



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. DEPARTMENT OF HUMAN RESOURCES

The Department of Human Resources (Department) proposes to adopt regulations to provide standards and parameters for the administration of merit personnel management systems in Local Agencies, as mandated by state and federal law, for employees working in certain social services programs. Simultaneously, the Department proposes to repeal the existing regulations previously adopted by the State Personnel Board (SPB).

In repealing the current regulations and adopting the proposed regulations, the Department is implementing one element of Governor's Reorganization Plan Number One of 2011 (GRP 1). GRP 1 created the Department and vested it with the powers and duties of the former Department of Personnel Administration (DPA) and certain operations of the State Personnel Board (SPB). Among the functions transferred to the Department is responsibility for oversight of merit systems for Local Agencies, "Where such merit systems of employment are required by statute or regulation as a condition of a state-funded program or a federal grant-in-aid program established under federal laws, including, but not limited to: the Social Security Act, as amended; the Public Health Services Act; and the Federal Civil Defense Act, as amended." (Gov. Code, § 19800, and following.) This transfer of responsibility was effective January 1, 2014. The Program is known as the Merit Services System (MSS).

The federal laws referenced condition federal financial participation in certain programs, including CalWORKS, Medi-Cal, and Child Support enforcement, on the state and local agencies that administer those programs using a merit-based personnel system. (Administrative Personnel, 5 C.F.R. §§ 900.601–900.605.)

WRITTEN COMMENT PERIOD

The Department has submitted this notice of publication with a requested publication date of October 23, 2015. The written comment period will, therefore, extend from October 23, 2015 until December 7, 2015.

PUBLIC HEARING

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

AUTHORITY AND REFERENCE

Government Code section 19800 vests in the Department the jurisdiction and responsibility to establish and maintain merit-based personnel standards and to administer merit systems for local governments where such merit systems are required as a condition of receiving federal funding for certain specified programs, including the Social Security Act, as amended, The Public Health Service Act, and the Federal Civil Defense Act, as amended. Government Code section 19801 explicitly specifies that, for the administration of such programs, the Department shall, "by regulation, establish and maintain personnel standards on a merit basis for local agencies . . . necessary for proper and efficient administration, and to ensure state conformity with applicable federal requirements."

The proposed regulations make specific Government Code sections 19802 through 19811. These statutes require specific actions of the Department including those listed below.

Allows any local agency to establish its own merit system and determine the personnel standards applicable to its employees, but for those local agency employees administering state and federally supported programs pursuant to Government Code section 19800, the local system and standards shall be subject to review and approval by the Department. (Government Code section 19802).

Allows the Department to waive administration of all or part of a local agency's merit system after it approves the personnel standards established pursuant to a legally binding memorandum of understanding negotiated between a local agency and its employee organizations. (Government Code section 19802.5).

Allows the Department to delegate to another state department the administration of the employee standards for those local agencies not administering their own merit systems. (Government Code section 19803).

Requires the Department to hear and decide appeals of local agency decisions affecting the employment rights of persons covered by these statutes. (Government Code section 19803).

States that the Department shall exercise no authority, in implementing these statutes, with respect to the selection, tenure of office, and compensation of any in-

dividual employed in accordance with established standards. (Government Code section 19804).

Requires the Department to establish and administer procedures, including provisions for investigations and hearings, to determine whether a local agency merit system is in conformity with the standards established by the Department. (Government Code section 19805).

Requires the Department to notify the appropriate state and local agency if after conducting a hearing, the Department determines that the local agency's merit system is not in conformity with the Department's personnel standards. (Government Code section 19806).

Requires local agencies to provide information and reports related to merit system administration as required by the Department. (Government Code section 19808).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action will establish clear, updated, and streamlined guidelines for Local Agencies in the operation of merit personnel systems for employees in positions covered by the federal requirements.

The current state regulations proposed for repeal were adopted prior to a revision to the federal standards in 1983. These federal standards specifically avoid mandating any particular actions as part of a local merit system, but rather establish high level characteristics of such a system, leaving the details of the operation to the state and local governments engaged in program administration. The proposed regulations adopt the federal regulatory approach, and establish principles and procedures that will ensure a merit-based personnel system, while respecting the autonomy, authority, and competence of local agencies to operate pursuant to their own merit-based personnel systems.

The current state regulations divide Local Agencies into two categories, and establish detailed prescriptive standards of operation for each type. The existing state regulations are prescriptive in nature, controlling Local Agency personnel operations for a limited class of employees, and forcing Local Agencies to administer two separate personnel systems: one for the employees of the covered programs, and one for all other employees. As a result, Local Agencies complained about the complexity of the dual systems, confusion among staff and affected employees, and unfair results between employees who may be working side-by-side.

The proposal is to repeal the current regulations in total and adopt a more streamlined, flexible set of standards, as is consistent with and expressly permitted by federal law. Local Agencies that demonstrate compliance with federal requirements are permitted to oper-

ate all or selected elements of their personnel operation as they deem appropriate so long as the Department approves their system as compliant with federal regulations. The Department's approach to administering personnel operations for a Local Agency that elects to have the Department do so is to rely upon and utilize standards and procedures in effect in that Local Agency, so that all employees are treated similarly, and as a result there is no longer duplication, confusion, or perceived unfairness.

The Department developed the proposed regulations with the assistance of representatives of local agencies and vetted the proposed regulations with interested parties.

OBJECTIVES AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations modernize the administration of the federal and state merit system requirements to take advantage of the flexibility in program operations specifically authorized by the applicable federal laws. The proposed regulations allow the Local Agencies greater flexibility in administering their personnel management systems and integrate personnel operations for the covered employees with overall personnel operations for all other employees of a Local Agency. The proposed regulations recognize the competency and authority of Local Agencies to administer their own operations pursuant to their duly adopted municipal laws and rules.

The proposed regulations address the complaints of Local Agencies regarding the difficulty of understanding and administering personnel management systems under two different standards; one local and one imposed by the current regulations for a limited number of employees.

The proposed regulations permit Local Agencies to request the Department's approval to operate their own duly adopted personnel rules and policies for employees covered by the federal rules in the same manner as for other employees, continuing a practice of the SPB under the current regulations. For Local Agencies who elect to have the Department administer a personnel system for them, the proposed regulations describe the Department's duties and the standards to be followed.

For those Local Agencies previously approved to operate their personnel system for covered employees as for all employees, the proposed regulations provide more certainty in their operations by adding a process for resolving and finalizing disputed audit results. As such, the Local Agencies will have a level of certainty in their operations that is lacking under the current regulations.

The proposed regulations change the standard of proof in disciplinary hearings, on appeal from an action affecting an employee's position or salary, from substantial evidence to preponderance of the evidence, consistent with due process considerations given the property right impacted by such an action. The proposed regulations expand the availability of appeal for employees who are rejected on probation. The proposed regulations also modify the manner in which seniority is calculated for employees in the event of a reduction in force so that all local employees are treated in a similar manner, but the benefits some employees may have acquired under the current regulations are maintained.

The proposed regulations are consistent with federal requirements.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The state statutes and regulations relating to the requirement that state and local agencies administering certain federal programs must utilize a merit-based personnel system are discrete and do not overlap with any existing state regulations. There is no overlap between the proposed regulations and any other provision given the simultaneous repeal of the current regulations previously adopted by the SPB prior to modification of the federal regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts:

None. The proposed regulations do not require Local Agencies to incur any new expenses. Some Local Agencies may see savings in the future if they are currently operating a separate personnel system for Program employees and are subsequently granted approval to utilize their existing Local Agency personnel system for program employees as for other employees.

Cost or savings to any state agency:

Unknown. These regulations do not increase or save any state funding. However, by providing for more discretion, flexibility and clarity to the Local Agencies, the Department may realize savings in the future.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:

None. The proposed regulations provide greater flexibility to Local Agencies than do the existing regulations. No additional costs are imposed on Local Agencies by these regulations.

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

Cost or savings in federal funding to the state:

None. Federal funding will not be affected by the adoption of the proposed regulations. Per federal regulations, a copy of the proposed regulations will be forwarded to the oversight agency, the Office of Personnel Management, as an informational item.

Effect on Housing Costs:

None.

Cost impacts on a representative private person or business:

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

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

Impact on Reporting:

None. The proposed action does not require the making of any reports.

Impact on Small Business:

None, because the regulations proposed do not apply to business, but only apply to Local Agency personnel operations for a limited number of positions statewide.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Because the proposed regulations are adopted to replace existing regulations, no jobs are created or eliminated by this regulatory action. No business is created or eliminated by this proposal. This proposal will not affect the expansion of existing businesses in California. The regulations do not have a direct impact on the health and welfare of California residents, worker safety, or the state's environment. However, as stated above under "Objectives and Anticipated Benefits of the Proposed Regulations," the proposed regulations will benefit the health and welfare of California residents by providing local agencies administering state and federal programs with greater control, flexibility, and consistency in the administration of their merit based personnel systems.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

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Loni.Chhen@calhr.ca.gov

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

Copies of the full text of the proposed action, both the current regulations and the proposed regulations, as well as the Initial Statement of Reasons and other items in the rulemaking file are available for viewing and download on the Department's website at <http://www.calhr.ca.gov/Pages/public-notice.aspx>. Copies can also be obtained by contacting the Contact Person listed above.

After the public comment period has closed, the Department will make available through the same means any substantial changes to the proposed regulatory text for at least 15 days prior to further action. The final text of the regulations, if modified, along with the Final Statement of Reasons, and any other documentation accumulated during the comment period or created by the Department thereafter will be available to all interested parties through the website and by contacting the Contact Person listed above.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Marysville Joint Unified School District
Palo Verde Irrigation District

A written comment period has been established commencing on October 23, 2015, and closing on December 7, 2015. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Brannaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than December 7, 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 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 August 27, 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 February 23, 2016.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on December 7, 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 gener-

ally 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 she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

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

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code 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 uninfected 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 affect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in the Arroyo Grande area of San Luis Obispo County by approximately 113 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 52,081 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 four citrus production nurseries in the affected area that will be impacted. There are two retail nurseries in the affected area. There are 10 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and are required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 a piece. 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 no citrus packinghouses located within this quarantine area.

Based on the preceding 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 Depart-

ment believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

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

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

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

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

DIVISION 3. ECONOMICS

**CHAPTER 1. FRUIT AND VEGETABLE
STANDARDIZATION**

**SUBCHAPTER 4. FRESH FRUITS, NUTS AND
VEGETABLES**

Article. 6.5. Direct Marketing

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

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

(916) 900-5345 or by e-mail to steve.patton@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on December 7, 2015**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Branch Chief
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

AUTHORITY AND REFERENCE

Food and Agricultural Code (FAC) section 14 authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the FAC grants the Department Secretary the authority to amend or repeal rules and regulations.

FAC section 407 authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the FAC which the Secretary is directed or authorized to administer or enforce.

FAC section 47000 establishes the Legislature's findings and declarations with regard to direct marketing. This section specifies, in part, that a regulatory scheme should be developed that provides flexibility to make direct marketing a viable marketing system.

FAC section 47000.5 establishes definitions for "agricultural product," "practice of the agricultural arts," and "Producer" under the Direct Marketing Chapter.

FAC section 47001 specifies, in part, that the Secretary of the Department may adopt regulations to encourage the direct sale by farmers to the public of all types of California agricultural products. These regulations may include provisions to ensure and maintain quality and wholesomeness of the products, and to ensure that the selling activities are conducted without fraud, deception, or misrepresentation.

FAC section 47002 provides, in part, opportunities for California farmers to market their agricultural products directly to the public with exemptions for minimum size, labeling, standard pack, and container requirements. These exemptions allow farmers to sell their product directly to the public without the added expense of commercial preparation.

FAC section 47003 provides, in part, that the Secretary may establish qualifications for persons selling products directly to the public whenever the sales involve the use of any exemption granted under the chap-

ter pertaining to Direct Marketing. In addition, this section provides that certified farmers' markets (CFMs) and other direct marketing outlets and distributors may likewise be subject to qualifications.

FAC section 47004 establishes, in part, that CFMs are California agricultural product point of sale locations that are registered under the provisions of FAC section 47020 and operated in accordance with the chapter governing direct marketing and regulations adopted pursuant to the Direct Marketing Chapter.

FAC section 47005 grants an enforcing officer the authority to enter and inspect any place or conveyance where products are produced, stored, packed, delivered for shipment, loaded, shipped, transported, or sold pertaining to a certified producer's certificate over which he or she has jurisdiction.

FAC sections 47005.1 through 47005.3 provide, in part, that an enforcing officer may inspect, seize, and hold all products, containers, and equipment found in any place or conveyance to determine compliance with the Direct Marketing Chapter or regulations adopted thereunder.

FAC section 47020 establishes that the Department is responsible for administering and regulating CFMs and county agricultural commissioners are responsible at the local level for issuing producer and operator certificates and conducting onsite inspections to verify that all agricultural products sold at the CFM are grown by the producer. In addition, this section authorizes the Secretary of the Department to promulgate regulations specifying the information a certified producer is required to submit to the Department.

FAC section 47021 provides, in part, that CFM operator fees shall be used, including, among other things, for investigation and enforcement expenses, including expenses incurred by county agricultural commissioners for actions conducted pursuant to the provisions related to direct marketing.

FAC section 47022 provides, in part, that it is unlawful for any person when operating under the provisions of the Direct Marketing Program or the regulations adopted thereunder to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any products in bulk, or in any container or subcontainer, unless such products conform to the provisions of this chapter or the regulations adopted thereunder.

FAC sections 47022.1 through 47022.7 establish, in part, that it is unlawful to engage in various activities related to agricultural commodities that fall under the provisions of the Direct Marketing Chapter or the regulations adopted thereunder.

FAC section 47025 provides that in lieu of prosecution, but not precluding suspension or revocation of certified producer's certificates or CFM certificates, the Secretary of the Department or a county agricultural commissioner may levy a civil penalty against a person who violates these provisions or any regulation implemented pursuant to these provisions, as specified.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action amends Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5, of the CCR sections 1392, 1392.1, 1392.2, 1392.4, 1392.4.1, 1392.5, 1392.6, 1392.8, 1392.8.1, 1392.9, 1392.9.1, 1392.10, and 1392.11 and repeals section 1392.7. Specifically, this rulemaking action clarifies and makes specific the conditions of direct marketing at CFMs.

The Direct Marketing/CFM Program ensures that certified producers and market operators are complying with direct marketing statutes and regulations, which are in place to ensure an equitable marketplace for certified producers to conduct business. There are over 2,000 certified producers and 800 CFMs in California. In addition, these statutes and regulations are intended to promote consumer confidence in the direct marketing industry by ensuring that selling activities at CFMs are conducted without fraud, deception, or misrepresentation.

On January 1, 2015, Assembly Bill (AB) 1871 (Dickinson) (Chapter 579, Statutes of 2014) was enacted. This measure modified several sections of the FAC related to direct marketing/CFMs. Specifically, this bill expanded responsibilities and requirements for operators, producers, county agricultural commissioners, and the Department. These changes bring the need for regulatory action to align existing regulations with the newly enacted statutes provided in AB 1871 (Dickinson) (Chapter 579, Statutes of 2014). This action provides the following:

- Clarification and revision of the intent of the Direct Marketing Article in order to align with recent statutory changes.
- Changes to the authorization of direct marketing to align with new terminology included within recently adopted statutes.
- Amendments to several definitions within the Direct Marketing Article to provide clarity to the definitions and reflect recent statutory changes.

- Revisions to the conditions of direct marketing to reflect changes in statute and to provide for effective administration and enforcement of direct marketing statutes and mandates.
- Amendments to administrative civil penalties for direct marketing in order to align with recent statutory changes, and to promote uniform enforcement of direct marketing/CFM statutes and regulations throughout the state.
- Revisions to producer and CFM certification application procedures to clarify recent statutory changes. In addition, a section of the Direct Marketing Article is consolidated to give one point of reference within the California Code of Regulations (CCR) for the regulated industry and enforcing officers.
- Amendments to sections governing fees in order to align with statutory changes.
- Amendments to the issuance of producer certificates in order to allow county agricultural commissioners the opportunity to include additional security features on certified producer certificates.
- Amendments to the issuance of penalties and the appeals process to align with changes in statute and to provide for consistent application of due process.

Benefits of the Proposed Action: This proposed regulatory action will assist in clarifying and making specific the responsibilities and requirements of CFM operators, producers, county agricultural commissioners, and the Department. This will ensure that county agricultural commissioners and the Department conduct enforcement and investigate claims of fraudulent activities at CFMs in a collaborative and seamless manner. The benefits of this proposed regulatory action include increased consumer confidence, the promotion of a fair and equitable marketplace for certified producers and market operators, and greater collaboration among state and county partners. This regulatory action is intended to protect and promote the direct marketing/CFM industry.

CONSISTENCY EVALUATION

The Department has determined that this proposed regulatory action is not inconsistent with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern CFMs.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Cost impacts on a representative private person or business: 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.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is: (1) likely that the proposal will not create or eliminate jobs and not eliminate existing business; (2) likely that this proposal will not create new business or expand current business opportunities; (3) likely that this proposal will not eliminate jobs. Also, enhanced enforcement activities will protect consumers and the industry, and assure that consumers are purchasing produce direct from the farm. Finally, this proposed rulemaking will have no impact on the general public and protection of public health and safety.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed changes to the regulations would have no significant impact directly affecting small businesses. All CFMs and vendors would be operating under the same regulatory structure with regards to the regulatory changes.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Compliance Chief
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street,
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

The backup contact person for these inquiries is:

Laurel Rudolph, Staff Services Analyst
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Laurel Rudolph at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at: 2800 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. 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, and the initial statement of reasons. Copies may be obtained by contacting Laurel Rudolph at the address or phone number listed previously.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend 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. Please send requests for copies of any modified regulations to the attention of Laurel Rudolph at the address listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Laurel Rudolph at the address listed previously.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <http://www.cdfa.ca.gov/is/Regulations.html>.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 6 AMEND ARTICLE 3,
SECTION 1162.1 AND
CHAPTER 6.5 AMEND ARTICLE 8, SECTION 1242

FIRE EXTINGUISHERS (CHP-R-15-04)

The California Highway Patrol (CHP) proposes to amend the motor carrier safety regulations contained in Title 13, California Code of Regulations (CCR) to be consistent with the current version of federal regulations in Title 49, Code of Federal Regulations (CFR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title 13, CCR, Division 2, Chapter 6 contains the CHP hazardous materials regulations, and Article 3,

Section 1162.1 contains requirements specific to fire extinguisher requirements. Title 13, CCR, Division 2, Chapter 6.5, contains the CHP motor carrier safety regulations, and Article 8, Section 1242, contains requirements specific to fire extinguisher requirements.

Current state regulations pertaining to fire extinguishers are not substantively the same as current federal regulations. This proposed rulemaking action will enhance the competitiveness of California by eliminating or modifying, to the extent possible, regulations which conflict with updated federal regulations, in order to prevent any negative impact on businesses. Also, this rulemaking will allow the CHP to remain consistent with regulations adopted by the United States Department of Transportation.

Anticipated Benefits of the Proposed Regulation:

This rulemaking action will ensure that interstate carriers are not unnecessarily burdened by California's more stringent fire extinguisher regulations; therefore, alignment with federal regulations will increase compliance without jeopardizing safety. Additionally, this proposed regulatory action will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and safety to the environment because changes to the application of the regulation merely brings the State's regulation in conformance with existing federal regulation. Minor additions and changes to the regulations are clarifying in nature and all are within existing requirements for industry.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has evaluated the proposed regulations and has found these are the only regulations concerning fire extinguishers on commercial motor vehicles. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing regulations.

PUBLIC COMMENTS

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

California Highway Patrol
Commercial Vehicle Section
Attention: Officer Kristi McNabb
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on December 7, 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 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 information is incomplete or illegible).

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS for an appointment.

All documents regarding the proposed action are available through the CHP's Website 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 be posted on the CHP's Website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Sergeant Josh Clements or Officer Kristi McNabb, of 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 IMPACTS AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on

housing costs; (2) will impose no new mandate upon local agencies or school districts; (3) will involve no non-discretionary costs or savings to any local agency; no cost to any local agency or school district for which Sections 17500–17630 of the Government Code (GC) 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 safety to the environment by providing a regulatory basis for enforcement efforts as they relate to the CFR; and (6) will have no 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 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 regulation will not affect small businesses as the proposed amendments are either already required by federal regulation or are editorial in nature, and are without regulatory effect. However, the regulated community is encouraged to respond during the public comment period of this regulatory process if significant impacts are identified.

ALTERNATIVES

In accordance with Section 11346(a)(13) GC, the CHP must determine no reasonable alternative considered by the agency, or otherwise identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed; nor be as effective and less burdensome to affected private persons than the proposed action; nor 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 and 34501(a) of the California Vehicle Code (CVC).

REFERENCE

This action implements, interprets, or makes specific, Sections 2402 and 34501(a) CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
 ROBERT W. MAYNARD, Chief
 Enforcement and Planning Division

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 240, 2070, 2075.5 and 2076.5, of the Fish and Game Code, and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2072.7, 2074.6, 2075.5, 2077, 2080, 2081 and 2835, of said Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to Be Endangered or Threatened.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 670.5 of Title 14, CCR, provides a list, established by the California Fish and Game Commission (Commission), of animals designated as endangered or threatened in California. The Commission has the authority to add or remove species from this list if it finds that the action is warranted.

At its June 4, 2014 meeting in Fortuna, California, the Commission made a finding that gray wolf warrants listing pursuant to the California Endangered Species Act (CESA). Specifically, the Commission determined that gray wolf (*Canis lupus*) should be listed as an endangered species.

The Commission therefore proposes to amend Section 670.5 of Title 14, CCR, to add gray wolf to the list of endangered species.

This proposal is based upon the documentation of threats to gray wolf to the point that it meets the criteria for listing by the Commission as set forth in the CESA. The Commission is fulfilling its statutory obligation in making this proposal which, if adopted, would afford gray wolf in California with the recognition and protection available under CESA.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to establish a list of endangered species and a list of threatened species (Fish and Game Code Section 2070). Commission staff has searched the CCR and has found that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Town and Country Resort & Convention Center, 500 Hotel Circle North, San Diego, California, on December 10, 2015, at 8 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 24, 2015, at the address given below, or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 7, 2015. All comments must be received no later than December 10, 2015, at the hearing in San Diego, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann (back-up contact) at the preceding address or phone number. **Dr. Eric Loft, Chief of the Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-0411, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

While the CESA statutes do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

The CESA listing process is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding that listing is warranted are in apparent conflict with Section 11346.3, which requires an agency to consider economic impacts of its proposed regulations.

Since the finding portion of CESA is silent as to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 requires the preparation of an economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of gray wolf as endangered will subject the species to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department.

Presently the gray wolf is listed as endangered throughout portions of its range, including California, under the federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et seq.*) (ESA). Wolves that enter California are therefore protected by the ESA. Under the ESA, the U.S. Fish and Wildlife Service has lead responsibility for wolves in California.

For species listed as endangered or threatened under the ESA, activities that result in “take” of the species are prohibited. The ESA defines “take” to mean “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Harass is further defined as “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering” (50 CFR 17.3).

As long as the gray wolf remains federally listed, concurrent listing under the CESA should not result in a significantly greater economic impact. As a result of the federal or State listing, the economic impacts on commercial timber and other industries whose activities occur near wolf den or rendezvous sites could be significant. To avoid prohibited take under CESA and ESA may require consultation with the Department and federal counterparts as to the timing of activities and potentially incidental take permitting. Based on these considerations, the Commission finds that the amendment of this regulation may have a significant adverse economic impact on business.

The Commission has made an initial determination that the amendment of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

In most cases, conservation measures implemented by the Department for newly listed endangered species have relatively little effect on members of the public. That effect, if any, usually arises from requiring persons to avoid any take of endangered species, or implementing the conditions of an incidental take permit. Fish and Game Code Section 2081(b) addresses the requirements for an incidental take permit:

- Take must be incidental to an otherwise lawful activity.
- Impacts of authorized take must be minimized.
- Impacts of the authorized take must be “fully mitigated.”

- The permit applicant must ensure adequate funding to implement the measures required for minimizing and fully mitigating the impacts of authorized take, and for monitoring compliance with and effectiveness of those measures.
- A permit cannot be issued if the Department determines that issuance of the permit will jeopardize the continued existence of the species.

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities subject to the California Environmental Quality Act (“CEQA”). CEQA currently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered or threatened species to be subject to the same protection under CEQA as though they are already listed by the Commission in Section 670.5 of Title 14, CCR (CEQA Guidelines, Section 15380).

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

If the potentially significant economic impact identified above occurs, there could be an adverse impact on new or existing jobs, an adverse impact on creation of new businesses or elimination of existing businesses, and an adverse impact on business expansion. The magnitude of these impacts will depend on the extent to which commercial activities result in take of gray wolf, and the costs of minimizing and mitigating for that take. The Commission does not anticipate benefits to the health and welfare of California residents or to worker safety. The Commission anticipates benefits to the environment by protecting the gray wolf under CESA.

- (c) **Cost Impacts on a Representative Private Person or Business:**
A representative private person or business may experience economic impacts as described in section (a) above.
- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

As a project applicant, a state agency may realize costs associated with projects involving the incidental take of gray wolf as described in section (a) above.

The proposed regulatory change is not expected to significantly affect federal funding to the State, but there could be an increase in the likelihood that State and federal land and resource management agencies would allocate funds to the State for protection and recovery actions.

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

As a project applicant, a local agency may realize costs associated with projects involving the incidental take of gray wolf as described in section (a) above.

- (f) **Programs mandated on Local Agencies or School Districts:**

None.

- (g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:**

None.

- (h) **Effect on Housing Costs:**

None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy (Board) is proposing to take the action de-

scribed in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 December 7, 2015.

The Board does not intend to conduct a Regulation Hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

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 section 4005 of the Business and Professions Code, and to implement, interpret or make specific sections 4076 and 4076.5 of the Business and Professions Code, the Board of Pharmacy is proposing to amend Section 1707.5 of Article 2 of Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of Pharmacy (Board) proposes to amend Section 1707.5 of Division 17 of Title 16 of the California Code of Regulations (CCR) for the purpose of amending the Board’s regulations specific to the requirements for patient-centered labels for prescription drug containers.

Existing law sets forth the requirements for a prescription drug container label for any drug dispensed to a patient in California (Business and Professions Code (B&P) section 4076). B&P section 4076.5 required the Board to consider the following factors when developing requirements for the patient-centered prescription label requirements:

- Medical literacy research that points to increased understandability of labels.

- Improved directions for use.
- Improved font types and sizes.
- Placement of information that is patient-centered.
- The needs of patients with limited English proficiency.
- The needs of senior citizens.
- Technology requirements necessary to implement the standards.

Title 16 CCR section 1707.5 specifies requirements for patient-centered labels for prescription drug containers. When the Board promulgated these requirements, it included in subdivision (e) a requirement that the Board re-evaluate the requirements by December 2013 to ensure optimal conformance with Business and Professions Code section 4076.5.

Further specifications to the patient-centered label requirements went into effect on April 1, 2015 following promulgation of a regulation in 2014. The new specifications included a standardized, patient-centered prescription drug container label. These specifications mandated the format of all prescription drug container labels for prescription drugs dispensed in California, including: font type, font size, and placement of words. These changes were necessary to ensure patient safety and compliance of prescription medications through patient-centered labels that consider the following: medical literacy research that points to increased understandability of labels; improved directions for use; improved font types and sizes; placement of information that is patient-centered; the needs of patients with limited English proficiency; the needs of senior citizens; and technology requirements necessary to implement the standards.

This proposal further specifies the patient-centered prescription drug container label in 16 CCR section 1707.5(a)(1)(B) by clarifying the meaning of “name of the drug.” By requiring the brand name when a generic drug is dispensed, patients will be further educated as to what medications they are taking. This may reduce incidence of and/or prevent accidental drug overdoses. Additionally, by amending 1707.5(d) to include translation services, pharmacies will be required to include means of providing translation services to patients with limited or no English proficiency. Having policies and procedures in place that identify how to provide translation services will make the services more readily available to those patients that need them.

B&P section 4005 generally authorizes the Board to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy.

B&P section 4001.1 specifies that protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section fur-

ther states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

ANTICIPATED BENEFITS OF PROPOSAL

As one patient may have three prescriptions for the same medical condition, the Board determined that requiring the brand name when a generic drug is dispensed will further educate the patient and may prevent accidental drug overdoses. If a patient has a prescription issued in the brand name and then refilled in the generic name, the patient may not be aware that the two bottles contain the same medication. This could cause them to take double or triple the dose in error. Additionally, according to the United States Census Bureau, in 2011 approximately 8.7 million California residents had little or no English proficiency. This means that approximately 8.7 million California residents are unable to read and understand the prescription label and may rely on non-medically trained individuals to translate the information. The Board determined that pharmacies need to have policies and procedures in place to provide translation services in order to better educate and serve those patients with limited or no English proficiency.

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/Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

BUSINESS IMPACT

The Board of Pharmacy (Board) has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of

California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed changes will help protect the public health based on the proposed changes described in the proposed text and are consistent with patient-centered labeling for prescription drug requirements meeting national and industry standards.

The proposed amendment is intended to protect the people of California by ensuring consumers receive their prescription drugs with respective labels that are centered around the consumers' needs so that each consumer is able to understand the prescription drug is for them, the name of the prescription drug (and the brand name if a generic drug is dispensed), the directions for use of the prescription drug, and the condition or purpose for which the prescription drug was prescribed is indicated on their prescription. Additionally, the proposed regulation would require pharmacies to have policies and procedures in place to respond to patients with limited or no English proficiency, which will ensure that pharmacies have the ability to provide accurate information regarding prescription drugs in a language appropriate for the patient.

As a result, there may be a one-time cost to implement these regulations; however, the Board does not anticipate a statewide adverse economic impact directly affecting businesses. The Board concludes that the economic impact, including the ability of California businesses to compete with businesses in other states will not be significant.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board's proposal may affect small businesses; however, the Board does not have nor does it maintain data to determine if any of its licensed pharmacies, non-resident pharmacies, or clinics are "small businesses" as defined in Government Code section 11342.610.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses

The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on

the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This initial determination is based on the fact that patient-centered labeling is currently required under 16 CCR 1707.5. This proposal amends the regulation to require the brand name of the drug if a generic drug is dispensed. Additionally, this proposal requires that policies and procedures be updated to include translation services for patients with limited or no English proficiency.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and the state's environment because the proposed amendments are intended to protect the people of California by ensuring consumers receiving prescription drug containers are thoroughly educated as to what prescription drugs they are receiving. This education may prevent the incidence of accidental drug overdose. Additionally, the proposal requires translation service methods be established in the pharmacies' policies and procedures; this will allow California residents with limited or no English proficiency access to prescription drug education from medical professionals.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy 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 or 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 in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy 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 of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Website <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Website (www.pharmacy.ca.gov).

CONTACT PERSON

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

Name: Lori Martinez
 Address: 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone No.: (916) 574-7935
 Fax No.: (916) 574-8618
 E-Mail
 Address: Lori.Martinez@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren
 Address: 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone No.: (916) 574-7910
 Fax No.: (916) 574-8618
 E-Mail
 Address: Anne.Sodergren@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found on the Board of Pharmacy's website: www.pharmacy.ca.gov.

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Sections 5218, *Review of the Petition by the Assigned Section, 5235, Action on the Claim for Refund, 5237, Board Approval Required for Refunds Over \$100,000, and 5267, Issuance of Post Appeals Conference Notices; Board Approval.*

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606 and Revenue and Taxation Code (RTC) sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601, proposes to adopt amendments to California Code of Regulations, title 18, sections (Regulations) 5218, *Review of the Petition by the Assigned Section, 5235, Action on the Claim for Refund, 5237, Board Approval Required for Refunds Over \$100,000, and 5267, Issuance of Post Appeals Conference Notices; Board Approval.* The proposed amendments make Regulations 5218, 5235, 5237, and 5267 consistent with the Board's April 29, 2015, delegation of authority to Board staff to grant or deny appeals and refund, credit, or cancel amounts in excess of \$100,000 without the Board's approval. The proposed amendments provide new procedures for the Board's Deputy Directors to make the determinations as to whether to approve their staff's recommendations to refund, credit, or cancel amounts in excess of \$100,000 or cancel a fraud or evasion penalty in any amount, and provide taxpayers the opportunity to request an appeals conference or Board hearing to further appeal a Deputy Director's determination if it is less favorable than the Deputy Director's staff's recommendation.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on December 16–17, 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 December 16 or 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 Regulations 5218, 5235, 5237, and 5267.

AUTHORITY

Regulations 5218, 5235, 5237, and 5267: Government Code section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601.

REFERENCE

Regulation 5218: RTC sections 6562, 7711, 8852, 12429, 30175, 30262, 32302, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083, and 60352.

Regulation 5235: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 12977, 12978, 12981, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 32401, 32402, 32402.1, 32404, 32407, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41101.1, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60507, 60521, and 60522.

Regulation 5237: RTC sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521.

Regulation 5267: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW PURSUANT TO GOVERNMENT
CODE SECTION 11346.5, SUBDIVISION (a)(3)

Summary of Existing Laws and Regulations

The Board is a constitutionally established agency comprised of five elected Board Members, which include the Controller and district Board Members elected from each of the Board's four districts. (Cal. Const., art. XIII, § 17.) The Board Members are authorized to hire an Executive Director and other expert and clerical staff to assist the Board Members in exercising the Board's powers and carrying out the Board's duties. (Gov. Code, §§ 15604, 15605.) The Board Members are also authorized to delegate authority to the Executive Director and other Board staff to exercise powers that are granted to the Board and perform duties imposed upon the Board, unless the delegation is prohibited by law. (Gov. Code, §§ 7, 15604, 15605.)

RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41101.1, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, and 60581 provide for the Board to grant or deny petitions for redetermination, claims for refunds, and requests for relief (collectively "appeals") and refund, credit, or cancel previously assessed taxes and fees, interest, and penalties, under specified circumstances.

The Board has previously voted to delegate authority to Board staff to grant or deny appeals and refund, credit, or cancel previously assessed taxes and fees, interest, and penalties. As relevant here, the Board limited that delegation of authority by requiring that Board staff's recommendations that tax and penalty in excess of

\$50,000 be refunded, credited, or canceled or that a fraud or evasion penalty in any amount be canceled be approved by the Board. The Board also initially required Board staff's recommendations to grant claims for refunds of duplicate or erroneous payments made through the electronic funds transfer program in excess of \$50,000 to be approved by the Board's Executive Director, instead of the Board, so that refunds of these large erroneous overpayments could be expedited, but with sufficient oversight. Also, in 2009, the Board subsequently expanded the authority delegated to Board staff to grant or deny appeals and refund, credit, or cancel previously assessed taxes and fees by increasing the \$50,000 limits on staff's delegated authority to \$100,000 because the \$50,000 limits needed to be revised to reflect inflation and because the expanded delegation enabled the Board to process more refunds more quickly.

Regulation 5218 currently prescribes the procedures applicable to Board staff's review of and initial determination to grant or deny petitions for redetermination. Regulation 5235 currently prescribes the procedures applicable to Board staff's initial determination to grant or deny a claim for refund. Regulation 5237 currently prescribes the requirements for the Board's and Executive Director's approval of Board staff's recommendations to grant or deny refunds.

Also, if a taxpayer timely requests an appeals conference or Board hearing following Board staff's initial determination to deny the taxpayer's appeal in whole or in part, then the Board's Appeals Division will generally conduct an appeals conference to reconsider staff's initial determination and the Appeals Division will issue its own Decision and Recommendation regarding the taxpayer's appeal. Regulation 5267 currently prescribes the procedures for the issuance of post appeals conference notices to taxpayers that have not timely requested a Board hearing or had a timely request for a discretionary Board hearing denied, after the Appeals Division has issued its Decision and Recommendation or, if applicable, Supplemental Decision and Recommendation regarding their appeals.

Furthermore, as relevant here, Regulations 5218, 5235, 5237, and 5267 incorporate the limits on the Board's delegations of authority to Board staff to grant or deny appeals and refund, credit, or cancel previously assessed taxes and fees, and penalties discussed above. Regulations 5218 and 5267 currently require the Board's approval of Board staff's recommendations that tax and penalty in excess of \$100,000 be refunded, credited, or canceled or that a fraud or evasion penalty in any amount be canceled. Regulation 5237 currently requires the Board's approval of Board staff's recommendations to grant or deny refunds in excess of \$100,000 and the Executive Director's approval of

Board staff's recommendations to grant claims for refunds of duplicate or erroneous payments made through the electronic funds transfer program in excess of \$100,000. Also, Regulation 5235 clarifies that Board staff's recommendations to grant or deny claims for refund are subject to Board approval pursuant to Regulation 5237.

Effect, Objectives, and Benefits of the Proposed Amendments to Regulations 5218, 5235, 5237, and 5267

Formal Issue Paper 15-005

Formal Issue Paper 15-005 explained that the Board delegates the authority to refund, credit, or cancel amounts of \$100,000 or less to Board staff, and raised the issue of whether the \$100,000 threshold for Board approval should be increased to \$250,000 or removed in its entirety in order to accelerate the refund process. The formal issue paper explained that it may take an additional three months to issue a refund that is subject to Board approval. The formal issue paper recommended raising the \$100,000 threshold to \$250,000 because raising the threshold for Board approval from \$100,000 to \$250,000 would reduce the number of Board staff's recommendations requiring Board approval by approximately 44 percent and allow taxpayers to receive refunds up to three months earlier on approved claims between \$100,001 and \$250,000. The formal issue paper also presented the Board with the alternatives of eliminating the requirement for Board approval so that even more refunds could be issued up to three months earlier, or making no change to the Board's current delegation of authority to Board staff to refund, credit, or cancel amounts of \$100,000 or less without Board approval. In addition, the formal issue paper explained that amendments to Regulations 5218, 5237, and 5267 would be needed to implement the Board's decision to either raise the \$100,000 threshold to \$250,000 or eliminate the requirement for Board approval.

April 29, 2015, Board Meeting

Formal Issue Paper 15-005 was submitted to the Board Members for consideration during the Board's April 29, 2015, meeting. During the meeting, Board staff explained that staff thoroughly reviews its recommendations to refund, credit, or cancel amounts in excess of \$100,000. Board staff explained that such a recommendation is only submitted for Board approval if the taxpayer has not decided to appeal staff's recommendation by requesting an appeals conference or Board hearing, and that the Board has consistently agreed with and approved such recommendations when they have been presented to the Board for approval. Board staff also explained that the Board currently has general oversight over the way Board staff exercises its delegated authority, and may require reports on staff's

recommendations to refund, credit, or cancel amounts regardless of their size. Therefore, the Board determined that the Board approval process is no longer needed for oversight purposes, and that the Board approval process now unnecessarily delays the issuance of thoroughly reviewed refunds in excess of \$100,000.

As a result, at the conclusion of the Board's discussion of Formal Issue Paper 15-005 on April 29, 2015, the Board Members unanimously voted to eliminate the Board approval process in order to expedite the issuance of refunds in excess of \$100,000. The Board Members unanimously voted to direct staff to provide monthly reports to the Board Members regarding staff's determinations to refund, credit, or cancel amounts in excess of \$250,000 so that the Board Members can continue to monitor staff's determinations to refund, credit, or cancel substantial amounts. The Board Members also unanimously voted to direct staff to amend the Board's regulations to be consistent with the increased delegation of authority to Board staff to refund, credit, or cancel amounts without Board approval.

In addition, after the April 29, 2015, Board meeting, the Board determined that, in the absence of the Board approval process, it will now be necessary for the Board's Deputy Directors to make the determinations as to whether to approve their staff's recommendations to refund, credit, or cancel amounts in excess of \$100,000, including recommendations to refund duplicate or erroneous payments made through the electronic funds transfer program, and recommendations to cancel fraud or evasion penalties in any amount. This will ensure that there is still sufficient oversight of Board staff's recommendations to refund, credit, and cancel amounts in excess of \$100,000 and cancel fraud or evasion penalties in any amount, but without unnecessarily delaying the issuance of refunds.

Furthermore, after the April 29, 2015, Board meeting, the Board determined that there are issues with Regulations 5218 and 5267 because they contain provisions for the Board's approval of Board staff's recommendations to refund, credit, or cancel amounts in excess of \$100,000 or cancel a fraud or evasion penalty in any amount, which are inconsistent with the Board's decision to eliminate the Board approval process. There is an issue with Regulation 5237 because its title refers to "Board Approval," it contains provisions for the Board's approval of Board staff's recommendations to grant or deny refunds in excess of \$100,000, and both the title and provisions for Board approval of refunds are inconsistent with the Board's decision to eliminate the Board approval process. There is also an issue with Regulation 5237 because it contains provisions for the Executive Director's approval of Board staff's recommendations to grant refunds of duplicate or erroneous payments made through the electronic funds transfer

program in excess of \$100,000, which are inconsistent with the Board’s determination that it is sufficient for the Board’s Deputy Directors to approve such refunds. There is also an issue with Regulation 5235 because it refers to “Board approval pursuant to Regulation 5237.” Therefore, the Board has determined that for the specific purposes of addressing these issues (or problems), it is reasonably necessary to:

- Amend Regulations 5218 and 5267 to replace their Board approval provisions with new provisions providing for the Board’s Deputy Directors to make the determinations as to whether to approve their staff’s recommendations to refund, credit, or cancel amounts in excess of \$100,000 or cancel a fraud or evasion penalty in any amount, and providing taxpayers the opportunity to request an appeals conference or Board hearing to further appeal a Deputy Director’s determination if it is less favorable than the Deputy Director’s staff’s recommendation;
- Amend Regulation 5237 to delete its provisions for the Board’s approval of Board staff’s recommendations to grant or deny refunds in excess of \$100,000, and its provisions for the Executive Director’s approval of Board staff’s recommendations to grant refunds of duplicate or erroneous payments made through the electronic funds transfer program in excess of \$100,000, and replace them with new provisions providing for the Board’s Deputy Directors to make the determinations as to whether to approve their staff’s recommendations to grant or deny refunds in excess of \$100,000; and
- Amend Regulations 5218, 5235, 5237, and 5267 to replace the references to “Board” approval with references to “Deputy Director” approval in the text of the regulations and the title of Regulation 5237.

The Board anticipates that the proposed amendments to Regulations 5218, 5235, 5237, and 5267 will benefit taxpayers by expediting the processing of refunds, credits, and cancellations of amounts in excess of \$100,000 and cancellations of fraud and evasion penalties, and helping taxpayers get refunds in excess of \$100,000 up to three months sooner.

The Board has performed an evaluation of whether the proposed amendments to Regulations 5218, 5235, 5237, and 5267 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because Regulations 5218, 5237, and 5267 are the only state regulations currently requiring that the Board approve Board staff’s recommendations to refund, credit, or cancel amounts

in excess of \$100,000. Regulations 5218 and 5267 are the only state regulations currently requiring that the Board approve Board staff’s recommendations to cancel fraud or evasion penalties in any amount. Regulation 5237 is the only state regulation currently requiring that the Board approve Board staff’s recommendations to deny refunds in excess of \$100,000, and that the Board’s Executive Director approve Board staff’s recommendations to refund duplicate or erroneous payments made through the electronic funds transfer program in excess of \$100,000. Regulation 5235 is the only state regulation that refers to the Board approval requirements in Regulation 5237. And, the proposed amendments replacing the provisions in Regulations 5218, 5237, and 5267 for Board and Executive Director approval with new provisions for Deputy Director approval, and the proposed amendments replacing the references to Board approval with references to Deputy Director approval in Regulation 5235 are consistent with each other and the current text of the regulations. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulations 5218, 5235, 5237, and 5267 or the proposed amendments to Regulations 5218, 5235, 5237, and 5267.

NO MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 5218, 5235, 5237, and 5267 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement pursuant to title 2, division 4, part 7 (commencing with section 17500) of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulations 5218, 5235, 5237, and 5267 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 Regulations 5218, 5235, 5237, and 5267 will result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under title 2, division 4, part 7 (commencing with section 17500) 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 adoption of the proposed amendments to Regulations 5218, 5235, 5237, and 5267 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 Regulations 5218, 5235, 5237, and 5267 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 proposed amendments to Regulations 5218, 5235, 5237, and 5267 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 Regulations 5218, 5235, 5237, and 5267 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 Regulations 5218, 5235, 5237, and 5267 will not affect the benefits of Regulations 5218, 5235, 5237, and 5267 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 Regulations 5218, 5235, 5237, and 5267 will not have a significant effect on housing costs.

STATEMENT 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 Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

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

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on December 16, 2015, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Regulations 5218, 5235, 5237, and 5267 during the December 16-17, 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, or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulations 5218, 5235, 5237, and 5267. 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 copies of the text of the proposed amendments to Regulations 5218, 5235, 5237, and 5267. Additions to the regulations are underlined in the text and deletions from the regulations are shown in strikeout format in the text. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulations 5218, 5235, 5237, and 5267, 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 Regulations 5218, 5235, 5237, and 5267 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 amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the proposed amendments, with the change clearly indicated, will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the proposed amendments, with the change clearly indicated, will also be available to the public from Mr. Bennion. The Board will consider written comments regarding the sufficiently related changes that are received prior to the Board's adoption of the resulting regulation(s).

EFFECTIVE DATE

The Board is proposing to adopt amendments to Regulations 5218, 5235, 5237, and 5267 in order to eliminate the Board approval process for staff's recommendations to refund, credit, or cancel amounts in excess of \$100,000 or cancel fraud or evasion penalties in any

amount, because the Board has determined that the process is no longer necessary to ensure sufficient oversight of such refunds, credits, and cancellations, and the Board has determined that the process unnecessarily delays the issuance of refunds of amounts in excess of \$100,000 by as much as three months. Therefore, the Board has determined that there is good cause to request an early effective date for the proposed amendments to Regulations 5218, 5235, 5237, and 5267 in order to help ensure that the amendments enable to the Board to start expediting the processing of refunds, credits, and cancellations of amounts in excess of \$100,000 and cancellations of fraud or evasion penalties, as soon as possible, and the Board may request an early effective date for the proposed amendments to Regulations 5218, 5235, 5237, and 5267, pursuant to Government Code section 11343.4, subdivision (b)(3).

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulations 5218, 5235, 5237, and 5267, 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.

GENERAL PUBLIC INTEREST

BUREAU OF REAL ESTATE

NOTICE OF HEARING BY THE REAL ESTATE COMMISSIONER: ANNUAL FEE REVIEW — REQUIRED BY STATUTE

Wayne S. Bell, Real Estate Commissioner, proposes to consider whether the fees charged by the Bureau of Real Estate ("CalBRE") should be lower than the maximum amount allowed pursuant to California Business and Professions Code ("the Code") Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Commissioner's consideration will include all comments, objections and recommendations regarding such fees.

PUBLIC HEARING ANNOUNCEMENT

Sections 10226 and 11011 of the Code require, among other things, that at least one regulation hearing be held each calendar year to determine if fees lower than those authorized under Section 10226.5(b) of the

Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226(a) and 11011(a) of the Code. CalBRE may present, at this hearing, relevant data compiled by the CalBRE, and other sources, if appropriate, that have been used or which may be used in making the determination if fees should be lower. There is no proposal to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. However, the Commissioner wishes to consider all comments, objections and recommendations regarding such fees.

CalBRE will hold a public hearing starting at 10:00 a.m., on December 8, 2015, at the CalBRE's Sacramento Office, located at 1651 Exposition Boulevard, Sacramento, California. The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to CalBRE's fee structure. The written comment period closes on December 8, 2015. All written comments must be received by 5:00 p.m. on that date at CalBRE's Sacramento Office as follows:

Daniel E. Kehew, Real Estate Counsel
California Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8681

Backup contact person for this proposed action is Mary Clarke at (916) 263-7303.

CalBRE will mail or deliver a copy of this Hearing Notice by the Real Estate Commissioner to CalBRE's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with CalBRE.
2. The Director of the Department of Consumer Affairs.
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.) CalBRE has no way of knowing which licensees are small businesses.

4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.)

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# 2015-0902-02
AIR RESOURCES BOARD
LEV III Regulation 2014

The California Air Resources Board (ARB) amended several sections in Title 13 of the California Code of Regulations. In January 2012, California developed the Advanced Clean Cars program. This program incorporates three elements that combine the control of smog-causing emissions and greenhouse gas emissions into a single coordinated package of requirements for model years 2015-2025. Subsequent to the adoption of this program the U.S. Environmental Protection Agency finalized the federal Tier 3 program designed to reduce criteria pollutants from light-duty vehicles for model years 2017-2025. The Tier 3 program essentially mirrors California criteria pollutant program in structure and requirements. This rulemaking is designed to align California regulations with a number of features in the Tier 3 program, some of which are more stringent. This will allow manufacturers to produce vehicles that can meet both California and federal emission requirements.

Title 13
AMEND: 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, 1978
Filed 10/08/2015
Effective 10/08/2015
Agency Contact: Trini Balcazar (916) 445-9564

File# 2015-0904-01
 AIR RESOURCES BOARD
 Zero Emission Vehicle Regulation 2014

This rulemaking action amends sections in Title 13 of the California Code of Regulations concerning zero emission vehicle compliance requirements for Intermediate Volume Manufacturers (IVMs) that are working to bring advanced technology vehicles to the market. The action provides additional compliance flexibility by modifying the definition of IVM to add a global revenue test and by providing IVMs with: a pathway to pool compliance obligations in Section 177 states, additional production lead time, and additional credit deficit recovery time. The action also clarifies the fast refueling definition to address an unintended consequence of the existing definition.

Title 13
 AMEND: 1962.1, 1962.2
 Filed 10/12/2015
 Effective 01/01/2016
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2015-0831-02
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 Mobilehome Park Rehabilitation and Purchase Fund (MPRPF)

This action by the Department of Housing and Community Development makes changes without regulatory effect pursuant to title 1, section 100 of the California Code of Regulations. These changes are primarily intended to make the regulations consistent with statutory changes in Statutes 2014, Chapter 493 (AB 225).

Title 25
 AMEND: 8000, 8002, 8004, 8006, 8008, 8010, 8012
 Filed 10/13/2015
 Agency Contact: Benjamin Dudek (916) 263-5881

File# 2015-0831-03
 MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION
 Mental Health Services Act Prevention and Early Intervention

In this resubmitted regulatory action, the Commission adopted regulations in Title 9 of the California Code of regulations to establish requirements for the Prevention and Early Intervention Component of the Mental Health Services Act, define terms, and require counties to submit reports and plans to the Commission.

Title 9
 ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010
 Filed 10/07/2015
 Effective 10/07/2015
 Agency Contact:
 Filomena Yeroshek (916) 445-8701

File# 2015-1002-05
 OFFICE OF SPILL PREVENTION AND RESPONSE
 Statewide Oil Spill Response Organizations (OSRO)
 Rating

This emergency file and print action by the Office of Spill Prevention and Response (OSPR) amends eight sections in title 14 of the California Code of Regulations (CCR) to implement changes to the statewide oil spill prevention and response program pursuant to Senate Bill 861 (Stats. 2014, ch. 931). This is a statutorily deemed emergency and exempt from review by the Office of Administrative Law, pursuant to Government Code section 8670.7.5.

Title 14
 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
 Filed 10/12/2015
 Effective 10/12/2015
 Agency Contact: Joy Lavin-Jones (916) 327-0910

File# 2015-0902-01
 PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Parent-Child Relationship

This resubmission of OAL File No. 2015-0410-03S by the California Public Employees' Retirement System ("CalPERS") amends section 599.500 of title 2 of the California Code of Regulations. Specifically, CalPERS is clarifying the enrollment eligibility criteria in a health benefits plan for children for whom a member assumes a parent-child relationship. Additionally, CalPERS is also clarifying the type of documentation necessary to confirm the existence of a member's parental role within a parent-child relationship. Lastly, CalPERS is incorporating by reference the Affidavit of Parent-Child Relationship (the "Affidavit"), which is the form members must use to certify the existence of a parent-child relationship.

Title 2
 AMEND: 599.500
 Filed 10/12/2015
 Effective 01/01/2016
 Agency Contact: Anthony Martin (916) 795-9347

File# 2015-1002-01
 STATE WATER RESOURCES CONTROL BOARD
 Emergency Regulations to Conform with Budget Act
 2015-16

The State Water Resources Control Board (State Board) adopted sections 2200.7 and 2200.8, amended section 2200, and renumbered existing section 2200.7 to 2200.9 in title 23 of the California Code of Regulations. This regulatory action is determined by the Legislature to be an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare, is not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the State Board pursuant to subdivision (f) of Water Code 13260.

Title 23
 ADOPT: 2200.7, 2200.8 AMEND: 2200, 2200.7
 Filed 10/12/2015
 Effective 10/12/2015
 Agency Contact: Glen Osterhage (916) 341-5032

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 13, 2015 TO
 October 14, 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

10/12/15 AMEND: 599.500
 09/24/15 AMEND: 1181.1, 1181.2, 1181.3, 1181.4, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.10, 1182.12, 1182.13, 1183.1, 1183.2, 1183.4, 1183.5, 1183.7, 1183.8, 1183.9, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1,

1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5
 09/21/15 AMEND: 35101
 09/16/15 AMEND: 54100
 09/14/15 AMEND: 55200
 09/10/15 AMEND: 60000, 60010, 60510, 60550, 60560
 09/09/15 ADOPT: 59750
 09/08/15 AMEND: 560
 08/13/15 AMEND: 1859.163.1
 08/06/15 AMEND: 18420.1, 18901.1
 07/30/15 REPEAL: 547.80, 547.82, 547.83, 547.84, 547.85, 547.86, 547.87
 07/30/15 ADOPT: 599.980, 599.981, 599.982, 599.983, 599.984, 599.985, 599.986 AMEND: 599.980 (renumbered to 599.987), 599.981 (renumbered to 599.988), 599.982 (renumbered to 599.989), 599.985 (renumbered to 599.990), 599.986 (renumbered to 599.991), 599.987 (renumbered to 599.992), 599.988 (renumbered to 599.993), 599.990 (renumbered to 599.994), 599.992 (renumbered to 599.995), 599.993 (renumbered to 599.996), 599.994 (renumbered to 599.997), 599.995 (renumbered to 599.998)
 07/16/15 AMEND: 548.42, 548.124
 07/15/15 AMEND: 59640
 07/15/15 AMEND: 18404.2
 07/10/15 AMEND: 18700, 18700.1, 18700.3, 18701, 18702, 18702.2, 18702.4, 18747
 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

Title 3

09/30/15 AMEND: 3435(b)
 09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45
 09/16/15 AMEND: 3435(b)
 08/27/15 AMEND: 3435
 08/26/15 AMEND: 6502
 08/20/15 AMEND: 3435(b)
 08/17/15 AMEND: 2100
 08/14/15 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
 08/10/15 AMEND: 6148, 6148.5, 6170, 6216
 08/10/15 AMEND: 3435(b)
 08/10/15 AMEND: 3435(b)
 08/06/15 AMEND: 3435(b)
 08/04/15 AMEND: 3435(b)
 07/21/15 AMEND: 3439(b)
 07/08/15 AMEND: 3435(b)
 07/01/15 AMEND: 4603(i)
 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)

Title 4

10/05/15 AMEND: 1843.2
 09/08/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
 09/08/15 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
 08/31/15 AMEND: 1844
 08/19/15 AMEND: 1433
 07/31/15 ADOPT: 1866.1 AMEND: 1844
 07/28/15 AMEND: 10325
 07/23/15 AMEND: 1632
 07/22/15 AMEND: 400, 401, 402, 403, 404, 405, 406
 07/15/15 AMEND: 1588
 07/02/15 AMEND: 5205, 5230, 5170
 06/04/15 ADOPT: 1891.1
 05/19/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138

Title 5

10/06/15 AMEND: 80225
 10/05/15 AMEND: 19810
 09/10/15 AMEND: 19810
 07/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140
 AMEND: 70000, 71400, 71650, 75150
 07/20/15 ADOPT: 80054.1 AMEND: 80054

05/21/15 AMEND: 19810
 05/18/15 AMEND: 19810

Title 8

09/21/15 ADOPT: 14006.1 AMEND: 14003, 14007
 09/21/15 ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1
 09/15/15 AMEND: 3437, 3441, 3664(b)
 08/28/15 AMEND: 3411
 08/27/15 AMEND: 8397.4
 08/27/15 AMEND: 1710
 08/24/15 AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813
 08/20/15 AMEND: 14300.2
 08/12/15 AMEND: 30, 30.5, 31.1, 100, 104, 105, 106, 109
 08/10/15 AMEND: 333, 336
 07/30/15 ADOPT: 5184 AMEND: 5185
 07/06/15 AMEND: 5530, 5568, 5572, 5574, 5575, 5621, 2540.7, 2540.8

Title 9

10/07/15 ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010
 10/02/15 AMEND: 10701
 08/31/15 AMEND: 881
 08/26/15 AMEND: 513, 524, 530, 541, 553, 620, 620.1, 1900, 1901, 1904, 1913, 1921
 08/24/15 AMEND: 1810.110, 1810.214, 1810.215, 1810.218, 1810.219, 1810.223.5, 1810.224, 1810.230, 1810.236, 1810.237, 1810.239, 1810.246, 1810.252, 1810.355, 1810.380, 1810.425, 1820.110, 1820.115, 1820.200, 1830.115, 1840.100, 1840.210, 1840.302, 1840.312, 1850.210, 1850.213, 1850.505, 1850.515, 1850.520, 1850.530, 1850.535 REPEAL: 1810.214.1
 07/16/15 ADOPT: 3200.182, 3200.183, 3200.184, 3510.020, 3580, 3580.010, 3580.020, 3900, 3905, 3910, 3910.010, 3910.015, 3910.020, 3915, 3925, 3930, 3935
 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

Title 10

09/17/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 43-Z

	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		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
08/19/15	AMEND: 1422.6.1, 1422.6.3, 1950.122.5.1, 1950.122.5.3		
08/11/15	ADOPT: 80.125.10, 80.129, 80.158.10, 80.166.10, 80.4100.10, 80.4105.10, 80.4105.11, 80.4118.10, 80.4118.11, 80.4305, 80.5100, 80.5200.1, 80.5210, 80.5304.1, 80.5305, 95.600 AMEND: 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 80.100, 80.125, 80.126, 80.150, 80.151, 80.152, 80.153, 80.154, 80.155, 80.156, 80.157, 80.158, 80.159, 80.160, 80.161, 80.162, 80.163, 80.164, 80.165, 80.166, 80.167, 80.168, 80.169, 80.170, 80.172, 80.173, 80.174, 80.175, 80.176, 80.177, 80.3000, 80.3001, 80.3002, 80.4000, 80.4100, 80.4101, 80.4102, 80.4103, 80.4104, 80.4105, 80.4106, 80.4107, 80.4108, 80.4109, 80.4111, 80.4113, 80.4115, 80.4117, 80.4118, 80.4119, 80.4120, 80.4121, 80.4123, 80.4124, 80.4125, 80.4126, 80.4127, 80.4200, 80.4201, 80.4300, 80.4301, 80.4302, 80.4303, 80.4304, 80.4308, 80.4309, 80.4310, 80.4311, 80.4312, 80.4313, 80.5000, 80.5200, 80.5201, 80.5300, 80.5301, 80.5302, 80.5303, 80.5304, 95.5025, 95.5030 REPEAL: 80.127, 80.171, 80.4110, 80.4112, 80.4114, 80.4037, 80.5202, 95.2, 95.3, 95.5010		Title 13 10/12/15 AMEND: 1962.1, 1962.2 10/08/15 AMEND: 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, 1978 09/21/15 AMEND: 1.00 08/12/15 AMEND: 268.12, 285.06, 330.08 07/29/15 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 126.00, 127.00, 127.08 REPEAL: 126.02 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
07/29/15	AMEND: 5350, 5353, 5354, 5354.1, 5356, 5357.1, 5357.2, 5358.6, 5358.7, 5358.10 REPEAL: 5358.1		Title 14 10/12/15 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07 10/05/15 ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7 09/28/15 AMEND: 310.5 09/24/15 AMEND: 1665.7 09/22/15 AMEND: 502 09/21/15 AMEND: 18419 09/04/15 AMEND: 916.2, 936.2, 956.2 09/03/15 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797 09/03/15 ADOPT: 820.02 09/03/15 ADOPT: 817.04 AMEND: 790 08/31/15 AMEND: 4800 08/21/15 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24 08/04/15 AMEND: 13055 07/31/15 ADOPT: 662 07/29/15 AMEND: 27.65, 28.38 07/23/15 AMEND: 816.03 07/21/15 ADOPT: 18959, 18960, 18961, 18962, 18963, 18964, 18965, 18966, 18967, 18968, 18969, 18970, 18971 07/13/15 AMEND: 1038, 1052.1 07/10/15 ADOPT: 748.5 07/02/15 ADOPT: 8.01 07/01/15 AMEND: 7.50
07/29/15	AMEND: 5350, 5357.1		
07/27/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5		
07/06/15	ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868		
06/29/15	ADOPT: 2194.18, 2194.19, 2194.20, 2194.21, 2194.22, 2194.23, 2194.24, 2194.25, 2194.26		
06/15/15	ADOPT: 6432		
05/26/15	ADOPT: 2563		
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