



## GENERAL PUBLIC INTEREST

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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**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

STATE AGENCY: State Water Resources Control Board

A written comment period has been established commencing on December 11, 2015, and closing on January 25, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than January 25, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

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

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

The Department of Food and Agriculture intends to adopt sections 4800, 4801, and 4802 of the regulations in Title 3 of the California Code of Regulations pertaining to Submission of Local Ordinances to the Secretary.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 25, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department 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, Food and Agriculture Code (FAC) section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 52334, provides that, on and after January 1, 2015, a local agency shall not adopt or enforce an ordinance that regulates plants, crops, or seeds without the consent of the Secretary.

Anticipated Benefits from This Regulatory Action

After January 1, 2015, a proposed local ordinance that regulates plants, crops, or seeds for commercial agriculture shall be submitted to the Secretary for consent prior to adoption (Food and Agricultural Code (FAC) section 52334).

Currently there are no regulations related to Food and Agriculture Code (FAC) section 52334. These proposed regulations would establish the procedural framework for such submissions. This will ensure that the local agency has a clear understanding of its and the Department's responsibilities, how and where to submit ordinance packages, timeframes, form and effective date of the decision rendered, etc. Local ordinances adopted prior to the effective date of this regulation are not subject to the regulation's requirements.

Therefore, a local agency is aware of the submission process to the Secretary when proposing a local ordinance, in order to increase transparency in government and promote fairness and social equity in the justice system. Additionally, the adoption of this regulation indirectly ensures a safe food supply and a positive health benefit to California consumers.

There is no existing, comparable federal or state regulation or statute.

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 regulations related to FAC section 52334. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The adoption of these regulations will establish:

*General Provisions* — identify ordinances subject to the Secretary's consent, require submissions to the Secretary be in writing and filed with the Director of Plant Health and Pest Prevention Services, set forth required information, place and time of submission;

*Administrative Review Process* — establish time-frame for Department review for completeness;

*Secretary's Criteria for Review* — establish time-frame and criteria for Secretary approval and appeal process.

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: The agency 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 may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. As stated under the "INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW" above, the proposed regulations would increase transparency in government, promote fairness and social equity in the justice system, as well as indirectly ensuring a safe food supply and a positive health benefit to California consumers.

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other com-

parable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative 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, 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.

AUTHORITY

The Department proposes to adopt sections 4800, 4801, and 4802 pursuant to the authority vested by section 407 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5305, 5323, and 5233 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 to is:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 (916) 654-1017  
 (916) 654-1018 (FAX)

In her absence, you may contact:

Laura Petro  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Laura.Petro@cdfa.ca.gov](mailto:Laura.Petro@cdfa.ca.gov)  
 (916) 654-1017  
 (916) 654-1018 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions. All the information upon which this proposal is based, 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 4. CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE**

NOTICE IS HEREBY GIVEN that the California Debt Limit Allocation Committee (Committee) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The California Debt Limit Allocation Committee has complied with the requirements to provide notice of proposed rulemaking action pursuant to Government Code section 11346.1(a)(2).

PUBLIC HEARING

The California Debt Limit Allocation Committee (Committee) has scheduled the following public hearing on this proposed action:

Public Comment Hearing  
Tuesday, January 26, 2016 at 3:00 p.m.  
915 Capitol Mall, Room 587  
Sacramento, CA.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Committee. Comments may also be submitted by facsimile (FAX) at (915) 653-6827 or by e-mail to [cdlac@treasurer.ca.gov](mailto:cdlac@treasurer.ca.gov). The written comment period begins on December 11, 2015 and closes at 5:00 p.m. on January 25, 2016. The Committee will consider only comments received at the Committee offices by that time. Submit comments to:

Brian Clark  
CDLAC Regulations Analyst  
California Debt Limit Allocation Committee  
915 Capitol Mall, Room 311  
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 8869.94, California Government Code. Section 8869.94 of the Code authorizes the Committee to adopt regulations relating to an allocation system to administer the state unified volume ceiling as proposed regulations and instructs the Office of Administrative Law to consider such regulations to be "necessary for the immediate preservation of the public peace, health and safety or general welfare."

Reference: Sections 8869.80 to 8869.94, California Government Code. These Regulations implement, interpret and make specific Sections 8869.80 to 8869.94 of the Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The existing regulations outline an allocation system to administer the state unified volume ceiling (California's tax exempt bond authority). However, the existing regulations include or are absent language that may prevent viable projects from obtaining an award of tax exempt bond authority. The proposed changes to the regulations and associated applications would correct these deficiencies. More specifically, for multi-family housing, the proposed regulations will increase the time for issuing bonds after an allocation is awarded, will remove monetary limits on allocation awards, will ease program eligibility requirements, will create new point categories and will expand access to existing point categories. For single-family housing, the proposed regulations will enable Applicants to initially access resources commensurate with their demand.

These proposed regulations primarily address the statutory mandate, Section 8869.84(c) of the Code, to

create an allocation system to administer the state unified volume ceiling. The proposed allocation system will provide tax exempt private activity bond allocation (state ceiling) to state and local agencies, and promote the following: housing for lower income families and individuals; and preserving and rehabilitating existing governmental assisted housing for lower income families and individuals.

The objective of these proposed regulations is to ensure that applicants take full advantage of the Qualified Residential Rental Program and Single Family Housing Program application processes, thus increasing the number and amount of tax exempt private activity bond allocation awards that will be utilized to increase first-time home ownership opportunities for moderate and low-income individuals and creating more low income multi-family housing developments for residents of California, and to provide public benefits to the residents of these projects. (Government Code 11346.5(a)(3)(C)).

CDLAC has conducted an evaluation of existing state regulations and has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D)).

**Anticipated Benefits of the Proposed Regulation:**

The objective of these proposed regulations is to increase the number and amount of tax exempt private activity bond allocation awards. It is anticipated that an increase in awards will result in increased first-time home ownership opportunities and the preservation and creation of more low income multi-family housing developments for moderate and low-income residents of California. For multi-family housing, the proposed regulations will make it easier to qualify for and utilize tax exempt private activity bond awards by increasing the time for issuing bonds after an allocation is awarded, removing monetary limits on allocation awards and easing program eligibility requirements. In addition, the creation of new point categories and the expansion of access to existing point categories will ensure that public benefits are being provided to the residents of multi-family housing projects. For single-family housing, the proposed regulations will enable Applicants to initially access resources commensurate with their demand. To the extent that tax exempt bonds are utilized to finance the production or rehabilitation of multi-family housing projects and/or the purchase of single-family units, the use of tax exempt bond proceeds may increase economic activity and employment development. Furthermore, the underlying multi-family tax-exempt financing may encourage job creation during competitive allocation rounds. (Government Code 11346.5(a)(3)(C)).

**Evaluation of Whether the Proposed Regulations Are Inconsistent or Incompatible:** We have conducted a review of any related regulations in this area and have determined that these are the only regulations concerning this subject area. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D)).

**List of forms to be incorporated by reference:**

- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (10-20-15)
- Non-Competitive Application For Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (10-20-15)
- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (10-20-15)
- Non-Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (10-20-15)
- Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Mortgage Credit Certificate Program (10-20-15)
- Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Single-Family Housing Bond Program (10-20-15)

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Committee and/or Executive Director have made the following initial determinations:*

**Mandate on Local Agencies or School Districts:** The Executive Director of the Committee has determined that the Regulations do not impose a mandate on local agencies or school districts.

**Fiscal Impact:** The Executive Director of the Committee has determined that the Regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administra-

tive Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600–6670. There will be no cost or savings to any state agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

**Housing Costs:** The Executive Director of the Committee has determined that the regulations do not have a significant effect on housing costs.

**Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete:** The Executive Director of the Committee has determined that the regulations do not have an adverse economic impact affecting California businesses.

**Cost Impacts on Representative Private Person or Businesses:** The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Business Reporting Requirement:** The proposed regulations do not require any reports by businesses other than those for which an award of allocation was granted. The reporting required is limited to certifications of compliance with the Committee’s resolution that transferred the award to the business.

**Small Business Determination:** The proposed regulations will not have an adverse impact on small businesses in California as the awards of the state ceiling will only encourage the development of housing or facilities developed or operated primarily by small businesses.

**Results of the Economic Impact Analysis:** The proposed regulations will not have an effect on the creation or elimination of jobs within the State of California. The proposed regulations will not affect the creation of new businesses or the elimination of existing business with the State of California. The proposed regulations will not have an effect on the expansion of businesses currently doing business within the State of California. The proposed regulations will ensure low-income housing developments are following building guidelines and that public benefits are being provided to the residents of these projects.

**CONSIDERATION OF ALTERNATIVES**

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

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

The Committee 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 regulatory action may be directed to:***

Misti Armstrong  
 Program Manager  
 California Debt Limit Allocation Committee  
 915 Capitol Mall, Room 311  
 Sacramento, CA 95814  
 (916) 653–3255

***The back-up contact person for these inquiries is:***

Brian Clark  
 Regulations Analyst  
 California Debt Limit Allocation Committee  
 915 Capitol Mall, Room 308  
 Sacramento, CA 95814  
 (916) 653–8183

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, forms to be incorporated by reference, or other information upon which the rulemaking is based to Brian Clark at the above address.

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

The Committee 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, the rulemaking file consists of this notice, the proposed text of the regulations, the forms to be incorporated by reference, and the initial statement of reasons. Copies may be obtained by contacting Brian Clark.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the written comment period hearing and considering all timely and relevant comments re-

ceived, the Committee may adopt the proposed regulations substantially as described in this notice. If the Committee 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 Committee adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Misti Armstrong at the address indicated above. The Committee 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 Misti Armstrong at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.treasurer.ca.gov/cdlac/index.asp>.

**TITLE 4. CALIFORNIA HORSE RACING BOARD**

NOTICE OF PROPOSAL TO AMEND RULE 1844. AUTHORIZED MEDICATION AND TO ADD RULE 1866.1. PRESENCE OF CLENBUTEROL IN QUARTER HORSES

The California Horse Racing Board (Board/CHRB) proposes to amend and add the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844, Authorized Medication, to revise subsection 1844(e) to remove clenbuterol from the list of drug substances that may be detected in an official urine test sample at specified levels in quarter horses. Additionally, the Board proposes to add Rule 1866.1, Presence of Clenbuterol in Quarter

Horses, to require that a quarter horse that is prescribed or otherwise tests positive for clenbuterol in a blood, urine, or other official test sample be placed on the Veterinarian's List until clenbuterol is no longer detected in the horse's blood or urine by an official test sample. The proposed addition of Rule 1866.1 will also incorporate by reference and require use of form CHRB-24, Veterinarian Report (Revised 07/15) and form CHRB-60, Trainer Medication Report (Revised 07/15).

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 25, 2016**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on January 25, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Philip Laird, Staff Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6025  
Fax: (916) 263-6022  
E-Mail: [pjlaird@chr.ca.gov](mailto:pjlaird@chr.ca.gov)

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19440, 19562, 19580 and 19581, Business and Professions Code.

Business and Professions Code sections 19440, 19562, and 19580, authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific sections 19440, 19562, 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the medications that may be found in official test samples and the level at which such medications may occur. Board Rule 1866, Veterinarian's List, describes the requirements and procedures for placing a horse on the Veterinarian's List when it is determined that the horse is unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

The proposed amendment to Rule 1844(e)(6) will deauthorize any detectable level of clenbuterol in an official urine test sample in quarter horses. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that can also have an anabolic steroidal-type effect, enhancing the performance of the horse.<sup>1</sup> Because of these anabolic effects, clenbuterol has been abused in quarter horses in recent history to enhance their performance in races. Furthermore, side-effects associated with clenbuterol administration have been scientifically documented to include a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as affects on bone, immune, endocrine, and reproductive systems.<sup>2</sup> For these reasons, it has been determined that deauthorizing any detectable level of clenbuterol in official quarter horse urine samples is neces-

sary to protect quarter horses from the unregulated and potentially harmful administration of clenbuterol, as well as to protect the wagering public from unfair advantages gained by trainers and owners who illegitimately enhance the performance of their horses using clenbuterol.

The proposed addition of Rule 1866.1 will require that any quarter horse prescribed clenbuterol be placed on the Veterinarian's List until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866. The proposed rule will also describe reporting, timing, and labeling requirements for clenbuterol prescriptions — which includes compliance with Veterinary Medical Board prescription regulations — as well as trainer reporting requirements for clenbuterol administration. Finally, the proposed rule will require that any quarter horse that has clenbuterol detected in a blood, urine, or other official test sample shall be placed on the Veterinarian's List until an investigation is conducted to determine the circumstances surrounding the detected clenbuterol, and a subsequent official test fails to detect clenbuterol in the horse after a workout pursuant to Rule 1866. This will assure that clenbuterol administration in quarter horses is closely monitored and regulated by the CHRB so as to prevent misuse and abuse.

FORMS INCORPORATED BY REFERENCE

- 1) Form CHRB-24, Veterinarian Report, revised 07/15
- 2) Form CHRB-60, Trainer Medication Report, revised 07/15

The proposed addition of Rule 1866.1 will incorporate by reference CHRB-24, Veterinarian Report (Revised 07/15), and CHRB-60, Trainer Medication Report (Revised 07/15), as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the California Code of Regulations.

Form CHRB-24, Veterinarian Report (Revised 07/15), will be used to report details of clenbuterol prescriptions by CHRB licensed veterinarians to the Official Veterinarian. Specifically, veterinarians will be required to report the name of the horse, the specific diagnosis, dosage and duration of treatment of clenbuterol administration on the form — the latter three items properly noted in the column labeled "Medication Administered, Prescribed or Dispensed." The form also includes fields for additional information, such as "name of trainer" and "time." This is because this same form is already used by veterinarians throughout California racetracks to report all treatments occurring within the racing inclosure, as required by Rule 1842. Therefore use of CHRB-24, Veterinarian Report, will streamline

<sup>1</sup> Nolen-Walston et al., *Effect of long-term oral administration of a low dosage of clenbuterol on body fat percentage in working and nonworking adult horses*, 76 AJVR 460-466 (2015).

<sup>2</sup> Charles F. Kearns & Kenneth H. McKeever, *Clenbuterol and the horse revisited*, 182 THE VETERINARY JOURNAL 384-391 (2009).

the reporting process by allowing veterinarians to comply with both regulations in a single report.

Form CHRB-60, Trainer Medication Report (Revised 07/15), will be used by licensed trainers to report each administration of clenbuterol given to a quarter horse in their care to the Official Veterinarian. The form includes fields for the name of the horse, name of the trainer, type of medication administered, and date and time of treatment so that the Official Veterinarian may properly identify all horses within the inclosure that have been administered clenbuterol.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1844 and addition of Rule 1866.1 promotes the safety and welfare of quarter horses, as well as protects the wagering public. The amendments provide guidelines for treating horses with clenbuterol in a manner that will increase the safety and welfare of equine athletes. Clenbuterol, a beta-2 agonist used as a bronchodilator in horses, can also be used for its anabolic-type effects to enhance the performance of a race horse. Such a practice not only can lead to harmful side-effects for horses, but also harm the wagering public by giving horses treated with clenbuterol an unfair advantage in races. Alternatively, when trainers and owners are in compliance with the proposed amendment, the public will have more confidence in California quarter horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Overall, the proposed amendment to Rule 1844 and addition of Rule 1866.1 will benefit quarter horses by protecting them from the unregulated and potentially harmful administration of clenbuterol. The proposed amendments will also benefit the wagering public by assuring them that trainers and owners are not permitted to illegitimately enhance the performance of their horses using clenbuterol. Finally, these proposed amendments will benefit the horse racing industry by ensuring that quarter horses receiving clenbuterol will not be permitted to race in California, protecting both the horse from potential injury and the public from negative perceptions of horse racing.

#### CONSISTENCY EVALUATION

During the process of developing the regulation and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that

the regulation is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1844, and addition of Rule 1866.1, will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- Nolen-Walston et al., *Effect of long-term oral administration of a low dosage of clenbuterol on body fat percentage in working and nonworking adult horses*, 76 AJVR 460-466 (2015).
- Charles F. Kearns & Kenneth H. McKeever, *Clenbuterol and the horse revisited*, 182 THE VETERINARY JOURNAL 384-391 (2009).

Cost impact on representative private persons or businesses: none.

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.

Significant effect on housing costs: none.

#### RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1844 and addition of Rule 1866.1 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 proposed amendment to Rule 1844 and addition of Rule 1866.1 promotes the health and welfare of equine athletes and the wagering public. The proposed amendment will deauthorize any detectable level of clenbuterol in an official urine test sample in quarter horses. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that can also have an anabolic-type effect. Because of these anabolic effects, clenbuterol has been abused in quarter horses in recent history to enhance their performance in

racers. Furthermore, side-effects associated with clenbuterol administration have been scientifically documented to include a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as effects on bone, immune, endocrine, and reproductive systems. For these reasons, it has been determined that deauthorizing any detectable level of clenbuterol in official quarter horse urine samples is necessary to protect quarter horses from the unregulated and potentially harmful administration of clenbuterol, as well as to protect the wagering public from unfair advantages gained by trainers and owners who illegitimately enhance the performance of their horses using clenbuterol.

Effect on small businesses: none. The proposal to amend Rule 1844 and add Rule 1866.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: [pjlaird@chr.ca.gov](mailto:pjlaird@chr.ca.gov)

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

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

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's website address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

**TITLE 5. CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM**

**California Code of Regulations  
Title 5. Education. Division 3. Teachers' Retirement System  
Chapter 1. Teachers' Retirement System.  
Article 15.5. Penalties and Interest for Late Remittances and Late and Unacceptable Reporting by Employers.**

**Amendments to §§ 27000 and 27004.**

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt the amended regulations described below after considering all comments, objections and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Teachers' Retirement Board will hold a hearing:

Date and Time

1:00 p.m.  
February 4, 2016

The hearing may be scheduled or rescheduled to occur as early as 8 a.m. or as late as 4 p.m. as it is incorporated into the board's agenda. Please consult the agenda for the meeting, which will be available at [www.CalSTRS.com/teachers-retirement-board](http://www.CalSTRS.com/teachers-retirement-board) by January 28, 2016, to confirm the exact time at which the hearing will be held.

Please arrive promptly for check in before the scheduled start time. The hearing will be closed once each speaker has provided his or her testimony.

Location

California State Teachers' Retirement System Boardroom  
100 Waterfront Place  
West Sacramento, CA 95605

Purpose

To receive written or oral comments about this action. Comments are limited to five minutes each and must not repeat comments already received in written or verbal form.

Accessibility

The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the Regulations Specialist.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to CalSTRS. The written comment period closes at **5:00 p.m.** on January 25, 2016. CalSTRS will only consider written comments received at CalSTRS' address as reflected below by that time. Submit comments to:

Ellen Maurizio  
Regulations Specialist, Governmental Relations  
California State Teachers' Retirement System  
P.O. Box 15275, MS-14  
Sacramento, CA 95851-0275  
Fax: (916) 414-1993  
E-Mail: [Regulations@CalSTRS.com](mailto:Regulations@CalSTRS.com)

**AUTHORITY AND REFERENCE**

The Teachers' Retirement Board has exclusive authority to administer CalSTRS under Article XVI, section 17 of the California Constitution.

Section 22207 of the Education Code authorizes the board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code Sections 22000 through 28101.

Section 22213 of the Education Code provides that the board shall regulate the duties of employers, employing agencies and other public authorities.

Section 22214 of the Education Code provides that the board may take any action it deems necessary to ensure the continued right of members or beneficiaries to receive monthly payments.

Section 22250 of the Education Code provides that the board and its officers and employees shall discharge their duties with respect to the system and the plan solely in the interest of its members, participants and beneficiaries, and for the exclusive purpose of providing

benefits and defraying reasonable costs of administering the plan.

Section 22305 of the Education Code provides that any rules and regulations adopted by the board have the force and effect of law.

These regulations implement, interpret and make specific Education Code Sections 23004, 23006, 23008 and 26301.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Chapter 17 of the Teachers' Retirement Law requires that penalties and interest be assessed on employers for late or inaccurate reports of retirement data and payments of contributions. Effective July 1, 2012, the Penalties and Interest Regulations (Article 15.5 of Chapter 1 of Division 3 of Title 5, California Code of Regulations) implemented consistent and transparent assessment of penalties and interest and provided specific details defining acceptable and unacceptable data.

Sections 23004 and 26301 of the Education Code require employers to submit a report monthly to the system containing information as the board may require in the administration of the plan. That monthly report must be submitted electronically in an encrypted format provided by CalSTRS that ensures the security of the transmitted member and participant data.

The Secure Employer Website (SEW) provides the channel for transmittal of data from employers to CalSTRS. Two documents incorporated by reference in the California Code of Regulations (CalSTRS' F496 File Specification, as revised on March 1, 2011, and CalSTRS' Voluntary Deduction File [VDF] Specification, as revised on March 1, 2011) specify the format for employer reports for the Defined Benefit (DB) and Cash Balance (CB) Benefit programs. Each document describes file specifications, layouts, integrity checks and business rules for submitting data under its respective program. Both also include troubleshooting considerations and recommended steps to resolve errors. The F496 File Specification includes variance rules and warning messages that will flag inconsistent information or data that exceeds certain parameters in an employer's report, and it describes whether or not each business rule may be overridden at an employer's discretion.

Both file specifications periodically require updates when rules and parameters must be added, adjusted or clarified in response to legislation or changing business practices. Both documents currently incorporated by reference are proposed to be updated to accommodate revisions as of July 1, 2015. With the implementation of the Public Employees' Pension Reform Act of 2013

(PEPRA), a new benefit structure (CalSTRS 2% at 62) was established. CalSTRS 2% at 62 members are subject to separate reporting rules that required the addition and adjustment of business rules. With the enactment of the CalSTRS 2014 Full Funding Plan (AB 1469–Bonta), contribution rate changes were introduced. In addition, Chapter 703, Statutes of 2011 (SB 349–Negrete McLeod), prompted changes to the VDF Specification. In response to these legislative changes, or to provide clarification to employers, business rules were added or changed.

Included as part of this regulatory package are non-substantive corrections to typographical or grammatical errors in the two file specification documents. In addition, CalSTRS proposes to correct an error in section 27004 of the California Code of Regulations. Section 27004 specifies information CalSTRS will provide when notifying employers of late reporting of adjustments of incorrect contributions. Due to a clerical error following the board's adoption of the regulations, that section of the law names form fields that are specific to DB Program members rather than CB participants. These regulations would change "member" to "participant" and remove the references to fields not relevant to CB reporting. Specifically, member code, assignment code, pay rate, pay code, contribution rate, contribution code and beginning and ending dates of the service period). Instead, the regulations would refer to the pay schedule date and pay period end date. This change restores the text that was originally adopted by the board.

Through these regulations, it is CalSTRS' objective to provide for improved readability of the regulations for county offices of education and school and community college district employers that report directly to CalSTRS by incorporating of the most up-to-date file specifications reflecting current law, as well as fixing grammatical and typographical errors. The amendments provide employers with the tools to properly submit and modify reports for members and participants, helping to ensure that retirement and other benefits payable to educators are based on properly reported data.

No other nonmonetary benefits, such as the protection of public health and safety, worker safety or the environment; the prevention of discrimination; the promotion of fairness or social equity; or an increase in transparency in business and government are anticipated.

The regulations proposed in this rulemaking action make specific the Education Code as it relates to the submission of data from employers to the system. CalSTRS evaluated whether the proposed regulations were inconsistent or incompatible with existing state regulations and found that there are no overlapping provisions with other state regulations. Thus, the proposed

regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. Mandate on local agencies and school districts:  
None. These regulations provide updates to coding and parameters for data already required to be submitted by employers consistent with current law and best practices identified by CalSTRS.
2. Cost or savings to any state agency:  
None.
3. Cost to any local agency or school district which must be reimbursed in accordance with California Government Code Sections 17500 through 17630:  
None.
4. Other nondiscretionary cost or savings imposed on local agencies:  
The permissive changes in these regulations are likely to result in negligible time savings to employers. The time savings are not expected to be significant enough to result in any measurable monetary savings.
5. Cost or savings in federal funding to the state:  
None.
6. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:  
None.
7. Cost impacts on a representative private person or business:  
The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations only directly affect local government (school employers).
8. Results of the economic impact assessment/analysis:  
These regulations are not anticipated to have any effect on California businesses. Specifically, the proposed action will not:
  - Create or eliminate jobs within California;
  - Create new businesses or eliminate existing businesses within California;

- Affect the expansion of businesses currently doing business within California.

The action will have no direct effect on worker safety and the state’s environment or on the health and welfare of California residents. As stated in the Informative Digest/Policy Statement Overview, the proposed regulations would benefit county offices of education and school and community college district employers in filing correct reports with CalSTRS and help ensure that retirement and other benefits payable to educators are based on properly reported data.

9. Significant effect on housing costs:  
None.
10. Small business determination:  
The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected by the statute that these regulations are clarifying.

CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of section 11346.5 of the Government Code, CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost effective to affected private persons and equally effective in implementing the statutory policy.

CalSTRS and the board invite interested persons to present any statements or arguments that would support an alternative to the proposed regulations in the form of written comments or by providing testimony at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ellen Maurizio  
 Regulations Specialist, Governmental Relations  
 California State Teachers’ Retirement System  
 P.O. Box 15275, MS-14  
 Sacramento, CA 95851-0275  
 Telephone: (916) 414-1994  
 Fax: (916) 414-1993  
 E-Mail: [Regulationsr@CalSTRS.com](mailto:Regulationsr@CalSTRS.com)

The backup contact person for these inquiries is:

Joycelyn Martinez–Wade  
Manager, Governmental Relations  
California State Teachers' Retirement System  
P.O. Box 15275, MS–14  
Sacramento, CA 95851–0275  
Telephone: (916) 414–1994  
Fax: (916) 414–1993  
E–Mail: [Regulations@CalSTRS.com](mailto:Regulations@CalSTRS.com)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the Regulations Specialist using the contact information listed above.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS,  
INCLUDING DOCUMENTS INCORPORATED  
BY REFERENCE**

CalSTRS will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its offices at 100 Waterfront Place, West Sacramento, CA 95605. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the CalSTRS F496 File Specifications, the CalSTRS Voluntary Deduction File Specifications, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement (STD 399).

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting the Regulations Specialist using the contact information listed above.

In addition, both of the documents incorporated by reference, as well as each of the above documents, are available for viewing on the CalSTRS website at [www.CalSTRS.com/regulations](http://www.CalSTRS.com/regulations).

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the

regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please refer to [www.CalSTRS.com/regulations](http://www.CalSTRS.com/regulations) or contact Ellen Maurizio using the contact information listed above for copies of modifications, if any.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

Following its preparation, the Final Statement of Reasons will be available temporarily on the CalSTRS website at [www.CalSTRS.com](http://www.CalSTRS.com). CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its offices at 100 Waterfront Place, West Sacramento, CA 95605.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

The Notice of Proposed Rulemaking, the Initial Statement of Reasons, both of the documents incorporated by reference and the text of the regulations in underline and ~~strikeout~~ are posted on the CalSTRS website at [www.CalSTRS.com/regulations](http://www.CalSTRS.com/regulations).

**TITLE 10. CALIFORNIA FILM  
COMMISSION**

**GOVERNOR'S OFFICE OF BUSINESS AND  
ECONOMIC DEVELOPMENT  
California Film and Television Job Retention and  
Promotion Act  
California Film and Television Tax Credit  
Program 2.0**

Title 10, Chapter 7.75, Sections 5508–5516

Notice is hereby given that the California Film Commission proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Office proposes to adopt new sections 5508 through 5516 in Title 10 of the California Code of Regulations in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.95 and 23695 relating to a film and television tax credit program.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative

may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until 5:00 p.m. on January 25, 2016. Submit comments to:

Name: Amy Lemisch  
 Address: California Film Commission  
 7080 Hollywood Boulevard  
 Hollywood, CA 90028  
 Email: amy.lemisch@film.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.95(e) and 23695(e) and in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.95 and 23695.

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

The California Film Commission proposes to adopt new sections 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515 and 5516. The regulations establish a procedure for allocating tax credits to qualified taxpayers in the motion picture industry. This tax credit program shall be named the California Film and Television Credit Program 2.0.

Existing law provides for a similar program, allocating tax credits to qualified taxpayers in the motion picture industry until July 1, 2017. The provisions in the existing program provide for applicants to file a written application for the allocation of the tax credit, establish criteria for allocating tax credits, determine and designate applicants who meet the requirements to apply for the tax credit, and issue the credit certificate to the qualified taxpayer upon completion of the Qualified Motion Picture. The existing program limits the aggregate amount of credits that may be allocated to qualified motion pictures in any fiscal year to \$100,000,000. The California Film and Television Credit Program 2.0 expands the definition of Qualified Motion Picture to include pilots and television series for any distribution outlet, dispenses with any total budget caps, and expands the amount of tax credits available each fiscal year to up to \$330,000,000.

Section 5508 provides definitions of terms used in the California Film and Television Tax Credit Program. This section defines terms that are specific to this Program: the Applicable Period, Applicant, California Film Commission, California in-state Vendor, Credit Allocation Letter, Contracted Services, Independent Film, Jobs Ratio, Office or other place of business, Production Budget, and Reasonable Cause. This section also defines the following terms used in the statute or regulation that are industry terms: Feature Film, Force Majeure, Hiatus, Miniseries, Movie of the Week, Outside Los Angeles Zone Vendor, Pass-through Business, Pick Up Order, Pilot, Principal Photography Days, Production Facility, Producer, Television Project, Television Season, Television Series and Visual Effects. Defining these terms will clarify the requirements in these regulations.

Section 5509 provides for an application process for the allocation of the tax credits. This section will provide for the announcement of a period of time when the production companies can apply for eligible tax credits in each fiscal year based on category type. The application process shall be in two phases. Phase 1 requires the applicant to complete an online application and to submit a synopsis of the Qualified Motion Picture. The online application requires both the applicant's contact and business structure information, and information on the project, such as proposed filming days, and proposed qualified wages and expenditures. The project information allows the CFC to determine if there are any additional percentage points, known as "bonus points" in the industry, and to determine the base Jobs Ratio of the applicant. The base jobs ratio will be used to initially rank the applicants. The top ranked applicants will be notified and begin Phase 2 of the application process. Phase 2 will require the applicant to submit a Budget for the Qualified Motion Picture, a One-Line Schedule, Screenplay and financial plan. Materials will be reviewed for accuracy and an approved Adjusted Jobs Ratio will be determined. The top ranked applicants for which credits are available will be issued a Credit Allocation Letter, which is a reservation of tax credits. This section shall also require a production company to commence filming no later than 180 calendar days after the Credit Allocation Letter is issued. This program will also require specific production company staff to attend an orientation meeting with the California Film Commission. This section provides that any television series that has been approved and issued tax credits shall be placed at the top of the queue for the following open allocation period in the next fiscal year for the life of that series. However, a television series shall submit a new application each year and the queue placement will be based on fiscal year of the credit allocation and if necessary, the current job ranking for that series.

Section 5510 identifies the eligibility requirements for the California Film and Television Job Retention and Promotion Act. This section requires that the applicant plans to produce a qualified motion picture and provides that the qualified motion picture must be consistent with the requirements in the Revenue and Taxation Code. It also specifies that the applicants must plan to film at least 75% of principal photography days wholly in California or incur 75% of the production expenditures within California. This section provides the criteria for a New Television Series or a Television Pilot for a New Television Series to be qualified. It also states that an animated production is not a Qualified Motion Picture. This section also specifies the maximum Qualified Expenditure Budget eligible for tax credits for an independent film and the maximum Qualified Expenditure Budget on a Feature Film.

Section 5511 identifies the provisions in the statute for Qualified Expenditures and clarifies that State and Federal income taxes, CPA fees, expenditures for services performed outside of California and expenditures for exhibition of the production are not qualified expenditures. This section will also clarify that elements created for foreign distribution and archival purposes are not considered final elements of the production. This section also states that the CFC shall provide charts identifying qualified expenditures and wages by type. This form will be posted on the CFC website and provided only as a guide for the applicant.

Section 5512 provides for the procedures in allocating the tax credits. The section clarifies that the statute provides for the percentage of qualified expenditures allowed for a Qualified Motion Picture. This section also provides that if the tax credits have been allocated for any allocation period, any applications still in the queue will remain in their jobs ratio ranking order until allocations become available, the applicant withdraws the application or the allocation period ends. A provision in this section allows for a five percent augmentation to the tax credit allocated to the Qualified Motion Picture for productions that purchase or lease tangible personal property outside the Los Angeles zone during the applicable period and the personal property is used or consumed outside the Los Angeles zone or for a production company that incurs qualified wages for services performed relating to original photography outside the Los Angeles zone. The maximum tax credit allocated will still be 25%. Therefore this section will not apply to independent films or relocating television series already allocated 25% tax credits. This section also describes the methodology by which outside the Los Angeles zone partially consumed or totally consumed qualified non-wage expenditures are calculated, and provides examples of totally consumed non-wage expenditures.

Section 5513 provides reporting requirements for a production company during the filming of the qualified motion picture, including submittal of Daily Call Sheets, final production reports for Principal Photography and a report of any significant changes to the project, if applicable. This section will also require the production company to be involved in the local training and public service programs aimed at exposing high school and community college students to jobs in the entertainment industry, such as the California Department of Education's Career Readiness Campaign Initiative or the California Community Colleges' "Doing What Matters for Jobs and the Economy". The applicant will also have the option to make a financial contribution based on 0.25 percent of the estimated tax credit reservation with minimum and maximum requirements. The effect of this section is that the State will benefit by having graduates with career readiness skills, prepared for further schooling and training and to be ready to enter the workforce, which will help the state rebound from its economic recession.

Section 5514 provides for the issuance of the Credit Certificate, which is the document issued to the qualified taxpayer upon completion of the Qualified Motion Picture. This section defines a completed project and requires the applicant to submit documents verifying the completion of the project: proof of copyright registration of the screenplay; documentation certifying date of completion of post-production; list of all cast, crew, and vendors; copy of script supervisor's lined script of the project; Expenditure Summary Report (CFC Forms FF1 and FF2, Rev, 11/17/15); an Agreed Upon Procedures Report (Rev. 11/17/15) from an independent, California licensed Certified Public Accountant; layout of the main and end titles; documentation for each visual effects, title, digital effects and /or post sound company contracted by the production company; and verification of participation in a career-based learning program. The Agreed Upon Procedures report is required to be completed by a licensed CPA who has attended a California Film Commission CPA orientation meeting and by a firm with a successful Peer Review. Movie of the Week and Miniseries shall be required to submit additional documentation verifying initial distribution. This section states that if the application is disapproved, the finding is final and not subject to administrative appeal.

Section 5515 provides for the Jobs Ratio Ranking Process. The statute requires the CFC to rank the applications by a Jobs Ratio computation. The base ratio ranking is the qualified wages paid to qualified individuals plus 35% of non-wage expenditures divided by the estimated amount of tax credits. This ranking will be calculated online based on the data entered by the applicant. This section also provides that an adjustment to

the job ratio will be made for dollars spent on qualified visual effects performed in the state, number of principal photography days in approved production facilities in California and number of principal photography days outside the Los Angeles studio zone. Percentage points will be awarded in each area based on methodology provided for in this section. The ranges used to assign the percentage points will be posted on the CFC website before each application period.

Section 5516 requires the holder of the Credit Certificate to comply with promotional requirements, including an on-screen acknowledgement to the CFC, CFC logo, and five production stills.

This regulation will incorporate by reference the California Film Commission forms that are required to be submitted during the application, filming and completion of the motion picture phases of the process.

The following forms shall be required in the initial application process:

California Film and Television Tax Credit Program Online Application Form, CFC Form AA (Rev. 11/17/2015).

The following forms are incorporated by reference in these regulations:

Credit Allocation Letter, CFC Form DD (rev. 11/17/15). This form provides for the written approval of the applicant and identifies the approved jobs ratio number and the number of tax credits for which the applicant is eligible.

Agreed Upon Procedures Report (Rev. 11/17/2015). This report is required to be submitted upon completion of the production to verify the qualified expenditures. It is required to be completed by a licensed CPA.

Expenditure Summary Report (Non-Independent Films), CFC Form FF1 (Rev. 11/17/2015).

Expenditure Summary Report (Independent Films), CFC Form FF2 (Rev. 11/17/2015).

The Tax Credit Certificate, CFC Form MM (Rev. 11/17/15) is the actual tax credit certificate that will be issued by the Director of the CFC and is the document that will be submitted to the Franchise Tax Board or the Board of Equalization.

Consistency And Compatibility With Existing State Regulations:

After conducting a review for any regulations that would relate to or affect this area, the California Film Commission Board evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits of the Proposed Regulation:

The proposed regulations will provide a program to the motion picture industry allocating tax credits for qualified motion pictures. These tax credit incentives

will encourage production companies regardless of distribution outlet to film in California instead of other states, provinces and countries offering incentives. Program 2.0 is structured to emphasize job creation when allocating tax credits, and provides separate funding categories so as to ensure tax credits for multiple types of productions. The program is enabling California to increase the number of productions, and therefore jobs and dollars spent in state.

#### AUTHORITY AND REFERENCE

The proposed regulations have been adopted under the authority of Revenue and Taxation Code sections 17053.95(e) and 23695(e) in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.95 and 23695.

#### ESTIMATES OF ECONOMIC IMPACT

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency 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.

#### EFFECT ON SMALL BUSINESS

The California Film Commission has determined that the proposed regulations will not directly affect small business. The businesses that are complying with these regulations are film production companies and are not small businesses.

ASSESSMENT REGARDING EFFECT ON  
JOBS/BUSINESSES

Adoption of these regulations will: (1) facilitate the creation of jobs within California; (2) facilitate the creation of businesses within California; (3) facilitate the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Terri Toohey  
Email: terri.toohey@gmail.com

The backup contact person for these inquiries is:

Name: Nancy Rae Stone  
Email: nancy.stone@film.ca.gov  
Phone No.: 323-860-2960

Questions on the substance of the proposed regulations may be directed to:

Name: Amy Lemisch  
Phone No.: 323-860-2960

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Office may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Office may determine that changes to the proposed regulation are appropriate. If the Office makes modifications that 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 Office adopts the regulations as revised. The Office will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held) and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above email address. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

The Office has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9 a.m.-5 p.m). Please contact Amy Lemisch at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Office Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

The Office is required to prepare a Final Statement of Reasons. Once the Office has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Office Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through our website at: [www.film.ca.gov](http://www.film.ca.gov).

TITLE 11. DEPARTMENT OF JUSTICE

The Office of the Attorney General, Department of Justice (DOJ), proposes to amend Sections 310 and 312 of Title 11, Division 1, Chapter 4, and Section 999.1 of

Title 11, Division 1, Chapter 15, of the California Code of Regulations, regarding the Schedule B filing requirement for charitable organizations and entities over which the Attorney General has enforcement and supervisory powers and regarding the use of annual registration and renewal fees.

**PUBLIC HEARING**

DOJ will hold a public hearing starting at 10:00 a.m. on January 27, 2016, at the Auditorium in the Ronald Reagan State Building located at 300 S. Spring Street, Los Angeles, CA 90013. The public hearing will conclude by 5:00 p.m., or earlier, depending on attendance by the public. The Auditorium is wheelchair accessible.

DOJ will hold a public hearing starting at 10:00 a.m. on January 29, 2016, at the Auditorium in the Hiram W. Johnson State Building located at 455 Golden Gate Avenue, San Francisco, CA 94102. The public hearing will conclude by 5:00 p.m., or earlier, depending on attendance by the public. The Auditorium is wheelchair accessible.

At each hearing, any person may present statements orally or in writing relevant to the proposed action described in the Informative Digest. DOJ requests but does not require that 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 DOJ. The written comment period closes at 5:00 p.m. on January 25, 2016. DOJ will consider only comments received at the Department of Justice, 300 S. Spring St., Suite 1702, Los Angeles, CA 90013, by that time. Submit comments to:

Jami L. Cantore, Deputy Attorney General  
 California Department of Justice  
 Charitable Trusts Section  
 300 S. Spring St., Suite 1702  
 Los Angeles, CA 90013  
 Email: Jami.Cantore@doj.ca.gov

**AUTHORITY AND REFERENCE**

DOJ proposes to amend Sections 310 and 312 of the California Code of Regulations Title 11, Division 1, Chapter 4, and Section 999.1 of the California Code of Regulations Title 11, Division 1, Chapter 15. DOJ is authorized to adopt these regulations pursuant to Government Code section 12586, subdivision (b) and to imple-

ment, interpret, and make specific the provisions of section 12580, et seq., of the Government Code (the Supervision of Trustees and Fundraisers for Charitable Purposes Act).

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**SUMMARY OF EXISTING LAWS AND REGULATIONS**

The Supervision of Trustees and Fundraisers for Charitable Purposes Act, Government Code section 12580, et seq. (“the Act”) provides enforcement and supervisory powers over charitable corporations, unincorporated associations, trustees and other legal entities holding property for charitable purposes, commercial fundraisers for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurers. The Act establishes the Registry of Charitable Trusts, which is administered by DOJ. (Gov. Code, § 12587.1.) Organizations subject to the Act are required to file periodic reports with the Attorney General (Gov. Code, §§ 12585, subd. (a) & 12586, subd. (a) [requiring registration and filing of annual periodic reports]; § 12599, subds. (b) & (c) [requiring commercial fundraisers to register and report]; § 12599.1, subds. (c) & (d) [requiring fundraising counsel to register and report]; § 12599.2 [requiring specified coventurers to register and report].). The Attorney General is authorized to make rules and regulations regarding the time for filing reports, the content of such reports, and the manner of executing and filing them. (Gov. Code, § 12586, subd. (b).) Sections 310 and 312 of Chapter 4, and 999.1 of Chapter 15, implement, interpret, and make specific the above sections of the Government Code.

**EFFECT OF THE PROPOSED RULEMAKING**

The proposed amendments to Sections 310 and 999.1 clarify and codify the Attorney General’s practice that specific donor information is exempt from public disclosure subject to limited exceptions. The proposed amendments also require that for all notices and requests for approval submitted to the Attorney General pursuant to the subsections of sections 999.2 through 999.5, the persons or organizations submitting confidential documents must separately designate and request that such documents not be maintained in the Public File. The proposed amendments to Section 312 clarify that annual registration and renewal fees may be used by the Attorney General to enforce registration and reporting provisions, which is consistent with Government Code section 12587.1, subdivision (d). Also, the amendments correct typographical errors in the ad-

dresses of the Attorney General’s San Francisco, Los Angeles, and Sacramento office locations and also amend an existing incorrect subsection reference regarding notice requirements.

The amendments to the regulations include:

- Provisions that donor information exempt from public inspection pursuant to the Internal Revenue Code will be maintained as confidential by the Attorney General subject to certain limited exceptions;
- The requirement that for all notices and requests for approval submitted to the Attorney General pursuant to the subsections of sections 999.2 through 999.5, Registrants must separately designate documents that they request to be maintained as confidential;
- Clarification language that annual registration and renewal fees may be used by the Attorney General to enforce registration and reporting provisions as set forth in Government Code section 12587.1, subdivision (d); and
- Miscellaneous corrective, technical, and non-substantive amendments.

The public benefits include the codification of the Attorney General’s practice to maintain donor information as confidential and clarifying the limited circumstances in which donor information may be released. Registrants will understand that subject to limited exceptions involving law enforcement purposes donor information will be maintained as confidential and not subject to public inspection. For all notices and requests for approval submitted to the Attorney General pursuant to the subsections of sections 999.2 through 999.5, Registrants must separately designate the information that they request to be maintained as confidential. The separate designation of documents will also require that Registrants take a more active role in specifying what documents they consider to be privileged and the basis of such privilege. The separate designation of documents will save time and resources of the Registry and legal staff, allowing confidential information requests to be processed more efficiently. The proposed amendments clarifying that the Attorney General may use annual registration and renewal fees to enforce registration and reporting provisions are consistent with Government Code section 12587.1.

**COMPARABLE FEDERAL REGULATIONS**

Title 26, Internal Revenue Code section 6104, subsection (d)(3)(A), is comparable to the Section 310 proposed amendments. Internal Revenue Code section 6104, subsection (d)(3)(A), provides that the name and address of contributors to tax exempt organizations

shall not be disclosed unless the organization is a private foundation or political organization. The proposed amendments to Section 310 are comparable stating, “Donor information exempt from public inspection pursuant to Internal Revenue Code section 6104(d)(3)(A) shall be maintained as confidential by the Attorney General.” The proposed amendments to Section 310 differ from the federal statute by setting forth specific limited exceptions related to law enforcement for the disclosure of donor information.

**COMPARABLE STATE STATUTES**

Government Code section 12587.1, subsection (d), is comparable to the Section 312 proposed amendments. Government Code section 12587.1, subsection (d), provides that moneys in the Registry of Charitable Trusts Fund shall be used by the Attorney General to enforce registration and reporting provisions. The proposed amendments to Section 312 are comparable and provide that registration and renewal fees and the Registry of Charitable Trusts Fund shall be used to enforce the registration and reporting provisions.

**DETERMINATION OF  
INCONSISTENCY/INCOMPATIBILITY WITH  
EXISTING STATE REGULATIONS**

DOJ has determined that this proposed regulation is not inconsistent or incompatible with existing regulation. After conducting a review for any regulations that would relate to or affect this area, DOJ has concluded that these are the only regulations that concern the Supervisions of Trustees and Fundraisers for Charitable Purposes Act.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

*DOJ has made the following initial determinations:*

- Mandate by federal law or regulation: None.
- Other statutory requirements: None.
- Mandate on local agencies and school districts: Mandate is not imposed and no reimbursement required.
- Cost or savings to any State agency: No cost, and the proposed amendments will promote efficiency with Registry staff.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of

California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: None. DOJ is not aware of any cost impacts.

Significant effect on housing costs: None.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations will not create or eliminate jobs in California nor will they create, eliminate or affect the expansion of California businesses. The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, nor the State's environment. The proposed regulations benefit the public and California charities by codifying the Attorney General's existing practice of maintaining specific donor information that is exempt from disclosure by the Internal Revenue Service as confidential by the Attorney General's Office. The proposed regulations will assist registrants and donors in understanding that specific donor information is treated as confidential and excluded from the Registry's public file.

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

### BUSINESS REPORT

DOJ has determined that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses. Existing law already requires charitable organizations to file the same donor information with the Registry that is filed with the Internal Revenue Service. The proposed amendments do not change these requirements and, instead, codify the Attorney General's existing practice of maintaining donor information as confidential. These amendments will benefit the Registrants who provide donor information. The public and Registrants will benefit from improved Registry efficiencies in processing confidential requests and providing non-confidential information.

### SMALL BUSINESS DETERMINATION

Pursuant to Government Code section 11342.610, subdivision (b)(6), a "small business" does not include an entity organized as a nonprofit corporation. Therefore, the proposed amendments to Sections 310 and 999.1 regarding the Attorney General's treatment of donor information does not affect small businesses. Furthermore, the additional proposed amendments to the regulations make only technical changes and clarifications to regulations and impose no adverse economic impacts on charitable entities. There is no adverse economic impact on small businesses.

### CONSIDERATION OF ALTERNATIVES

DOJ must determine that no reasonable alternative has been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DOJ invites interested persons to present statements or comments with respect to alternatives to the proposed amendments at the scheduled hearing or during the written comment period.

### CONTACT PERSON

General or substantive comments concerning this proposed rulemaking, including requests for copies of documents associated with this action such as the text of the proposed amendments and related forms, should be directed to either:

Jami L. Cantore, Deputy Attorney General  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2569  
Email: [Jami.Cantore@doj.ca.gov](mailto:Jami.Cantore@doj.ca.gov)

OR

MariaElena Hernandez, Legal Analyst  
California Department of Justice  
Charitable Trusts Section  
300 S. Spring St., Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 620-6339  
Email: [MariaElena.Hernandez@doj.ca.gov](mailto:MariaElena.Hernandez@doj.ca.gov)

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

DOJ will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at California Department of Justice, Charitable Trusts Section, 300 S. Spring St., Suite 1702, Los Angeles, CA 90013, and on the DOJ website at [www.oag.ca.gov/charities](http://www.oag.ca.gov/charities). The rulemaking file consists of this notice, the text of proposed amendments, the initial statement of reasons, and any information upon which the DOJ is basing this proposal. Copies of these documents are also available upon request by contacting Jami L. Cantore, Deputy Attorney General, at the above listed address.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ 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 it adopts the regulation amendments as revised. Please send requests for copies of any modified regulations to Jami L. Cantore, Deputy Attorney General, at the contact information above (Contact Person). DOJ 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 Jami L. Cantore, Deputy Attorney General, at the above contact information.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed amendments and related forms will be posted and available for downloading on our website: [www.oag.ca.gov/charities](http://www.oag.ca.gov/charities).

**TITLE 18. BOARD OF EQUALIZATION**

**The State Board of Equalization Proposes to  
Adopt Amendments to  
California Code of Regulations, Title 18,  
Section 2401, Definitions,  
Section 2413, Exemptions from Surcharge, and  
Section 2422, Returns and Payment**

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 41128, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 2401, *Definitions*, Regulation 2413, *Exemptions from Surcharge*, and Regulation 2422, *Returns and Payment*. The proposed amendments to Regulations 2401 and 2422 implement, interpret, and make specific the statutes regarding the prepaid mobile telephony service surcharge reporting requirements for a direct seller of prepaid mobile telephony service. The proposed amendments to Regulation 2413 make the regulation consistent with guidance provided by the U.S. Department of State, Office of Foreign Missions, specifying that foreign governments and career consular officers are not exempt from the emergency telephone users surcharge under federal law.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on January 26–28, 2016. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov) at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 10:00 a.m. or as soon thereafter as the matter may be heard on January 26, 27, or 28, 2016. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulations 2401, 2413, and 2422.

AUTHORITY

Regulations 2401, 2413, and 2422: RTC section 41128.

REFERENCE

Regulation 2401: RTC sections 41007, 41011, 41015, 41016, 41021, and 42004.

Regulation 2413: RTC sections 41003–41019, 41020–41049, 41052–41053, 41073–41095, and 41129.

Regulation 2422: RTC sections 41024, 41033, 41051, 41052; 41052.1, 41053 and 42010.

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

Summary of Existing Laws and Regulations

The emergency telephone users surcharge, also known as the “911” surcharge, is imposed under the Emergency Telephone Users Surcharge Act (commencing with RTC section 41001). RTC section 41020 provides, in pertinent part, that, the 911 surcharge generally applies to amounts paid by every person in this state for intrastate telephone communication service and Voice over Internet Protocol (VoIP) service. A service supplier is required to collect the 911 surcharge from each service user at the time it collects its billing from the service user. (RTC section 41021.) A service provider includes any person supplying intrastate telephone communication services to a service user in this state pursuant to California intrastate tariffs or supplying VoIP service to a service user in the state. (RTC section 41007.) A service user remains liable for the 911 surcharge until it has been paid to this state, except that payment to a registered service supplier is sufficient to relieve the service user from further liability for the 911 surcharge. (RTC section 41024.)

As relevant here, a “service supplier,” as defined in RTC section 41007, is required to report and pay the 911 surcharge to the State Board of Equalization (Board) under RTC sections 41051, 41052, and 41053, and Regulation 2422. As relevant here, RTC sections 41051 and 41052 generally require the 911 surcharge to be reported and paid to the Board on or before the last day of the second month following each month in which the surcharges were collected. As an exception, RTC section 41052.1 provides that the Board may “require returns and payment of the amount of [911] surcharges for a calendar quarter or calendar year period” if necessary to ensure payment or facilitate collection.

Assembly Bill No. 1717 (AB 1717) (Stats. 2014, ch. 885) established the Prepaid Mobile Telephony Services Surcharge Collection Act (Prepaid MTS Act) (commencing with RTC sections 42001). The bill also amended and added certain RTC sections with respect to the Emergency Telephone Users Surcharge Act.

Prepaid Mobile Telephony Services Surcharge Collection Act

The term “mobile telephony service” or “MTS” means “commercially available interconnected mobile

phone services that provide access to the public switched telephone network (PSTN) via mobile communication devices employing radiowave technology to transmit calls, including cellular radiotelephone, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR).” The term “mobile telephony services” does not include “mobile satellite telephone services or mobile data services used exclusively for the delivery of nonvoice information to a mobile device.” “Prepaid MTS” means “the right to utilize a mobile device for mobile telecommunications services or information services [(as defined in 47 U.S.C. § 1530)], including the download of digital products delivered electronically, content, and ancillary services, or both telecommunications services and information services, that must be purchased in advance of usage in predetermined units or dollars.” (Pub. Util. Code section 224.4; RTC section 42004.)

On and after January 1, 2016, a prepaid MTS surcharge is imposed on each “prepaid consumer” purchasing prepaid MTS. A “seller” is required to collect the surcharge. The surcharge is imposed as a percentage of the sales price from each retail transaction involving the purchase of prepaid MTS that occurs in this state. The prepaid MTS surcharge is in lieu of the surcharges and user fees imposed on amounts paid for prepaid MTS under the law in effect through December 31, 2015, and collected and paid to the California Public Utilities Commission (PUC), the Board, and local agencies or jurisdictions by providers and suppliers of telephone communication services. (RTC section 42010.)

Pursuant to RTC section 42004, “prepaid consumer” means “a person who purchases prepaid [MTS] in a retail transaction,” and “seller” means “a person that sells prepaid [MTS] to a person in a retail transaction.” RTC section 42004 further provides that a “direct seller” means “a prepaid [MTS] provider or service supplier as defined in [RTC] Section 41007 that makes a sale of prepaid [MTS] directly to a prepaid consumer for any purpose other than for resale in the regular course of business.” A direct seller includes, but is not limited to, a telephone corporation, as defined in section 234 of the Public Utilities Code, a person that provides interconnected VoIP service, as defined in section 285 of the Public Utilities Code, and a retailer that is a member of the same commonly controlled group or combined reporting group as a telephone corporation or provider of VoIP service under the Corporation Tax Law (commencing with RTC section 23001).

The rate of the prepaid MTS surcharge includes the 911 surcharge rate (as determined by the Office of Emergency Services) and the PUC reimbursement fee and telecommunications universal services surcharges (as determined by the PUC). For sellers, other than direct sellers, the prepaid MTS surcharge is due and pay-

able to the Board quarterly on or before the last day of the next month following each calendar quarter, pursuant to RTC section 42021. For direct sellers, the portion of the prepaid MTS surcharge that consists of the 911 surcharge is due and payable to the Board under the same reporting and payment periods as their 911 surcharge is due and payable under the Emergency Telephone Users Surcharge Act, on a return filed using electronic media, pursuant to RTC section 42010. A direct seller is also required to remit the portion of the prepaid MTS surcharge that consists of the PUC surcharges to the PUC. (RTC section 42010.)

Emergency Telephone Users Surcharge Act

As relevant here, AB 1717 amended RTC section 41020 to incorporate the Prepaid MTS Surcharge Collection Act’s definition of prepaid MTS into the Emergency Telephone Users Surcharge Act and further clarify that, beginning January 1, 2016, the prepaid MTS surcharge is imposed on amounts paid for prepaid MTS in lieu of the 911 surcharge. AB 1717 also added RTC section 41033 to the Emergency Telephone Users Surcharge Act to require that “[f]or each fiscal year, beginning with the 2016–17 fiscal year” each “direct seller shall, on or before September 1 of each year, report to the [B]oard the amount of that portion of the prepaid MTS surcharge that is for the [911] surcharge, remitted by the provider or seller. . . . for the prior fiscal year.”

Also, as relevant here, the Board has adopted Regulation 2401 to define terms used in the regulations it has adopted under RTC section 41128 to implement, interpret, and make specific the Emergency Telephone Users Surcharge Act.

Furthermore, RTC section 41027 currently provides that the Emergency Telephone Users Surcharge Act shall not be “construed as imposing a [911] surcharge upon amounts paid by any person when imposition of such surcharge would be in violation of the Constitution of the United States, the United States Code, or the laws of the State of California . . . .” The Board previously adopted Regulation 2413 to implement, interpret, and make specific RTC section 41027. Subdivision (b)(7) of Regulation 2413, which was included in the text of the original regulation adopted in 1977 and has never been amended, currently provides that the 911 surcharge does not apply charges for service to “[f]oreign governments and career consular officers and employees of certain foreign governments who are exempt from tax by treaties and other diplomatic agreements with the United States.” However, the United States Department of State, Office of Foreign Missions (OFM), notified the BOE, via a letter dated July 7, 2014, that:

- “Although foreign governments and accredited members are exempt from tax under the Vienna Convention on Consular Relations (VCCR), this exemption does not apply to ‘charges levied for specific services rendered.’ VCCR Article 49.1(e).”;
- “OFM considers the Emergency Telephone Users Surcharge as a charge for specific services rendered, not a tax”;
- OFM’s “view is that imposition of this surcharge on foreign missions and their members is not in violation of the U.S. Constitution, the VCCR, or other treaties which exempt foreign missions and their members from tax . . . consistent with previous guidance issued by OFM regarding similar fees supporting 911 services”; and
- “Accordingly, the Department suggests that the [Board] repeal [subdivision] (b)(7)” of Regulation 2413. (July 7, 2014, OFM letter attached to initial statement of reasons.)

Effects, Objectives, and Benefits of the Proposed Amendments to Regulation 2401, 2413, and 2422

*Business Rules Committee Process*

There is currently an issue because no regulations specifically implement, interpret, and make specific the statutes regarding the prepaid MTS surcharge reporting requirements for a direct seller of prepaid MTS. Therefore, Board staff determined that, to specifically address this issue, it is necessary to:

- Amend Regulation 2401 to define the statutory terms “mobile telephony service,” “prepaid mobile telephony service,” and “direct seller,” and add a reference to RTC section 42004, which defines these terms, to Regulation 2401’s reference note; and
- Amend Regulation 2422 to have the effect and accomplish the objectives of fully implementing, interpreting, and making specific the statutes regarding the prepaid MTS surcharge reporting requirements of a direct seller of prepaid MTS.

Also, there is an issue because Regulation 2422 has not been amended since 1986, and it indicates that all returns required to be filed under the Emergency Telephone Users Surcharge Act are required to be filed on a quarterly basis and shall be accompanied by payment for the surcharge due. However, Assembly Bill No. 3204 (Stats. 1996, ch. 432) amended RTC sections 41051 and 41052, effective January 1, 1997, to generally require the 911 surcharge to be reported and paid to the Board on a monthly basis. As an exception, RTC

section 41052.1 (as amended by Sen. Bill No. 2231 (Stats. 1998, ch. 350)) provides discretion to the Board to require such returns to be filed on a calendar quarter or calendar year basis. Therefore, Board staff determined that, to address the issue, it is necessary to amend Regulation 2422 to specify that such returns must be filed on the monthly, calendar quarter, or calendar year basis, assigned by the Board.

Furthermore, there is an issue (or problem) with Regulation 2413 because subdivision (b)(7) provides that the 911 surcharge does not apply to charges for service to “[f]oreign governments and career consular officers and employees of certain foreign governments who are exempt from tax by treaties and other diplomatic agreements with the United States” based upon the Board’s previous determination that the state was prohibited from imposing the surcharge on charges for such services under federal law. However, OFM has informed the Board that this is not currently the case. Therefore, Board staff determined that, to address the issue, it is necessary to delete subdivision (b)(7) from Regulation 2413 as requested in the July 7, 2014, OFM letter.

As a result, Board staff prepared a draft of the amendments to the regulations and an Initial Discussion Paper, which Board staff distributed on December 22, 2014, prior to holding its first meeting to discuss the draft regulations with interested parties on January 6, 2015.

Board staff did not receive comments from any interested parties prior the January 6, 2015, interested parties meeting. During the meeting, interested parties appeared in agreement with staff’s draft amendments. Subsequent to the meeting, staff received comments from interested parties expressing support for the draft amendments and suggesting that staff clarify the definition of prepaid MTS being added to Regulation 2401 by using the phrase “right to utilize and/or access,” rather than “right to access,” MTS or information services. Staff incorporated the suggestion into the draft amendments.

At the second interested parties meeting held on March 4, 2015, staff responded to written comments received prior to the meeting, as well as other suggestions to clarify the draft amendments to the regulations. After the second interested parties meeting, staff received written comments expressing support and offering no further recommendations on the draft amendments to the regulations.

Therefore, Board staff subsequently prepared Formal Issue Paper 15–009, which recommended that the Board adopt staff’s revised draft amendments to Regulations 2401, 2413, and 2422 to address the issues described above.

Specifically, the draft amendments to Regulation 2401 defined the terms “mobile telephony services,” “prepaid mobile telephony services,” and “direct sell-

er” in accordance with RTC section 42004, and added a reference to RTC section 42004 to the regulation’s reference note.

The draft amendments to Regulation 2413 deleted subdivision (b)(7) to ensure consistency with the guidance provided in the July 7, 2014, OFM letter specifying that foreign governments and career consular officers are not exempt from the 911 surcharge under federal law, and changed the reference to “Article XIII, Section 28” in subdivision (b)(4) and the reference to “Section 4253” in subdivision (e) to “article XIII, section 28” and “section 4253,” respectively, to make the references consistent with the citation format prescribed by the California Style Manual.

The draft amendments to Regulation 2422:

- Revised the title of the regulation to include “Reporting” for purposes of clarification;
- Clarified that returns must be filed on the monthly, calendar quarter, or calendar year basis assigned by the Board in accordance with RTC sections 41052 and 41052.1;
- Specified that a direct seller is required to file returns on the monthly, quarterly, or calendar year basis assigned by the Board;
- Specified that a direct seller will be required to file returns electronically with the Board through the Board’s website in accordance with RTC section 42010;
- Specified that a direct seller must report to the Board annually by September 1 the amount of the prepaid MTS surcharge collected for the prior fiscal year.
- Clarified that, at the time of filing each return, direct sellers are required to report service users, including prepaid consumers, who have refused to pay the surcharge, as required by RTC section 41052; and
- Added references to RTC sections 41033, 41053, and 42010 to the regulation’s reference note.

Furthermore, Formal Issue Paper 15–009 informed the Board that Board staff and the interested parties had agreed to the provisions of the revised draft amendments to Regulations 2401, 2413, and 2422.

#### *Business Taxes Committee Meeting*

The Board considered Formal Issue Paper 15–009 during its Business Taxes Committee meeting on September 16, 2015. During the meeting, the Board heard public comments from Mr. Fran Mancina, Director of Government Relations for MUNI Services, who strongly supported, and urged the Board to vote to adopt, the recommended amendments to Regulations 2401, 2413, and 2422. The Board also discussed the recommended amendments to the regulations.

During the Business Taxes Committee meeting, the Board agreed with staff’s recommendation to propose to adopt staff’s revised drafts of the amendments to Regulations 2401, 2413, and 2422. Therefore, the Board Members unanimously voted to propose the adoption of the amendments.

The Board determined that the adoption of the proposed amendments to Regulations 2401 and 2422 is reasonably necessary to have the effect and accomplish the objective of addressing the first issue referred to above by implementing, interpreting, and making specific the statutes regarding the prepaid MTS surcharge reporting requirements of a direct seller, and to provide guidance to direct sellers of prepaid MTS with respect to their reporting and filing requirements. The Board also determined that the adoption of the proposed amendments to Regulation 2422 is reasonably necessary to have the effect and accomplish the objective of the second issue referred to above by clarifying that returns must be filed on the monthly, calendar quarter, or calendar year basis, assigned by the Board, in accordance with RTC sections 41052 and 41052.1.

The Board further determined that the proposed amendments to Regulation 2413 are reasonably necessary to have the effect and accomplish the objective of addressing the third issue referred to above by making the regulation consistent with the guidance provided in the July 7, 2014, OFM letter specifying that foreign governments and career consular officers are not exempt from the 911 surcharge under federal law.

The Board anticipates that the adoption of the proposed amendments will benefit the Board, Board staff, service suppliers, and direct sellers of prepaid MTS by:

- Providing regulatory guidance to direct sellers of prepaid MTS regarding their prepaid MTS surcharge reporting requirements.
- Defining the terms “mobile telephony services,” “prepaid mobile telephony services,” “prepaid MTS,” and “direct seller.”
- Clarifying that returns, including direct sellers’ returns, must be filed on the monthly, calendar quarter, or calendar year basis assigned by the Board.
- Specifying that a direct seller is required to file online with the Board through the Board’s website.
- Revising the title of Regulation 2422 to include “Reporting” for purposes of clarification.
- Specifying that a direct seller must report to the Board annually by September 1 the amount of that portion of the prepaid MTS surcharge that is for the emergency telephone users surcharge remitted by the direct seller for the prior fiscal year.

- Clarifying that, at the time of filing each return, direct sellers are required to report service users, including prepaid consumers, who have refused to pay the surcharge.
- Specifying that foreign governments and career consular officers are not exempt from the 911 surcharge.

The Board has performed an evaluation of whether the proposed amendments to Regulations 2401, 2413, and 2422 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments to Regulations 2401, 2413, and 2422, are not inconsistent or incompatible with existing state regulations. This is because Regulations 2401 and 2422 are the only state regulations that specifically implement, interpret, and make specific the statutes regarding the prepaid MTS surcharge reporting requirements for a direct seller of prepaid MTS. This is also because Regulation 2413 is the only regulation that specifically implements, interprets, and makes specific RTC section 41027 (discussed above). In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulations 2401, 2413, and 2422.

No MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS  
 sued in *Americans for Prosperity Foundation v. Harris*  
 No. 15-15446 archived on December 30, 2015

The Board has determined that the adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement pursuant to title 2, division 4, part 7 (commencing with section 17500) of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will result in no direct or indirect cost or savings to any state agency and will result in no cost or savings in federal funding to the State of California. The Board has also determined that the adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under title 2, division 4, part 7 (commencing with section 17500) of the Government Code, and will result in no other non–discretionary cost or savings imposed on local agencies.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will not have a significant, state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulations 2401, 2413, and 2422 may affect small business.

NO KNOWN COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has determined that the proposed adoption of the amendments to Regulations 2401, 2413, and 2422 is not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will not affect the benefits of Regulations 2401, 2413, and 2422 to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulations 2401, 2413, and 2422 will not have a significant effect on housing costs.

STATEMENT REGARDING ALTERNATIVES

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Andrew Kwee, by telephone at (916) 323-3096, by e-mail at [Andrew.Kwee@boe.ca.gov](mailto:Andrew.Kwee@boe.ca.gov), or by mail at State Board of Equalization, Attn: Andrew Kwee, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-3130, by fax at (916) 324-3984, by e-mail at [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Mr. Bennion is the designated backup contact person to Mr. Kwee.

WRITTEN COMMENT PERIOD

The written comment period ends at 10:00 a.m. on January 26, 2016, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Regulations 2401, 2413, and 2422 during the January 26-28, 2016, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulations 2401, 2413, and 2422. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared underscored and strikeout versions of the text of Regulations 2401, 2413, and

2422 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulations 2401, 2413, and 2422, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request.

The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

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

The Board may adopt the proposed amendments to Regulations 2401, 2413, and 2422 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

If the Board adopts the proposed amendments to Regulations 2401, 2413, and 2422, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

**TITLE 21. DEPARTMENT OF  
TRANSPORTATION**

**Encroachment Permits Appeal Procedure**

**TO ALL INTERESTED PERSONS**

The California Department of Transportation (Department) proposes to adopt the regulations described below in order to implement, clarify, and make specific the procedure for an applicant to appeal to the Department Director for a final decision on an encroachment permit that has been denied. Following the written comment period and the public hearing, if requested, and after considering all comments, objections, and recommendations regarding the proposed action, the proposed regulations may be adopted substantially as set forth without further notice.

**AUTHORITY AND REFERENCE**

California Streets and Highways Code, section 670 et seq. authorizes the Department to issue encroachment permits. It also requires the Department to adopt these proposed regulations, which would implement, interpret, and make specific the California Streets and Highways Code, section 671.5(c).

**INFORMATIVE DIGEST/ POLICY STATEMENT  
OVERVIEW**

The Department proposes to adopt Article 2 Appeal, sections 1413, 1413.1, 1413.2, 1413.3, 1413.4, 1413.5, and 1413.6 in title 21, division 2, chapter 8 of the California Code of Regulations.

Streets and Highways Code, section 670 et seq. and section 671.5 respectively authorize the Department to issue permits and promulgate regulations to enforce the care and protection of state highways, and to set forth a procedure to appeal an encroachment permit application that has been denied.

The proposed regulatory action will implement a formal encroachment permits appeal procedure concerning the denial of an encroachment permit application by the district encroachment permit offices of the Department.

*Anticipated Benefits of the Proposed Regulation:*

The broad objective of the proposed regulation is to provide the public a plain language explanation of the appeal procedure after the District Permit Engineer has denied an application for an encroachment permit. The regulation provides due process and a transparent pro-

cedure to assist the public by providing definitions, a step-by-step procedure, a list of requirements, timelines, and costs associated with submitting an appeal.

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

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this subject, the Department has concluded that these are the only regulations that concern the appeal of a denied encroachment permit application.

Section 1413 describes the scope of the proposed regulations and makes specific the procedure for an encroachment permit applicant to appeal a denied encroachment permit application. It clearly states that Article 2 does not apply to broadband facility encroachment permit applicants, and that they should refer to Article 1 for the procedure to appeal a denied broadband facility encroachment permit application.

Section 1413.1 specifies the definitions of terms used in the proposed regulations.

Section 1413.2 establishes that the District Director can be requested to reconsider an encroachment permit application that has been denied by the District Permit Engineer.

Section 1413.3 establishes submittal requirements when requesting reconsideration by the District Director of a denied encroachment permit application.

Section 1413.4 establishes a formal process to appeal to the Department Director after the denial by the District Director. The Director's determination is the last administrative remedy available to the appellant.

Section 1413.5 establishes submittal requirements when appealing to the Department Director.

Section 1413.6 establishes the method of final determination of the appeal and the final accounting of the initial deposit.

**PUBLIC HEARING**

No public hearing is scheduled. However, 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 regulatory action to the Department. Submit comments by mail or email. The written comment period

od closes at 5:00 p.m. on January 25, 2016. The Department will consider only comments received by that time. Submit comments to:

California Department of Transportation  
Office of Encroachment Permits and Engineering Support  
Attn: Yin-Ping Li or David Lassiter  
1120 N Street, MS-36  
Sacramento, CA 95814  
[Yin-Ping.Li@dot.ca.gov](mailto:Yin-Ping.Li@dot.ca.gov) or [David.Lassiter@dot.ca.gov](mailto:David.Lassiter@dot.ca.gov)

**FISCAL IMPACT ESTIMATES**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

Costs or savings in federal funding to the State: None.

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

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

Significant effect on housing costs: None.

**EFFECT ON SMALL BUSINESS**

This proposed regulatory action may affect small business.

**RESULT OF ECONOMIC IMPACT ANALYSIS**

Adoption of these regulations will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: As described in the Informative Digest/Policy Statement Overview contained herein, the benefits of the proposed regulation include due process, a transparent appeal procedure, and generally contribute to the health and welfare of California residents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to 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.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action at the hearing, if one is requested, or during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address listed herein during regular business hours. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file will consist of this notice, Notice Publication/Regulations, Submission Form STD. 400, Economic and Fiscal Impact Statement Form STD. 399, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting the Office of Encroachment Permits and Engineering Support at the address or phone number listed herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If a public hearing is requested, after holding the public hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with 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 Office of Encroachment Permits and Engineering Support at the address herein. 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 the Office of Encroachment Permits and Engineering Support at the address below, or by visiting the Department's Website listed herein.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Encroachment Permits Website at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/> or the Department's Website at: <http://www.dot.ca.gov/regulations.htm>.

CONTACT PERSON and BACKUP

Inquiries concerning the proposed regulatory action may be directed to:

California Department of Transportation  
Office of Encroachment Permits and Engineering Support  
Yin-Ping Li  
120 N Street, MS-36  
Sacramento, CA 95814  
Email: [Yin-Ping.Li@dot.ca.gov](mailto:Yin-Ping.Li@dot.ca.gov)  
Telephone (916) 654-5548  
or  
[David.Lassiter@dot.ca.gov](mailto:David.Lassiter@dot.ca.gov)  
(916) 654-7665

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to the Encroachment Permits Branch at the address herein.

**GENERAL PUBLIC INTEREST**

**FAIR POLITICAL PRACTICES COMMISSION**

**Concerning the Notice re: Conflict-of-Interest Code**  
(OAL File No Z2015-1117-02)

Originally published November 27, 2015

The above-referenced notice was originally published in the California Regulatory Notice Register

2015, 48-Z, November 27, 2015. The Notice incorrectly stated that the deadline to submit written comments was "January 11, 2015."

The correct deadline is "January 11, 2016."

If you have any questions, please contact Ivy Branaman at 916.323.7162 or [ibranaman@fpcc.ca.gov](mailto:ibranaman@fpcc.ca.gov).

**DEPARTMENT OF HEALTH CARE SERVICES**

**CORRECTION TO NOTICE OF GENERAL PUBLIC INTEREST**

**THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES CORRECTS THE NUMBER OF THE STATE PLAN AMENDMENT ASSOCIATED WITH THE PROPOSED UPDATE TO THE REIMBURSEMENT METHODOLOGY FOR MEDI-CAL CHILDHOOD LEAD POISONING PREVENTION CASE MANAGEMENT**

This notice corrects the State Plan Amendment (SPA) number referenced in the public notice published by Department of Health Care Services (DHCS) on February 15, 2013, which is associated with a proposed change in the reimbursement methodology for case management services to Medi-Cal beneficiaries under the Childhood Lead Poisoning Prevention Program benefit established in Chapter 5 of part 5 of division 103 of the Health and Safety (H&S) Code (commencing with section 105275) and, specifically, section 105290. While the initial public notice stated that DHCS would submit SPA 12-015, the updated SPA number will now be 15-002 and the proposed effective date will be December 11, 2015. There are no other changes to the proposed SPA content. For more information, please contact Laurie Weaver, Assistant Deputy Director, Health Care Benefits and Eligibility; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

**SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS**

**VETERINARY MEDICAL BOARD**

**OFFICE OF ADMINISTRATIVE LAW  
SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the California Code of Regulations)**

On September 30, 2015, the Office of Administrative Law (OAL) received a petition challenging Continuing Education Waivers for Undue Hardship issued by the Veterinary Medical Board (VMB) as an alleged underground regulation.

On November 20, 2015, VMB certified to OAL that the VMB's Frequently Asked Question No. 29 on the VMB website has been rescinded; therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition. On November 30, 2015, OAL filed the certification with the Secretary of State.

**DISAPPROVAL DECISIONS**

**DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**BOARD OF OPTOMETRY**

**State of California  
Office of Administrative Law**

**In re:  
Board of Optometry  
Regulatory Action:**

**Title 16, California Code of Regulations**

**Adopt section: 1582**

**Amend section: 1516**

DECISION OF DISAPPROVAL OF  
REGULATORY ACTION

**Government Code Section 11349.3**

**OAL Matter Number: 2015-1012-01S**

**OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

This regular rulemaking by the Board of Optometry (the "Board") proposes to both amend section 1516 and adopt section 1582 in title 16 of the California Code of Regulations. The Board is proposing to amend Section 1516 to give the Board the authority to require an applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board if it appears that the applicant is unable to practice optometry safely due to a mental or physical illness. The Board proposes to adopt Section 1582 to define certain actions as unprofessional conduct.

On October 12, 2015, the Board submitted the above-referenced rulemaking action to the Office of Administrative Law ("OAL") for review. On November 24, 2015, OAL notified the Board of OAL's decision to disapprove the proposed rulemaking. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the above-referenced rulemaking action because the proposed regulations fail to comply with the clarity and necessity standards of Government Code section 11349.1. Additionally, there is one miscellaneous issue with the proposed regulations. All of these issues must be resolved prior to OAL's approval of any regulations.

CONCLUSION

OAL disapproved the above-referenced rulemaking action for the foregoing reasons. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit revised regulations and/or rulemaking documents within 120 days of their receipt of this Decision of Disapproval. If you have any questions, please contact me at (916) 324-6948.

Date: November 30, 2015

Steven J. Escobar  
Attorney  
FOR: DEBRA M. CORNEZ  
Director  
Original: Jessica Sieferman

**CEMETERY AND FUNERAL BUREAU**

State of California  
Office of Administrative Law

**In re:**  
**Cemetery and Funeral Bureau**

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Adopt sections: 2326.2, 2326.3**

**Amend sections: 2326, 2326.1, 2326.5**

DECISION OF DISAPPROVAL OF REGULATORY  
ACTION

**Government Code Section 11349.3**

**OAL Matter Number: 2015-1013-07**

**OAL Matter Type: Regular (S)**

SUMMARY OF REGULATORY ACTION

The Cemetery and Funeral Bureau (Bureau) proposed to adopt sections 2326.2 and 2326.3 and amend sections 2326, 2326.1, and 2326.5 of title 16 of the California Code of Regulations concerning cemeteries owned by limited liability companies.

DECISION

The Office of Administrative Law disapproved the above referenced regulatory action for the following reasons: failure to comply with the "clarity" standard of Government Code section 11349.1 and failure to comply with the requirements for incorporation by reference.

CONCLUSION

For the reasons stated above, OAL has disapproved this regulatory action.

Date: December 1, 2015

/s/ Craig Tarpenning

Craig S. Tarpenning  
 Assistant Chief Counsel  
 FOR: DEBRA M. CORNEZ  
 Director

Original: Lisa M. Moore  
 Copy: Cheryl Jenkins

**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# 2015-1014-08  
 BOARD OF BEHAVIORAL SCIENCES  
 LPCCs — Treatment of Couples and Families

This action amends regulations governing professional clinical counselors with respect to (1) clarifying distinctions regarding pre-degree trainees and intern experience requirements; (2) expressly applying a statutorily defined term for approved supervisors; (3) further defining the scope of treatment of families and children; (4) requiring Board approval of practitioners before practicing; (5) adopting training documentation standards; and (6) amending an applicable Board form.

Title 16  
 ADOPT: 1820.7 AMEND: 1820, 1820.5, 1822  
 Filed 11/30/2015  
 Effective 01/01/2016  
 Agency Contact: Rosanne Helms (916) 574-7897

File# 2015-1014-05  
 BOARD OF FORESTRY AND FIRE PROTECTION  
 SRA Fire Prevention Fee Exemption, 2015

The Board of Forestry and Fire Protection (BOFFP) submitted this timely certificate of compliance to make permanent the amendments to section 1665.7 of title 14 of the California Code of Regulations originally adopted in OAL file number 2014-1219-05E. The amendments to section 1665.7 allow for an exemption from the State Responsibility Area (SRA) fire prevention fee for any habitable structure that is deemed uninhabitable as a result of a natural disaster. Additionally, this action makes permanent the adoption of the Re-

quest for Exemption forms to be used in order to apply for the SRA fire prevention fee exemption.

Title 14  
 AMEND: 1665.7  
 Filed 11/30/2015  
 Effective 01/01/2016  
 Agency Contact: Thembi Borras (916) 653-9633

File# 2015-1014-03  
 CALIFORNIA HEALTH FACILITIES FINANCING  
 AUTHORITY  
 Investment in Mental Health Wellness Grant Program

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

Title 4  
 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119,  
 7125, 7127  
 Filed 11/30/2015  
 Effective 01/01/2016  
 Agency Contact:  
 Carolyn Aboubechara (916) 653-3213

File# 2015-1013-06  
 CEMETERY AND FUNERAL BUREAU  
 General Funeral Regulations

This rulemaking by the Cemetery and Funeral Bureau (Bureau) amends regulations in title 16 of the California Code of Regulations relating to licensed funeral establishments generally.

Title 16  
 AMEND: 1209, 1214, 1216, 1221, 1255, 1258,  
 1258.1, 1258.2, 1258.4 REPEAL: 1258.3  
 Filed 11/25/2015  
 Effective 01/01/2016  
 Agency Contact: Cheryl Jenkins (916) 574-8203

File# 2015-1020-03  
 DEPARTMENT OF PESTICIDE REGULATION  
 Safety Data Sheets

In these changes without regulatory effect, the Department amends four sections in title 3 of the California Code of Regulations to change the name of the document that standardizes chemical safety information requirements from "Material Safety Data Sheet" (MSDS) to "Safety Data Sheet" (SDS).

Title 3  
 AMEND: 6170.5, 6723, 6724, 6761  
 Filed 12/02/2015  
 Agency Contact:  
 Linda Irokawa-Otani (916) 445-3991

File# 2015-1014-04  
 DEPARTMENT OF SOCIAL SERVICES  
 Drug Felon Eligibility in CalWORKS

The Department of Social Services filed this action to amend six sections of the Manual of Policies and Procedures (MPP) containing regulatory provisions that prohibit a person convicted of a felony drug crime from being eligible for the California Work Opportunity and Responsibility to Kids (CalWORKS) program. The action repeals these regulatory provisions, since AB 1462 (Stats. 2014, c. 26) repealed the prohibition against persons with felony drug convictions from receiving CalWORKS benefits, effective April 1, 2015. The action will ensure that the MPP regulations are in compliance with the law and that people with prior drug felony convictions are no longer excluded from CalWORKS eligibility.

Title MPP  
 AMEND: 40-034, 44-211, 44-303, 44-307, 44-316, 82-832  
 Filed 11/30/2015  
 Effective 01/01/2016  
 Agency Contact:  
 Oliver Chu (916) 657-3588

File# 2015-1014-07  
 DEPARTMENT OF SOCIAL SERVICES  
 IHSS Program Provider Enrollment Requirements

In this regulatory action, the Department amends two existing sections in the Manual of Policies and Procedures (MPP) to add definitions and establish provider enrollment requirements for the In-Home Supportive Services (IHSS) program. It also adopts a new section in the MPP to require an IHSS recipient to verify the employment eligibility of an individual prior to hiring him or her as a provider.

Title MPP  
 ADOPT: 30-777 AMEND: 30-701, 30-776  
 Filed 11/30/2015  
 Effective 01/01/2016  
 Agency Contact:  
 Ying Sun (916) 651-2586

File# 2015-1019-01  
 DEPARTMENT OF VETERANS AFFAIRS  
 Selection Process for Private A/E Firms

This rulemaking by the Department of Veterans Affairs (CalVet) amends sections in Title 12 of the California Code of Regulations regarding contracting for architectural and engineering services by CalVet. More specifically, this action brings the regulations regarding the procedures for contracting these professional services into conformity with Proposition 35. Proposition 35 eliminated certain restrictions on contracting out for such services in public works contracts.

Title 12  
 AMEND: 800.1, 803, 804, 809 REPEAL: 808  
 Filed 12/02/2015  
 Effective 04/01/2016  
 Agency Contact: Deanna Beland (916) 651-5045

File# 2015-1023-02  
 FISH AND GAME COMMISSION  
 Commercial Herring Fishery

This rulemaking action by the Fish and Game Commission (Commission) amends regulations relating to the harvesting of herring and herring eggs.

Title 14  
 AMEND: 163, 164  
 Filed 11/30/2015  
 Effective 12/01/2015  
 Agency Contact: Sheri Tiemann (916) 654-9872

*cited in Americans for Prosperity Foundation v. Harris  
 No. 15-55446 archived on December 30, 2015*

File# 2015-1016-02  
 STATE PERSONNEL BOARD  
 Application of Merit to Appointments and Recordkeeping

This rulemaking action by the State Personnel Board is in regard to the application of merit to appointments and recordkeeping. This action is exempt from the APA and was submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2  
 ADOPT: 25, 26  
 Filed 12/02/2015  
 Effective 01/01/2016  
 Agency Contact: Jeanne Wolfe (916) 651-1043

File# 2015-1016-03  
 STATE PERSONNEL BOARD  
 LEAP referral lists and appointments

This rulemaking action by the State Personnel Board is in regard to the Limited Examination and Appointment Program (LEAP). This action is exempt from the APA and was submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2  
 ADOPT: 11, 12, 12.1, 155, 156, 157, 158, 159  
 AMEND: 547.52  
 Filed 12/02/2015  
 Effective 01/01/2016  
 Agency Contact: Jeanne Wolfe (916) 651-1043

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

File# 2015-1016-05  
 STATE WATER RESOURCES CONTROL BOARD  
 Amendment to the Water Quality Control Plan for  
 Ocean Waters

On April 7, 2015, the State Water Resources Control Board (SWRCB) adopted Resolution 2015-0019, which approved an "Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash" and "Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries" to provide a consistent regulatory approach to reduce trash in state waters. The amendments include six primary elements: a narrative water quality objective, a prohibition of discharge, corresponding applicability, implementation provisions, a time schedule, and monitoring and reporting requirements.

Title 23  
 ADOPT: 3008  
 Filed 12/02/2015  
 Effective 12/02/2015  
 Agency Contact: Katherine Paick (916) 445-2317

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)

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN July 1, 2015 TO  
 December 2, 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**  
 12/02/15 ADOPT: 25, 26  
 12/02/15 ADOPT: 11, 12, 12.1, 155, 156, 157, 158,  
 159 AMEND: 547.52  
 11/19/15 ADOPT: 59550  
 11/09/15 AMEND: 18225.7 REPEAL: 18550.1  
 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,

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

**Title 3**  
 12/02/15 AMEND: 6170.5, 6723, 6724, 6761

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11/24/15	AMEND: 3435(b)	08/31/15	AMEND: 1844
11/24/15	AMEND: 3435(b)	08/19/15	AMEND: 1433
11/18/15	AMEND: 6260, 6262, 6264, 6266	07/31/15	ADOPT: 1866.1 AMEND: 1844
11/13/15	AMEND: 3435(b)	07/28/15	AMEND: 10325
11/12/15	AMEND: 3435(b)	07/23/15	AMEND: 1632
11/09/15	AMEND: 1358.4	07/22/15	AMEND: 400, 401, 402, 403, 404, 405, 406
11/04/15	AMEND: 6000, 6188, 6742, 6746, 6793	07/15/15	AMEND: 1588
10/29/15	AMEND: 3435(b)	07/02/15	AMEND: 5205, 5230, 5170
10/22/15	ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8		
09/30/15	AMEND: 3435(b)	<b>Title 5</b>	
09/30/15	AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45	11/23/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
09/16/15	AMEND: 3435(b)	11/23/15	ADOPT: 851.5, 853.6, 853.8 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 860, 861, 862, 862.5, 863, 864
08/27/15	AMEND: 3435	11/18/15	ADOPT: 80002 AMEND: 80001
08/26/15	AMEND: 6502	11/03/15	AMEND: 1505
08/20/15	AMEND: 3435(b)	10/06/15	AMEND: 80225
08/17/15	AMEND: 2100	10/05/15	AMEND: 19810
08/14/15	ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452	09/10/15	AMEND: 19810
08/10/15	AMEND: 6148, 6148.5, 6170, 6216	07/30/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
08/10/15	AMEND: 3435(b)	07/20/15	ADOPT: 80054.1 AMEND: 80054
08/10/15	AMEND: 3435(b)	<b>Title 8</b>	
08/06/15	AMEND: 3435(b)	11/23/15	AMEND: 10133.32
08/04/15	AMEND: 3435(b)	11/05/15	AMEND: 333, 336
07/21/15	AMEND: 3439(b)	10/21/15	AMEND: 15600, 15609
07/08/15	AMEND: 3435(b)	09/21/15	ADOPT: 14006.1 AMEND: 14003, 14007
07/01/15	AMEND: 4603(i)	09/21/15	ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1
<b>Title 4</b>		09/15/15	AMEND: 3437, 3441, 3664(b)
11/30/15	ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127	08/28/15	AMEND: 3411
11/17/15	AMEND: 2000	08/27/15	AMEND: 8397.4
11/09/15	ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101	08/27/15	AMEND: 1710
11/02/15	ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7	08/24/15	AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813
10/27/15	AMEND: 8035	08/20/15	AMEND: 14300.2
10/26/15	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11	08/12/15	AMEND: 30, 30.5, 31.1, 100, 104, 105, 106, 109
10/05/15	AMEND: 1843.2	08/10/15	AMEND: 333, 336
09/08/15	ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138	07/30/15	ADOPT: 5184 AMEND: 5185
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	07/06/15	AMEND: 5530, 5568, 5572, 5574, 5575, 5621, 2540.7, 2540.8
		<b>Title 9</b>	
		11/05/15	AMEND: 4210
		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

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10/02/15 AMEND: 10701 80.4111, 80.4113, 80.4115, 80.4117,  
 08/31/15 AMEND: 881 80.4118, 80.4119, 80.4120, 80.4121,  
 08/26/15 AMEND: 513, 524, 530, 541, 553, 620, 80.4123, 80.4124, 80.4125, 80.4126,  
 620.1, 1900, 1901, 1904, 1913, 1921 80.4127, 80.4200, 80.4201, 80.4300,  
 08/24/15 AMEND: 1810.110, 1810.214, 80.4301, 80.4302, 80.4303, 80.4304,  
 1810.215, 1810.218, 1810.219, 80.4308, 80.4309, 80.4310, 80.4311,  
 1810.223.5, 1810.224, 1810.230, 80.4312, 80.4313, 80.5000, 80.5200,  
 1810.236, 1810.237, 1810.239, 80.5201, 80.5300, 80.5301, 80.5302,  
 1810.246, 1810.252, 1810.355, 80.5303, 80.5304, 95.5025, 95.5030  
 1810.380, 1810.425, 1820.110, REPEAL: 80.127, 80.171, 80.4110,  
 1820.115, 1820.200, 1830.115, 80.4112, 80.4114, 80.4037, 80.5202,  
 1840.100, 1840.210, 1840.302, 95.2, 95.3, 95.5010  
 1840.312, 1850.210, 1850.213, 07/29/15 AMEND: 5350, 5353, 5354, 5354.1,  
 1850.505, 1850.515, 1850.520, 5356, 5357.1, 5357.2, 5358.6, 5358.7,  
 1850.530, 1850.535 REPEAL: 5358.10 REPEAL: 5358.1  
 1810.214.1 07/29/15 AMEND: 5350, 5357.1  
 07/16/15 ADOPT: 3200.182, 3200.183, 3200.184, 07/27/15 ADOPT: 2240.15, 2240.16, 2240.6,  
 3510.020, 3580, 3580.010, 3580.020, 2240.7 AMEND: 2240, 2240.1, 2240.4,  
 3900, 3905, 3910, 3910.010, 3910.015, 2240.5  
 3910.020, 3915, 3925, 3930, 3935 07/06/15 ADOPT: 6850, 6852, 6854, 6856, 6858,  
 6860, 6862, 6864, 6866, 6868

**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,

**Title 11**

11/23/15 ADOPT: 4250, 4251, 4252, 4253, 4254,  
 4255, 4256, 4257, 4258, 4259  
 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

**Title 12**

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

**Title 13**

11/16/15 ADOPT: 2293, 2293.1, 2293.2, 2293.3,  
 2293.4, 2293.5, 2293.6, 2293.7, 2293.8,  
 2293.9, Appendix 1 AMEND: 2290,  
 2291, 2293 (renumbered to 2294), 2293.5  
 (renumbered to 2295)  
 11/09/15 AMEND: 551.21  
 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

**Title 14**

11/30/15 AMEND: 1665.7

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11/30/15	AMEND: 163, 164	17896.26,	17896.27,	17896.28,	
11/24/15	AMEND: 29.85	17896.29,	17896.30,	17896.31,	
11/23/15	AMEND: 1052.1	17896.32,	17896.33,	17896.34,	
11/23/15	AMEND: 895.1, 916.9, 917.2, 937.2, 957.2, 937.3, 957.3, 929.1, 949.1, 969.1, 1038, 1039.1, 1041, 1092.01, 1092.26, 1092.28, 1109.4	17896.35,	17896.36,	17896.37,	
		17896.38,	17896.39,	17896.40,	
		17896.41,	17896.42,	17896.43,	
		17896.44,	17896.45,	17896.46,	
11/19/15	AMEND: 890	17896.47,	17896.48,	17896.49,	
11/13/15	AMEND: 478, 479	17896.50,	17896.51,	17896.52,	
11/06/15	AMEND: 29.80, 29.85	17896.53,	17896.54,	17896.55,	
11/06/15	ADOPT: 131	17896.56,	17896.57,	17896.58,	
11/05/15	AMEND: 29.85	17896.59,	17896.60,	17896.61,	
11/03/15	AMEND: 895.1, 1038, 1038.2	18221.5.1, 18221.6.1	AMEND: Title 14:		
11/03/15	AMEND: 870.15, 870.17, 870.19, 870.21	17362.2, 17377.2, 17381.1, 17383.3, 17383.4, 17383.7, 17388.3, 17403.1, 17403.2, 17403.3, 17409.2, 17852, 17855, 17855.2, 17855.3, 17856, 17857.1, 17857.2, 17859.1, 17862, 17862.1, 17863, 17863.4, 17867, 17868.1, 17868.2, 17868.3, 17868.5, 17869, 18083, 18100, 18101, 18102, 18103, 18103.1, 18103.2, 18104, 18104.1, 18104.2, 18104.3, 18104.6, 18104.9, 18105, 18105.1, 18105.2, 18105.3, 18105.5, 18105.6, 18105.8, 18105.9, 18105.11, 18227, 18302; Title 27: 21620, Appendix 1 REPEAL: Title 14: 17855.4			
10/19/15	ADOPT: 1760.1, 1779.1				
10/16/15	AMEND: 17354, 17356				
10/12/15	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07				
10/05/15	ADOPT: 18660.44, 18660.45, 18660.46				
	AMEND: 18660.7				
09/28/15	AMEND: 310.5				
09/24/15	AMEND: 1665.7				
09/22/15	AMEND: 502				
09/21/15	AMEND: 18419				
09/04/15	AMEND: 916.2, 936.2, 956.2				
09/03/15	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797				
09/03/15	ADOPT: 820.02				
09/03/15	ADOPT: 817.04 AMEND: 790				
08/31/15	AMEND: 4800				
08/21/15	AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24				
08/04/15	AMEND: 13055				
07/31/15	ADOPT: 662				
07/29/15	AMEND: 27.65, 28.38				
07/23/15	AMEND: 816.03				
07/21/15	ADOPT: 18959, 18960, 18961, 18962, 18963, 18964, 18965, 18966, 18967, 18968, 18969, 18970, 18971				
07/13/15	AMEND: 1038, 1052.1				
07/10/15	ADOPT: 748.5				
07/02/15	ADOPT: 8.01				
07/01/15	AMEND: 7.50				
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11/10/15	ADOPT: Title 14: 17017, 17854.1, 17863.4.1, 17868.3.1, 17896.1, 17896.2, 17896.3, 17896.4, 17896.5, 17896.6, 17896.7, 17896.8, 17896.9, 17896.10, 17896.11, 17896.12, 17896.13, 17896.14, 17896.15, 17896.16, 17896.17, 17896.18, 17896.19, 17896.20, 17896.21, 17896.22, 17896.23, 17896.24, 17896.25,				
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		11/23/15	AMEND: 3173.2		
		11/17/15	ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317		
		11/05/15	AMEND: 3349 REPEAL: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6		
		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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		08/18/15	ADOPT: 309, 309.1, 309.2, 309.3, 309.4
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11/20/15	AMEND: 4151, 4152	11/16/15	ADOPT: 95480, 95481, 95482, 95483, 95483.1, 95483.2, 95484, 95485, 95486, 95487, 95488, 95489, 95490, 95491, 95492, 95493, 95494, 95495, 95496, 95497 REPEAL: 95480, 95480.1, 95480.2, 95480.3, 95480.4, 95480.5, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95488, 95489, 95490
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09/21/15	AMEND: 639, 641	07/27/15	ADOPT: 474
09/21/15	AMEND: 635	<b>Title 20</b>	
09/14/15	ADOPT: 12.1 AMEND: 12	10/20/15	AMEND: 3103
09/03/15	AMEND: 1399.671, 1399.673, 1399.676	09/03/15	AMEND: 3103
08/31/15	AMEND: 1364.10, 1364.12, 1364.13, 1364.14	08/20/15	AMEND: 1602, 1604, 1605.1, 1605.3, 1606
08/24/15	AMEND: 12, 12.5, 37	08/19/15	AMEND: 1602, 1604, 1605.1, 1605.3, 1606
08/20/15	AMEND: 3305	<b>Title 21</b>	
08/20/15	AMEND: 1417	10/01/15	ADOPT: Article Heading AMEND: 1412.1
		09/23/15	AMEND: 7000
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		10/15/15	ADOPT: 100044, 100044.1, 100044.2, 100044.3, 100044.4, 100044.5, 100044.6, 100044.7, 100044.8, 100044.9, 100044.10, 100045, 100046, 100047, 100048, 100049, 100050, 100051, 100052, 100053, 100054
		10/02/15	ADOPT: 51315.1, 51315.2 AMEND: 51161, 51315
		09/03/15	AMEND: 50961, 50962, 50963
		08/26/15	AMEND: 51516.1
		08/17/15	AMEND: 97174
		08/17/15	ADOPT: 51000.9.5, 51000.15.5, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.70, 51000.75 AMEND: 51000, 51000.7, 51000.20, 51000.30, 51000.31,

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11/09/15	ADOPT: 3939.47	10/28/15	AMEND: 10010
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		11/30/15	AMEND: 40-034, 44-211, 44-303, 44-307, 44-316, 82-832
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