 1447, 1447.1

02/23/16 AMEND: 109, 111

02/18/16 ADOPT: 1108

02/08/16 AMEND: 1417

01/27/16 ADOPT: 1746.3

01/25/16 ADOPT: 1746.2

01/25/16 AMEND: 420.1, 3021.1

01/11/16 AMEND: 995

**Title 17**

05/25/16 AMEND: 1050

05/24/16 AMEND: 2500, 2502, 2505

04/25/16 AMEND: 100800

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**

04/22/16 AMEND: 1668

04/20/16 AMEND: 5600, 5601, 5603

03/28/16 AMEND: 2401, 2413, 2422

03/17/16 AMEND: 3500

02/03/16 AMEND: 5218, 5235, 5237, 5267

01/06/16 AMEND: 1619

**Title 19**

05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

**Title 20**

04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207

04/06/16 AMEND: 2401, 2402

03/08/16 AMEND: 2.1

02/10/16 AMEND: 1601, 1604, 1605.3

**Title 21**

05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171  
 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

**Title 22**

06/08/16 AMEND: 7000  
 04/27/16 AMEND: 53626(a)  
 04/21/16 AMEND: 50188  
 04/19/16 AMEND: 123000  
 04/01/16 AMEND: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7  
 03/29/16 AMEND: 51516.1  
 03/17/16 AMEND: 97232  
 02/25/16 ADOPT: 100450.100  
 02/23/16 AMEND: 69502.2  
 02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1  
 02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172  
 02/01/16 AMEND: 64806

**Title 22, MPP**

02/10/16 AMEND: 102352, 102416.5, 102417, 102421

**Title 23**

06/02/16 ADOPT: 3919.16  
 05/31/16 ADOPT: 863, 864, 864.5, 865, 866  
 05/17/16 ADOPT: 3991.1 REPEAL: 3989  
 05/04/16 AMEND: 3935, 3936, 3939.13  
 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

**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**

05/09/16 AMEND: 10052  
 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

**Title MPP**

05/02/16 ADOPT: 45-102, 45-600, 45-601, 45-602, 45-604, 45-605, 45-606, 45-607 AMEND: 31-002, 31-003, 31-075, 31-201, 31-205, 31-206, 31-225, 31-425, 31-503, 90-101  
 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,

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