



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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Adoption

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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 (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

STATE AGENCY: California State Transportation Agency

AMENDMENT

MULTI-COUNTY: Inland Empire Regional Composting Authority

A written comment period has been established commencing on July 3, 2015, and closing on **August 17, 2015**. 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/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.

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 17, 2015**. 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 (“Commission”), pursuant to the authority vested in it 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 regulation at a public hearing on or after **August 20, 2015**, at approximately **10:00 a.m.**

**NOTICE OF INTENTION TO AMEND EXISTING
CONFLICT-OF-INTEREST CODE**

The Commission is providing notice of its intention to review and amend 2 Cal. Code Reg. Section 18351, the Commission’s conflict-of-interest code. Authority for this action is based on Government Code Section 87306. A 45-day written comment period has been established commencing on **July 3, 2015**, and closing on **August 17, 2015**. Written comments concerning the proposed amendments should be directed to the Fair Political Practices Commission, Attention: Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814. For inquiries, call (916) 322-5660. Any written comments relating to the proposed action must be received no later than **August 17, 2015**, in order for them to be considered by the agency before it amends its code.

The Commission has prepared an Initial Statement of Reasons as a written explanation of the reasons for the amendments. This Initial Statement of Reasons, the regulatory language of the proposed amendment, and other information upon which the proposed amendment is based are available to interested persons at the Commission’s address listed above.

After the Commission’s public hearing, the agency’s proposed conflict-of-interest code will be submitted to the agency’s Code Reviewing Body (i.e., the Attorney General’s Office) for its review.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18351: Pursuant to Government Code Section 87306 and 2 Cal. Code Regs. Section 18750, the Commission will amend its conflict-of-interest code due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code Section 87302 and relevant changes in the duties assigned to existing positions.

Executive Office

- External Affairs: This position is being added. The position is being designated category 3 because it has been determined that this position makes or participates in broad and indefinable decisions but does not make or participate in real property decisions.

Enforcement Division

- Legal Analyst: This position is being deleted because it has been determined that the position does not make or participate in making governmental decisions. Former procurement duties are now assigned to the Staff Services Analyst (procurement) position.
- Staff Services Analyst (procurement): This position is being added. Because this position makes or participates in making of procurement decisions affecting the division, it is subject to reporting under category 5.

Administration Division

- Project Manager: This position is being added. Because this position makes or participates in making of decisions affecting the division, it is subject to reporting under category 5.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

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

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

Fiscal Impact on Federal Funding of State Programs.

This regulation will have no fiscal impact on the federal funding of any state program or entity.

The adoption of the proposed amendments: (1) will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (2) will not result in any nondiscretionary cost or savings to local agencies; (3) will not result in any cost or savings in federal funding to the state; (4) will not impose a mandate on local agencies or school districts; and (5) will not have any potential cost impact on private persons or businesses including small businesses.

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 87300–87302, and 87306.

CONTACT

Any inquiries concerning this proposal should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322–5660. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

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 May 28, 2015. 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 November 24, 2015.

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. The written comment period closes at 5:00 p.m. on August 17, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, 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) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he 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 which 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. Most 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 econo-

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

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

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

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in Kern County by approximately 65 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 51,677 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None 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 no citrus production nurseries in the affected area that will be impacted. There are eight retail nurseries in the affected area. There are five 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 area clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine to be

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

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective 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 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 Stephen Brown 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed,

they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders Section 3328(a)

Definition of Adequate Design

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **August 20, 2015** in the **Auditorium** of the **State Resources Building, 1416 9th Street, Sacramento, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **July 3, 2015** and closes at 5:00 p.m. on **August 20, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor

Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 3328 addresses the requirements that machinery and equipment are to be operated, serviced and maintained to reduce hazards and minimize the risk of failures. Subsection (a) specifically requires machinery and equipment to be adequately designed and not be operated under conditions of speeds, stresses, or loads which endanger employees. Subsection (e) of this section requires employers to use equipment designed to minimize the risk of falling or the failure of specified mechanical parts. However, Section 3328 does not clarify to the employer what is meant by the operative term “adequate design.”

In the Matter of the Appeal of Brunton Enterprises, Inc., Occupational Safety and Health Appeals Board Docket Nos. 08-R3D3-3445 through 3448 (Decision After Reconsideration dated October 11, 2014), the Division of Occupational Safety and Health had cited the employer under Section 3328(e), alleging that a dolly was not designed for the load, and that the dolly and its load were not secured to minimize the hazards caused by loosening and falling. However, the Administrative Law Judge dismissed this citation, stating that for the safety order to apply, it would have to be demonstrated that the dolly’s component parts were broken, loose or falling. The intent of subsection (e) is to have employers select equipment and machinery that by its overall design is engineered to be safe for its intended use (e.g. handling loads) and not to base the selection solely on whether individual components could fail or equipment or machinery could fall.

The proposed amendment to subsection (a) deletes the words “. . . of adequate design. . .” and replaces them with “. . . designed or engineered to safely sustain all anticipated loads. . .” essentially clarifying the meaning of the term, “adequate design” The proposal will have the effect of clarifying the intent of Section 3328(a) to denote that machinery and equipment being used is capable of operating without failure under the loads imposed in a safe manner, and that this requirement applies to the entire equipment or machinery system inclusive of system component parts.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal gov-

ernment and the Labor Code to the effect that the state's regulations be at least as effective as their federal counterparts; and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

Anticipated Benefits

This proposal clarifies the meaning of the term "adequate design" by providing additional regulatory text with the requirement stated in subsection 3328(a) indicating machinery and equipment shall be designed to safely sustain all anticipated loads. This proposal assures the protection of health and safety of workers who routinely utilize or operate equipment and machinery.

The specific changes are as follows:

Section 3328. Machinery and Equipment.

This section addresses a number of safety issues related to the safe use and operation of machinery and equipment which include but are not limited to: operation under stress or load, inspection and maintenance, defective parts, and design, securing or covering critical components of machinery and equipment against breakage which could result in catastrophic failure and employee injury or fatality. Amendments are proposed to add regulatory text in subsection (a) that essentially replaces the term "adequate design" with regulatory text that clarifies that the machinery and equipment, by its inherent design, shall safely withstand all anticipated loads.

The proposal will clarify to the employer that for equipment and machinery to be adequate for its intended use by design, it has to be engineered to safely support and withstand all anticipated loads and stresses that could be placed on the equipment and machinery.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts: None.

Cost or Savings to State Agencies: None.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost Impacts on a Representative Private Person Or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals Including the Ability of California Businesses To Compete:

The Board estimates the economic impact to be less than \$10 million. The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposed amendment essentially explains the meaning of the term, "adequate design." The intent of the amendment is to inform the regulated public that not using the proper equipment and machinery to handle anticipated loads or tasks for the job to be performed endangers employees. As long as employers follow the manufacturer's instructions for maintaining and operating the equipment, they can expect the equipment to perform as designed. Since the amendment is informational to what is already in effect, the proposal has no new or added effect upon the regulated public.

Significant Effect on Housing Costs: None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment will most likely not affect small businesses. The proposal essentially defines the concept of adequate design in terms of equipment and machinery use and operation.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board estimates the economic impact to be less than \$10 million. The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The intent of the amendment is to inform the regulated public that not using the proper equipment and machinery to handle anticipated loads or tasks for the job endanger employees. As long as employers follow

the manufacturer's instructions for maintaining and operating the equipment, they can expect the equipment to perform as designed. Since the amendment is informational to what is already in effect, the proposal has no new or added effect upon the regulated public.

Therefore, this rulemaking action will not impact the following:

- Creation or elimination of jobs within the State of California,
- Creation of new businesses or the elimination of existing businesses within the State of California,
- Expansion of businesses currently doing business within the State of California,
- Impact on the State's environment.

BENEFITS OF THE REGULATION

The amendment to the regulation would provide safety by informing employers to consider the type and capacity of machinery and equipment commensurate with the tasks to be performed. The proposal helps prevent accidents and injuries that may occur in places of employment that use machinery and equipment routinely. Equipment failures due to overloading or stresses for which the equipment was not manufactured cause injuries, fatalities and destroy structures and equipment. The goal of this proposal is to highlight the importance of using the proper equipment for the job, thereby adding another layer of protection to the health and safety of California workers.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and

the back-up contact person Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 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 Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

TITLE 13. CALIFORNIA HIGHWAY PATROL

**COMMERCIAL VEHICLE SAFETY ALLIANCE,
NORTH AMERICAN STANDARD OUT-OF-SERVICE
CRITERIA
(CHP-R-15-03)**

The California Highway Patrol (CHP) proposes to adopt by reference, the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition, in Title 13, California Code of Regulations. The current regulation incorporates by reference, the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2014, Edition.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Section 34501(a)(1) of the California Vehicle Code (CVC) authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC. The CHP's authority to adopt regulations includes, but is not limited to, controlled substances and alcohol testing of drivers by motor carriers, drivers hours-of-service qualifications, equipment, fuel containers, fuel operations, inspections, maintenance, record keeping, accident reports, drawbridges, and cargo securement (Section 34500.3 CVC). Section 2402 CVC provides the Commissioner with the authority to, "make and enforce such rules and regulations as may be necessary to carry out the duties of the Department," and Section 2410 CVC provides the authority for the CHP to place vehicles out-of-service (OOS) (Attorney General's Opinion NS 2520) in order to ensure safety. Current regulations adopt, by reference, the Commercial Vehicle Safety Alliance, North America Standard Out-of-Service Criteria, April 1, 2014, Edition, which apply to those vehicles listed in Section 34500 CVC.

The intent of these regulations is to adopt specific uniform criteria for determining whether or not a vehicle and/or driver, inspected by an authorized representative of the CHP, is in an unsafe condition which would likely constitute a hazard on the highways. These regulations will incorporate by reference, specified portions of the standards contained within the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition.

Adoption of these criteria will continue to provide a nonmonetary benefit to the protection and safety of

public health, employees, and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle OOS criteria.

During the process of developing this regulation, the CHP has conducted a search of any similar regulation on this topic and has concluded this proposed regulation is not inconsistent or incompatible with existing state regulations. This proposed regulation merely updates the current regulation.

DOCUMENT INCORPORATED BY REFERENCE

Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2015, Edition.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
Attention: Sergeant Milton Toppings
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on August 17, 2015.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review, an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at CHP, CVS, 601 North 7th Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment. All documents regarding the proposed ac-

tion are available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the CHP's Web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the content of the proposed regulations, should be directed to Sergeant Milton Toppings or Officer Kristi McNabb, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no non-discretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC), Sections 17500-17630, require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create or eliminate jobs in the state of California, nor result in the elimination of existing businesses, nor create or expand businesses in the state of California; (5) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle OOS criteria; and (6) 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

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

EFFECT ON SMALL BUSINESSES

The CHP has determined the proposed regulatory action has no effect on small businesses. Changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. Minor additions and changes to the OOS criteria are clarifying in nature and are within all existing requirements for industry.

ALTERNATIVES

In accordance with GC, Section 11346.5(a)(13), the CHP must determine no reasonable alternative considered by the agency, or which 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 action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 2410, 31401, and 34501(a), CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 2402, 2410, 12500, 12502, 12515(b), 14603, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506, and 34510, CVC.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by

Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Sections 5058 and 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3268, 3268.1, and 3268.2 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Use of Force.

J. Stewart
Division of Adult Institutions
(916) 294-3037

PUBLIC HEARING

Date and Time: **August 25, 2015 — 10:00 a.m. to 11:00 a.m.**
 Place: Department of Corrections and Rehabilitation
 Kern Room
 1515 S Street — North Building
 Sacramento, CA 95811
 Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **August 25, 2015 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

S. Pollock
Regulation and Policy Management Branch
Telephone (916) 445-2308

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

AUTHORITY AND REFERENCE

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

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

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

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

PC Section 5058.3 provides that an Emergency adoption, amendment, or repeal of a regulation by the Director shall be conducted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, regulations concerning Use of Force provide outdated forms, and use definitions that are not completely in sync with Penal Code definitions, and/or lack some clarity for further understanding.

The proposed regulations further the efforts of the Department to comply with *Madrid* (Use of Force) and *Coleman* (Mental Health) court rulings by revising and updating several CDCR forms, and revising definitions to be more consistent with Penal Code definitions, as well as providing further clarification.

The broad objective of the regulation is to update the existing regulations to improve the efficiency and tracking surrounding the Use of Force procedures, and to align them more closely with the related Penal Code.

This action provides the following:

- Revises the definition for the term “Serious Bodily Injury” within Section 3000, Definitions, to more closely align with Penal Code definition.
- Provides for additional language in the definition of “Immediate Use of Force,” and specifies the standards and parameters for “Immediate” and “Controlled” Use of Force.

- Adopts a new definition for the term “Imminent Threat,” and renumbers Section 3268 due to the addition of this new definition.
- Deletes CDCR Form 3037, Controlled use of Force Manager/AOD Report, which is replaced with CDCR Form 837–C, Crime Incident Report Part C–Staff Report; and Deletes CDCR Form 3013, Inmate Interview Guidelines, which is replaced with 2 new forms: 3013–1, Inmate Interview for GBI and SBI Worksheet, and 3013–2, Inmate Interview for Allegation Worksheet.
- Incorporates by reference into the CCR, 17 revised CDCR Forms, many which were updated to improve efficiency and effectiveness regarding reporting requirements for Use of Force.

FORMS INCORPORATED BY REFERENCE

- CDCR 837–A (Rev. 10/06), Crime/Incident Report Part A — Cover Sheet
- CDCR 837–A1 (Rev. 10/06), Crime/Incident Report Part A1 — Supplement
- CDCR 837–B1 (Rev. 10/06), Crime/Incident Report Part B1— Inmate
- CDCR 837–B2 (Rev. 10/06), Crime/Incident Report Part B2 — Staff
- CDCR 837–B3 (Rev. 10/06), Crime/Incident Report Part B3 — Visitor, Other
- CDCR 837–C (Rev. 03/15), Crime/Incident Report Part C — Staff Report
- CDCR 837–C1 (Rev. 03/15), Crime/Incident Report Part C1 — Supplement
- CDCR 837–C2 (Rev. 03/15), Crime/Incident Report Part C2 — Review Notice
- CDCR 3010 (Rev. 03/15), Incident Commander’s Review/Critique Use of Force Incidents
- CDCR 3011 (Rev. 03/15), Manager’s Review — First Level Use of Force Incidents
- CDCR 3012 (Rev. 03/15), Manager’s Review — Second Level Use of Force Incidents
- CDCR 3013–1 (03/15), Inmate Interview For GBI and SBI Worksheet
- CDCR 3013–2 (03/15), Inmate Interview For Allegation Worksheet
- CDCR 3014 (Rev. 03/15), Report of Findings — Inmate Interview
- CDCR 3034 (Rev. 03/15), IERC Allegation Review
- CDCR 3035 (Rev. 03/15), IERC Use of Force Review and Further Action Recommendation
- CDCR 3036 (Rev. 03/15), IERC — Critique and Qualitative Evaluation

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will benefit the Department by furthering the efforts to comply with *Madrid* and *Coleman* court rulings regarding Use of Force and Mental Health considerations for inmates. The new definitions will provide clarity and consistency to both staff and inmates, as well as provide uniformity with existing Penal Code definitions. Form updates will improve the tracking and review efforts for the procedures associated with the Use of Force process.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS/REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department reached this conclusion by reviewing existing CCR, Title 15, Division 3, related to Use of Force.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has initially determined that the proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no affect on worker safety, or the state’s environment, because the proposed regulations relate strictly to the internal management of CDCR institutions. The proposed regulations will benefit the health and welfare of California residents by improving and updating the reporting requirements regarding Use of Force, ensuring a clear understanding among staff, and keeping with the mental health considerations of inmates.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those

items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department’s website <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the California State Board of Optometry (“Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed before or at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Yosemite Room
Sacramento, California 95834
Monday, August 17, 2015
10:00 a.m. — noon**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than noon on Monday, August 17, 2015, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in 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 the Business and Professions Code (“B&P”) section 3025 in order to implement, interpret or make specific B&P section 3059, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Board proposes to amend Section 1536 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to update information regarding continuing education (“CE”) required by the Board for optometrists’ license renewal. This adoption is necessary to carry out the purpose of B&P section 3059. The proposed rulemaking allows for optometrists who are certified to use therapeutic pharmaceutical agents (“TPA”), to apply Continuing Medical Education (“CME”) courses toward their CE requirements.

This regulation also moves the glaucoma CE requirement from CCR §1571 Requirements for glaucoma certificate to §1536. There is no change in the language of the existing section; the glaucoma CE requirement is simply being relocated to the regulation that sets forth other CE requirements.

Policy Statement Overview: Allowing CME credits to be applied to CE requirements will increase course variety for optometrists and will help public health and safety by maintaining the high standards of the profession, and assuring that more optometrists take CE units in certain subject matter areas which the Board deems important to the profession.

Anticipated Benefits of Proposal:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board’s licensees. CME courses address systemic health issues that impact eye health, such as diabetes and high blood pressure. Further, these health issues may be identified via comprehensive eye exams.

**CONSISTENCY AND COMPATIBILITY WITH
EXISTING STATE REGULATIONS**

During the process of developing the amendments to these regulations concerning CE, the Board has con-

ducted a search of any similar regulations on this topic and has concluded that these are the only regulations that deal with the Board’s CE program. Therefore, as to 16 CCR Section 1536, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Mandate of Local Agencies or School Districts:

This regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES:

- A. Cost or Savings to any state agency: NONE.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funds to the state: NONE.

Effect on housing costs: NONE.

Results of Economic Impact Assessment:

Optometrists wishing to renew their license must complete forty (40) hours of CE per renewal cycle (2 years). This CE requirement increases to fifty (50) hours if the optometrist is TPA certified. Further, thirty-five (35) of the fifty (50) hours required shall be on the diagnosis, treatment and management of ocular disease. Thus, while this regulatory proposal affects optometrists, it will not have a significant statewide adverse economic impact directly affecting business, or businesses’ ability to compete.

Impact on Jobs/Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. CME courses are available to licensed medical doctors. Optometrists taking such classes would not impact jobs or businesses since they are already serving a licensee population in need of such courses.

Benefits of the proposed action: The proposed regulation will benefit California consumers by providing them with the most well rounded optometrist. This regulation will ensure that California licensed optometrists stay up to date with current systemic medical issues that impact eye health, such as diabetes and blood pressure issues. The consumer is protected by receiving a comprehensive eye exam from a professional who can diagnose any ocular diseases and has been trained to do so via CME courses.

Cost Impacts: The Board is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

Business Report: The proposed regulations do not require a new report to be made. Optometrists are obligated to keep records of their completed hours of CE and those records are sufficient to establish what subject area classes an optometrist has taken.

Effect on Small Businesses: The Board has determined that the proposed regulation would have no economic impact on small businesses, unless those small businesses are CE course providers. Optometrists will now be able to obtain a small number of CE credits for taking courses that benefit the profession as a whole, and optometrists will not purchase a small number of classes equivalent to the CE credits received. The Board has determined that requiring optometrists take thirty five (35) units of CE within specified subject areas as a part of fulfilling their required biennial fifty (50) hours of CE will not have a significant effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board, or otherwise identified and brought to the Board's 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 policies or other provision of law. Any interested person may present statements or arguments in writing relevant to the above determinations to the Board at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2450 Del Paso Road, Suite 105, Sacramento, California 95834 or by accessing the Board of Optometry's website <http://www.optometry.ca.gov/>.

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

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the contact person named below. You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named below or by accessing the Board of Optometry's website <http://www.optometry.ca.gov/>.

CONTACT PERSON

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

Name: Nooshin Movassaghi,
Policy Analyst
Address: 2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916-575-7182
Fax No.: 916-575-7292
E-Mail Address: nooshin.movassaghi@dca.ca.gov

The backup contact person is:

Name: Jessica Sieferman,
Acting Executive Officer
Address: 2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916-575-7184
Fax No.: 916-575-7292
E-Mail Address: jessica.sieferman@dca.ca.gov

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the Board's Administrative Conference Room, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833, at **10:00 a.m. on August 17, 2015**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on August 17, 2015**, or must be received by the **17th of August 2015** at the hearing. The Board, upon its own motion or at the instance of any interested

party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in 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 2854 and 4504 of the Business and Professions Code, and to implement, interpret or make specific Sections 2880, 2881, 2882, 2883, 4511, 4515, and 4532 of said Code, the Board of Vocational Nursing and Psychiatric Technicians is considering changes to Division 25, Chapter 1, Article 5, and Chapter 2, Article 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Informative Digest

Pursuant to Business and Professions Code (BPC), Sections 2841.1 (VN) and 4501.1 (PT) the Board is mandated to protect California consumers by ensuring the education, licensure, and practice of vocational nurses and psychiatric technicians. Such individuals are required to demonstrate possession of the minimum level of competence required for safe and effective client care upon entry into professional practice.

Existing statutes authorize the Board to establish educational requirements for all vocational nursing (VN) and psychiatric technician (PT) programs. Additionally, the Board is authorized to inspect such programs to determine compliance with prescribed standards. For those schools for which noncompliance is identified, the Board is authorized to provide written notice of the deficiency and required corrections. If the deficiency remains uncorrected, the Board is authorized to remove the school from the *List of Approved Programs*.

Existing regulations specify the Board's requirements for all VN and PT programs and authorize the Board to place programs on provisional approval for the failure to meet prescribed requirements. Said regulations also specify terms to which such programs must adhere to achieve full approval status.

Revision of existing regulations is required to achieve clarity and improve the probability of correction of program deficiencies.

Overview/Anticipated Benefits of Proposal

On June 1, 2000, the Board adopted regulations establishing specific terms relative to programs on provisional approval. Provisional approval denotes a VN or PT program's noncompliance with requirements set forth in California Code of Regulations (Code), Division 25, Chapter 1, Article 5 (VN) or Chapter 2, Article 5 (PT). The Board's goal remains consumer protection through the education of safe and competent VNs and PTs. Consumers include clients, families, and students enrolled in VN and PT programs.

Existing regulations prescribe required educational content for all VN and PT program curricula. Additionally, current regulations specify terms for the admission of students. Pursuant to Sections 2530 (VN) and 2585 (PT) of the Code, programs are required to obtain prior Board approval to increase the number of students per class or increase the frequency of admissions. Further, VN and PT programs are required to maintain a minimum average annual pass rate that is no more than ten (10) percentage points below the State average annual pass rate for first-time candidates of approved VN and PT schools for the same period. A program's failure to maintain the required average annual pass rate for two (2) years or eight (8) consecutive quarters may constitute cause for placement of the program on provisional approval.

An analysis of programs on provisional approval and the program's ability to correct identified deficiencies and obtain full approval has been completed. Information obtained thereto confirms that the probability of success in improving the quality of instruction and correcting noncompliant program pass rates increases markedly with decreased numbers of students admitted.

The proposed regulations will achieve clarity and strengthen the terms of provisional approval.

Consistency and Compatibility with Existing State Regulations

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

Fiscal Impact Estimates

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

The Board has made an initial determination that the proposed regulations will not have a significant fiscal impact in federal funding to State agencies.

- **Business Impact:**

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

- **Cost Impact on Representative Private Person or Business:**

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

- **Effect on Housing Costs:**

The Board has made a determination that the proposed regulations will have no adverse economic impact on housing costs in California.

- **Nondiscretionary Costs/Savings to Local Agencies:**

The Board has made a determination that the proposed regulations will have no adverse impact on nondiscretionary costs or savings to local agencies.

- **Local Mandate:**

The Board has made a determination that the proposed regulations will have no adverse impact on local mandates.

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

The Board has made a determination that the proposed regulations will have no adverse impact on costs to any local agency or school district for which Government Code requires reimbursement.

Effect on Small Business

The Board has determined that the proposed regulations would not affect small businesses that offer VN programs and PT programs that are compliant with existing requirements. The proposed regulations will increase the probability of programs correcting areas of noncompliance.

Economic Impact Analysis

A. Impact on Jobs/Businesses:

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

B. Benefits of Regulation:

The Board has determined that this regulatory proposal will ensure the safety and welfare of California residents, and the State’s environment in that the quality of instruction provided to students will be improved, thereby enhancing students’ acquisition of the knowledge, skills, and abilities required for safe and effective client care and enhancing students’ ability to pass the licensure examination. In so doing, the proposed regulations will augment the population of licensed healthcare practitioners available to provide safe and effective care to California consumers upon entry into professional practice.

Consideration of Alternatives

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other 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 Board of Vocational Nursing and Psychiatric Technicians (Board) has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

Text of Proposal

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833.

Availability and Location of the Final Statement of Reasons and Rulemaking File

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

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

CONTACT PERSON

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

Name: Jennifer Almanza, Associate
Government Program Analyst
Address: Board of Vocational Nursing and
Psychiatric Technicians
2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7845
FAX No.: (916) 263-7859
E-Mail Address: Almanza.Jennifer@dca.ca.gov

The back-up contact person is:

Name: Cheryl Anderson, Supervising
Nursing Education Consultant
Address: Board of Vocational Nursing and
Psychiatric Technicians
2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7843
FAX No.: (916) 263-7866
E-Mail Address: Cheryl.Anderson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 1505, *Morticians*

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation or Reg) 1505, *Morticians*. The proposed amendments rename the regulation from “Morticians” to “Funeral Directors” and update all the references to “mortician” to refer to “funeral director” throughout the regulation.

The proposed amendments add a new subdivision (a) to include definitions for the terms “funeral director,” “burial,” and “cash advances,” and renumber the regulation’s current subdivisions. The proposed amendments add language to renumbered subdivisions (b)(1) and (2) to clarify when funeral directors are the retailers and consumers of specific items, such as memorial books and DVDs, and delete the outdated footnote from renumbered subdivision (b)(1). The proposed amendments add a new subdivision (b)(3), which provides an example of how tax applies to the items on a funeral director’s invoice using a current tax rate. The proposed amendments add a new paragraph (2) to renumbered subdivision (c) to provide updated guidance regarding the application of tax to “cash advances,” and delete current subdivision (b)(4), which provides less up-to-date guidance regarding the application of tax to accommodation cash advances. The proposed amendments update renumbered subdivision (c)(3) and delete outdated language from renumbered subdivision (c)(3) relating to the specific amount of the veterans’ interment allowance paid by the United States Government. The proposed amendments delete the outdated examples in current subdivision (b)(3). The proposed amendments also make other minor changes for grammar and gender neutrality.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on September 15-17, 2015. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board’s Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on September 15-17, 2015. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulation 1505.

AUTHORITY

RTC section 7051.

REFERENCE

RTC sections 6015 and 6381.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Summary of Existing Laws and Regulations

California imposes sales tax on retailers for the privilege of selling tangible personal property at retail. (RTC, § 6051.) Unless an exemption or exclusion applies, the tax is measured by a retailer’s gross receipts from the retail sale of tangible personal property in California. (RTC, §§ 6012, 6051.) Although sales tax is imposed on retailers, retailers may collect sales tax reimbursement from their customers if their contracts of sale so provide. (Civ. Code, § 1656.1; Reg. 1700, subd. (a)(1).)

When sales tax does not apply, California use tax is imposed, measured by the sales price of property purchased from a retailer for storage, use, or other consumption in California. (RTC, §§ 6201, 6401.) The use tax is imposed on the person actually storing, using, or otherwise consuming the property. (RTC, § 6202.)

The term “retail sale” means a sale of tangible personal property for any purpose other than resale in the regular course of business. (RTC, § 6007, subd. (a)(1).) The term “seller” includes “every person engaged in the business of selling tangible personal property of a kind the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.” (RTC, § 6014.) Also, the term “retailer” includes “[e]very seller who makes any retail sale or sales of tangible personal property. . . .” (RTC, § 6015, subd. (a)(1).)

Federal and California law limit the application of California’s sales and use taxes to transactions in interstate and foreign commerce. The Board adopted Regulation 1610, *Interstate and Foreign Commerce*, to generally prescribe the application of California’s sales and use taxes to transactions involving the movement of tangible personal property into and out of California.

Also, federal and California law limit the application of California’s sales and use taxes to transactions involving the United States (U.S.) Government. (RTC, §§ 6352, 6381.) And, the Board adopted Regulation 1614, *Sales to the United States and Its Instrumentalities*, to generally prescribe the circumstances under which gross receipts from the sale of tangible personal property to the U.S. Government and the consumption of tangible personal property purchased by the U.S. Government are exempt from sales and use tax under federal and California law.

In addition, California law provides that, in accordance with regulations prescribed by the Board, a deduction may be taken if a retailer has purchased property for some other purpose than resale, has reimbursed his or her vendor for sales tax or has paid the use tax with

respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business. (RTC, § 6012.) And, the Board adopted Regulation 1701, *Tax–Paid Purchases Resold*, to generally prescribe the circumstances under which a retailer may claim such a deduction.

Finally, the Board adopted Regulation 1505 to provide specific guidance to morticians regarding the proper application of sales and use tax. The regulation explains when morticians are retailers and when they are consumers of tangible personal property for sales and use tax purposes. It also provides guidance to morticians on sales in interstate and foreign commerce, sales to the U.S. Government, treatment of cash advances, tax–paid purchases resold, and “pre–need agreements.” Regulation 1505’s provisions initially became effective August 1, 1933; they were amended and renumbered as Regulation 1505 in 1970; and they have not been amended since 1980.

Effect, Objective, and Benefits of the Proposed Amendments to Regulation 1505

Need for Clarification

Board staff determined that there were issues with Regulation 1505 because:

- The terminology used in the regulation is outdated;
- The regulation does not reflect the current goods and services provided by the burial service industry;
- There have been changes in the interment allowance provided by the U.S. Government, which is specifically referred to in the regulation; and
- It is no longer necessary for the regulation to provide detailed guidance and examples regarding the application of tax to amounts burial service providers receive directly from a federal agency because recent procedural changes allow the U.S. Department of Veterans Affairs (VA) to pay death benefits directly to the surviving party, instead of the burial service provider.

Interested Parties Process

The Board’s Business Taxes Committee (BTC) staff prepared draft amendments to update Regulation 1505 to address the issues described above and a discussion paper explain the draft amendments. Both were provided to interested parties.

As relevant here, the draft amendments added a new subdivision (a) to Regulation 1505 to define the terms “morticians” and “cash advances,” and renumbered the regulation’s current subdivisions. The draft amendments also added “memorial books and digital video

discs” as examples of tangible personal property sold by morticians in renumbered subdivision (b)(1).

On January 27, 2015, BTC staff conducted an interested parties meeting to discuss the draft amendments. No written comments were submitted prior to or at the interested parties meeting; however, staff received and worked with interested parties’ informal suggestions to refine the draft amendments, including a suggestion to change the title of the regulation from “Morticians” to “Funeral Directors.” Additionally, after the interested parties meeting, BTC staff received a letter dated February 16, 2015, from Sarah Adams, Vice President of Tax, Service Corporation International. The letter requested the Board consider an amendment to renumbered subdivision (b)(2) to include a reference to memorial books and DVDs that would mirror the BTC staff’s draft amendments to renumbered subdivision (b)(1), which Board staff incorporated.

April 28, 2015 Business Taxes Committee Meeting

Subsequently, staff prepared Formal Issue Paper 15–003 and distributed it to the Board Members for consideration at the Board’s July 28, 2015, BTC meeting. Formal Issue Paper 15–003 recommended that the Board propose to change the name of Regulation 1505 from “Morticians” to “Funeral Directors” and update all the references to “mortician” to refer to “funeral director” throughout the regulation. The change to the title of the regulation from “Morticians” to “Funeral Directors” was suggested by interested parties and BTC staff agreed this term is more indicative of the industry and the person responsible for reporting tax.

The formal issue paper recommended that the Board propose to add a new subdivision (a) to Regulation 1505, and renumber the regulation’s current subdivisions. The formal issue paper recommended that new subdivision (a) include a definition for the new term “funeral director,” and the term “burial,” which is used in the definition of “funeral director,” in order to update the regulation and provide clarity regarding the terms used throughout the regulation. The formal issue paper recommended that the Board propose to update the regulation to more succinctly refer to “cash advances,” instead of “accommodation cash advances.” The formal issue paper also recommended that the Board propose to include a definition for the term “cash advances” in subdivision (a) to provide additional clarity, add a new paragraph (2) to renumbered subdivision (c) to provide updated guidance regarding the application of tax to “cash advances,” renumber current subdivision (b)(2) as subdivision (c)(3), delete current subdivision (b)(4), which provides less up-to-date guidance regarding the application of tax to accommodation cash advances, and renumber current subdivision (b)(5) as subdivision (c)(4).

The formal issue paper recommended that the Board propose to add language to renumbered subdivision (b)(1) and (2) to update the regulation and clarify when funeral directors are the retailers and consumers of specific items, such as memorial books and DVDs. The formal issue paper recommended that the Board propose to rephrase the last sentence in renumbered subdivision (b)(1) to make it grammatically correct, and delete the footnote from renumbered subdivision (b)(1), which was intended to provide additional notice regarding a 1972 amendment to Regulation 1505, but is no longer relevant. The formal issue paper also recommended that the Board propose to add a new paragraph (3) to renumbered subdivision (b) to provide an updated and more helpful example of how tax applies to the items on a typical funeral director’s invoice using a current tax rate.

Additionally, the formal issue paper explained that Regulation 1505, subdivision (b)(2) currently states, in part, “[e]ffective August 1, 1973, the United States Veterans Administration will pay an interment allowance, up to \$150, in addition to the regular funeral and burial allowance for veterans.” However, the interment allowance provided by section 2303(b) of title 38 of the United States Code has been increased several times since Regulation 1505 was last amended; section 2303(b) currently provides that the interment allowance is \$700, and section 2303(c) now requires the VA to annually increase the interment allowance to reflect increases in the consumer price index. Accordingly, the formal issue paper recommended that the Board proposed to delete the language in renumbered subdivision (c)(3) that refers to a specific dollar amount for the interment allowance so there is no future need to amend the regulation each time the interment allowance changes. Also, the United States “Veterans Administration” was renamed the “Department of Veterans Affairs” since Regulation 1505 was last amended in 1980. So, the formal issue paper also recommended that the Board propose to update Regulation 1505 by adding “Government” to the end of the title of renumbered subdivision (c)(3), changing the references to the “United States” to “U.S.” in renumbered subdivision (c)(3), and revising the remaining references to the “Veterans Administration” to refer to the “Department of Veterans Affairs” in renumbered subdivision (c)(3).

Furthermore, effective, July 7, 2014, the VA amended its regulations regarding the payment of burial benefits to authorize payments of burial and funeral costs at the maximum amount authorized by law through automated systems directly to an eligible surviving spouse or any other eligible person. (38 C.F.R. §3.1702 (2014).) With these new federal procedures, there will rarely be a payment directly by the VA to a fu-

neral director. Accordingly, the formal issue paper recommended that the Board propose to delete, as unnecessary, current subdivision (b)(3) of the regulation, which provides examples that demonstrate how to prorate U.S. Government payments.

Lastly, the formal issue paper recommended that the Board propose to make other minor changes to Regulation 1505 for grammar and gender neutrality.

At the conclusion of the Board's discussion of Formal Issue Paper 15-003 during the April 28, 2015, BTC meeting, the Board Members unanimously voted to propose the amendments to Regulation 1505 recommended in the formal issue paper. The Board determined that the proposed amendments to Regulation 1505 are reasonably necessary to have the effect and accomplish the objective of clarifying and updating the regulation to address the issues (or problems) referred to above.

The Board anticipates that the proposed amendments to Regulation 1505 will promote fairness and benefit funeral directors, consumers, Board staff, and the Board by providing updated guidance about how tax applies to the goods and services currently provided by the burial service industry. The Board has performed an evaluation of whether the proposed amendments to Regulation 1505 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1505 is the only state regulation that provides specific guidance to morticians regarding the proper application of sales and use tax, and none of the proposed amendments conflict with Regulations 1610, 1614, and 1701 referred to above. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1505 or the proposed amendments to Regulation 1505.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1505 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulation 1505 will result in

no direct or indirect cost or savings to any state agency and will result in no cost or savings in federal funding to the State of California. The Board has also determined that the adoption of the proposed amendments to Regulation 1505 result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, and will result in no other non-discretionary cost or savings imposed on local agencies.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulation 1505 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1505 may affect small business.

NO KNOWN COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has determined that the adoption of the proposed amendments to Regulation 1505 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1505 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1505 will not affect the benefits of Regulation 1505 to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

The adoption of the proposed amendments to Regulation 1505 will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Monica Gonzalez Silva, Tax Counsel III, by telephone at (916) 323-3138, by e-mail at Monica.Silva@boe.ca.gov, or by mail at State Board of Equalization, Attn: Monica Gonzalez Silva, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

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

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on September 15, 2015, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1505 during the September 15-17, 2015, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides

whether to adopt the proposed amendments to Regulation 1505. The Board will only consider written comments received by that time.

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

The Board has prepared an underscored and strikethrough version of the text of Regulation 1505 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1505, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

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

The Board may adopt the proposed amendments to Regulation 1505 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Regulation 1505, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

**TITLE 21. CALIFORNIA STATE
TRANSPORTATION AGENCY**

**NOTICE OF INTENTION TO ADOPT A
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA STATE TRANSPORTATION
AGENCY**

NOTICE IS HEREBY GIVEN that the California State Transportation Agency, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its conflict-of-interest code.

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

The California State Transportation Agency coordinates policies and programs of the transportation-related entities within its jurisdiction as set forth in Government Code section 13975 and following. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than August 17, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, or August 2, 2015, by contacting the Contact Person set forth below.

The California State Transportation Agency has determined that the proposed code:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.

5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries should be directed to:

Augustin R. Jimenez
Deputy General Counsel
915 Capitol Mall, Suite 315B
Sacramento, California 95814
916.327.2820
Augustin.Jimenez@CalSTA.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF HEALTH CARE
SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES TO SUBMIT A STATE
PLAN AMENDMENT TO EXEMPT DENTAL
PROVIDERS FROM THE ASSEMBLY BILL 97
TEN PERCENT PROVIDER
PAYMENT REDUCTION**

This notice gives information about the Department of Health Care Services' (DHCS) intent to submit a State Plan Amendment to exempt dental services and applicable ancillary services from the Assembly Bill (AB) 97 (Chapter 3, Statutes of 2011) ten percent payment reduction, contingent on the enactment of the 2015-16 budget trailer bill legislation. This policy will apply for dates of service on or after July 1, 2015, to the extent federal approval is obtained.

Pursuant to AB 97 and Section 14105.192 of the Welfare and Institutions Code, DHCS is required to reduce payments by ten percent for various providers of Medi-Cal fee-for-service benefits. This payment reduction went into effect for various Medi-Cal services that were provided on or after June 1, 2011. Pursuant to the agreement between the Brown Administration and the Legislature on the 2015-16 California budget, and assuming the enactment of SB 75, DHCS proposes to seek federal approval to eliminate the ten percent reduction for payments made to providers who bill the Medi-Cal dental program for dental services and applicable ancillary services on or after July 1, 2015. DHCS also will be seeking federal approval to eliminate any actuarially equivalent reduction made to dental managed care plans, to be effective upon receipt of necessary federal approvals.

PUBLIC REVIEW AND COMMENTS

Any written comments about this policy may be mailed to Alani Jackson, Chief, Medi-Cal Dental Services Division, MS 4708, P.O. Box 997413, Sacramento, CA 95899-7413 or emailed to Alani.Jackson@dhcs.ca.gov.

DEPARTMENT OF HEALTH CARE SERVICES

FINAL RULES, CMS-2249-F, REQUIRE HOME AND COMMUNITY-BASED (HCB) SETTING COMPLIANCE Statewide Transition Plan — Stakeholder Phone Conference

Purpose:

The Department of Health Care Services (DHCS) has made revisions to the Statewide Transition Plan (STP) to comply with the new federal Home and Community-Based Services (HCBS) setting rules. DHCS has also developed “On-Site Assessment Tools”, “Provider Self-Survey Tools”, and Public Comment Templates that stakeholders can use to provide feedback on the tools. The public comment period ended on June 30, 2015. DHCS will be holding a stakeholder phone conference to discuss:

- ▶ Changes made to the On-site Assessment Tools and Provider Self-Survey Tools
- ▶ Comments received on assessment tools, and provider survey tools
- ▶ Revisions made to the STP from prior version of the plan

Date: Monday, July 13, 2015	Time: 10:00 a.m. 1:00 p.m.
Toll Free Phone Number: 1-877-917-7134	Participant Passcode: 7695981

Agenda will be posted on DHCS web-site at: <http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>.

PARTICIPATE VIA TEXT TELEPHONE RELAY

If you use a TTY (text telephone) machine, and wish to participate in this phone conference via the California Relay Service (CRS), dial the CRS line at 711. Tell the CRS Operator that you wish to participate in a conference call. Then give the operator the toll free number 1 (877) 917-7134 and passcode 7695981. From this point onward, the operator will provide further instructions.

To review revised STP, On-site Assessment Tools, Provider Self-Survey Tools, and Public Comment Templates, please visit our web-site at: <http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>.

More information about the new federal rules is available at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

For Further Information, contact
Jalal Haddad
Department of Health Care Services
Long-Term Care Division
1501 Capitol Avenue, MS 4503
P.O. Box 997437
Sacramento, CA 95899-7437

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2015-0511-05
 BOARD OF BEHAVIORAL SCIENCES
 Uniform Standards Related to Substance Abuse

This rulemaking action by the Board of Behavioral Sciences amends section 1888 of title 16 of the California Code of Regulations and the incorporated “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.” These changes were adopted to implement legislation resulting from Senate Bill 1441 (Ch. 548, Stats. 2008), which directed a newly-formed Substance Abuse Coordination Committee to establish a standardized substance abuse monitoring program.

Title 16
 California Code of Regulations
 AMEND: 1888
 Filed 06/23/2015
 Effective 10/01/2015
 Agency Contact: Rosanne Helms (916) 574-7897

File# 2015-0612-02

**BOARD OF FORESTRY AND FIRE PROTECTION
SRA Fire Prevention Fee Exemption (Self-Certification of Home Loss), 2015**

This emergency readopt action by the Board of Forestry and Fire Protection (BOFFP) amends section 1665.7 of title 14 of the California Code of Regulations (CCR) to allow for an exemption from the State Responsibility Area (SRA) fire prevention fee for any habitable structure that is deemed uninhabitable as a result of a natural disaster. This action also readopts Request for Exemption forms to be used in order to apply for the SRA fire prevention fee exemption.

Title 14
California Code of Regulations
AMEND: 1665.7
Filed 06/22/2015
Effective 06/30/2015
Agency Contact: Thembi Borrás (916) 653-9633

File# 2015-0611-01

**BOARD OF FORESTRY AND FIRE PROTECTION
Protection of Habitable Structures Exemption, 2015**

This emergency rulemaking action implements Assembly Bill 1867 (Chapter 804, Statutes of 2014). The action exempts persons engaged in the cutting or removal of trees, in compliance with Public Resources Code sections 4290 and 4291, which are between 150 and 300 feet of an approved and legally permitted habitable structure, from the plan preparation and submission requirements of Public Resources Code section 4581 and from the completion report and stocking report requirements of Public Resources Code sections 4585 and 4587 in order to address fuel conditions which have been made worse by drought and tree mortality.

Title 14
California Code of Regulations
AMEND: 895.1, 1038, 1038.2
Filed 06/22/2015
Effective 06/22/2015
Agency Contact: Thembi Borrás (916) 653-9633

File# 2015-0611-02

**BOARD OF STATE AND COMMUNITY
CORRECTIONS
Construction Financing Program**

This emergency rulemaking action by the Board of State and Community Corrections (BSCC) amends thirty-one sections and adopts four sections in title 15 of the California Code of Regulations. The proposed regulations add eligibility requirements, matching fund requirements, a proposal process, and evaluation criteria

for the construction financing program for adult local criminal justice facilities pursuant to Senate Bill 863.

Title 15
California Code of Regulations
ADOPT: 1712.3, 1714.3, 1730.3, 1740.3 AMEND: 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
Filed 06/18/2015
Effective 06/18/2015
Agency Contact: Ginger Wolfe (916) 341-7325

File# 2015-0609-01

**CALIFORNIA HEALTH FACILITIES FINANCING
AUTHORITY
Investment in Mental Health Wellness Grant Program**

The California Health Facilities Financing Authority amended sections 7113, 7116, 7118, 7119, 7125, 7127, and Form CHFFA 7 MH-01 and adopt section 7125.1 of title 4 of the California Code of Regulations regarding the Investment in Mental Health Wellness Grant Program. This regulatory action was deemed an emergency by the Legislature pursuant to section 5848.6 of the Welfare and Institutions Code.

Title 4
California Code of Regulations
ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127
Filed 06/19/2015
Effective 06/19/2015
Agency Contact:
Carolyn Aboubechara (916) 653-3213

File# 2015-0512-04

**COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Training and Testing Specifications**

This action amends Learning Domains throughout the Training and Testing Specifications for Peace Officer Basic Courses publication which is used for course instruction and training for law enforcement officers who are employed as peace officers or enrolled in a training academy.

Title 11
California Code of Regulations
AMEND: 1005, 1007, 1008
Filed 06/24/2015
Effective 08/01/2015
Agency Contact: Cheryl Smith (916) 227-0544

File# 2015-0529-02

DEPARTMENT OF CORRECTIONS AND
REHABILITATION

Use of Force

This action amends regulations regarding the use of force in institutions.

Title 15

California Code of Regulations

AMEND: 3000, 3268, 3268.1, 3268.2

Filed 06/17/2015

Effective 06/17/2015

Agency Contact: Sarah Pollock (916) 445-2308

File# 2015-0512-02

DEPARTMENT OF FOOD AND AGRICULTURE

Section 3435 Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance makes permanent the prior emergency regulatory actions (OAL file nos. 2014-0822-01E and 2015-0205-03EE) adopted by the Department of Food and Agriculture that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 97 square miles in the San Luis Obispo area, and created a quarantine area for ACP in the Cayucos area of approximately 61 square miles. The effect of these actions provides authority for the state to perform quarantine activities against ACP within these additional areas, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern and Tulare counties that are already under quarantine for the ACP, totaling approximately 46,702 square miles.

Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 06/22/2015

Effective 06/22/2015

Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0623-01

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* by approximately 13 square miles in the San Jose area of Santa Clara County and into Alameda County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas.

Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 06/24/2015

Effective 06/24/2015

Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0522-01

DEPARTMENT OF FOOD AND AGRICULTURE

Setting The Commercial Feed License Fee

In this regulatory action, the Department is amending section 2751 of title 3 of the California Code of Regulations to increase the annual commercial fee license from four hundred dollars to five hundred dollars, effective July 1, 2015.

Title 3

California Code of Regulations

AMEND: 2751(b)

Filed 06/24/2015

Effective 07/01/2015

Agency Contact: Maria Tenorio (916) 900-5022

File# 2015-0615-02

DEPARTMENT OF HEALTH CARE SERVICES

Managed Care Information Sharing

This emergency rulemaking by the Department of Health Care Services (the "Department") adopts section 50188 in title 22 of the California Code of Regulations. Section 50188 is adopted to address the matter of describing how and under what circumstances updated Medi-Cal beneficiary contact information shall be reported, which the Department is required to do through an emergency rulemaking no later than July 1, 2015. (See Health & Saf. Code, § 14005.36, subd. (e).)

Title 22

California Code of Regulations

ADOPT: 50188

Filed 06/24/2015

Effective 06/24/2015

Agency Contact: Jordan Espey (916) 445-1514

File# 2015-0507-03

DEPARTMENT OF MOTOR VEHICLES

Eligibility and Required Documentation for a Driver's License Under Assembly Bill (AB) 60

This certificate of compliance makes permanent emergency regulations that implement Assembly Bill 60 (Statutes 2013, chapter 524). These regulations govern the process and requirements for the issuance of an original driver's license to a person who is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.

Title 13
 California Code of Regulations
 ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10,
 16.12, 16.14
 Filed 06/19/2015
 Effective 06/19/2015
 Agency Contact: Randi Calkins (916) 657-8898

Title 22
 California Code of Regulations
 ADOPT: 35270 AMEND: 35037, 35181, 35183,
 35184, 35269, 35271, 35273
 Filed 06/23/2015
 Effective 10/01/2015
 Agency Contact: Ying Sun (916) 651-8267

File# 2015-0505-01
 DEPARTMENT OF SOCIAL SERVICES
 Annual Reporting/Child Only (AR/CO) in the Cal-
 WORKS Program

This rulemaking action makes permanent the emer-
 gency regulations which implement Senate Bill 1041
 (Chapter 47 of 2012), Assembly Bill 1094 (Chapter 554
 of 2013), and Assembly Bill 85 (Chapter 24 of 2013).
 The regulations change the income reporting schedule
 for CalWORKS beneficiaries whose family units do not
 include an adult beneficiary. The regulations also: in-
 crease the earned-income disregard to \$225, include
 Veterans' Disability Compensation as unearned income
 to which the income disregard may be applied, and in-
 crease the Maximum Aid Payment by five percent.

Title MPP
 California Code of Regulations
 ADOPT: 40-039 AMEND: 22-071, 22-072,
 22-305, 40-103, 40-105, 40-107, 40-119, 40-125,
 40-128, 40-173, 40-181, 40-188, 40-190, 41-405,
 42-209, 42-213, 42-221, 42-406, 42-407, 42-716,
 42-721, 42-751, 42-769, 44-101, 44-102, 44-111,
 44-113, 44-115, 44-133, 44-205, 44-207, 44-211,
 44-304, 44-305, 44-313, 44-315, 44-316, 44-318,
 44-325, 44-327, 44-340, 44-350, 44-352, 48-001,
 80-301, 80-310, 82-612, 82-812, 82-820, 82-824,
 82-832, 89-110, 89-201
 Filed 06/17/2015
 Effective 06/17/2015
 Agency Contact: Ying Sun (916) 651-8267

File# 2015-0514-02
 DEPARTMENT OF SOCIAL SERVICES
 Adam Walsh Regulations for CDSS

This rulemaking by the California Department of So-
 cial Services amends sections in Title 22 of the Califor-
 nia Code of Regulations, as well as corresponding sec-
 tions of the Adoptions Manual of the DSS Manual of
 Policies and Procedures. This action implements AB
 2651 and SB 703, which implemented the provisions of
 the Adam Walsh Protection and Safety Act of 2006.

File# 2015-0522-05
 FAIR POLITICAL PRACTICES COMMISSION
 Making, Participating in, and Influencing Decisions

This rulemaking action by the Fair Political Practices
 Commission amends various sections of title 2 of the
 California Code of Regulations concerning officials
 making, participating in, and influencing decisions.

Title 2
 California Code of Regulations
 ADOPT: 18700.3, 18707 AMEND: 18704 RE-
 PEAL: 18704.1, 18704.2, 18704.3, 18704.4,
 18704.5, 18704.6
 Filed 06/22/2015
 Effective 07/22/2015
 Agency Contact:
 Virginia Latteri-Lopez (916) 322-5660

File# 2015-0522-06
 FAIR POLITICAL PRACTICES COMMISSION
 Executive Director Subpoena Authority

This rulemaking by the Fair Political Practices Com-
 mission amends section 18361.7, Title 2 of the Califor-
 nia Code of Regulations relating to Executive Director
 subpoena authority.

Title 2
 California Code of Regulations
 AMEND: 18361.7
 Filed 06/22/2015
 Effective 07/22/2015
 Agency Contact:
 Virginia Latteri-Lopez (916) 322-5660

File# 2015-0508-01
 FISH AND GAME COMMISSION
 Mammal Hunting 2015-2016

The Fish and Game Commission proposed this action
 to amend nine sections and to adopt one section in title
 14 of the California Code of Regulations to establish
 hunting tag allocations for several game mammals in
 hunting zones throughout the state and to make other
 regulatory amendments applicable to the upcoming
 2015-2016 hunting season.

Title 14
 California Code of Regulations
 ADOPT: 364.1 AMEND: 360, 361, 362, 363, 364,
 702, 708.5, 708.11, 713
 Filed 06/22/2015
 Effective 07/01/2015
 Agency Contact: Jon Snellstrom (916)653-4899

File# 2015-0515-02
 FISH AND GAME COMMISSION
 Kelp Harvest Application and Fee

This action by the California Fish and Game Commission makes changes without regulatory effect to section 165, subdivision (a)(1) in Title 14 of the California Code of Regulations. These changes include updating the Kelp Harvest Application and Fee in accordance with Fish and Game Code, section 713, and making associated changes to prior form MRD 658 (Rev. 09/13), which is renamed DFW 658 (Rev. 08/14).

Title 14
 California Code of Regulations
 AMEND: 165
 Filed 06/24/2015
 Agency Contact: Mike Randall (916)653-4678

File# 2015-0507-02
 STATE WATER RESOURCES CONTROL BOARD
 Policies for Variances and Exceptions for the Central Valley Region

This rulemaking action by the State Water Resources Control Board (State Board) amends the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins and the Water Quality Control Plan for the Tulare Lake Basin (Basin Plans). These amendments, which are summarized in section 3949.11 of title 23 of the California Code of Regulations, add policies authorizing the Central Valley Regional Water Quality Control Board (Regional Board) to grant variances from water quality based effluent limitations for point source dischargers, salinity variances for municipal and domestic wastewater treatment facilities, and exceptions from salinity limitations for dischargers subject to waste discharge requirements. This basin plan amendment was adopted by the Regional Board pursuant to Resolution No. R5-2014-0074 on June 6, 2014, and approved by the State Board on March 17, 2015 pursuant to Resolution No. 2015-0010.

Title 23
 California Code of Regulations
 ADOPT: 3949.11
 Filed 06/19/2015
 Effective 06/19/2015
 Agency Contact: Betty Yee (916)464-4643

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 21, 2015 TO
 June 24, 2015**

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**
- 06/22/15 ADOPT: 18700.3, 18707 AMEND: 18704 REPEAL: 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6
 - 06/22/15 AMEND: 18361.7
 - 06/16/15 AMEND: 39000, 39001, 39002
 - 06/02/15 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065
 - 05/27/15 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140
 - 05/18/15 AMEND: 18703 REPEAL: 18703.2, 18703.4, 18703.5, 18707, 18707.1, 18707.2, 18707.4, 18707.5, 18707.6, 18707.7, 18707.9, 18707.10
 - 05/04/15 ADOPT: 1701, 1702 AMEND: 1700
 - 04/27/15 AMEND: 18700, 18700.1, 18700.2, 18700.3, 18701, 18701.1, 18702, 18702.1, 18702.2, 18702.3, 18702.4, 18702.5, 18703.3, 18704, 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6, 18705, 18705.1, 18705.2, 18705.3, 18705.4, 18705.5, 18706, 18706.1, 18708, 18709
 - 04/09/15 AMEND: 57400
 - 04/08/15 AMEND: 212
 - 04/07/15 ADOPT: 59780
 - 04/02/15 AMEND: 18215
 - 04/02/15 AMEND: 18530.4, 18530.45
 - 03/24/15 AMEND: 1900
 - 03/23/15 AMEND: 1189.10
 - 03/23/15 AMEND: 59740
 - 03/17/15 AMEND: 549

- 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
- 02/23/15 ADOPT: 59760
- 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
- 02/09/15 AMEND: 1859.76
- 02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
- 02/02/15 AMEND: 18450.11
- 02/02/15 AMEND: 18740
- 01/22/15 AMEND: 54300
- Title 3**
- 06/24/15 AMEND: 3435(b)
- 06/24/15 AMEND: 2751(b)
- 06/22/15 AMEND: 3435(b)
- 06/02/15 AMEND: 3591.11(a)
- 05/28/15 AMEND: 3435(b)
- 05/19/15 ADOPT: 3441
- 05/13/15 AMEND: 3435(b)
- 05/08/15 AMEND: 3435(b)
- 05/06/15 AMEND: 3435(b)
- 05/06/15 AMEND: 6400
- 04/30/15 AMEND: 3435(b)
- 04/30/15 AMEND: 3435
- 04/16/15 AMEND: 6512
- 04/15/15 ADOPT: 6738.1, 6738.2, 6738.3, 6738.4 AMEND: 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, 6795 REPEAL: 6486.7, 6736
- 04/09/15 AMEND: 3435(b)
- 04/08/15 AMEND: 3435(b)
- 04/06/15 AMEND: 3
- 03/20/15 AMEND: 3435(b)
- 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
- 03/02/15 AMEND: 3435(b)
- 02/25/15 AMEND: 2
- 02/18/15 AMEND: 4500
- 02/12/15 AMEND: 3435(b)
- 02/02/15 AMEND: 1392.8.1
- 01/27/15 AMEND: 3591.13(a)
- 01/26/15 AMEND: 3435(b)
- 01/21/15 AMEND: 300, 301
- Title 4**
- 06/04/15 ADOPT: 1891.1
- 05/19/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
- 05/07/15 AMEND: 10325
- 05/07/15 AMEND: 10315, 10322, 10325, 10327
- 05/04/15 AMEND: 8035(e)-(f)
- 04/27/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
- 04/21/15 AMEND: 150
- 04/09/15 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
- 04/07/15 AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
- 04/06/15 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
- 04/06/15 AMEND: 278
- 03/30/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
- 03/13/15 AMEND: 5205, 5230
- 03/10/15 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
- 03/09/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
- 03/04/15 AMEND: 1866
- 03/02/15 AMEND: 1688
- 02/26/15 ADOPT: 24465-3
- 02/02/15 ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410
- 01/30/15 AMEND: 10085
- Title 5**
- 05/21/15 AMEND: 19810
- 05/18/15 AMEND: 19810
- 03/12/15 AMEND: 19810
- 02/18/15 ADOPT: 58621 AMEND: 58601, 58612, 58620
- 01/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
- Title 8**
- 04/30/15 ADOPT: 9980, 9981, 9982, 9983 AMEND: 9990, 9992, 10208.7 REPEAL: 9994
- 04/30/15 AMEND: 4345, 4351, 4352, 4354
- 04/30/15 AMEND: 1618.1(e)
- 04/20/15 ADOPT: 9792.21.1, 9792.25.1 AMEND: 9792.20, 9792.21, 9792.23, 9792.24.1, 9792.24.3, 9792.25, 9792.26
- 04/06/15 AMEND: 9701, 9702
- 04/06/15 ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310

04/03/15 AMEND: 3395
 02/25/15 AMEND: 9789.25
 02/12/15 AMEND: 333, 336
 02/04/15 AMEND: 9789.10, 9789.11, 9789.20,
 9789.21, 9789.22, 9789.23, 9789.25,
 9789.50, 9789.60, 9789.70, 9789.110,
 9789.111, 9790

Title 9

06/15/15 AMEND: 4210
 06/01/15 ADOPT: 4530, 4530.1, 4530.2, 4530.3,
 4530.4, 4530.5, 4530.6, 4530.7, 4530.8,
 4530.9, 4530.10, 4530.11, 4530.12
 05/27/15 AMEND: 7400
 03/09/15 AMEND: 4210

Title 10

06/15/15 ADOPT: 6432
 05/26/15 ADOPT: 2563
 05/11/15 ADOPT: 6408, 6410, 6450, 6452, 6454,
 6470, 6472, 6474, 6476, 6478, 6480,
 6482, 6484, 6486, 6490, 6492, 6494,
 6496, 6498, 6500, 6502, 6504, 6506,
 6508, 6510, 6600, 6602, 6604, 6606,
 6608, 6610, 6612, 6614, 6616, 6618,
 6620, 6622
 04/27/15 REPEAL: 3530
 04/27/15 ADOPT: 6900, 6901, 6902, 6903, 6904,
 6905, 6906, 6907, 6908
 04/13/15 ADOPT: 5508, 5509, 5510, 5511, 5512,
 5513, 5514, 5515, 5516
 03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3,
 2303.4, 2303.5, 2303.6, 2303.7, 2303.8,
 2303.9, 2303.10, 2303.11, 2303.12,
 2303.13, 2303.14, 2303.16, 2303.17,
 2303.18, 2303.19, 2303.20, 2303.21,
 2303.22, 2303.23, 2303.24, 2303.25
 03/18/15 ADOPT: 6432
 03/16/15 ADOPT: 6426, 6434
 02/19/15 ADOPT: 6432
 02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
 02/05/15 ADOPT: 6428, 6430
 02/02/15 AMEND: 3528
 01/30/15 ADOPT: 2240.15, 2240.16, 2240.6,
 2240.7 AMEND: 2240, 2240.1, 2240.4,
 2240.5

Title 11

06/24/15 AMEND: 1005, 1007, 1008
 06/02/15 AMEND: 999.5
 05/13/15 AMEND: 51.14
 05/13/15 AMEND: 51.17
 05/13/15 AMEND: 51.22
 03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254,
 4255, 4256, 4257, 4258, 4259

Title 13

06/19/15 ADOPT: 16.00, 16.02, 16.04, 16.06,
 16.08, 16.10, 16.12, 16.14
 05/29/15 ADOPT: 1153 AMEND: 1150.1, 1150.2,
 1151.1, 1151.2, 1151.3, 1151.4, 1151.5,
 1151.5.1, 1151.6, 1151.7, 1151.8,
 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4,
 1151.9, 1151.9.1, 1151.10, 1151.10.1,
 1152.1, 1152.2, 1152.2.1, 1152.3,
 1152.3.1, 1152.4, 1152.4.1, 1152.4.2,
 1152.5, 1152.6, 1152.6.1, 1152.7,
 1152.7.1 REPEAL: 1152.8
 04/09/15 AMEND: 2620, 2621, 2622, 2623, 2624,
 2625, 2626, 2627, 2628, 2629
 01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159

Title 13, 17

01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159

Title 14

06/24/15 AMEND: 165
 06/22/15 ADOPT: 364.1 AMEND: 360, 361, 362,
 363, 364, 702, 708.5, 708.11, 713
 06/22/15 AMEND: 1665.7
 06/22/15 AMEND: 895.1, 1038, 1038.2
 06/04/15 AMEND: 7.50
 05/28/15 AMEND: 3550.14
 05/21/15 AMEND: 708.3, 708.10, 708.11
 05/01/15 AMEND: 27.80
 04/28/15 AMEND: 28.20, 28.95
 04/27/15 AMEND: 1273.01, 1273.02, 1273.05,
 1273.06, 1273.07, 1273.08, 1273.10,
 1273.11, 1274.01, 1274.09, 1275.00,
 1275.01, 1275.10, 1275.15, 1276.00,
 1276.03
 04/24/15 AMEND: 7.50
 04/20/15 ADOPT: 1760.1, 1779.1
 04/06/15 AMEND: 15411
 04/01/15 AMEND: Heading of Division 7
 04/01/15 AMEND: 1.73, 27.75, 27.80
 03/30/15 ADOPT: 3550.17
 03/10/15 AMEND: 1.91, 27.20, 27.25, 27.30,
 27.35, 27.40, 27.45, 27.50, 27.51, 27.65,
 28.26, 28.27, 28.28, 28.29, 28.48, 28.49,
 28.54, 28.55, 58.56, 28.58, 28.90
 02/23/15 AMEND: 1.45, 2.09, 4.05, 5.00, 5.80,
 7.50, 8.00, 27.90
 01/30/15 AMEND: 465, 472
 01/29/15 AMEND: 1665.1, 1665.2, 1665.3,
 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 01/28/15 AMEND: 4351.1 (renumbered as 4351),
 4360 REPEAL: 4351

Title 15

06/18/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3
 AMEND: 1700, 1706, 1712.2, 1714.2,
 1730.2, 1731, 1740.2, 1747, 1747.1,
 1748, 1748.5, 1749, 1749.1, 1750,
 1750.1, 1751, 1752, 1753, 1754, 1756,
 1760, 1766, 1767, 1768, 1770, 1772,
 1776, 1778, 1788, 1790, 1792
 06/17/15 AMEND: 3000, 3268, 3268.1, 3268.2
 06/02/15 AMEND: 3124
 06/01/15 ADOPT: 3335.5, 3341.1, 3341.2, 3341.3,
 3341.4, 3341.5, 3341.6, 3341.7, 3341.8,
 3341.9 AMEND: 3000, 3044, 3269,
 3269.1, 3335, 3336, 3337, 3338, 3339,
 3340, 3341, 3341.5, 3342, 3343, 3344
 05/29/15 ADOPT: 8113
 05/26/15 ADOPT: 8100, 8102, 8104, 8105, 8106,
 8107, 8108, 8110, 8111, 8112, 8114,
 8118, 8119, 8119.1, 8120 AMEND: 8000
 05/26/15 AMEND: 2275
 05/26/15 AMEND: 233
 04/30/15 AMEND: 3006, 3134.1, 3135
 04/27/15 ADOPT: 3999.18
 04/22/15 AMEND: 3001, 3042, 3043, 3084.7,
 3379, 3768.2
 04/16/15 ADOPT: 3410.1 AMEND: 3173.2
 03/17/15 ADOPT: 3410.2 AMEND: 3000, 3173.2,
 3287, 3410.1
 03/16/15 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5,
 1849.1, 1850.1 AMEND: 1800, 1806,
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