



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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Adoption

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Amendment

State Agency: Department of Child Support Services

Multi-County: Beaumont-Cherry Valley Water District

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: Rocketship Education Inc.

AMENDMENT

STATE AGENCY: Department of Child Support Services

MULTI-COUNTY: Beaumont-Cherry Valley Water District

A written comment period has been established commencing on November 13, 2015, and closing on December 28, 2015. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his 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 28, 2015. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **December 17, 2015** at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on December 15, 2015.**

BACKGROUND/OVERVIEW

Online Posting: Adoption of Amendments to Regulation 18313.5

Regulation 18313.5 requires the Commission to post on its website Commission opinions, staff advice letters, the Enforcement Division's warnings, advisory and closure letters, and public officials' behested payment reports. The posts can only be removed by the approval of the Commission. The proposed amendment permits staff to remove the posts after seven years without Commission action. The amendment also requires that statements of economic interest that are filed with the Commission be posted as soon as possible and all the other listed documents within 30 days of issuance or receipt.

Agency Provided Tickets or Passes: Adoption of Amendments to Regulation 18944.1

The Political Reform Act requires the disclosure of certain gifts received by a candidate or public official,

prohibits the candidate or official from accepting gifts of \$460 or more and prohibits a public official from making, participating in making or using his or her position to influence the outcome of a decision involving the donor of a gift valued at \$460 or more.

"Gift" is defined in Section 82028 as "any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received." Ordinarily tickets and passes an agency provides to the agency's officials for entertainment, amusement or recreational events are regarded as gifts. Regulation 18944.1 creates an exception from the definition of gift for tickets or passes if an agency distributes the gifts or passes in accordance with the procedure set forth in the regulation. The procedure includes the requirement that the agency send a report for each distribution to the Commission for posting on the Commission's website. The proposed amendment would shift the posting responsibility from the Commission to the agency and the Commission would only post a link to the agency's website.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18313.5

The proposed amendment permits staff to remove postings on its website of Commission opinions, staff advice letters, the Enforcement Division's warnings, advisory and closure letters, and public officials' behested payment reports after seven years without Commission action. The amendment also requires that statements of economic interest that are filed with the Commission be posted as soon as possible and all the other listed documents within 30 days of issuance or receipt. These changes would streamline the on-line posting procedures, freeing up the Commission from these administrative tasks. The changes would also clarify the Commission's posting duties by specifying posting deadlines.

Amend 2 Cal. Code Regs. Section 18944.1

Regulation 18944.1 imposes reporting requirements on agencies when they provide tickets or passes to certain agency officials for entertainment, amusement or recreational events. Distribution of such tickets and passes are ordinarily "gifts" and are subject to the Act's gift limits, reporting requirements and conflict of interest provisions. Regulation 18944.1 provides a reporting procedure that makes an exception from the definition of "gift" if the agency follows the procedure set forth in the regulation. The current regulation requires the agency to send the report to the Commission for posting on the Commission's website. The proposed amendment would shift the posting requirement from the Commission to the agency and the Commission would only be required to post a link to the agency's website.

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

This change would decrease the amount of time IT staff must spend posting the reports and would benefit members of the public by placing the reports on the website they are most likely to search.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of the amendment to regulation 18313.5 is to implement, interpret, and make specific Government Code Sections 81009 and 83113. The purpose of the amendment to regulation 18944.1 is to implement, interpret, and make specific Government Code Section 82028.

CONTACT

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 17, 2015** at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 15, 2015**.

BACKGROUND/OVERVIEW

Scope of Audits and Investigations: Adoption of Amendments to Regulation 18996

The Act requires routine mandatory audits and investigations of reports and statements of campaigns, lobbying firms, lobbyist employers, and lobbyists. (Section 90001.) The Act also sets forth criteria to qualify for selection, methods of selection, and schedules for those audits and investigations. (*Ibid.*)

1. Former Section 90002(c) set forth limitations on the reports and statements that could be considered in an audit or investigation of each of specified types of campaigns. AB 800 (Stats. 2014, ch. 9, §4, p.5) deleted Section 90002(c). Prior to its deletion, former Section 90002(c) provided in pertinent part as follows:

(c) . . . When the campaign statements or reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate are audited and investigated pursuant to Section 90001, the audit and investigation shall cover all campaign statements and reports filed for the primary and general or special or runoff elections and any previous campaign statement or report filed pursuant to Section 84200 or 84200.5 since the last election for that office, but shall exclude any statements or reports which have previously been audited pursuant to Section 90001 or 90003. When the campaign statements or reports of a committee primarily supporting or opposing a measure are audited and investigated, the audit

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

and investigation shall cover all campaign statements and reports from the beginning date of the first campaign statement filed by the committee in connection with the measure. For all other committees, the audit and investigation shall cover all campaign statements filed during the previous two calendar years.

Since the deletion of Section 90002(c), these limits on the reports and statements that could be considered in an audit or investigation have not been codified. This proposal would recodify these limits by incorporating them into the regulation.

2. Section 90001(i)(1) requires the Commission to provide a method of selection for audits of local candidates and their controlled committees. Regulation 18991 requires the Commission to select local jurisdictions, and local candidates and their controlled committees within those jurisdictions, to be audited. Currently, the Commission's ability to exclude a jurisdiction from selection for auditing because the jurisdiction has already been or is being audited by a local agency or the Commission is not reflected in the regulation.

For example, Section 83123.5 authorizes the Commission to contract with the County of San Bernardino to undertake responsibility for the administration, implementation, and enforcement of the County's local campaign finance reform ordinance. It authorizes the Commission (1) to be the civil prosecutor responsible for the civil enforcement of the ordinance, (2) to investigate possible violations of the ordinance, and (3) to bring administrative actions in accordance with the Act and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2. If San Bernardino County or the Commission audits San Bernardino County's local candidates and their controlled committees under this authority, and if the Commission selects San Bernardino County for audit pursuant to Regulation 18991, a redundant audit may appear to be required by existing law. This proposal codifies the Commission's authority to exclude from selection those jurisdictions that have been or are being audited by a local agency or the Commission.

3. Existing Regulation 18996 restates a provision of and makes cross-references to former Section 90002(c), and AB 800 (2014) deleted that subdivision from statute, thereby rendering the existing Regulation 18996 inaccurate and inconsistent with existing law. This proposal would delete the restatement of a provision of and cross-references to former Section 90002(c).

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18996: The proposed amendments to Regulation 18996 would: (1) recodify the Commission's time limits on audits and investigations of campaign statements or reports previously contained in former Section 90002(c); (2) codify the Commission's authority to exclude from the selection of jurisdictions required by Regulation 18991(c) any jurisdiction that is subject to audit by a local agency or the Commission; and (3) strike the restatement of a provision of and cross-references to former Section 90002(c).

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 90001.

CONTACT

Any inquiries should be made to Matthew F. Christy, Fair Political Practices Commission, 428 J Street, Suite

800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC.

Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND THE FOLLOWING REGULATION SECTIONS, ALONG WITH ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO THE STATE SCHOOL DEFERRED MAINTENANCE ACT AND THE LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

STATE SCHOOL DEFERRED MAINTENANCE PROGRAM

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1866 THROUGH 1866.14.

THE FOLLOWING FORMS ARE AMENDED:

Form SAB 40-20, *Five Year Plan*, (Rev. 12/10), referenced in Regulation Section 1866, and is incorporated by reference.

Form SAB 40-21, *Certification of Deposits*, (Rev. 12/10), referenced in Regulation Section 1866, and is incorporated by reference.

Form SAB 40-22, *Extreme Hardship Funding Application*, (Rev. 10/07), referenced in Regulation Section 1866, and is incorporated by reference.

Form SAB 40-23, *Fund Release Authorization*, (New 04/02), referenced in Regulation Section 1866, and is incorporated by reference.

Form SAB 40-24, *Expenditure Report*, (Rev. 12/10), referenced in Regulation Section 1866, and is incorporated by reference.

SCHOOL FACILITY PROGRAM

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1859.2 AND 1859.102.

THE FOLLOWING FORM IS AMENDED:

Form SAB 50-04, *Application For Funding*, (Rev. 04/15), referenced in Regulation Section 1859.2, and is incorporated by reference.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, and associated forms, contained in Title 2, California Code of Regulations (CCR). 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

For purposes of the State School Deferred Maintenance Program (DMP), the SAB is proposing to amend the DMP regulation sections, as referenced above, under the authority provided by Section 15503 of the Government Code and make specific reference to Sections 2553, 17280, 17582-17592.5, 17070.75 of the Education Code.

For purposes of the School Facility Program (SFP), the SAB is proposing to amend Regulation Sections 1859.2 and 1859.102 under the authority provided by Section 17070.35 of the Education Code and makes specific reference to Sections 17070.75, 17070.77, and 17077.40 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The DMP provided State matching funds, on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. Education Code Section 17582 listed the component systems eligible to receive deferred maintenance funding. This included plumbing, heating, air conditioning, electrical systems, roofing, interior/exterior painting, floor systems, and asbestos abatement. Education Code Section 17587 authorized funds for extreme hardship projects if the work must be completed within one year. The SAB adopted regulations to implement the DMP, which were approved by the Office of Administration Law (OAL) and filed with the Secretary of State on January 13, 2003.

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the SFP. The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the OAL and filed with the Secretary of State on October 8, 1999.

The SAB, at its April 15, 2015 meeting, adopted proposed regulatory amendments to the DMP and SFP regulations. Assembly Bill (AB) 97, Chapter 47, Statutes

of 2013 and Senate Bill (SB) 971, Chapter 923, Statutes of 2014 set forth provisions that require alignment in the DMP and SFP regulations.

Background and Problem Being Resolved

The proposed regulatory amendments align the DMP with the chaptered legislation which implemented the following changes:

- Removes the statutory authority for the SAB to allocate or approve DMP funding on or after January 1, 2015.
- Provides that school districts may continue to maintain a maintenance fund and that the governing board of each school district shall have complete control of the funds and interest earned on those funds once deposited into a deferred maintenance fund.
- Provides that every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, maintain clean restrooms to be fully operational and stocked at all times and that the school shall keep all restrooms open during school hours when pupils are not in class, and keep a sufficient number of restrooms open during school hours when pupils are in class.

The proposed regulatory amendments to the SFP regulations remove language related to the DMP and are consistent with the provisions contained in the chaptered legislation.

Anticipated Benefits of the Proposed Regulation

School district governing boards will benefit from the proposed regulations because they will have complete local control over the funds and will be responsible for ensuring compliance with the laws. School districts will also have the decision-making authority and responsibility to decide how much to spend on the facilities in order to maintain those facilities.

There is a public health and safety impact assigned to these regulations. School districts will be responsible for the major repair or replacement of existing school building components, including but not limited to plumbing, heating, air conditioning, electrical systems, roofing, floor systems, and asbestos abatement.

The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety at K–12 public schools. School districts will have to make decisions to expend funds on their facilities in order to continue to safely house students, and to ensure compliance with the laws.

Summaries of the proposed regulatory amendments are as follows:

DMP Regulations

Existing Regulation Section 1866 sets forth a set of defined words and terms used exclusively for the DMP regulations. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.1 outlines the prerequisites and defines the criteria to receiving an apportionment under the DMP, and defines the entities that may apply for DMP funding. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.2 provides direction to school districts seeking an apportionment under the DMP, and establishes the application process for receiving a DMP basic grant. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.3 specifies the process for filing and reviewing DMP applications, and establishes the application process for receiving a DMP Extreme Hardship Grant. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4 establishes the necessity for a school district to file a five-year plan of maintenance needs, establishes the purpose for which the Five Year Plan, Form SAB 40–20, is filed, and explains application acceptance guidelines. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4.1 provides specific criteria for what types of maintenance projects may be included on a five-year plan and explains the uses of the basic grant apportionment. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4.2 provides for the calculation of the annual basic grant apportionment to school districts, and defines a prorated basic grant apportionment. This Section also requires the SAB to consider, in advance of the annual basic grant apportionment, any district's unresolved complaints of failing to maintain school restroom facilities that are clean, operational, and stocked with toilet paper, soap, and paper

towels or functional hand dryers. Districts that do not correct violations within a specified period of time shall be deemed ineligible for the basic grant and the funds may be distributed to other eligible districts. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4.3 defines the type of revenue a district may utilize in order to deposit its maintenance matching share contribution. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4.4 provides a mechanism for utilizing funds deposited unmatched by the State. It explains how a district can obtain the use of these deposited funds for the next fiscal year. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.4.6 specifies to County Superintendents of Schools the timeframe for the release of State funds for maintenance purposes, and the process if the timeframe is not met. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5 allows a school district to apply for extreme hardship funding for multiple critical projects, and provide eligibility criteria for districts to obtain extreme hardship grants. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.1 explains what documents are required for submittal in order for the Office of Public School Construction (OPSC) to accept Extreme Hardship Grant applications. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.2 explains how the Extreme Hardship Grant is determined for the first critical hardship project and multiple critical hardship projects. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.3 assigns priorities to critical hardship projects when funding is insufficient to fully fund all critical hardship requests. This Section 1) redefines what constitutes a priority one critical hardship project; 2) specifies the necessary language to be included in a district's governing board resolution when requesting priority one status; and 3) incorporates a process for projects placed and funded

from the unfunded list. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.4 sets forth the process for reimbursement of expenditures and requires OPSC approval of the project prior to incurring construction costs. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.5 explains the uses of the Extreme Hardship Grant apportionment. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.6 specifies the conditions in which school districts may receive an increase in funding for ongoing project costs. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.7 provides direction to school districts regarding the release of State funds. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.8 establishes the criteria for ensuring timely project completion or substantial progress on the project for districts that have received extreme hardship grant apportionments. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.5.9 specifies that an exemption will be provided when determining a district's contribution if the removal of an underground toxic tank cannot be funded by any other source. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.7 specifies the role of a district's governing board once funds have been apportioned and deposited in the deferred maintenance fund of the district. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.8 specifies that expenditures shall be subject to competitive bidding. This Section further clarifies that the expenditures made by a district must be in compliance with the Public Contract Code, and provides specificity with regard to awarding emergency contracts. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.9 provides direction to school districts that have received funding and specifies a timeframe to submit an expenditure report after funds have been released. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.9.1 provides for an expenditure audit process and specifies the timeframe when the audit will commence and be completed. In addition, districts are put on notice to maintain all supporting documentation pertaining to all costs associated with the extreme hardship grant apportionment expenditures. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.10 sets forth the limitation of the State's responsibility. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.12 explains the conditions of how earned interest on DMP grant funds will be treated. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.13 stipulates that work listed on the *Five Year Plan* that has been submitted and funded under the SFP or the Federal Renovation Program shall be removed from said plan and the district shall submit a revised *Five Year Plan*. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Regulation Section 1866.14 specifies that funding applications may not be amended to increase the scope of a project. This concept is current practice under the SFP and ensures equity to all project applications submitted or not yet filed and does not disadvantage projects on the DMP workload list. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making the DMP regulations inoperative.

Existing Form SAB 40–20, *Five Year Plan*, (which is incorporated by reference) is used as a summary of proposed deferred maintenance projects the applicant district plans on completing annually over the next five fiscal years using the basic grant. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making this Form inoperative.

Existing Form SAB 40–21, *Certification of Deposits*, (which is incorporated by reference) is required to be signed and submitted by the County Superintendents of Schools certifying that a school district has placed on deposit in its district deferred maintenance fund the

funding required by law. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making this Form inoperative.

Existing Form SAB 40–22, *Extreme Hardship Funding Application*, (which is incorporated by reference) is used by school districts requesting DMP Extreme Hardship Grant funding for a critical project listed on the Form SAB 40–20 that meets certain criteria. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making this Form inoperative.

Existing Form SAB 40–23, *Fund Release Authorization*, (which is incorporated by reference) is used to release the Extreme Hardship Grant amount, apportioned by the SAB, to the appropriate county treasury after the district has complied with the requirements of this Form. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making this Form inoperative.

Existing Form SAB 40–24, *Expenditure Report*, (which is incorporated by reference) is used by school districts to provide a detailed listing of the expenditures for the project. The proposed regulatory amendments enact the provisions of the chaptered legislation thereby making this Form inoperative.

SFP Regulations

Existing Regulation Section 1859.2 defines words and terms used exclusively for the SFP regulations. The proposed regulatory amendment changes the revision date of the Form SAB 50–04, *Application For Funding*, (which is incorporated by reference).

Existing Regulation Section 1859.102 provides 1) a mechanism for districts to certify that they have developed a restricted on-going and major maintenance plan and, 2) provides direction to districts relative to the certification requirement that their maintenance plan has been updated and public approved. The proposed regulatory amendments remove language that is consistent with the provisions of the chaptered legislation.

Existing Form SAB 50–04, *Application For Funding*, (which is incorporated by reference) is used when a district is seeking funding for a new construction or modernization project. The proposed regulatory amendments remove certification language that is consistent with the provisions of the chaptered legislation.

Statutory Authority and Implementation

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise pro-

vided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendments implement the following changes to the DMP:

- Removes the statutory Authority for the SAB to allocate or approve DMP funding on or after January 1, 2015.
- Provides that school districts may continue to maintain a maintenance fund and that the governing board of each school district shall have complete control of the funds and interest earned on those funds once deposited into a deferred maintenance fund.
- Provides that every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, maintain clean restrooms to be fully operational and stocked at all times and that the school shall keep all restrooms open during school hours when pupils are not in class, and keep a sufficient number of restrooms open during school hours when pupils are in class.

The proposed regulatory amendments to the SFP regulations remove language related to the DMP and are consistent with the provisions contained in the chaptered legislation.

After conducting a review, OPSC, on behalf of the SAB, has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB’s authority to enact regulations for the DMP and SFP under Government Code Section 15503 and Education Code Section 17070.35.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Di-

vision 4 of the Government Code. It will not require school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulation creates no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

Since the State of California will no longer provide funding specifically for deferred maintenance purposes, based on the proposed regulatory amendments, school district governing boards will have complete local control over the funds and will be responsible for ensuring compliance with the laws. School districts will benefit from the proposed regulatory amendments because with complete oversight of the funds, they will have the decision-making authority and responsibility to decide how much to spend on the facilities in order to maintain those facilities. With the shift of funding responsibility from the state to local control, it will be up to school districts to make the determination of how much to spend and on what facilities that will determine impacts to businesses and jobs.

Therefore, the proposed regulations should have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California as school districts will have complete control of the decision-making responsibilities and the expenditure of funds. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker Safety, and the State's Environment

- There is a public health and safety impact assigned to these regulations. School districts will be responsible for the major repair or replacement of existing school building components, including but not limited to plumbing, heating, air conditioning, electrical systems, roofing, floor systems, and asbestos abatement. With the shift of funding responsibility from the state to local control, it will be up to school districts to make the determination of how much to spend and to prioritize health and safety projects in order to maintain their facilities for housing staff and students.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects, and although the proposed regulations do not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State's environment from the proposed regulations.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations should not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts for purposes of funding school facility projects and maintaining school facilities, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than December 28, 2015 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones,
Regulations Coordinator

Mailing
Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail
Address: lisa.jones@dgs.ca.gov
Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ron Koepl at (916) 375-2032. If Mr. Koepl is unavailable, these questions may be directed to the backup contact person, Ms. Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested

notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB 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.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to repeal section 3262 of the regulations in Title 3 of the California Code of Regulations pertaining to Peach Mosaic Disease Exterior Quarantine.

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, FAX or email. The written comment period closes at 5:00 p.m. on December 28, 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 of Food and Agriculture, 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 (FAC Section 5321).

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

Anticipated Benefits from This Regulatory Action

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. The Peach Mosaic Disease exterior quarantine was promulgated in the 1930's after an outbreak of the disease occurred in Southern California and several other states. State, county and University of California scientists have no records of the disease in California within the last several decades. It is likely that the disease was eradicated from California in the 20th century.

The quarantine prohibits the movement of "all species including the flowering forms of almond, apricot, nectarine, peach, plum and prune trees" from portions of Colorado, Oklahoma, Texas and all of Arizona and New Mexico. The regulation allows for movement of prohibited material through the use of a permit. To date, no permits have been issued to comply with the regulation requirements. It is likely that the quarantine has gone mostly unenforced for decades, and during this time thousands of stone fruit shipments have left the quarantine area.

Even though material has been moving out of the quarantine without proper certification, there has been no incidence of the disease in the regulated states. Due to the lack of enforcement and apparent eradication of the disease, the Department has decided to repeal the regulation. Furthermore, the Principles of Plant Quarantine, adopted by the National Plant Board, require that a quarantine be repealed once it has reached its objective (<http://nationalplantboard.org/history-and-principles/>).

This proposed repeal of the Peach Mosaic Disease Exterior Quarantine benefits interstate shippers of host commodities and regulated articles which would otherwise face unfair interstate commerce restrictions. Nurseries shipping regulated material from within the quarantine will benefit by not having to hold their material for proper certification. Additionally, counties currently receiving regulated material will benefit by not being required to enforce the quarantine. The proposed repeal of this regulation ensures the orderly marketing of nurs-

ery stock and improves access to safe, healthy food for the general public.

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

REPEALED TEXT

This proposed repeal of the regulation would remove authority for the State to enforce the exterior quarantine currently in place.

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.

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

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.

Small Business Determination

The Department has determined that the proposed regulations should not affect small businesses because the repeal of this regulation removes all regulatory requirements and there are no costs associated with compliance.

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. The proposed repeal of this regulation ensures the orderly marketing of nursery stock and improves access to safe, healthy food for the general public.

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. Alternative approaches would not be in line with the National Plant Board's Principles of Plant Quarantine. It is the Department's responsibility to remove a quarantine that has reached its objective.

AUTHORITY

The Department proposes to repeal section 3262 pursuant to the authority vested by sections 407, 5301, and 5302 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301 and 5302 of the Food and Agricultural Code.

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 website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture 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

The Department of Food and Agriculture proposes to repeal section 3400 of the regulations in Title 3 of the California Code of Regulations pertaining to Peach Mosaic Disease Interior Quarantine.

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, FAX or email. The written comment period closes at 5:00 p.m. on December 28, 2015. The Department will consider only comments re-

ceived 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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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. The peach mosaic disease quarantine was promulgated in the 1930's after an outbreak of the disease occurred in Southern California and several other states. State, county and University of California scientists have no records of the disease in California within the last several decades. It is likely that the disease was eradicated from California in the 20th century.

The quarantine prohibits the movement of "all species including the flowering forms of almond, apricot, nectarine, peach, plum and prune trees" from San Diego County and portions of Los Angeles, Riverside and San Bernardino counties. The regulation allows for movement of prohibited material through the use of a permit. To date, no permits have been issued to comply with the regulation requirements. It is likely that the quarantine

has gone mostly unenforced for decades, and during this time thousands of stone fruit shipments have left the quarantine area.

Even though material has been moving out of the quarantine without proper certification, there has been no incidence of the disease in California for decades. Due to the lack of enforcement and apparent eradication of the disease, the Department has decided to repeal the regulation. Also, the Principles of Plant Quarantine, adopted by the National Plant Board, require that a quarantine be repealed once it has reached its objective (<http://nationalplantboard.org/history-and-principles/>).

This proposed repeal of the Peach Mosaic Disease Interior Quarantine benefits counties that are currently quarantined by eliminating the requirement to perform inspections and certifications for the regular movement of regulated nursery stock. Additionally, counties that currently receive regulated material will benefit by not having to enforce the quarantine. Nurseries shipping regulated material from within the quarantine will benefit by not having to hold their material for proper certification.

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

REPEALED TEXT

This proposed repeal of the regulation would remove authority for the State to enforce the interior quarantine currently in place.

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.

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: There are no costs for compliance as the repeal of this regulation removes all regulatory requirements.

Small Business Determination

The Department has determined that the proposed regulations should not affect small businesses because the repeal of this regulation removes all regulatory requirements and there are no costs associated with compliance.

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. As stated above under the Informative Digest/Policy Statement Overview, ‘Anticipated Benefits from this Regulatory Action,’ the benefits of the proposed repeal of this regulation includes the orderly marketing of nursery stock and improved access to safe, healthy food for the general public.

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. Alternative approaches would not be in line with the National Plant Board’s Principles of Plant Quarantine. It is the Department’s responsibility to remove a quarantine that has reached its objective.

AUTHORITY

The Department proposes to repeal section 3400 pursuant to the authority vested by sections 407, 5301 and 5302 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301 and 5302 of the Food and Agricultural Code.

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 website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture 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 12. DEPARTMENT OF
VETERAN AFFAIRS**

**DIVISION 2. VETERANS BUILDINGS,
MEMORIALS, AND CEMETERIES
CHAPTER 3. VETERANS' SERVICES
SUBCHAPTER 5. COUNTY SUBVENTION
SECTIONS 452-453**

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CalVet) proposes to adopt regulations described below after considering all comments, objections, and recommendations regarding the proposal.

PUBLIC HEARING

No public hearing is scheduled for this rule making. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

NOTICE IS ALSO GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Department of Veterans Affairs
Veteran Services Division
Attention: Angela Yamamoto
1227 O Street, Room 105
Sacramento, CA 95814
Telephone: (916) 651-3068
Fax: (916) 503-8027
Email: angela.yamamoto@calvet.ca.gov

Comments must be received prior to 5:00 p.m. on December 28, 2015. CalVet will only consider comments received at CalVet offices by that time.

AUTHORITY AND REFERENCE

The authority of this regulation is found in Military and Veterans Code (M&VC) Section 700, The Statutes of 1990, Chapter 535, Section 2 and The Statutes of 1993, Chapter 138, Section 4. References: Sections 970, 972 and 972.1, M&VC.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Summary of Existing Laws and Regulations

Current laws and regulations govern the State General Funded Subvention Program requirements for County Veterans Service Offices (CVSO) to qualify for funding. Military and Veterans Code Sections 970-974.5 specify general overview of the county subvention program, basic requirements of each County, requirements by CalVet to report to the Legislature and State Agencies annually, and general distribution of funding. 12 CCR Sections 450-455 govern more specific details of the county requirements and distribution of funding.

Summary of the Effect of the Proposed Regulations

The specific objective of this regulation is to remove language that is unnecessary, organize like information in the same subsections, establish basic requirements for CVSOs to receive state funding, and update the subvention components based on the increased amount of funding CVSOs receive ongoing starting in fiscal year 2015-16.

Anticipated Benefits of the Proposed Regulations

These regulations will establish a baseline level of knowledge requirement for CVSOs and their staff filing claims for U.S. Department of Veterans Affairs benefits, which may improve services to Californians. These regulations will also establish policies to ensure CalVet maintains proper oversight for the state CVSO subvention program, thus increasing transparency of state policies in regards to the county subvention program. These regulations also requires CVSOs to report metrics regarding outreach activities to CalVet, which will also increase transparency of CVSO work and enable CalVet to meet statutory requirements to report the outreach activities of CVSOs in an annual report to the Legislature, Department of Finance, California Veterans Board, and Department of Health Care Services. (M&VC Section 974(c)).

Determination of Inconsistency/Incompatibility with Existing State Regulations

CalVet has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate or affect these regulations, CalVet has concluded that these regulations support and clarify all statutes in the M&VC Sections 970-974.5. These are the

only regulations pertaining to the county subvention program.

Document Incorporation by Reference

The proposed regulations will require counties to report outreach metrics and adhere to all policies in the *California Department of Veterans Affairs Procedure Manual for Subvention and Medi-Cal Cost Avoidance* for the current fiscal year. The revision date for this year's manual is August 2015.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations will create a local mandate on counties. Counties will be required to ensure all CVSO directors (County Veterans Service Officers) as well as county veterans service representatives who file U. S. Department of Veterans Affairs claims are accredited by CalVet within 12 months of hire. This mandate requirement is reimbursable by the state in the way of funding provided through the county subvention program to mitigate the costs of travel to attend the accreditation training and exam.

Cost or Savings to any state agency: No additional cost or savings to state agencies; in the case that a county does not receive its full allocation of funding, CalVet redistributes the funding to the qualifying counties.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None. CalVet provides funding to assist with expenses incurred with attending the required training.

Other nondiscretionary cost or savings imposed on local agencies: None. CalVet provides funding to assist with expenses incurred with attending the required training.

Cost or savings in federal funding to the state: 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.

Effects on Housing Costs: None.

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

Results of the Economic Impact Analysis/Assessment

CalVet concluded that it is (1) unlikely that the proposal will eliminate jobs, (2) unlikely that the proposal will create new jobs (including state jobs as the current workload for CalVet staff is absorbed with existing re-

sources), (3) unlikely that the proposal will create new businesses, and (4) unlikely that the proposal will eliminate existing businesses, and (5) unlikely that the proposal will affect the expansion of businesses currently doing business.

Anticipated Benefits of the Proposed Action: The proposed regulation will ensure CalVet is able to provide proper oversight and accountability for the state CVSO subvention program. The results of the regulations include improved knowledge base of claims representatives as well as transparency in the county subvention program. These improvements may improve the health and welfare of California's veterans and their families through higher quality claims and best use of state funding in support of CVSOs.

Small Business Determination: The proposed regulation will not affect small businesses because it only pertains to counties.

CONSIDERATION OF ALTERNATIVES

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

CalVet 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 and written comments may be directed to:

California Department of Veterans Affairs
 Veteran Services Division
 Attention: Angela Yamamoto
 1227 O Street, Room 105
 Sacramento, CA 95814
 Telephone: (916) 651-3068
 Fax: (916) 503-8027
 Email: angela.yamamoto@calvet.ca.gov

The backup contact is Nancy Noriega, 1227 O Street, Room 105, Sacramento, CA 95814. Telephone (916) 503-8306. Inquiries may also be submitted by e-mail to nancy.noriega@calvet.ca.gov.

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

CalVet will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies of the exact language (express terms) of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained upon request from the contact persons named above. These documents may also be viewed and downloaded from the CalVet website at www.calvet.ca.gov.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet 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 CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Angela Yamamoto at the address indicated above. CalVet will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Angela Yamamoto at the above address.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, and documents referred to in the regulations can be accessed through the CalVet website at: www.calvet.ca.gov.

**TITLE 14. DEPARTMENT OF FISH
AND WILDLIFE**

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt the regulations described below regarding procedures for imposing civil penalties and conducting hearings pursuant to Fish and Game Code sections 12025, subdivision (e), and 12025.1, subdivision (d), after considering all comments, objections, and recommendations regarding the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department will hold a public hearing on December 28, 2015, from 1:00 p.m. to 2:30 p.m., in the Resources Auditorium within the Resources Building located at 1416 9th Street, Sacramento, California. The Resources Auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at the office below not later than 5:00 p.m. on December 28, 2015. The Department requests, but does not require, that all written comments include the true name and mailing address of the commenter. All relevant comments will be considered.

Written comments may be submitted by mail, fax, or e-mail as follows:

California Department of Fish and Wildlife
Regulations Unit
Attn: Craig Martz
1416 9th Street, 13th Floor
Sacramento, CA 95814
Telephone: (916) 653-4681
Fax: (916) 653-9890
Email: Regulations@wildlife.ca.gov

AUTHORITY

Sections 702, 12025, and 12025.1, Fish and Game Code.

REFERENCE

Sections 12025, and 12025.1, Fish and Game Code.

INFORMATIVE DIGEST

Existing Laws and Regulations Related Directly to the Proposed Action

The California Department of Fish and Wildlife (Department) proposes to adopt through regular rulemaking the existing emergency regulations for imposing civil penalties and conducting administrative hearings pursuant to Fish and Game Code sections 12025, subdivision (e), and 12025.1, subdivision (d). On July 10, 2015, the Office of Administrative Law approved the existing emergency regulations adopted by the Department under the Administrative Procedure Act (APA) to implement, interpret, and make specific Fish and Game Code sections 12025, subdivision (e), and 12025.1, subdivision (d). (Cal. Reg. Notice Register 2015, No. 30–Z; OAL File No. 2015–0703–01 E.) The existing emergency regulations are found in Title 14, section 748.5, California Code of Regulations (CCR) and will expire on January 6, 2016. The Department is initiating this regular rulemaking action in order to make the emergency regulations in Title 14, section 748.5, CCR permanent.

Existing law (Fish and Game Code section 12025) provides that a person who violates sections 1602, 5650, and 5652 of the Fish and Game Code in connection with the production or cultivation of a controlled substance is subject to a civil penalty not to exceed the amount set forth in Section 12025, subdivisions (a) or (b), for each violation.

Section 1602 provides, among other things, that an entity may not substantially divert or obstruct the natural flow of any river, stream, or lake, unless it notifies the Department in the manner prescribed by the Department; Section 5650 provides that it is unlawful to deposit into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life; and Section 5652 provides that it is unlawful to deposit trash into waters of the state.

Existing law (Fish and Game Code section 12025, subdivision (e)), enacted in June 2014, authorizes the Department to impose those civil penalties administratively, subject to specified requirements relating to complaint and hearing procedures. Section 12025, subdivision (e)(1) through (e)(4), outlines some procedures for imposing civil penalties and for conducting hearings, if a hearing is requested by a person subject to a penalty imposed pursuant to this section. Section 12025, subdivision (e) does not provide factors the Department may consider to assess the amount of a civil

penalty and does not include or provide specificity on important procedures for, among other things, requesting a hearing, waiving the right to a hearing, issuing a notice of hearing, designating a hearing officer, requesting a continuance of hearing, settlement, conducting discovery, conducting the hearing, and issuing the final decision.

Existing law (Fish and Game Code section 12025, subdivision (e)(5)) provides that the Department may adopt regulations to implement subdivision (e).

Existing law (Fish and Game Code section 12025.1), enacted in March 2015, provides that a person who violates Section 5901 is subject to a civil penalty of not more than \$8,000 for each violation. Section 5901 provides that it is unlawful to construct or maintain, in certain fish and game districts, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down a stream.

Existing law (Fish and Game Code section 12025.1, subdivision (d)) provides that the Department may administratively impose a civil penalty authorized pursuant to Section 12025.1, subdivision (a), according to the procedures described in Section 12025, subdivision (e)(1) through (e)(4). As noted above, Section 12025, subdivision (e)(1) through (e)(4), outlines some procedures for imposing civil penalties and for conducting hearings.

Existing law (Fish and Game Section 12025, subdivision (d)(2)) provides that the Department shall adopt emergency regulations to implement subdivision (d).

Existing emergency regulations (Title 14, section 748.5, California Code of Regulations) were adopted by the Department pursuant to Fish and Game Code sections 12025, subdivision (e)(5), and 12025.1, subdivision (d)(2). The emergency regulations provide procedures to afford procedural and substantive due process rights to any person or entity on which a civil penalty may be imposed. The emergency regulations will expire on January 6, 2016. The Department is initiating this regular rulemaking action in order to make the procedures found in Title 14, section 748.5, California Code of Regulations permanent. The proposed regulations are more protective than the rights granted in Section 12025, subdivision (e), and the requirements set forth in Chapter 4.5, Article 6 of the Administrative Procedure Act (APA).

Existing law (Government Code, Title 2, Division 3, Part 1, Chapter 4.5, sections 11400 to 11475.70) provides procedures for conducting administrative hearings pursuant to the APA. Government Code section 11410.20 provides that procedures under Chapter 4.5 apply to all agencies of the state unless otherwise expressly provided by statute. Article 6 (beginning with section 11425.10) provides requirements for conducting administrative hearings. The proposed regulations

comply with the requirements in Article 6. The proposed regulations are also consistent with the requirements in Article 7 (ex parte Communications), Article 8 (Language Assistance), and Article 11 (Subpoenas). The remainder of Chapter 4.5 provides guidance for conducting informal hearings. The proposed regulations provide additional specificity not found in the default provision of Chapter 4.5 of the APA.

Existing law (Government Code, Title 2, Division 3, Part 1, Chapter 5, sections 11500 to 11529) provides procedures for formal hearings conducted under the APA. Although the Department is not directed by statute to conduct hearings in accordance to the procedures in Chapter 5, the proposed regulations include some requirements set forth in Chapter 5, including section 11507 (amendment of pleading), section 11507.6 (discovery), section 11509 (notice of hearing), section 11511 (depositions section 11513 (oral evidence, witness examination, rules of evidence, hearsay rules, and privilege rules), and section 11514 (affidavit). These requirements are necessary to afford procedural and substantive due process rights which are more protective and efficient than the minimum set forth specifically in Fish and Game Code sections 12025 and 12025.1, and the requirements set forth in the default provisions of Chapter 4.5, Article 6 of the APA.

Difference from Existing, Comparable Federal Regulation or Statute

The Department has determined for purposes of the proposed action to adopt through regular rulemaking Title 14, section 748.5, CCR that there are no existing, comparable federal regulations or statutes. Absent such federal regulation or statute, there is no basis for comparison with and nothing related to compare to the proposed regulation.

Policy Statement Overview Regarding Broad Objectives and Specific Benefits

The purpose of the proposed regulations is to provide specific procedures to impose civil penalties and conduct administrative hearings. The overall objective of the proposed regulatory action is to continue to provide clear, detailed, and consistent rules to efficiently resolve contested cases and afford procedural and substantive due process rights to any person (“respondent”) on whom a civil penalty may be imposed pursuant to Fish and Game Code sections 12025, subdivision (e), and 12025.1, subdivision (d) (“Civil Penalty Statutes”). The Civil Penalty Statutes authorize penalties up to a specific maximum amount per each violation, but do not provide the factors the Department may take into consideration when assessing the amount of the civil penalty. In addition, other key details, including, but not limited to, the procedures to follow to request a hearing, waive the right to a hearing, issue a notice of hearing,

designate a hearing officer, request continuance of hearing, reach a settlement, conduct discovery and gather information and evidence, and issue a decision are not specified in the Civil Penalty Statutes. As noted above, the existing emergency regulations in Title 14, section 748.5, CCR will expire on January 6, 2016. Without a permanent regulatory framework, hearing procedures will be unclear to the regulated community.

The proposed regulations provide a number of specific benefits, including transparency and promotion of fairness. The administrative hearing process is set forth in great detail, ensuring that respondents understand their rights and have an opportunity to present evidence in their defense. For instance, the proposed regulations provide respondents with early access to the evidence in the case and with several discovery mechanisms (i.e., subpoenas, affidavits, depositions) to prepare for the hearing. Furthermore, the proposed regulations set forth the burden of proof to prove a violation and provide the factors the Department may take into consideration when assessing the amount of the civil penalty. The proposed regulations also clearly define who may be designated as a presiding officer to conduct the hearing, establish strict ex parte communication rules, and specify that the presiding officer shall issue the final decision of the Department. The Civil Penalty Statutes are silent on all of these important issues. Together these regulations make the process for issuing penalties under the Civil Penalties Statutes transparent and fair.

In addition to the benefits described above, the proposed regulations provide a more efficient procedure to timely address environmental damage through the administrative hearing process rather than through the more costly civil litigation process. In addition, the Department’s enforcement efforts to resolve environmental violations will no longer be wholly reliant on county district attorneys, many of whom have limited resources or expertise to prioritize and prosecute Fish and Game Code violations. Finally, through the implementation of the proposed administrative process, the Department anticipates significant benefits to the environment through improved protection of stream flows, water quality, and stream habitat during the current severe drought and into the future. The proposed regulation will therefore provide direct benefits to ecosystems impacted by the cultivation of marijuana. The Department also anticipates benefits to the environment through the prevention of unlawful fish passage barriers that threaten the long-term survival of anadromous fish populations.

Inconsistency or Incompatibility with Existing State Regulations

The Department conducted an evaluation of existing state regulations adopted for the purposes of imposing

civil penalties and conducting administrative hearings. The proposed regulations are the only regulations that implement procedures to administratively impose civil penalties and conduct hearings under the Civil Penalty Statutes in the Fish and Game Code. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE

The Department's operations are primarily prescribed by the hundreds of provisions set forth in the California Fish and Game Code and Title 14, California Code of Regulations. Other bodies of law that govern the Department include, but are not limited to, the Government and Penal Codes. As to administrative hearings generally, these regulations are also prescribed in part by the hearing provisions of the Administrative Procedure Act, Government Code section 11400 et seq.

DETERMINATION OF MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulations do not impose a new mandate on local agencies or schools districts.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cost or savings to any state agency: The Department anticipates incurring costs of no more than \$15,000 per year for conducting approximately 5 to 9 administrative hearings in any given year. Hearing costs will be absorbed by the Department. The Department estimates some potential savings in civil litigation costs formerly incurred for the Attorney General's Office representation in civil cases. The Department does not anticipate any costs or savings to any other State agency as a result of the proposed regulatory action. There are no related costs or savings in Federal funding to the state associated with the proposed regulatory action.

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 of other states: The proposed action will not have a sig-

nificant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulations do not make compliance with existing law more difficult or costly and do not expand the application of the Civil Penalty Statutes or increase the penalties imposed thereby.

Effect on small business: The Department has determined that the proposed regulations are unlikely to have a significant statewide adverse economic impact affecting small businesses because the proposed regulations do not make compliance with existing law more difficult or costly and do not expand the application of the Civil Penalty Statutes or increase the penalties imposed thereby. The proposed regulations are intended to provide the Department an additional process it may use to enforce existing laws meant to protect fish and wildlife and their habitats while at the same time ensuring that the regulated community is afforded their full due process rights.

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.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSEMENT

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety. The Department anticipates benefits to the health and welfare of California residents from better protection of the State's natural resources.

The Department anticipates benefits to the environment through more efficient administrative hearings to address violations of laws that advance the reduction of adverse impacts from marijuana cultivation on stream flows, water quality, and stream habitat. The proposed regulations will therefore provide indirect benefits to ecosystems impacted by the cultivation of a controlled substance. The Department also anticipates additional benefits to the environment through the prevention of unlawful fish passage barriers that threaten the long-term survival of anadromous fish populations.

CONSIDERATION OF ALTERNATIVES

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

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

MITIGATION MEASURES REQUIRED BY REGULATORY ACTION

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Fish and Wildlife
Wildlife and Fisheries Division
Craig Martz, Regulations Unit Manager
1416 9th Street, 13th Floor
Sacramento, CA 95814
Telephone: (916) 653-4681
Email: Regulations@wildlife.ca.gov

The backup contact person is:

Department of Fish and Wildlife
Law Enforcement Division
Brian Naslund, Assistant Chief
1416 9th Street, 13th Floor
Sacramento, CA 95814
Telephone: (916) 651-9953
Email: Brian.Naslund@wildlife.ca.gov

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

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

The Department will have the entire rulemaking file available for inspection and copying at its offices at the above addresses. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, the Economic Impact Assessment, and the Economic and Fiscal Impact Assessment (STD. Form 399).

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Craig Martz as indicated 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 THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Craig Martz as indicated above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

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

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers,
Land Surveyors, and Geologists
2535 Capitol Oaks Drive
Third Floor Conference Room
January 5, 2016
9:00 a.m.

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 28, 2015 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals

substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference Citations: Pursuant to the authority vested by sections 8710 and 8773.1 of the Business and Professions Code, and to implement, interpret, or make specific sections 8762, 8765, 8773, 8773.1, 8773.2, 8773.3, and 8773.4 of said Code, the Board is considering changes to Divisions 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

It is the intent of the Board to ensure that its laws are clear, concise, efficient, and necessary. Business and Professions Code section 8710(a) provides the Board with the responsibility to make and enforce rules and regulations that are reasonably necessary to carry out its provisions. To that extent, the Board is proposing a regulatory amendment that will update its Corner Record form so that it would be more relevant to the current practice of land surveying and would provide additional clarification to the licensee and to the agency to which it is being submitted. These amendments would update the form to be consistent with the land surveying profession with respect to the preparation and filing of Corner Records. It would also maintain the Board's Strategic Plan goal of evaluating current laws and regulations and pursuing changes where appropriate.

AMEND SECTION 464 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

Business and Professions Code section 8773 defines a Corner Record and describes the requirements necessary for the filing and preparation of a Corner Record. Title 16, California Code of Regulations Section 464 establishes the information required to be included on the Corner Record and incorporates by reference the Corner Record form, currently identified as BORPELS-1297, 1-6-98.

The Corner Record form is composed of two (2) pages. Page one (1) contains the text of the document and provides for the written explanation of the work that was performed. This proposed regulatory action would consolidate the two fill-in fields currently in the center of page 1 of the form into one fill-in field so that

the licensee can provide a narrative of the condition of the corner or monument into one space instead of having to separate it into two different spaces, which has been unnecessary.

Page 2 contains a graph field that is used for a drawing of the work that was performed or to provide further explanation through sketches. This proposed regulatory action would replace the graph with a blank field so that the licensee is not limited to having to complete the page within graph lines. Having a blank field would also be beneficial when the licensee chooses to place a computerized representation onto the page.

Additional information is also being added to the Corner Record form:

1. Identification of an Agency Index Number. If the agency does not have an index number, it can be stated here.
2. The specific section of the Professional Land Surveyors' Act that is being referenced as the reason for the filing of the Corner Record. Currently the Corner Record form does not request that a section be specified.
3. Identification of action(s) taken relating to the condition of corner/monument.

Also, the form number of the Corner Record would be changed to BPELSG-2015 to reflect the current name of the Board and the anticipated year the modified document would become effective. In addition, other minor grammatical changes would be made to the form.

This regulatory proposal does not affect small businesses. The changes being proposed apply only to the presentation of the information on the Corner Record. The document can only be filed by a licensed land surveyor or civil engineer authorized to practice land surveying and does not add any additional time or financial requirements for the licensee in the preparation and filing of the Corner Record.

FORMS INCORPORATED BY REFERENCE

Corner Record (Form BORPELS-1297) 1-6-98

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit of this proposed regulatory action is to ensure that the information contained on the Corner Record document is clear, concise, relevant, and necessary. This will also result in the consumer being charged less money and take less time in completing the project since the Corner Record form will be more clear and efficient. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSISTENCY AND COMPATIBILITY WITH
EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this proposed regulatory action and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

This proposed regulatory action does not result in any significant expenditure to public or state agencies. There may, however, be cost savings to the public agency since the Corner Record form would be prepared with more relevant information, eliminating additional time the public agency may spend with the licensee to clarify the information on the Corner Record form. Any possible cost savings would be difficult to quantify since it is not feasible to research this information by obtaining information from all local agencies in the state of California.

Nondiscretionary Costs/Savings to Local Agencies:

This proposed regulatory action does not result in nondiscretionary costs or savings to local agencies.

Local Mandate:

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

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

None.

Business Impact:

The Board has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Since the proposed amendments affect only information contained on the Corner Record form, the impact to businesses is insignificant and absorbable.

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations relate specifically to the preparation of the Corner Record document, which does not have an impact on how a small business operates.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

The purpose and benefit of this proposed regulatory action is to ensure that the information contained on the Corner Record document is clear, concise, and relevant. This will result in the consumer being charged less money and the licensees taking less time in completing projects since the Corner Record form will be more clear and efficient. These amendments will help to maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative 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, 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.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Billie Baldo
 Address: 2535 Capitol Oaks Drive,
 Suite 300
 Sacramento, CA 95833
 Telephone No.: (916) 263-2277
 Fax No.: (916) 263-2221
 E-Mail
 Address: Billie.Baldo@dca.ca.gov

The backup contact person is:

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

WEBSITE ACCESS

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

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy (Board) is proposing to take the action described 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 28, 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 to implement, interpret, and make specific sections 4200.2, 4202, 4231, and 4232 of the Business and Professions Code, the Board is proposing to amend Sections 1732.05, 1732.2, and 1732.5 of Article 4 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 Sections 1732.05, 1732.2, and 1732.5 of Article 4 of Division 17 of Title 16 of the California Code of Regulations (CCR) for the purpose of updating the name of a Board-approved continuing education (CE) provider, to grant CE credit for serving on a committee developing the California Practice Standards and Jurisprudence Examination (CPJE), to grant CE credit for attending Board meetings or committee meetings, and to define specialized subject areas necessary to meet the CE hour requirement.

Business and Professions Code (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 further 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.

Business and Professions Code section 4200.2 defines the requirements that the Board shall utilize for the development of the California Practice Standards and Jurisprudence Examination for Pharmacists.

Business and Professions Code section 4202 defines the requirements for the issuance of a pharmacy technician applicant.

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 4231 generally states that the Board shall not renew a pharmacist license unless the licensee has completed 30 hours of continuing pharmacy education.

B&P section 4232 generally states the form and content of acceptable continuing education courses.

This proposed regulation would amend 16 CCR Section 1732.05 to correct the name of a Board-approved CE provider that was changed as a result of restructuring at the Pharmacy Foundation of California.

This proposed regulation would amend 16 CCR Section 1732.2 to provide additional ways licensees may accrue continuing education satisfactory to the board. While the additional options would not be a requirement for the renewal of a pharmacist's or pharmacy technician's license, the following are ways in which this proposal would permit a licensee to acquire Board approved continuing education:

- A pharmacist serving on a designated subcommittee of the Board for purposes of developing the CPJE for pharmacists may be awarded up to six hours of continuing education annually for conducting a review of exam test questions, as proposed;
- A pharmacist or a pharmacist technician may receive a specified number of hours of continuing education for attending Board and/or Committee meetings, as proposed;
- An individual may be awarded three hours of continuing education for successfully passing the examination administered by the Commission for Certification in Geriatric Pharmacy.

Existing regulations contained in Article 4 of Division 17 of Title 16 California Code of Regulations (beginning at section 1732) specify accreditation agencies for continuing education, requirements for accredited

providers, requirements for continuing education courses, provider audit requirements, renewal requirements for a pharmacist, exemptions from CE requirements, and a complaint mechanism for a provider. However, existing law does not specify additional methods of accruing CE that would be deemed "satisfactory" to the Board.

This proposed regulation will provide additional Board-approved continuing education options available to applicants for renewal of a pharmacist license. The Board does not currently require continuing education for an applicant for renewal of a pharmacy technician license. However, one of the qualifying methods of an applicant for a pharmacy technician license is certification through the Pharmacy Technician Certification Board (PTCB) pursuant to section 4202 of the Business and Professions Code. For purposes of maintaining certification with the PTCB, pharmacy technicians must meet that Board's requirements for continued education. This proposed regulation specifies Board-approved continuing education options for pharmacy technicians licensed by the Board of Pharmacy.

ANTICIPATED BENEFITS OF PROPOSAL

This proposal will update the name of a Board-approved accreditation agency and will reduce confusion for pharmacists selecting CE courses. Additionally, awarding CE for attending Board and Committee meetings will encourage more pharmacists and pharmacy technicians to attend the meetings and be more involved within their profession. This will result in additional education to licensees on issues impacting the practice of pharmacy and may contribute to improving public health and safety. Furthermore, by awarding CE to pharmacists for participating in development of the CPJE, a more diverse group of pharmacists may provide their expertise, resulting in an efficient and stronger exam. Finally, assuring that pharmacists take CE hours in critical subject matter areas will contribute to public health and safety by increasing the number of pharmacists trained in those content areas.

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 has made an initial 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 regulation does not affect a business. The proposed regulation affects Board individual licensees and not businesses. Pharmacists are currently required to complete continuing education pursuant to B&P section 4231. The proposed regulation further defines the content area for six of the required thirty hours. Additionally, the proposed regulation permits Pharmacists and Pharmacy Technicians to be awarded continuing education for attending Board and/or Committee meetings, which are free of charge.

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

While the Board does not have nor does it maintain data to define if any of its licensees (pharmacies) are a “small business” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small businesses.

There is no requirement for a pharmacist or pharmacy technician to utilize the Board–accredited continuing education as specified in the proposed regulation. For Board–approved continuing education awarded for attending a Board and/or Committee meeting, as specified in the proposed regulation, the board does not charge any fee. An individual who wishes to be certified by the Commission for Certification in Geriatric Pharmacy (CCGP) may be required to meet certification requirements by the CCGP, including the payment of any fee required to take the CCGP examination. However, the Board does not require an individual to be certified by the CCGP as a requirement for renewal of the li-

cense. Finally, while the proposed regulation is requiring CE in specific subject areas, this is not in addition to the CE a pharmacist must currently complete. These required subject areas will be part of the 30 hours of CE currently required.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This initial determination is based on the fact that under B&P section 4231, a pharmacist is currently responsible for completing 30 hours of CE biennially. This proposed regulation is not requiring additional CE hours. There is no requirement for a pharmacist or pharmacy technician to utilize the Board–accredited continuing education as specified in the proposed regulation.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state’s environment because the proposed regulation will require continuing education in specific subject areas that are critical to patient care in California. This will increase the number of pharmacists with additional education in those subject areas. Additionally, the proposed regulation will provide additional methods for an individual to obtain Board–approved continuing education relevant to the practice of pharmacy. This will increase the number of licensees with education on the issues impacting the practice of pharmacy as they occur and will increase involvement in these issues.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website at <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 website listed below.

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
Phone No.: (916) 574-7917
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
Phone 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 at the Board of Pharmacy's website: www.pharmacy.ca.gov.

**TITLE 16. BUREAU OF AUTOMOTIVE
REPAIR**

**NOTICE OF PROPOSED REGULATORY
ACTION AND PUBLIC HEARING
CONCERNING**

**Smog Check Licensing; Disciplinary Guidelines;
Probationary Registration/License**

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the actions described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at the following location on the following date:

NORTHERN CALIFORNIA
Friday, January 8, 2016 at 10:00 a.m.
Bureau of Automotive Repair
Hearing Room
10949 North Mather Blvd
Rancho Cordova, CA 95670

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 Bureau at its office no later than 5:00 p.m. on Friday, January 8, 2016**, or must be received by the Bureau at the above-referenced hearing. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be include in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 9882 and 9984.19 of the Business and Professions Code, and to implement, interpret, or make specific Sections 475, 476, 477, 478, 480, 481, 482, 484, 485, 486, 487, 488, 489 and 9884.21 of the Business and Professions Code, Sections 11400.20, 11400.21, 11425.50(e), and 11505 of the Government Code, Sections 220 and 11500 of the Vehicle Code, and Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44031.5(e), 44033, 44034, 44036, 44037.1, 44045.5, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103 of the Health and Safety Code, the Bureau is proposing the following changes to Articles 5.5 and 12 of Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATION DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair (Bureau or BAR) was established within the Department of Consumer Affairs (DCA) in 1971 with the enactment of the Automotive Repair Act¹. BAR was created by Senate Bill (SB) 51 (Beilenson, Chapter 1578, Statutes of 1971), which mandated a statewide automotive repair consumer protection program. BAR is charged with protecting consumers in the automotive repair marketplace and administering the Smog Check Program (Program).

Through its statewide offices, BAR provides consumer protection services related to Title 16, Division 33, of the California Code of Regulations. BAR regulates Automotive Repair Dealers (ARD), Lamp and Brake stations and adjusters, and Smog Check stations and technicians. BAR receives and mediates complaints from the public, investigates violations of the Automotive Repair Act, Smog Check laws, and associated regulations. When appropriate, cases are referred to the Attorney General’s Office or law enforcement authorities for administrative action, civil, and/or criminal prosecution.

CURRENT REGULATIONS:

Existing regulations in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 5.5, are summarized as follows:

- I. Section 3340.1 specifies definitions.
- II. Section 3340.10 specifies licensing requirements for Smog Check stations.

- III. Section 3340.28 specifies licensing and qualification requirements for Smog Check Inspectors and Repair Technicians.

Existing regulation in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 12, is summarized as follows:

- I. Section 3395.4 specifies the use of the Disciplinary Guidelines and incorporates the document into regulation.

EFFECT OF REGULATORY ACTION:

The proposed rulemaking will make the following changes:

I. §§ 3340.1, 3340.10, AND 3340.28 OF TITLE 16, DIVISION 33, CHAPTER 1, ARTICLE 5.5, CALIFORNIA CODE OF REGULATIONS

a. Amend Section 3340.1. Definitions.

1. Add definition for “Advanced emission specialist technician.”

The Bureau proposes to add a definition for “Advanced emission specialist technician” as a definition for this license type was omitted in regulation.

2. Add definition for “Basic area technician.”

The Bureau proposes to add a definition for “Basic area technician” as a definition for this license type was omitted in regulation.

3. Amend definition of “Repair–Only station.”

The Bureau proposes to amend this definition from “Repair–Only station” to “Smog Check repair–only station” or “repair–only station.” This change promotes consistency within the section.

4. Amend definition of “Smog Check station.”

The Bureau proposes to amend this definition to include “Smog Check repair–only stations.”

5. Other minor, technical, grammatical, and editorial changes.

The Bureau proposes to amend this section in multiple places to correct the capitalization of “Smog Check,” “Smog Check Program,” and “Section.”

b. Amend Section 3340.10. Licensing of Smog Check Stations.

1. Amend section to specify the three license types for Smog Check stations.

This section is being amended to specify the three license types available to Smog Check stations pursuant to the license restructure that went into effect in 2012.

2. Amend subsection (a).

This section is being amended to clarify that an application to redesignate a license to another license type at any time is reviewed in the same manner as an application for an initial license.

3. Add new subsection (g).

The Bureau proposes to add this subsection to specify that the director may proceed with any investigation or administrative disciplinary action that was initiated

¹ Business and Professions Code § 9880, et seq.

prior to the redesignation of a license and may render a decision to invalidate or revoke the license as redesignated.

4. *Amend current subsection (h).*

The Bureau proposes to add this subsection to specify that should a license be subject to an order of suspension, a probationary order, or any other administrative disciplinary actions at the time of redesignation, the order of suspension, probationary order, or other administrative disciplinary action will be applied to the redesignated license.

5. *Other minor, technical, grammatical, and editorial changes.*

The Bureau proposes to amend this section in multiple places to correct the capitalization of “Smog Check” and “Smog Check Program.”

c. Amend Section 3340.28. Licenses and Qualifications for Smog Check Inspectors and Repair Technicians.

1. *Add new subsection (f).*

The Bureau proposes to add this subsection to specify that the director may proceed with any investigation or administrative disciplinary action that was initiated prior to the redesignation of a license and may render a decision to invalidate or revoke the license as redesignated.

2. *Add new subsection (g).*

The Bureau proposes to add this subsection to specify that should a license be subject to an order of suspension, a probationary order, or any other administrative disciplinary actions at the time of redesignation, the order of suspension, probationary order, or other administrative disciplinary action will be applied to the redesignated license.

3. *Amend current subsection (f).*

This subsection is being renumbered from (f) to (h).

II. § 3395.4 OF TITLE 16, DIVISION 33, CHAPTER 1, ARTICLE 12, CALIFORNIA CODE OF REGULATIONS

The proposed amendment to Section 3395.4 would incorporate by reference the new disciplinary guidelines entitled “Guidelines for Disciplinary Orders and Terms of Probation [Rev. May 2014].”

III. § 3395.5 OF TITLE 16, DIVISION 33, CHAPTER 1, ARTICLE 12, CALIFORNIA CODE OF REGULATIONS

The Bureau proposes to adopt Section 3395.5 to Title 16, Division 33, Chapter 1, Article 12, California Code of Regulations. This section is being added pursuant to Business and Professions Code section 9984.21 which states, in part, that the director may, in his or her sole discretion, issue a probationary registration to an applicant subject to terms and conditions deemed appropriate by the director. This proposal sets forth the Bureau’s

process for offering and issuing a probationary registration or license when an application for a standard registration or license is denied pursuant to Sections 480, 9884.7, and 9889.1–9889.4 of the Business and Professions Code and 44072.1 of the Health and Safety Code. Further, the proposal specifies a timeframe for which the applicant must either accept the probationary registration or license or request a hearing on the denial of the application for a standard registration or license.

For detailed information regarding the anticipated benefits of this proposed regulation, please see the subsection “Benefits of the Regulation to the Health and Welfare of California Residents and the State’s Environment” within the section titled, “Results of Economic Impact Assessment/Analysis.”

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

During the process of developing these regulations and amendments, BAR 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.

As outlined in Business and Professions Code (BPC) section 9882, BAR is the state agency solely responsible for enforcing and administering the Automotive Repair Act.

INCORPORATION BY REFERENCE

Guidelines for Disciplinary Orders and Terms of Probation [Rev. May 2014]

LOCAL MANDATE

None.

FISCAL IMPACT ESTIMATES

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500–17630 REQUIRE REIMBURSEMENT:

None.

COSTS OR SAVINGS TO STATE AGENCIES OR COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:

None.

The proposed action described in this Notice will not create any costs or savings in state resources or federal funding. The Bureau does not currently receive federal funding and that will not change because of this proposal. State agencies will not realize any costs or savings because the disciplinary guidelines are suggestions only and not updating the document does not preclude the Bureau from seeking disciplinary actions against a registrant or licensee for violation of any statute or regulation not contained therein.

NONDISCRETIONARY COSTS OR SAVINGS TO LOCAL AGENCIES:

None.

EFFECT ON HOUSING COSTS

None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The proposed regulations will not have any 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 following:

- **Smog Check Licensing:** The proposal creates no new requirements for licensees. The regulatory proposal simply seeks to clarify the Bureau’s jurisdiction and enforcement of licenses that have been redesignated pursuant to the restructure of Smog Check licenses.
- **Disciplinary Guidelines:** The proposal would not change the degree of the impact from an administrative disciplinary action. Any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the Bureau’s laws and/or regulations. That potential “adverse economic impact” would be the same with or without these guidelines.
- **Probationary Registration/License:** The Bureau has made an initial determination that the proposed regulatory action may save institutions a significant amount of money should their application for a standard registration or license be denied and they be offered a probationary registration or license. Rather than proceeding with an often costly and onerous administrative hearing, which delays the ability to obtain licensure and to conduct business, an applicant can accept the Bureau’s offer for a probationary registration or license and commence operation with specified terms and conditions.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

IMPACT ON JOBS/NEW BUSINESSES:

BAR has made an initial determination that the proposed regulatory action will have an impact on the cre-

ation of jobs or new business, the elimination of jobs or existing businesses, or the expansion of business in the State of California as follows:

Offering a probationary registration or license to an applicant when good cause exists for the denial of the application for a standard registration or license could lead to earlier business or employment opportunities for individuals who would otherwise be ineligible pending an administrative hearing. A probationary registration or license will be a fully functioning registration or license that will remain on probation for up to three years.

BENEFITS OF THE REGULATION TO WORKER SAFETY:

BAR has made an initial determination that the proposed regulatory action will not have any impact on worker safety in the State of California. This determination was made because the proposal does not change the occupational scope of affected individuals.

BENEFITS OF THE REGULATION TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS AND THE STATE’S ENVIRONMENT:

BAR has made an initial determination that the proposed regulatory action will have the following benefits to the health and welfare of California residents and the state’s environment:

Ensuring that licenses and registrations are issued appropriately, BAR will be better able to protect consumers from incompetent or unscrupulous behavior which could save consumers time and money. In the case of the Smog Check Program, ensuring that the industry is appropriately monitored and disciplined could ensure more effective Smog Check inspections and repairs, which leads to reduced carbon-based emissions and cleaner air. Additionally, the actions proposed in this document will protect consumers by putting the automotive industry on notice that violations of statutes and regulations enforced by BAR could lead to the levying of appropriate and uniform administrative discipline, thereby potentially dissuading unscrupulous behavior.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

However, should a person or business be disciplined by the Bureau, or denied a standard registration or license and reject a probationary version of either, they may choose to be represented by an attorney during the administrative hearing process, and as a result, may incur costs related to legal representation.

EFFECT ON SMALL BUSINESSES

The Bureau has determined that the proposed regulations would not have a significant adverse economic impact directly affecting small businesses as it will only affect businesses or individuals registered or licensed by the Bureau who have chosen to participate in the Smog Check Program, are subject to disciplinary action, or denied applicants.

CONSIDERATION OF ALTERNATIVES

BAR must determine that no reasonable alternative, which it considered 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau 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, documents incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10949 N. Mather Boulevard, Rancho Cordova, CA 95670, or from the Bureau's Web site (www.smogcheck.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 mak-

ing a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

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

Name: Nina Tantraphol
Address: 10949 N. Mather Blvd.
Rancho Cordova, CA 95670
Telephone No.: (916) 403-8534
Fax No.: (855) 641-9981
E-Mail
Address: nina.tantraphol@dca.ca.gov

The backup contact person is:

Name: Shelley Whitaker
Address: 10949 N. Mather Blvd.
Rancho Cordova, CA 95670
Telephone No.: (916) 403-8523
Fax No.: (855) 641-9981
E-Mail
Address: shelley.whitaker@dca.ca.gov

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

TITLE 17. AIR RESOURCES BOARD

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE AIR RESOURCES BOARD

NOTICE IS HEREBY GIVEN that the Air Resources Board (ARB), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. All inquiries should be directed to the contact listed below.

The Air Resources Board proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Sections Affected

ARB proposes to amend California Code of Regulations (CCR), title 17, section 95000, and to repeal sections 95001, 95002, 95003, 95004, 95005, 95006, and 95007.

Changes to the Conflict-of-Interest Code include those listed below. The amendment also makes other technical changes.

New, user-friendly format. The new format greatly simplifies ARB's existing, text-heavy Code. The general provisions section of the existing Code (California Code of Regulations, title 17, section 95000) has been retained and updated; the rest of the text has been struck out and replaced with newly drafted Appendices A and B. Appendix A lists each division and designated positions inside the division in alphabetical order. Appendix B provides a description of the financial interests that must be disclosed for each category.

Revised reporting categories. The reporting categories have been re-drafted and updated to reflect the present spectrum of ARB's work, with the goal of achieving adequate disclosure as required by the law, without unnecessary intrusion into employees' financial interests that are unrelated to their employment with ARB. Each disclosure category is described in Appendix B. Each designated employment position in Appendix A has been assigned to disclose under one or more disclosure categories listed in Appendix B.

ARB has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts;
2. Impose no costs or savings on any state agency;
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code;
4. Will not result in any nondiscretionary costs or savings to local agencies;
5. Will not result in any costs or savings in federal funding to the state; and
6. Will not have any potential cost impact on private persons, businesses or small businesses.

Internet Access

This Notice and the text of the proposed Conflict-of-Interest Code amendment is available on ARB's Internet site at <http://www.arb.ca.gov/regact/2015/coi2015/coi2015.htm>. Printed copies may be obtained by submitting a request to the contact listed below.

Written Comment Period and Submittal of Comments

The public comment period for this regulatory action will begin on **November 13, 2015**, and end on **December 28, 2015**. Any interested person may submit comments electronically at the link listed below, during the public comment period. If a hearing is requested, public

comments can also be submitted at the hearing. At this time, no public hearing is scheduled. A person may request a hearing no later than **December 14, 2015**, by submitting the request to the address listed below.

Submit comments electronically at:
cotb@arb.ca.gov.

Interested persons may also provide comments by postal mail. Written comments must be received no later than 5:00 p.m. on **December 28, 2015**, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street
Sacramento, California 95814

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Ms. Trini Balcazar, Regulations Coordinator, at (916) 445-9564.

DECISION NOT TO PROCEED

VETERINARY MEDICAL BOARD

Re: Notice of Proposed Rulemaking concerning
Animal Rehabilitation

Pursuant to Government Code Section 11347, the Veterinary Medical Board hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on July 17, 2015, Register 2015, No. 29-Z (OAL Notice Z-2015-0706-01). The proposed rulemaking concerned Animal Rehabilitation (Title 16, Section 2038.5).

Any interested person with questions concerning this rulemaking should contact Elizabeth Bynum at either 916-515-5237 or by email at: Elizabeth.Bynum@dca.ca.gov. The Veterinary Medical Board will also post this Notice of Decision not to Proceed on its website.

**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# 2015-1007-01
BOARD OF EQUALIZATION
Morticians

This rulemaking action amends and updates section 1505 of Title 18 of the California Code of Regulations to conform to changes in the funeral services industry and in the way the United States Department of Veterans Affairs pays veteran interment allowances and to clarify when a funeral director is a retailer as opposed to consumer of tangible personal property for sales or use tax purposes. The action also amends section 1505 to update industry terminology, to correct grammar, and to provide gender neutrality.

Title 5
AMEND: 1505
Filed 11/03/2015
Effective 01/01/2016
Agency Contact: Richard Bennion (916) 445-2130

File# 2015-1014-06
BOARD OF FORESTRY AND FIRE PROTECTION
Protection of Habitable Structures Exemption, 2015

This rulemaking action makes permanent the emergency regulations implementing Assembly Bill 1867 (Chapter 804, Statutes of 2014). The action exempts persons engaged in the cutting or removal of trees which are between 150 and 300 feet of an approved and legally permitted habitable structure from certain requirements of the Forest Practices Act, including the plan preparation and submission requirements and the completion and stocking report requirements, in order to address fuel conditions which have been made worse by drought and tree mortality.

Title 14
AMEND: 895.1, 1038, 1038.2
Filed 11/03/2015
Effective 01/01/2016
Agency Contact: Thembi Borrás (916) 653-9633

File# 2015-0921-01
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
CPCFA — Electric Vehicle Charging Station Financing Program

This Certificate of Compliance by the California Pollution Control Financing Authority (“CPCFA”) makes permanent the prior emergency rulemaking action (OAL File No. 2015-0319-03E) that adopted five sections in title 4 of the California Code of Regulations. The Electric Vehicle Charging Station Financing Program (the “EVCS Financing Program”) was established through an interagency agreement between CPCFA and the California Energy Commission (the “Commission”). The regulations adopted through the emergency rulemaking and made permanent through this Certificate of Compliance concern the establishment and implementation of the EVCS Financing Program.

Title 4
ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
Filed 11/02/2015
Effective 11/02/2015
Agency Contact: Ethan Wieser (916) 651-3712

File# 2015-1020-02
DEPARTMENT OF FINANCE
Conflict-of-Interest Code

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

Title 2
AMEND: 37000
Filed 11/04/2015
Effective 12/04/2015
Agency Contact: Jeanna Wimberly (916) 445-8918

File# 2015-1023-03
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in the Bakersfield area of Kern County by approximately 83 square miles. This action also establishes a new ACP quarantine area of approximately 106 square miles in the Arvin area of Kern County.

Title 3
AMEND: 3435(b)
Filed 10/29/2015
Effective 10/29/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0921-02
 DEPARTMENT OF INSURANCE
 Changes to the Rates of the CAARP Commercial Auto Program

This action by the Department of Insurance amends the California Automobile Insurance Procedure (CAIP) based upon proposed rates calculated by the California Automobile Assigned Risk Plan (CAARP). This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
 AMEND: 2498.5
 Filed 11/02/2015
 Effective 11/02/2015
 Agency Contact: Michael Riordan (415) 538-4226

File# 2015-0921-03
 DEPARTMENT OF INSURANCE
 Changes to the CAARP Plan of Operations

The Department of Insurance (DOI) submitted this action for filing and printing pursuant to Government Code section 11343.8. This action makes changes to the California Automobile Assigned Risk Plan (CAARP), which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
 AMEND: 2498.4.9
 Filed 11/02/2015
 Effective 11/02/2015
 Agency Contact: Michael Riordan (415) 538-4226

File# 2015-0921-04
 DEPARTMENT OF INSURANCE
 Changes to the LCA Plan of Operations

This action by the Department of Insurance amends the California Low Cost Automobile Insurance program based upon proposed rates calculated by the California Automobile Assigned Risk Plan (CAARP). This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
 AMEND: 2498.6
 Filed 11/02/2015
 Effective 01/01/2016
 Agency Contact: Michael Riordan (415) 538-4226

File# 2015-0924-01
 DEPARTMENT OF PESTICIDE REGULATION
 Closed Mixing Systems

This rulemaking action by the Department of Pesticide Regulation (DPER) amends five sections in title 3

of the California Code of Regulations to require a tiered mitigation scheme for closed mixing systems based on the precautionary statements found on a pesticide product labels.

Title 3
 AMEND: 6000, 6188, 6742, 6746, 6793
 Filed 11/04/2015
 Effective 01/01/2016
 Agency Contact:
 Linda Irokawa-Otani (916) 445-3991

File# 2015-1021-02
 ENVIRONMENTAL PROTECTION AGENCY
 Conflict-of-Interest Code

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

Title 27
 AMEND: 10010
 Filed 10/28/2015
 Effective 11/27/2015
 Agency Contact: Alice Reynolds (916) 323-2514

File# 2015-1027-01
 OFFICE OF SPILL PREVENTION AND RESPONSE
 Oil Spill Prevention and Administration Fund Fee

The Office of Spill Prevention and Response (OSPR) submitted this emergency file and print action to readopt the changes adopted in OAL File No. 2014-1013-04EFP, which amended sections 870.15, 870.17, 870.19, and 870.21 of title 14 of the California Code of Regulations to implement changes to the statewide oil spill prevention and response program fee 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: 870.15, 870.17, 870.19, 870.21
 Filed 11/03/2015
 Effective 11/03/2015
 Agency Contact: Joy Lavin-Jones (916) 327-0910

File# 2015-0917-05
 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Non-Substantive Changes

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board submitted this action pursuant to title 1, California Code of Regulations, section 100 to make comprehensive nonsubstantive changes to title 16 regulations pertaining to the practice

and licensure of hearing aid dispensing services since the merger of the Hearing Aid Dispensers Bureau into the Speech–Language Pathology and Audiology Board in AB 1535 (Stats. 2009, ch. 309) and the movement and renumbering of the provisions of the Hearing Aid Dispensers Law in SB 933 (Stats. 2011, ch. 449), and to make other nonsubstantive changes to title 16 regulations pertaining to the practice and licensure of speech–language pathology and audiology services.

Title 16

AMEND: 1399.100, 1399.101, 1399.102, 1399.105, 1399.111, 1399.113, 1399.114, 1399.115, 1399.116, 1399.117, 1399.118, 1399.119, 1399.120, 1399.121, 1399.122, 1399.126, 1399.127, 1399.132, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, 1399.139, 1399.140, 1399.141, 1399.142, 1399.143, 1399.144, 1399.150.1, 1399.150.2, 1399.150.3, 1399.151, 1399.151.1, 1399.152, 1399.152.1, 1399.152.2, 1399.152.3, 1399.153, 1399.153.2, 1399.153.3, 1399.153.4, 1399.153.8, 1399.153.9, 1399.154, 1399.154.1, 1399.154.2, 1399.154.3, 1399.154.4, 1399.154.5, 1399.155, 1399.156, 1399.156.2, 1399.156.3, 1399.156.5, 1399.157.2, 1399.159, 1399.159.01, 1399.159.1, 1399.159.2, 1399.159.3, 1399.160.1, 1399.160.2, 1399.160.3, 1399.160.7, 1399.160.8, 1399.160.9, 1399.160.10, 1399.160.12, 1399.170.15, 1399.170.18, 1399.180, 1399.182

Filed 10/28/2015

Agency Contact: Karen Robison (916) 263–2291

File# 2015–0922–02

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998: SB 854 — No Prevailing Wage Monitoring

The State Allocation Board (SAB) is amending several sections in Title 2 of the California Code of Regulations along with multiple incorporated by reference documents. These amendments are necessary to align these regulations with statutory changes made in SB 854, Statutes of 2014, chapter 28. The Legislature repealed Labor Code section 1771.3 which required school districts to provide payment to the Department of Industrial Relations (DIR) for prevailing wage monitoring. The Legislature adopted a new Labor Code section 1771.3 which instead created a new public works contractor registration system that funds all of DIR’s public works activities. These fees will be used to cover the cost of DIR monitoring and enforcement of prevailing wage requirements. In this rulemaking SAB is removing the additional prevailing wage monitoring grant for projects with a public works contract awarded

on or after June 20, 2014 (the day the new statute went into effect).

Title 2

AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.167.2, 1859.193

Filed 11/03/2015

Effective 01/01/2016

Agency Contact: Lisa Jones (916) 376–1753

File# 2015–1019–03

STATE COMPENSATION INSURANCE FUND

Conflict–of–Interest Code

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

Title 2

AMEND: 52400

Filed 10/28/2015

Effective 11/27/2015

Agency Contact:

Joseph Gershaneck (925) 523–5766

File# 2015–1021–01

STATE WATER RESOURCES CONTROL BOARD

Emergency Regulation Amending Water Rights Fee Schedule

On September 16, 2015, the State Water Resources Control Board (Board) adopted Resolution 2015–0061 which revised by emergency regulations the water rights fee schedules in sections 1062, 1064, and 1066 of Title 23 of the California Code of Regulations to conform to the Budget Act for Fiscal Year (FY) 2015–16. Under the Water Code and existing regulations, a person filing a water right application, petition, registration, groundwater recordation or other filing must pay a filing fee to the Board. These emergency regulations adjust the fee schedule in FY 2015–16 to: (1) increase annual water rights fees to conform to amounts appropriated by the Legislature from the Water Rights Fund, and (2) adjust the caps on application and petition filing fees based on the consumer price index. Pursuant to Water Code section 1530(b), this action is deemed to be an emergency for purposes of the Administrative Procedure Act and shall remain in effect until revised by the Board.

Title 23

AMEND: 1062, 1064, 1066

Filed 10/28/2015

Effective 10/28/2015

Agency Contact: Ryan Wilson (916) 341–5135

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 3, 2015 TO
November 4, 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

- 11/04/15 AMEND: 37000
- 11/03/15 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.167.2, 1859.193
- 10/28/15 AMEND: 52400
- 10/19/15 AMEND: 18422
- 10/19/15 AMEND: 18422.5
- 10/12/15 AMEND: 599.500
- 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
- 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

Title 3

- 11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793
- 10/29/15 AMEND: 3435(b)
- 10/22/15 ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8
- 09/30/15 AMEND: 3435(b)
- 09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45
- 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)

Title 4

- 11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
- 10/27/15 AMEND: 8035
- 10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11

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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

Title 5

11/03/15 AMEND: 1505
 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

Title 8

10/21/15 AMEND: 15600, 15609
 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

Title 10

11/02/15 AMEND: 2498.5
 11/02/15 AMEND: 2498.4.9
 11/02/15 AMEND: 2498.6
 10/26/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
 10/15/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
 09/17/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 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,

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	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	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
07/29/15	AMEND: 5350, 5353, 5354, 5354.1, 5356, 5357.1, 5357.2, 5358.6, 5358.7, 5358.10 REPEAL: 5358.1	09/03/15 ADOPT: 817.04 AMEND: 790
07/29/15	AMEND: 5350, 5357.1	08/31/15 AMEND: 4800
07/27/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5	08/21/15 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24
07/06/15	ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868	08/04/15 AMEND: 13055
06/29/15	ADOPT: 2194.18, 2194.19, 2194.20, 2194.21, 2194.22, 2194.23, 2194.24, 2194.25, 2194.26	07/31/15 ADOPT: 662
06/15/15	ADOPT: 6432	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
		06/26/15 ADOPT: 250.1 AMEND: 311, 353, 464, 465, 475, 485 REPEAL: 355
		06/24/15 AMEND: 165
		06/22/15 ADOPT: 364.1 AMEND: 360, 361, 362, 363, 364, 702, 708.5, 708.11, 713
		06/22/15 AMEND: 1665.7
		06/22/15 AMEND: 895.1, 1038, 1038.2
		06/04/15 AMEND: 7.50
Title 11		
10/27/15	ADOPT: 313, 314, 315, 316, 999.9, 999.9.1, 999.9.2, 999.9.3, 999.9.4, 999.9.5 AMEND: 999.6, 999.7, 999.8	
10/20/15	AMEND: 1005, 1007, 1008	
08/31/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259	
08/26/15	AMEND: 1011	
08/17/15	AMEND: 1009	
06/24/15	AMEND: 1005, 1007, 1008	
Title 13		
10/21/15	ADOPT: 551.22 AMEND: 550, 551.2	
10/12/15	AMEND: 1962.1, 1962.2	
10/08/15	AMEND: 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, 1978	
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	
Title 14		
11/03/15	AMEND: 895.1, 1038, 1038.2	
11/03/15	AMEND: 870.15, 870.17, 870.19, 870.21	
10/19/15	ADOPT: 1760.1, 1779.1	
10/16/15	AMEND: 17354, 17356	
		Title 15
		09/28/15 AMEND: 8199
		09/15/15 AMEND: 3375.1, 3377
		09/01/15 AMEND: 8113
		09/01/15 ADOPT: 3999.19
		08/26/15 ADOPT: 8115, 8116, 8116.1, 8117
		08/06/15 ADOPT: 8005 AMEND: 8004, 8004.2, 8004.3
		07/31/15 AMEND: 3043, 3044
		07/27/15 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
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