

SUMMARY OF REGULATORY ACTIONS

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODE

AMENDMENT

MULTI-COUNTY: Dixon Watershed Real Property Acquisition Joint Powers Authority

A written comment period has been established commencing on January 8, 2016, and closing on February 22, 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 February 22, 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 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 3960, 3960.2 and 3960.4 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 207, 3960, 3960.2, 3960.4 and 4756 of said Code, proposes to amend sections 265, 353, 360, 361, 362, 363, 364, and 364.1; and add section 708.18 Title 14, California Code of Regulations (CCR), relating to Mammal regulations for the 2016-2017 seasons.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

265

Amend Section 265, Title 14, CCR, by deleting subsections (d)(1) and (d)(2). The current regulations prohibit the use of treeing switches and GPS collar equipment for dogs used in the taking of mammals. Recent changes to statutes have restricted the use of dogs by hunters to only the taking of wild pigs and deer. The prohibition on the use of treeing switches is therefore unnecessary. Allowing the use of GPS collar equipment will improve a hunter's ability to find and retrieve downed game and lost dogs.

353

Amend Section 353, Title 14, California Code of Regulations (CCR), Methods Authorized for Taking Big Game. The purpose of the proposed amendments is to specifically require compliance with sections 353

and 250.1 when taking big game, and to clarify which cartridges may be used by defining "softnose or expanding projectile."

The current regulations in Section 353, Title 14, CCR, provide method of take restrictions for big game using centerfire cartridges in rifles, pistols and revolvers. The projectiles used in these firearms are required to be "softnose or expanding." However, these words are not defined in the regulation. While "softnose or expanding" is commonly accepted from the standpoint of bullet design and trade industry terminology, some have suggested that it could include frangible bullets. The lack of distinction between projectile types is confusing to hunters and difficult to interpret by law enforcement. Furthermore, frangible bullets are not an efficient and effective means to take big game.

The proposed regulation changes are as follows:

- 1) Add clause to subsection 353(a) specifically making it unlawful to use methods of take or projectiles for big game other than what is authorized in Sections 250.1 and 353;
- 2) Add a new subsection 353(b)(1) to define "softnose or expanding projectile" based upon design and common accepted terminology of mushrooming, bullet diameter increase and bullet weight retention; and
- 3) Add a new subsection 353(b)(2) to clarify that "frangible" bullets are not softnose or expanding projectiles.

360(a)

Existing regulations provide for the number of license tags available for deer in the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors including severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the "Low Kill" alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations			
§	Zone	Current 2015	Proposed 2016 [Range]
(1)	A	65,000	30,000-65,000
(2)	B	35,000	35,000-65,000
(3)	C	8,150	5,000-15,000
(4)	D3-5	33,000	30,000-40,000
(5)	D-6	10,000	6,000-16,000
(6)	D-7	9,000	4,000-10,000
(7)	D-8	8,000	5,000-10,000
(8)	D-9	2,000	1,000-2,500
(9)	D-10	700	400-800
(10)	D-11	5,500	2,500-6,000
(11)	D-12	950	100-1,500
(12)	D-13	4,000	2,000-5,000
(13)	D-14	3,000	2,000-3,500
(14)	D-15	1,500	500-2,000
(15)	D-16	3,000	1,000-3,500
(16)	D-17	500	100-800
(17)	D-19	1,500	500-2,000

360(b)

Existing regulations provide for the number of deer hunting tags for the X zones. The proposed action changes the number of tags for all existing zones to a series of ranges presented in the table below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are col-

lected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Deer: § 360(b) X-Zone Hunts - Tag Allocations			
§	Zone	Current 2015	Proposed 2016 [Range]
(1)	X-1	775	500-6,000
(2)	X-2	160	50-500
(3)	X-3a	315	100-1,200
(4)	X-3b	795	200-3,000
(5)	X-4	435	100-1,200
(6)	X-5a	75	25-200
(7)	X-5b	50	50-500
(8)	X-6a	320	100-1,200
(9)	X-6b	305	100-1,200
(10)	X-7a	225	50-500
(11)	X-7b	135	25-200
(12)	X-8	210	100-750
(13)	X-9a	650	100-1,200
(14)	X-9b	325	100-600
(15)	X-9c	325	100-600
(16)	X-10	400	100-600
(17)	X-12	680	100-1,200

360(c)

Existing regulations provide for the number of deer hunting tags in the Additional Hunts. The proposed action provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) pro-

vide for hunting to begin on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days, inclusive of the Columbus Day holiday, in order to accommodate Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift and move the seasons one week later to eliminate conflicts with elk hunting during the first week of October. The proposal would change the season dates to open on October 8 and October 15, for 3 and 2 consecutive days respectively, and include the Columbus Day holiday, in order to accommodate Base operations.

Minor editorial changes are necessary to provide consistency in subsection numbering, spelling, grammar, and for clarification.

The proposed action changes the number of tags for all existing hunts to a series of ranges as indicated in the table below.

Deer: § 360 (c) Additional Hunts — Tag Allocations

§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(1)	G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
(2)	G-3 (Goodale Buck Hunt)	35	5-50
(3)	G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
(4)	G-7 (Beale Either-Sex Deer Hunt)	20 Military*	20 Military*
(5)	G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	20 Tags Total* (10 Military & 10 Public)	20 Tags Total* (10 Military and 10 Public)
(6)	G-9 (Camp Roberts Antlerless Deer Hunt)	0	30 Tags Total* (15 Military and 15 Public)
(7)	G-10 (Camp Pendleton Either-Sex Deer Hunt)	250 Military*	250 Military*
(8)	G-11 (Vandenberg Either-Sex Deer Hunt)	200 Military*, DOD and as Authorized by the Installation Commander**	200 Military*, DOD and as Authorized by the Installation Commander**
(9)	G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
(10)	G-13 (San Diego Antlerless Deer Hunt)	300	50-300
(11)	G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
(12)	G-21 (Ventana Wilderness Buck Hunt)	25	25-100
(13)	G-37 (Anderson Flat Buck Hunt)	25	25-50
(14)	G-38 (X-10 Late Season Buck Hunt)	300	50-300
(15)	G-39 (Round Valley Late Season Buck Hunt)	5	5-150
(16)	M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
(17)	M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	5-50
(18)	M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50

Deer: § 360(c) Additional Hunts - Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(19)	M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
(20)	M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
(21)	M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
(22)	M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
(23)	M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
(24)	MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
(25)	MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
(26)	J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
(27)	J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
(28)	J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
(29)	J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
(30)	J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
(31)	J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
(32)	J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	75 Tags Total* (15 Military & 60 Public)	85 Tags Total* (25 Military & 60 Public)
(33)	J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
(34)	J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
(35)	J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
(36)	J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
(37)	J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30

Deer: § 360(c) Additional Hunts - Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(38)	J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
(39)	J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
(40)	J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
(41)	J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
(42)	J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
(43)	J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

**Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

***DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

361

Existing regulations provide for the number of deer hunting tags for existing area-specific archery hunts. The proposed action changes the number of tags for existing hunts to a series of ranges presented in the table

below. These ranges are necessary at this time because the final number of tags cannot be determined until spring herd data are collected in March/April. Because various environmental factors such as severe winter conditions can adversely affect herd recruitment and over-winter adult survival, the final recommended quotas may fall below the current proposed range into the “Low Kill” alternative identified in the most recent Environmental Document Regarding Deer Hunting.

Archery Deer Hunting: § 361(b) - Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(1)	A-1 (C Zones Archery Only Hunt)	1,945	[150-3,000]
(2)	A-3 (Zone X-1 Archery Hunt)	115	[50-1,000]
(3)	A-4 (Zone X-2 Archery Hunt)	10	[5-100]
(4)	A-5 (Zone X-3a Archery Hunt)	35	[10-300]
(5)	A-6 (Zone X-3b Archery Hunt)	70	[25-400]

Archery Deer Hunting: § 361(b) - Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(6)	A-7 (Zone X-4 Archery Hunt)	120	[25-400]
(7)	A-8 (Zone X-5a Archery Hunt)	15	[15-100]
(8)	A-9 (Zone X-5b Archery Hunt)	5	[5-100]
(9)	A-11 (Zone X-6a Archery Hunt)	50	[10-200]
(10)	A-12 (Zone X-6b Archery Hunt)	90	[10-200]
(11)	A-13 (Zone X-7a Archery Hunt)	45	[10-200]
(12)	A-14 (Zone X-7b Archery Hunt)	25	[5-100]
(13)	A-15 (Zone X-8 Archery Hunt)	40	[5-100]
(14)	A-16 (Zone X-9a Archery Hunt)	140	[50-500]
(15)	A-17 (Zone X-9b Archery Hunt)	300	[50-500]
(16)	A-18 (Zone X-9c Archery Hunt)	350	[50-500]
(17)	A-19 (Zone X-10 Archery Hunt)	100	[25-200]
(18)	A-20 (Zone X-12 Archery Hunt)	100	[50-500]
(19)	A-21 (Anderson Flat Archery Buck Hunt)	25	[25-100]
(20)	A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	[200-1,500]
(21)	A-24 (Monterey Archery Either-Sex Deer Hunt)	100	[25-200]
(22)	A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	[20-75]
(23)	A-26 (Bass Hill Archery Buck Hunt)	30	[10-100]
(24)	A-27 (Devil's Garden Archery Buck Hunt)	5	[5-75]

Archery Deer Hunting: § 361(b) - Tag Allocations			
§	Hunt Number (and Title)	Current 2015	Proposed 2016 [Range]
(25)	A-30 (Covelo Archery Buck Hunt)	40	[20-100]
(26)	A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	[200-1,500]
(27)	A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	[50-300]
(28)	A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	50 Tags Total* (25 Military & 25 Public)	50 Tags Total* (25 Military & 25 Public)

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

362

The current regulation in Section 362, T14, CCR, provides for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed amendments are intended to adjust the number of hunting tags for the 2016 season based on the Department’s annual estimate of the population in each of the nine hunt zones. The Department’s final recommendations will ensure that the take will be no more than 15 percent of the mature rams estimated in each zone in accordance with Fish and Game Code Section 4902.

Preliminarily, the tag numbers are presented as ranges (e.g., [0–3]) in the table in subsection 362(d) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 14, 2016, adoption hearing.

363

Amend Section 363, Pronghorn Antelope, Title 14, California Code of Regulations (CCR).

In accordance with management goals and objectives, and in order to maintain hunting quality, tag quotas for Pronghorn Antelope hunts need to be adjusted annually. Current regulations specify the number of pronghorn antelope hunting tags for the 2015 season. This proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in 2016.

Preliminarily, the tag numbers are presented as ranges (e.g., [0–3]) in the table in subsection 363(m) of the amended Regulatory Text. Final tag quotas for each zone will be identified and recommended to the Fish and Game Commission at the April 14, 2016, adoption hearing.

Other minor changes to the regulatory text to reduce redundancy, improve accuracy and clarity are proposed.

364

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2016 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

Proposed Amendments:

- The current Elk Hunt regulations in Title 14, Section 364, are overly long and the format makes it difficult to navigate to find pertinent hunting information. The Department of Fish and Wildlife (Department) is recommending placing a substantial amount of information from Section 364 in a Table to improve the hunting regulations and make them more user-friendly.
- In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.
- Remove, Amend, and Establish New Hunt Areas. The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20).

- Add New Opportunities for Specialized Hunts. The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the new areas added, some new opportunities will be made available.
- Modify Season Dates and Hunt Periods. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The new Table sets forth the recommended days for each hunt.
- Modifications to Hunt Area Special Conditions.
- Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas since all pertinent information is sent to the successful tag purchaser (hunter) along with their tag. Tag holders are also provided contact numbers for local Department employees to answer any additional questions. Where required, the Special Conditions appear in regulation with the hunt area description. Special Conditions for hunting on military installations appear in new subsections (p) Fort Hunter Liggett Special Conditions; and, (q) Camp Roberts Special Conditions.

Minor Editorial Changes are proposed to improve clarity and reduce redundancy.

364.1

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. In conjunction with proposed amendments to Section 364, Elk, which will delete, amend and add hunt areas, it is necessary to similarly amend Section 364.1 for consistency.

Preliminary tag quota ranges are indicated pending final 2016 tag allocations in accordance with elk management goals and objectives. Survey data collected between October 2015, and March 2016, will be the basis for the final tag numbers recommended to the Commission at the April 2016 adoption hearing. The quota ranges for 2016 elk tags are indicated in the proposed Regulatory Text.

Other minor editorial changes and renumbering have also been made.

The complete Table and text is found in the attached proposed Regulatory Text of Section 364.1.

708.18

Existing regulations in Section 708, T14, CCR specify procedures and conditions for returning or exchanging big game tags and refunding tag fees but do not identify similar procedures to allow the return of big game fund raising tags sold by qualifying non-governmental organizations at auction.

This proposal would add Subsection 708.18 to establish regulations which allow the return of the purchase price for fund raising tags. The new provisions set forth a few possible circumstances beyond the control of the holder under which, by example, the tag holder may not be able to use the FRT. These include, but are not limited to, illness, military deployment, and hunt area closure (i.e., fire, etc.). However, the request to return the tag must be made in writing to the Department, at least ten business days before the start of the season. If possible, the returned FRT will be made available for purchase by the next highest bidder(s).

Benefits of the regulations

Sections

265 The regulation eliminates unnecessary language regarding the prohibition on the use of treeing switches; and, permits GPS equipped collars increasing the hunter's ability to find and retrieve downed wild pigs and deer as well as lost dogs.

353 The Commission anticipates benefits to the health and welfare of California residents and benefits to the State's environment because the proposed regulation assists the Department in the sustainable management of California's big game populations.

360–361 The deer herd management plans specify objective levels for the proportion of bucks in the herds. These ratios are maintained and managed in part by annually modifying the number of hunting tags. The final values for the license tag numbers will be based upon findings from the annual harvest and herd composition counts.

362 The Nelson Bighorn Sheep management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.

- 363 The management plans specify objective levels for the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from the population surveys.
- 364– The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate.
- 364.1
- 708.18 The Commission anticipates benefits to the health and welfare of California residents and benefits to the State’s environment because the proposed regulations assist the Department in the sustainable management of California’s natural resources.

NON–MONETARY BENEFITS TO THE PUBLIC

All Sections in this Notice

The Commission does not anticipate non–monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

**CONSISTENCY WITH STATE OR
FEDERAL REGULATIONS**

Sections

- 265, The Fish and Game Commission, pursuant to
- 353, Fish and Game Code Sections 200, 202 and
- 360, 203, has the sole authority to regulate deer
- 361 hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to deer tag allocations are consistent with Sections 360, 361, 701, 702, 708.5 and 708.6 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations. The proposed amendments are consistent with federal laws.
- 362 The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and

- 203, has the sole authority to regulate Nelson Bighorn Sheep hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to Nelson Bighorn Sheep tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
- 363 The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate pronghorn antelope hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to pronghorn antelope tag allocations are consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
- 364– The Fish and Game Commission, pursuant to
- 364.1 Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.
- 708.18 The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate big game hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to the refund of the price of unused fund raising tags to be consistent with the provisions of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 11, 2016 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo

Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 12, 2016. All comments must be received no later than April 14, 2016, at the hearing location listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Roger Bloom, Department of Fish and Wildlife, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the various rulemaking documents are also available on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

Sections

- 265 The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Removing outdated prohibitions on treeing switches and GPS collars are not anticipated to affect current levels of hunting effort for species that can legally be pursued with dogs.
- 353 The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adds definitions to method of take regulations for big game in order to clarify regulations for law enforcement and legal applications, and eliminate possible confusion on the part of hunters. The proposal is economically neutral to business.
- 360(a), The proposed action will not have a significant
360(b), statewide adverse economic impact directly
360(c), affecting business, including the ability of
361, California businesses to compete with
362, businesses in other states. The proposed action
363, adjusts tag quotas for existing deer hunts. Giv-
364, en the number of tags available and the area
364.1, over which they are distributed, these propos-
708.18 als are economically neutral to business.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

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

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

**S. Garcia
Regulation and Policy Management Branch
Telephone (916) 445-2266**

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

**Bryan Donahoo
Department of Corrections and Rehabilitation
(916) 323-2160**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

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

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

This action:

- Amends Chapter 1, Subchapter 2, Article 7 of the CCR, Title 15, Division 3 to be consistent with PC Section 6402 pertaining to clothed body searches.
- Amends section 3173.2 of the CCR, Title 15, Division 3 concerning Searches and Inspections.
- Establishes options for visitors who elicit a positive response to a passive canine air scan search or refuse to participate in the Department's drug interdiction process.

- Establishes procedures to inform visitors of the progressive actions taken when a visitor has multiple incidents of positive alerts and/or refusals to participate in drug interdiction in a twelve (12) month period.

FORMS INCORPORATED BY REFERENCE

CDCR 837-A (Rev. 10/15), Crime/Incident Report Part A — Cover Sheet

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that these regulations will reduce the amount of contraband brought into the institutions, creating a safer environment for inmates, staff, visitors, contractors and their employees, and volunteers. The regulations may reduce strife between inmates trying to profit from illegal activities, thus the need to modify inmate programs as a result of disruptive behaviors may be reduced. Additionally, as a result of a decrease in illegal drugs entering the institutions, inmates seeking recovery from addiction may have an environment more beneficial to their recovery.

The proposed regulations provide for additional options for types of visiting for visitors who elicit a positive response to a passive canine air scan search or refuse to participate in the Department's drug interdiction process. Moreover, it provides details to staff and visitors of the progressive actions taken when a visitor has multiple incidents of positive alerts and/or refusals to participate in drug interdiction during a twelve (12) month period. The benefit of having progressive consequences is visitors will be discouraged from refusing to participate in drug interdiction, whereas without specific consequences visitors could refuse to participate in drug interdiction leaving the Department with no alternative means to encourage participation.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department reached this conclusion because these proposed regulations supplement existing regulations in order to comply with the statutes under PC Section 6402.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reim-

bursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents or the state’s environment, because the proposed regulations relate strictly to the management of CDCR institutions.

The Department has determined that the proposed regulations may have a positive impact upon the welfare of California residents by helping reduce illegal drug activity and use.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

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

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department’s contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department’s website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the De-

partment adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the California Guide Dog Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than 5:00 p.m. on February 22, 2016**, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 7208 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 7209 and

7211 of the BPC, the Board is considering changes to sections 2259, 2261, 2261.1, 2261.2, and 2261.3, Article 2 of Division 22 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

In accordance with the provisions of the Administrative Procedures Act, BPC §7208 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into effect the procedures of the Board.

BPC §7209 specifies the requirements that a person desiring an Instructor’s license must possess prior to examination.

BPC §7211 specifies the application process for an Instructor’s license including an application fee and the satisfactory completion of an examination prescribed by the Board.

This proposal would amend and add regulations to govern the examination process for an Instructor’s license.

Specifically, the Board is proposing the following:

- Amend Section 2259 of Article 2 Division 22 of Title 16 of the CCR (Applications) The proposed language would define an expired application and make technical, non-substantive changes to remove duplicative language and more clearly depict the code.
- Amend Section 2261 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Examinations)

The proposed language specifies that the examination process applies only to applicants for a Guide Dog Instructor license and amends who the Board shall delegate to administer the exam. The proposed language authorizes the Executive Officer to form an Examination Committee of three licensed Guide Dog Instructors with representation from at least two licensed guide dog schools at each examination. Any applicant dissatisfied with the results of their exam must submit a request for explanation or reconsideration in writing.

- Adopt Section 2261.1 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Written Examination)

The proposed language outlines the type of exam, the duration, policies in effect during the exam, and the notification process following completion of the exam.

The exam was developed by Subject Matter Experts (SMEs) and staff members from the Office of Professional Exam Services (OPES) based on knowledge statements identified in an occupational audit of guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and some are repeated over various tasks. 100 questions were developed by SMEs and OPES staff during the examination writing process. A general rule of one minute per questions was utilized, but since licensure examinations are not speed tests, these rules are usually rounded up to the nearest 30 minute increment. Based on these assumptions, a two hour exam was deemed sufficient during the exam writing process.

In order to ensure that examination security is not breeched, applicants cannot take any materials from the room, nor can they leave the room during the examination, or utilize cell phones or other personal items.

Applicants will be notified immediately after completing the examination because the written examination is only one component of the examination process and the final component usually takes place the next day. There is no time to formally mail the applicant their results so they will be given their results in person after the examination is completed and graded.

Applicants must successfully complete the written examination before taking the oral examination. If an applicant fails the written examination, he or she may retake it again in six months for a fee of \$50. Six months is generally the amount of time between each examination offered by the Board and also gives an applicant time to study the knowledge statements in the occupational audit and prepare to take the examination again.

- Adopt Section 2261.2 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Practical Examination)

The proposed language outlines the criteria, content, and competencies to be included or demonstrated in the exam. The proposed language specifies the medium with which the exam shall be submitted to the Board, and identifies that the exam shall not identify the school with which the applicant is affiliated.

Applicants must make and submit to the Board a video recording of their interaction with a guide dog team in training for review by the Examination Committee. The video recording is used as an aide by the applicant during the oral

examination. In order to certify that the recording criteria were met, the applicant must sign a copy of the “Practical Examination Video Recording Guidelines” and submit it with the video recording.

The applicant must submit the video recording a minimum of 30 days before the examination so that it may be reviewed for compliance with the guidelines and to ensure accessibility with the equipment to be used during the oral examination.

The video recording must be submitted in a digital format to ensure compatibility with the equipment to be used on examination day.

When developing the practical examination guidelines, OPES staff and SMEs determined that the video should:

- take place in a typical community setting and incorporate at least two intersection crossings so as to relate to real life travel
- between 15 and 30 minutes which closely relates to typical instructional routes
- record clear audio and video to allow the examination raters to accurately review the techniques utilized
- be unedited raw footage containing the date and time of filming to ensure that techniques were not practiced and reworked without being recorded
- not state the name of the school with which the applicant is affiliated to ensure impartial examination rating
- include head to toe footage of the apprentice and the guide dog team to allow the examination raters to accurately review the techniques utilized
- include four tasks identified by the SMEs and OPES staff to allow the examination raters to accurately review the techniques utilized and ensure the safety of the guide dog team.
- Adopt Section 2261.3 of Article 2 Division 22 of Title 16 of the California Code of Regulations (Oral Examination)

The proposed language outlines when an applicant is eligible for the oral examination, specifies that an applicant shall utilize the practical examination recording as a visual representation of the tasks that they are expected to address, specifies the competencies that the applicant shall discuss, and outlines the questions that the exam raters may ask during the examination and the criteria they shall use when determining an applicant’s suitability for licensure.

The exam was developed by SMEs and staff members from OPES based on knowledge statements identified in an occupational audit of guide dog instructors published in 2011. Eighty-five knowledge statements were identified in the occupational audit and eight were selected by SMEs as relevant to depicting an applicant's ability to problem solve with a guide dog team in training. Applicants are expected to speak to these points during the oral examination while using the video recorded practical exam to enhance their presentation.

In order to keep the examination focused and to ensure the integrity of the examination, the examination raters may:

- not ask any questions unrelated to the listed knowledge statement
- ask an applicant to expand on a knowledge statement
- ask an applicant if there are any safety concerns related to the video content
- consider any or all of the Board's enabling statutes when determining an applicant's suitability for licensure

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The Board is responsible for licensing and regulating guide dog schools and instructors who train guide dogs and people who are blind or visually impaired in the use of guide dogs. The Board is statutorily required to examine applicants for licensure as Guide Dog Instructors. While the statutory authority is broad in nature, the Board has developed the following changes to its regulatory code to specify the process that an applicant must follow in order to ultimately become licensed as an Instructor. Absent regulations that specify this process, the Board would simply be imposing policy on the applicant pool. Memorializing the examination process in the Board's regulations is consistent with other programs within the Department of Consumer Affairs. These changes will implement and make specific the Board's examination authority.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations provide specificity regarding the examination process to obtain an Instructor's license with the Board. Providing a clear and concise examination process ensures that applicants are aware of the requirements prior to application. Furthermore, it ensures that applicants for an Instructor's license are tested thoroughly before being permitted to perform

instruction in the State which increases public protection.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has determined that these are the only regulations that deal with the subject area of the Board's examination program. Additionally, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Underlying Data

1. Meeting minutes from January 13, 2015 Practice Task Force Meeting
2. Meeting minutes from January 20, 2015 Board Meeting
3. Occupational Audit of Guide Dog Instructors — Published 2011

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

These regulations will not have a significant adverse impact on the three licensed guide dog schools in California or on the approximate 100 licensed Guide Dog Instructors in California. The Board licenses approximately 5–15 new Instructors each year. The requirements in this regulations package are not expected to exceed a one-time cost for the recording of the practical examination, plus the cost of traveling to attend the examination. Although the majority of applicants come from California licensed schools, applicants come from all over the United States to take the examination. The estimated one-time cost for an applicant to undergo the examination process may range from \$50–500.

Cost Impact on Representative Private Person or Business:

These regulations will not have a significant adverse impact on private persons or businesses. The requirements in this regulations package are not expected to exceed a one-time cost of \$50–500 for the recording of the practical examination, plus the cost of traveling to attend the examination.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations only pertain to applicants for an Instructor’s license. In the foreseeable past, all applicants have been employees of Guide Dog Schools either located or operating in California.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by improving the clarity of the examination process for applicants for an Instructor’s license.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the in-

formation upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Blvd., Suite N112, Sacramento, California 95834.

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

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

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

CONTACT PERSON

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

Name: Brian Skewis, Executive Officer
 Address: California State Board of Guide Dogs for the Blind
 1625 North Market Blvd., Suite N112
 Sacramento, California 95834
 Telephone No.: 916-574-7825
 Fax No.: 916-574-7829
 E-Mail Address: Brian.Skewis@dca.ca.gov

BACKUP PERSON

Name: Katherine Demos,
 Regulations Coordinator
 Address: Department of Consumer Affairs
 1625 North Market Blvd., Suite S204
 Sacramento, California 95834
 Telephone No.: 916-574-7804
 Fax No.: 916-574-8655
 E-Mail Address: Katherine.Demos@dca.ca.gov

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

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California

Code of Regulations, title 18, section (Regulation or Reg.) 1668, *Sales for Resale*, which incorporate and implement, interpret, and make specific RTC sections 6007 and 6009.2, as amended and added by Assembly Bill No. 2681 (AB 2681) (Stat. 2014, ch. 477). The new statutory provisions now make a sale or purchase of counterfeit goods by a convicted seller or purchaser subject to sales and use tax, including sales and purchased for resale in the regular course of business. The proposed amendments add subdivision (j) to Regulation 1668 to incorporate the new provisions of RTC sections 6007 and 6009.2 by specifying that a sale or purchase of counterfeit goods by a convicted seller or purchaser is subject to tax, and that the transactions are taxable regardless of whether the sale or purchase was for resale.

PUBLIC HEARING

The Board will conduct a meeting in Room 207 at 5901 Green Valley Circle, Culver City, California, on February 23–25, 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 at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on February 23, 24, or 25, 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 Regulation 1668.

AUTHORITY

RTC section 7051

REFERENCE

RTC Sections 6007, 6009.2, 6012.8, 6012.9, 6072, 6091–6095, 6241–6245, 6484, 6485, and 7153

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

The Sales and Use Tax Law (RTC, § 6001 et seq.) imposes sales tax on retailers for the privilege of selling tangible personal property at retail in California and provides that sales tax is measured by the gross receipts

from the retail sale of tangible personal property in this state, unless the sale is specifically exempt from taxation by statute. Although sales tax is imposed on retailers, retailers may collect sales tax reimbursement from their customers if their contracts of sale so provide. (Civ. Code, § 1656.1; Reg. 1700, subd. (a)(1).)

When sales tax does not apply, the Sales and Use Tax Law imposes use tax on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer, unless specifically exempted or excluded by statute. The obligation to pay the use tax is on the consumer. However, every retailer “engaged in business” in California that makes sales subject to California use tax is required to collect the use tax from its customers and remit it to the Board, and such retailers are liable for California use tax that they fail to collect from their customers and remit to the Board. (Reg. 1684.)

RTC section 6007 defines the terms “retail sale” or “sale at retail” to mean a sale for any purpose other than resale in the regular course of business in the form of tangible personal property. RTC sections 6008 and 6009 define “storage” and “use,” respectively. “Storage” includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer. “Use” includes the exercise of any right or power over tangible personal property incident to the ownership of that property, and also includes the possession of, or the exercise of any right or power over, tangible personal property by a lessee under a lease, except that it does not include the sale of that property in the regular course of business.

RTC sections 6091 through 6095 (sales tax) and 6241 through 6245 (use tax) generally establish the presumption that the sale or storage, use or other consumption of tangible personal property is subject to sales or use tax, place the burden on the retailer to establish that tax does not apply, unless the retailer takes a certificate from the purchaser to the effect that the property is purchased for resale, and impose liability on persons who purchase tangible personal property with a resale certificate and subsequently make any use of the property other than retention, demonstration, or display while holding it for resale in the regular course of business. The Board previously adopted Regulation 1668 to implement, interpret, and make specific the RTC provisions regarding sales for resale, including prescribing the form of resale certificates, prescribing the circumstances under which a retailer can overcome the presumption of taxability by timely taking a resale certificate from a purchaser in good faith, and establishing the presumption that a re-

sale certificate is taken in good faith in the absence of evidence to the contrary.

In addition, RTC section 6094.5 generally provides that “[a]ny person, including any officer or employee of a corporation, who gives a resale certificate for property which he or she knows at the time of purchase is not to be resold by him or her or the corporation in the regular course of business is liable to the state for the amount of tax that would be due if he or she had not given such resale certificate,” and “a penalty of 10 percent of the tax or five hundred dollars (\$500) whichever is greater, for each purchase made [with a resale certificate] for personal gain or to evade the payment of taxes,” and is guilty of a misdemeanor for each purchase made with a resale certificate for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction. RTC sections 6484 and 6485 alternatively provide for the imposition of a 10 percent penalty on the amount of a deficiency determination if any part of the deficiency is due to negligence or the intentional disregard of the Sales and Use Tax Law or the Board’s regulations or a 25 percent penalty on the amount of a deficiency determination if any part of the deficiency is due to fraud or an intent to evade the Sales and Use Tax Law or the Board’s regulations. And, Regulation 1668, subdivision (d), clarifies that all of these statutory provisions providing for civil and criminal penalties may apply to a person who makes an improper use of a resale certificate and thereafter fails to report the tax due as a result of such misuse.

Also, RTC sections 6012.8 and 6012.9 specify that mobilehome retailers are consumers of mobilehomes under specified circumstances. RTC sections 6012.8 and 6012.9 permit mobilehome retailers to give resale certificates for the purchase of mobilehomes under such circumstances to facilitate the reporting of their tax liabilities when they ultimately sell the mobilehomes to their customers for installation for occupancy as a residence. RTC section 6012.8 was also amended, effective September 19, 1985, to provide that a mobilehome retailer can issue a resale certificate for the purchase of a mobilehome regardless of whether the retailer installs the mobilehome on a foundation system as an improvement to realty prior to selling the mobilehome to its customer. And, the provisions of RTC sections 6012.8 and 6012.9 providing for the issuance of resale certificates by mobilehome retailers, including the effective date of the 1985 amendments to RTC section 6012.8, are implemented, interpreted, and made specific by Regulation 1668, subdivision (h).

Further, Regulation 1661, *Leases of Mobile Transportation Equipment*, explains that, under RTC sections 6006, 6010, 6094, and 6244, lessors are consumers of mobile transportation equipment (MTE) and if they purchase MTE without the payment of tax or tax reim-

bursement, they may elect to pay use tax measured by the “fair rental value” of the MTE. Regulations 1661 and 1668, subdivision (i), also both specify that, under RTC sections 6092.1 and 6243.1, a lessor of MTE, other than a lessor exempt from use tax, may issue a resale certificate for the purchase of MTE for the limited purpose of reporting use tax based on fair rental value in accordance with RTC sections 6094 and 6244. And, Regulation 1668, subdivision (d), clarifies that its civil and criminal penalty provisions do not apply in the narrow circumstances where a resale certificate is issued in accordance with subdivision (h) or (i).

Furthermore, prior to September 19, 2014, counterfeit merchandise could be sold and purchased for resale for sales and use tax purposes. So, a person found guilty of selling counterfeit merchandise would not be liable for tax on sales of such merchandise for resale. Similarly, a person found guilty of possessing counterfeit merchandise in inventory could have purchased the merchandise for resale without having paid sales tax reimbursement or use tax or being liable for tax.

Effective September 19, 2014, Assembly Bill No. 2681 (AB 2681) (Stat. 2014, ch. 477) amended RTC section 6007 and enacted RTC section 6009.2 to establish that any sale by a convicted seller or purchase by a convicted purchaser of counterfeit goods is subject to tax. Specifically, it added a new subdivision (b) to RTC section 6007 to further define “retail sale” to include “any sale by a convicted seller of tangible personal property with a counterfeit mark on, or in connection with, that sale, regardless of whether the sale is for resale in the regular course of business.” Similarly, the bill added new RTC section 6009.2 to further define “storage” and “use” to include any “purchase by a convicted purchaser of tangible personal property with a counterfeit mark on, or in connection with, that purchase, regardless of whether the purchase is for resale.” RTC section 6007 defines “convicted seller” and RTC section 6009.2 defines “convicted purchaser” to mean a person convicted of a violation under section 2320 of title 18 of the United States Code or under sections 350 or 653w of the Penal Code on or after the date of the sale or purchase, respectively. Both statutes provide that “[c]ounterfeit mark” has the same meaning as that term is defined in Section 2320 of Title 18 of the United States Code” and both statutes require that a notice of deficiency determination, issued to a convicted seller or purchaser, “shall be mailed within one year after the last day of the calendar month following the date of conviction.” Therefore, AB 2681 now makes sales and purchases of counterfeit goods by a convicted seller or convicted purchaser subject to tax, including resale transactions. In addition, it does not matter if the person convicted is the manufacturer, wholesaler, distributor, or retailer of the counterfeit goods.

Effects, Objectives, and Benefits of the Proposed Amendments to Regulation 1668

Need for Clarification

Regulation 1668 was last amended in 2009, which was prior to the passage of AB 2681. Therefore, the Board’s Business Taxes Committee (BTC) staff determined that there is an issue (or problem within the meaning of Gov. Code, § 11346.2, subd. (b)(1)) because Regulation 1668 does not currently indicate that AB 2681 made amendments to RTC section 6007 and add RTC section 6009.2 to change the application of sales and use tax to sales and purchases of counterfeit goods for resale. BTC staff also determined that amendments to Regulation 1668 are needed in order to have the effect and accomplish the objective of addressing the issue (or problem) by making Regulation 1668 consistent with and implementing, interpreting, and making specific the provisions of RTC section 6007, subdivision (b), and RTC section 6009.2 regarding persons convicted of selling or purchasing counterfeit goods (discussed above).

Interested Parties Process

As a result of AB 2681, BTC staff drafted amendments to add a new subdivision (j), entitled “Counterfeit Goods,” to Regulation 1668 and add references to RTC sections 6007 and 6009.2 to Regulation 1668’s reference note. The new subdivision clarifies that convicted sellers’ sales of counterfeit goods are taxable and do not qualify as nontaxable sales for resale. It also clarifies that purchases of counterfeit goods by convicted purchasers are considered for storage and use and are subject to tax, regardless of whether the goods are purchased for resale.

Staff also considered whether the civil and criminal penalty provisions of Regulation 1668, subdivision (d) (discussed above), apply in instances where a seller provides a resale certificate for the purchase of counterfeit goods for resale in the regular course of business without the payment of sales tax reimbursement or use tax and the seller is subsequently convicted of purchasing counterfeit goods. It was determined that the provisions of AB 2681 effectively impose a specific penalty on such a seller by making the seller liable for tax on such purchase, and it would be inconsistent with the provisions of AB 2681 to also impose the civil and criminal penalties provided by RTC sections 6094.5, 6484, and 6485 on such a seller with regard to such a purchase. Therefore, BTC staff also drafted amendments to clarify that Regulation 1668, subdivision (d), does not apply in the narrow circumstances where a resale certificate is issued in accordance with new subdivision (j), and the exception from subdivision (d) is consistent with the existing exceptions from subdivision (d) for resale cer-

tificates issued in accordance with subdivisions (h) and (i) (discussed above).

In addition to the proposed amendments regarding convicted sellers and purchasers of counterfeit goods, staff drafted amendments that deleted the reference to the September 19, 1985, effective date of the 1985 amendments to RTC section 6012.8 (discussed above) from Regulation 1668, subdivision (h), because the reference is no longer needed. Staff also drafted non-substantive amendments to italicize the name of Regulation 1699, *Permits*, in subdivision (a), replace “State” with “state” in subdivision (b)(1)(C), delete an inadvertent space in the reference to subdivision “(b)(4)” in subdivision (b)(3), add a comma after “(\$500)” in subdivision (d)(2), insert “the” before “person” in the last sentence in subdivision (f)(1), delete an inadvertent space from before the parenthetical reference to “mobile transportation equipment” in subdivision (f)(2)(C), replace the period with a semicolon at the end of subdivision (f)(2)(F)3, delete inadvertent brackets from subdivision (f)(3), and replace “Section” and “Sections” with “section” and “sections” throughout subdivision (h).

BTC staff subsequently made its draft amendments to Regulation 1668 available to the interested parties and one interested parties meeting was held to discuss staff’s draft amendments. At the meeting, staff’s recommendations were well received and no submissions from interested parties with alternative language were received. Because BTC staff did not receive any other inquiries or comments regarding the draft amendments during or subsequent to the first interested parties meeting and staff had no changes to its recommendation to amend Regulation 1668, BTC staff did not prepare a second discussion paper and cancelled the second interested parties meeting that was previously scheduled to discuss staff’s draft amendments.

October 27, 2015, BTC Meeting

Subsequently, staff prepared Formal Issue Paper 15–008 and distributed it to the Board Members for consideration at the Board’s October 27, 2015, BTC meeting. Formal Issue Paper 15–008 recommended that the Board propose to adopt the draft amendments to Regulation 1668 (discussed above) in order to incorporate the provisions of RTC sections 6007 and 6009.2, as amended and enacted by AB 2681, by:

- Adding a new subdivision (j).
- Amending subdivision (d) so that it does not apply where a resale certificate is issued in accordance with new subdivision (j).
- Adding references to RTC sections 6007 and 6009.2 to the regulation’s reference note.

Formal Issue Paper 15–008 also recommended that the Board delete the reference to the September 19,

1985, effective date of the 1985 amendments to RTC section 6012.8 (discussed above) from Regulation 1668, subdivision (h), because the reference is no longer needed, and that the Board make the non-substantive amendments to the regulation (discussed above). During the October 27, 2015, BTC meeting, the Board Members unanimously voted to propose the amendments to Regulation 1668 recommended in the formal issue paper. The Board determined that the proposed amendments to Regulation 1668 are reasonably necessary to have the effect and accomplish the objective of making the regulation consistent with and implementing, interpreting, and making specific the provisions of RTC section 6007, subdivision (b), and RTC section 6009.2, and addressing the issue (or problem) that Regulation 1668 does not currently indicate that AB 2681 added RTC section 6007, subdivision (b), and section 6009.2. The Board also determined that the proposed amendments are reasonably necessary to have the effect and accomplish the objective of updating Regulation 1668, subdivision (h), and making the regulation grammatically correct and internally consistent.

The Board anticipates that the proposed amendments to Regulation 1668 will promote fairness and benefit taxpayers, Board staff, and the Board by providing additional notice regarding and implementing, interpreting, and making specific the amendments made to RTC section 6007 and the enactment of RTC section 6009.2, by AB 2681.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1668 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1668 is the only state regulation that provides specific guidance regarding the amendments made to RTC section 6007 and the enactment of RTC section 6009.2, by AB 2681. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1668 or the proposed amendments to Regulation 1668.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1668 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulation 1668 will result in no direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulation 1668 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1668 may affect small business.

NO 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 prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1668 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1668 will not affect the benefits of Regulation 1668 to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

The adoption of the proposed amendments to Regulation 1668 will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Pamela Mash, Tax Counsel, by telephone at (916) 323-3248, by e-mail at Pamela.Mash@boe.ca.gov, or by mail at State Board of Equalization, Attn: Pamela Mash, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

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

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on February 23, 2016, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1668 during the February 23-25, 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, and/or contentions contained in those written comments before the Board decides

whether to adopt the proposed amendments to Regulation 1668. The Board will only consider written comments received by that time.

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

The Board has prepared an underscored and strikethrough version of the text of Regulation 1668 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1668, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

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

The Board may adopt the proposed amendments to Regulation 1668 with changes that are non-substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Regulation 1668, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

Tricolored Blackbird (*Agelaius tricolor*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its December 10, 2015, meeting in San Diego, California, accepted for consideration the petition submitted to list the tricolored blackbird as an endangered species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife’s written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the December 10, 2015 Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

**RULEMAKING PETITION
DECISION**

BOARD OF PAROLE HEARINGS

**RESPONSE TO PETITION TO ADOPT,
AMEND, OR REPEAL A REGULATION
PURSUANT TO GOVERNMENT CODE
SECTIONS 11340.6 AND 11340.7**

BPH PETITION RESPONSE 2015-01

The Board of Parole Hearings (board) received a Petition to Adopt, Amend, or Repeal a Regulation pursuant to Government Code sections 11340.6 and 11340.7 from petitioner Thomas Sims on October 12, 2015. Pursuant to subdivision (a) of section 11340.7, this document serves as the board’s response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. NAME OF AGENCY: Board of Parole Hearings

2. PARTY SUBMITTING THE PETITION: Thomas Sims (E73661)

3. PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED: Title 15, CCR, Division 2, sections 2400-2411.

4. REFERENCE TO AUTHORITY TO TAKE THE ACTION: Petitioner referenced Penal Code section 5076.2(a) as the board’s authority to promulgate regulations; however, the board has determined that this statute does not provide authority for the board to take the specific action requested by the petitioner.

5. REASONS SUPPORTING THE AGENCY’S DECISION: Petitioner appears to be requesting that the board amend the reference notes of the specific regulation sections within the range of sections 2400-2411 that reference “attempted murder.” Specifically, petitioner requests that the board include reference to petitioner’s unpublished superior court case, cited as *In re Tom Sims*, Sacramento County Superior Court Case No. 01F07562 (2002) (SIMS II), in addition to the board’s current reference to *People v. Bright* (1996) 12 Cal.4th 652. Petitioner believes that his case, *Sims II*, should be added to serve as a reference for the proposition that attempted murder cannot be separated into degrees as done with first- and second-degree murder. However, petitioner concedes in his petition that the reference to *People v. Bright* serves the same purpose.

The board declines to adopt petitioner’s requested change because the *Sims II* superior court case is an “un-

published case.” California courts have generally held that it is improper to cite or rely upon unpublished opinions except in limited circumstances. *People v. Gray* (App. 5 Dist. 2014) 176 Cal.Rptr.3d 837 FN 15, 229 Cal.App.4th 285, review filed, review denied. Moreover, the California Style Manual, Rule 1:25 states that “[o]nly published opinions, or the published portions of partially published opinions, may be cited or relied on by courts or parties.”

When no other citations are available as references, the board has cited to unpublished decisions when necessary. However, in this case, the published case *People v. Bright* is citable for the same proposition for which petitioner’s case purportedly stands. Citing to petitioner’s unpublished California superior court case could potentially cause confusion because it would not be easily accessible by the public as illustrative of the point of law at issue in the regulations.

For these reasons, the board declines to adopt petitioner’s request to cite to his unpublished superior court case as a reference for this point of law.

6. BOARD CONTACT PERSON:

Heather L. McCray
Senior Staff Attorney
Board of Parole Hearings
P. O. Box 4036
Sacramento, CA 95812-4036
Office: (916) 322-6729
Fax: (916) 322-3475
BPH.Regulations@cdcr.ca.gov

7. NOTICE TO INTERESTED PERSONS:

Pursuant to subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2015-01** in the request.

DATE OF DECISION: November 10, 2015

**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# 2015-1224-03
BOARD OF BEHAVIORAL SCIENCES
Examination Restructure

The Board of Behavioral Sciences (Board) is making numerous changes in Title 16 of the California Code of Regulations including adopting several new sections and amending numerous sections. The Board is tasked with regulating the practice of licensed marriage and family therapists, licensed educational psychologists, licensed clinical social workers and licensed professional clinical counselors. In this rulemaking action the Board is making changes to the examination process. SB 704 (Chapter 387, Statutes of 2011), SB 821 (Chapter 473, Statutes of 2013) and SB 1466 (Chapter 316, Statutes of 2014) restructure the examination process effective January 1, 2016. One of the changes is the requirement for those seeking licensure to pass two exams: a California law and ethics examination and a clinical examination. Additionally, all registered interns must take the California law and ethics exam during each yearly renewal registration period until passed and if the intern fails the exam he or she must take a 12-hour California law and ethics course.

Title 16
ADOPT: 1805.01, 1805.05, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1877.1, 1877.2, 1877.3 AMEND: 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877
Filed 12/30/2015
Effective 01/01/2016
Agency Contact: Christy Berger (916) 574-8625

File# 2015-1221-01
BOARD OF FORESTRY AND FIRE PROTECTION
Drought Mortality Amendments, 2015

The Board of Forestry and Fire Protection (BOFFP) submitted this emergency readopt action to maintain the regulations adopted in OAL File No. 2015-0701-02E. The emergency rulemaking action amended sections 1038 and 1052.1 in title 14 of the California Code of Regulations, to add drought as a condition that constitutes an emergency, as well as regulations applicable to the harvesting of dead and dying trees in response to drought related stress. This action only readopts the amendments made to section 1038, relating to the harvesting of dead and dying trees. Prior to this readopt action, a certificate of compliance was submitted, OAL File No. 2015-1013-02C, which made permanent all other aspects of emergency action

2015-0701-02E, specifically, the amendments made to section 1052.1.

Title 14
 AMEND: 1038
 Filed 12/29/2015
 Effective 01/12/2016
 Agency Contact: Thembi Borrás (916) 653-9633

File# 2015-1113-03
BOARD OF STATE AND COMMUNITY CORRECTIONS
 Construction Financing Program

This Certificate of Compliance filing submitted by the Board of State and Community Corrections (Board) makes permanent the prior emergency regulatory action (OAL File No. 2015-0611-02ER) that amended thirty-one sections and adopted four sections in title 15 of the California Code of Regulations to add eligibility requirements, matching fund requirements, a proposal process, and evaluation criteria for the construction financing program for adult local criminal justice facilities pursuant to Senate Bill 863.

Title 15
 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3 AMEND: 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
 Filed 12/24/2015
 Effective 12/24/2015
 Agency Contact: Ginger Wolfe (916) 341-7325

File# 2015-1210-01
CALIFORNIA CITIZENS COMPENSATION COMMISSION
 Conflict-of-Interest Code

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

Title 2
 AMEND: 53900
 Filed 12/30/2015
 Effective 01/29/2016
 Agency Contact: Marian Johnston (916) 322-3748

File# 2015-1106-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
 Enrollment Assistance

This rulemaking is a resubmittal of Certificate of Compliance action number 2015-0715-06C, in which the California Health Benefit Exchange sought to make

permanent emergency rulemaking action numbers 2013-0705-01E, 2014-0129-01EE, 2014-0501-02EE, 2014-0709-02EE, and 2014-1202-02EE. This action establishes the Navigator Program within title 10 of the California Code of Regulations, and includes eligibility standards, application requirements, and other guidelines for individuals and entities to participate in the Program.

Title 10
 ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
 Filed 12/23/2015
 Effective 12/23/2015
 Agency Contact: Brian Kearns (916) 228-8843

File# 2015-1116-02
CALIFORNIA HORSE RACING BOARD
 Trainer to Insure Condition of Horse

This rulemaking action by the California Horse Racing Board makes "ship-in horse" owners jointly responsible with licensed trainers for the condition of their horses prior to racing.

Title 4
 AMEND: 1887
 Filed 12/29/2015
 Effective 04/01/2016
 Agency Contact:
 Nicole Lopes-Gravelly (916) 263-6397

File# 2015-1110-05
CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE
 CTCAC Regulations Implementing Federal and State LIHTC Laws

The California Tax Credit Allocation Committee (committee) amended sections 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, and 10337 of title 4 of the California Code of Regulations regarding the allocation of housing credits. Pursuant to subdivision (a) of section 50199.17 of the Health and Safety Code, the committee may amend regulations for the allocation of housing credits pursuant to that chapter and other specified sections of the Revenue and Taxation Code without complying with the procedural requirements of Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code, except as provided in subdivision (b).

Title 4
 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337
 Filed 12/24/2015
 Effective 10/21/2015
 Agency Contact: Gina Ferguson (916) 651-7707

File# 2015-1117-01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Use of Force

This certificate of compliance action makes permanent and amends regulations regarding the use of force in institutions and related forms.

Title 15
AMEND: 3000, 3268, 3268.1, 3268.2
Filed 12/30/2015
Effective 12/30/2015
Agency Contact: Sarah Pollock (916) 445-2308

File# 2015-1110-04
DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Interior Quarantine

This timely Certificate of Compliance makes permanent the emergency regulatory action (2015-0518-01E) that established the process for adding and removing quarantine areas for the Guava fruit fly.

This file adopts performance standards for determining when a quarantine area will be created or removed. The standards include the numbers of Guava flies found, their fertility, the amount of land that will be quarantined around each fly, etc. The regulations include a process for notifying business, the public and interested persons about the creation of the quarantine area and an appeal process if someone disagrees.

Title 3
ADOPT: 3441
Filed 12/23/2015
Effective 12/23/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-1229-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will expand the quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) by approximately 84 square miles in the Sumner Hill area of Madera County and into Fresno County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, and Stanislaus counties that are already under quarantine for the ACP. The

total area which would be under quarantine would be approximately 52,993 square miles.

Title 3
AMEND: 3435(b)
Filed 12/30/2015
Effective 12/30/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-1106-01
DEPARTMENT OF SOCIAL SERVICES
Participation Requirement Changes to the CalWORKs Welfare-to-Work Program

This Certificate of Compliance by the Department of Social Services (the "Department") makes permanent the prior emergency readopt action (OAL File No. 2015-0710-01EF), which adopted and amended several sections in the Manual of Policies and Procedures (the "MPP") in response to the passage of Senate Bill 1041 (2011-2012 Reg. Sess.). S.B. 1041 made substantial changes to Welfare-to-Work requirements in the California Work Opportunity and Responsibility to Kids program. This action maintains the changes made through both the original emergency action (OAL File No. 2015-0112-EFP) and the emergency readopt action.

Title MPP
ADOPT: 42-708, 42-709
AMEND: 42-302, 42-701, 42-711, 42-712, 42-713, 42-714, 42-716, 42-717, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111
Filed 12/23/2015
Effective 12/23/2015
Agency Contact: Kenneth Jennings (916) 651-8862

File# 2015-1113-01
DEPARTMENT OF SOCIAL SERVICES
Administrator Certification Program CCL

This rulemaking by the Department of Social Services (Department) revises regulations relating to the Administrator Certification Program of Community Care Licensing including certification and continuing education of facility administrators of Group Homes, Adult Residential Facilities, and Residential Care Facilities for the Elderly.

Title 22, MPP
ADOPT: 84092, 84093, 85092, 85093, 87794, 87795 AMEND: 84001, 84002, 84064, 84064.2, 84064.3, 84064.4, 84064.5, 84090, 84090.1, 84090.2, 84091, 84091.1, 84091.2, 84091.3, 84091.4, 85001, 85002, 85064, 85064.2, 85064.3, 85064.4, 85064.5, 85090, 85090.1, 85090.2, 85091, 85091.1, 85091.2, 85091.3, 85091.4, 87101, 87102, 87405, 87406, 87407, 87408, 87409, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793

Filed 12/30/2015
 Effective 01/01/2016
 Agency Contact: Kenneth Jennings (916) 651-8862

File# 2015-1218-01
 DEPARTMENT OF SOCIAL SERVICES
 AB 74 CalWORKs Regulations Changes

This readoption, for a period of 180 days, of emergency regulations amends state welfare-to-work regulations and adopts a new regulation concerning Family Stabilization to conform to Assembly Bill 74, Chapter 21, Statutes of 2013. The amended regulations add expanded subsidized employment as a permitted welfare-to-work activity distinct from other forms of subsidized employment and establish a more comprehensive appraisal and early engagement process for welfare-to-work participation in which recipients can participate in any necessary welfare-to-work activity that is consistent with their assessments.

Title MPP
 ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207
 Filed 12/24/2015
 Effective 12/24/2015
 Agency Contact: Ying Sun (916) 651-2586

File# 2015-1116-01
 FISH AND GAME COMMISSION
 Commercial hagfish traps

Through this regular rulemaking, the Fish and Game Commission (the "Commission") is amending section 180.6 in title 14 of the California Code of Regulations. Section 180.6 is being amended to allow hagfish to be taken in 40-gallon barrel traps. These amendments also allow the use of up to three ground lines and up to 25 barrel traps per vessel. Additionally, the amendments to Section 180.6 specify that, if using barrel traps, no other trap type may be used or possessed aboard the vessel. Lastly, these amendments prohibit the use of popups with buoy lines attached to barrel traps.

Title 14
 AMEND: 180.6
 Filed 12/30/2015
 Effective 01/01/2016
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2015-1218-05
 FISH AND GAME COMMISSION
 Measures for Fisheries at Risk Due to Drought Conditions

In this emergency readopt, the Fish and Game Commission (Commission) is readopting section 8.01 in title 14 of the California Code of Regulations that pro-

pects fisheries under critical conditions stemming from the drought by establishing a set of triggers to guide fishing closure and reopening actions. Closures will occur when specific triggering events occur including water temperatures exceeding 70° for over eight hours a day for three consecutive days. Other triggers include oxygen levels, water levels, breeding population and several others.

Title 14
 ADOPT: 8.01
 Filed 12/28/2015
 Effective 12/28/2015
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2015-1222-01
 FRANCHISE TAX BOARD
 Election of Alternative Communication Method

This resubmittal of OAL File No. 2015-1013-01S by the Franchise Tax Board (FTB) adopts section 18416.5 of title 18 of the California Code of Regulations to specify the procedure for taxpayers and taxpayer authorized representatives to select an alternative electronic communication method using the Board's web-based function known as "My FTB Account." This action also specifies the consequences of election of an alternative communication method, how to revoke an election, consequences of delivery failures, and the good cause revocation of the "My FTB Account" function.

Title 18
 ADOPT: 18416.5
 Filed 12/29/2015
 Effective 01/01/2016
 Agency Contact: Christy Keith (916) 845-6080

File# 2015-1120-04
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Confined Spaces in Construction (Horcher)

The U.S. Department of Labor, Occupational Safety and Health Administration promulgated regulations addressing Safety Standards for Confined Spaces in Construction on May 4, 2015, as 29 Code of Federal Regulations, section 1926.1200-1926.1213. Through this rulemaking, the Board is adopting sections in Title 8 of the California Code of Regulations that are substantially the same as the final rule promulgated by Federal OSHA. This action is exempt from OAL review.

Title 8
 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
 Filed 12/30/2015
 Effective 12/30/2015
 Agency Contact: Marley Hart (916) 274-5721

File# 2015-1117-02
 PHYSICAL THERAPY BOARD OF CALIFORNIA
 Physical Therapy Fees

This resubmittal action adopts and increases various licensing fees related to physical therapists and physical therapist assistants.

Title 16
 ADOPT: 1399.50, 1399.52
 Filed 12/23/2015
 Effective 12/23/2015
 Agency Contact: Brooke Arneson (916) 561-8260

File# 2015-1211-03
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998; SB 869
 — HPI & CTEFP

In this regulatory action, the Board amends sections in title 2 of the California Code of Regulations to implement provisions contained in Senate Bill 869, Chapter 39, Statutes of 2014. The regulations specify that the Board shall not approve High Performance Incentive grants on or after January 1, 2015.

Title 2
 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198
 Filed 12/23/2015
 Effective 12/23/2015
 Agency Contact: Lisa Jones (916) 376-1753

File# 2015-1211-04
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998: SB 869
 — Return of Funds

This action delineates the process by which the State Allocation Board (SAB) distributes High Performance Incentive (HPI) grants and Career Technical Education Facilities funds pursuant to statutory amendments re-allocating those funds to other uses established by SAB.

Title 2
 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190
 Filed 12/23/2015
 Effective 12/23/2015
 Agency Contact: Lisa Jones (916) 376-1753

File# 2015-1110-02
 STATE WATER RESOURCES CONTROL BOARD
 Amendment to Remove MUN from 12 Water Bodies in Sacramento River Basin

In this rulemaking, the State Water Resources Control Board approves the basin plan amendment adopted by the Central Valley Regional Water Quality Control Board which removes the Municipal and Domestic Supply (MUN) beneficial use in twelve constructed

and/or modified water bodies in the Sacramento River Basin.

Title 23
 AMEND: 3949.5
 Filed 12/23/2015
 Effective 12/23/2015
 Agency Contact: Anne Littlejohn (916) 464-4840

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN July 29, 2015 TO
 December 30, 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
 12/30/15 AMEND: 53900
 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198
 12/23/15 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190
 12/22/15 AMEND: 51000
 12/21/15 AMEND: 58200
 12/21/15 AMEND: 59100
 12/21/15 AMEND: 1859.76
 12/15/15 ADOPT: 18360 AMEND: 18362
 REPEAL: 18360
 12/15/15 AMEND: 57500
 12/15/15 REPEAL: 18413
 12/14/15 ADOPT: 5.1, 5.2, 90, 248, 548.2, 548.5
 REPEAL: 548.77
 12/09/15 ADOPT: 11023 AMEND: 11005.1 (renumbered to 10500), 11006, 11008, 11009, 11019, 11023 (renumbered to 11024), 11028, 11029, 11030, 11031, 11034, 11035, 11036, 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11049, 11050, 11051, 11059, 11060, 11062, 11064, 11065, 11066, 11067, 11068, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11121, 11122, 11123, 11128, 11131, 11132, 11133 (renumbered to 10250), 11134 (renumbered to 10251), 11135 (renumbered to 10252), 11136 (renumbered to 10253), 11137

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(renumbered to 10254), 11138
 (renumbered to 10255), 11139
 (renumbered to 10256), 11140
 (renumbered to 10257), 11141
 (renumbered to 10258) REPEAL: 11024
 12/08/15 ADOPT: 59790
 12/03/15 REPEAL: 28010
 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,
 1859.125.1, 1859.145, 1859.163.1,
 1859.163.5, 1859.167.2, 1859.193
 10/28/15 AMEND: 52400
 10/19/15 AMEND: 18422
 10/19/15 AMEND: 18422.5
 10/12/15 AMEND: 599.500
 09/24/15 AMEND: 1181.1, 1181.2, 1181.3,
 1181.4, 1181.6, 1181.7, 1181.8, 1181.9,
 1181.10, 1181.11, 1181.12, 1181.13,
 1182.1, 1182.2, 1182.3, 1182.4, 1182.5,
 1182.6, 1182.7, 1182.8, 1182.10,
 1182.12, 1182.13, 1183.1, 1183.2,
 1183.4, 1183.5, 1183.7, 1183.8, 1183.9,
 1183.11, 1183.12, 1183.13, 1183.14,
 1183.15, 1183.16, 1183.17, 1183.18,
 1184.1, 1185.1, 1185.2, 1185.3, 1185.4,
 1185.5, 1185.6, 1185.7, 1185.8, 1185.9,
 1186.1, 1186.2, 1186.3, 1186.4, 1186.5,
 1186.6, 1186.7, 1187.1, 1187.2, 1187.3,
 1187.4, 1187.5, 1187.6, 1187.7, 1187.8,
 1187.9, 1187.10, 1187.11, 1187.12,
 1187.13, 1187.14, 1187.15, 1188.1,
 1188.2, 1190.1, 1190.2, 1190.3, 1190.4,
 1190.5
 09/21/15 AMEND: 35101
 09/16/15 AMEND: 54100
 09/14/15 AMEND: 55200
 09/10/15 AMEND: 60000, 60010, 60510, 60550,
 60560
 09/09/15 ADOPT: 59750
 09/08/15 AMEND: 560
 08/13/15 AMEND: 1859.163.1
 07/30/15 ADOPT: 599.980, 599.981, 599.982,
 599.983, 599.984, 599.985, 599.986
 AMEND: 599.980 (renumbered to
 599.987), 599.981 (renumbered to
 599.988), 599.982 (renumbered to
 599.989), 599.985 (renumbered to
 599.990), 599.986 (renumbered to
 599.991), 599.987 (renumbered to

599.992), 599.988 (renumbered to
 599.993), 599.990 (renumbered to
 599.994), 599.992 (renumbered to
 599.995), 599.993 (renumbered to
 599.996), 599.994 (renumbered to
 599.997), 599.995 (renumbered to
 599.998)

Title 3

12/30/15 AMEND: 3435(b)
 12/23/15 ADOPT: 3441
 12/21/15 AMEND: 3435(b)
 12/16/15 AMEND: 3435(b)
 12/15/15 AMEND: 3435(b)
 12/14/15 AMEND: 3435
 12/07/15 AMEND: 3435(b)
 12/02/15 AMEND: 6170.5, 6723, 6724, 6761
 11/24/15 AMEND: 3435(b)
 11/24/15 AMEND: 3435(b)
 11/18/15 AMEND: 6260, 6262, 6264, 6266
 11/13/15 AMEND: 3435(b)
 11/12/15 AMEND: 3435(b)
 11/09/15 AMEND: 1358.4
 11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793
 10/29/15 AMEND: 3435(b)
 10/22/15 ADOPT: 1280.11 AMEND: 1280,
 1280.1, 1280.7, 1280.8
 09/30/15 AMEND: 3435(b)
 09/30/15 AMEND: 1380.19, 1430.10, 1430.12,
 1430.14, 1430.26, 1430.27, 1430.45
 09/16/15 AMEND: 3435(b)
 08/27/15 AMEND: 3435
 08/26/15 AMEND: 6502
 08/20/15 AMEND: 3435(b)
 08/17/15 AMEND: 2100
 08/14/15 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,
 451, 452
 08/10/15 AMEND: 6148, 6148.5, 6170, 6216
 08/10/15 AMEND: 3435(b)
 08/10/15 AMEND: 3435(b)
 08/06/15 AMEND: 3435(b)
 08/04/15 AMEND: 3435(b)

Title 4

12/29/15 AMEND: 1887
 12/24/15 AMEND: 10302, 10315, 10317, 10320,
 10322, 10325, 10326, 10327, 10328,
 10337
 12/10/15 AMEND: 1632
 12/03/15 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
 11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116,
 7118, 7119, 7125, 7127
 11/17/15 AMEND: 2000

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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
11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
10/27/15 AMEND: 8035
10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
10/05/15 AMEND: 1843.2
09/08/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
09/08/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
08/31/15 AMEND: 1844
08/19/15 AMEND: 1433
07/31/15 ADOPT: 1866.1 AMEND: 1844

Title 5

12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2
12/08/15 AMEND: 3030(b)(10)
11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
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
11/18/15 ADOPT: 80002 AMEND: 80001
11/03/15 AMEND: 1505
10/06/15 AMEND: 80225
10/05/15 AMEND: 19810
09/10/15 AMEND: 19810
07/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150

Title 8

12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
11/23/15 AMEND: 10133.32
11/05/15 AMEND: 333, 336
10/21/15 AMEND: 15600, 15609
09/21/15 ADOPT: 14006.1 AMEND: 14003, 14007
09/21/15 ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1

09/15/15 AMEND: 3437, 3441, 3664(b)
08/28/15 AMEND: 3411
08/27/15 AMEND: 8397.4
08/27/15 AMEND: 1710
08/24/15 AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813
08/20/15 AMEND: 14300.2
08/12/15 AMEND: 30, 30.5, 31.1, 100, 104, 105, 106, 109
08/10/15 AMEND: 333, 336
07/30/15 ADOPT: 5184 AMEND: 5185

Title 9

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
10/02/15 AMEND: 10701
08/31/15 AMEND: 881
08/26/15 AMEND: 513, 524, 530, 541, 553, 620, 620.1, 1900, 1901, 1904, 1913, 1921
08/24/15 AMEND: 1810.110, 1810.214, 1810.215, 1810.218, 1810.219, 1810.223.5, 1810.224, 1810.230, 1810.236, 1810.237, 1810.239, 1810.246, 1810.252, 1810.355, 1810.380, 1810.425, 1820.110, 1820.115, 1820.200, 1830.115, 1840.100, 1840.210, 1840.302, 1840.312, 1850.210, 1850.213, 1850.505, 1850.515, 1850.520, 1850.530, 1850.535 REPEAL: 1810.214.1

Title 10

12/23/15 ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
12/14/15 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
12/04/15 ADOPT: 1422.3, 1950.122.4.2
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

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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	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
08/19/15	AMEND: 1422.6.1, 1422.6.3, 1950.122.5.1, 1950.122.5.3	10/20/15	AMEND: 1005, 1007, 1008
08/11/15	ADOPT: 80.125.10, 80.129, 80.158.10, 80.166.10, 80.4100.10, 80.4105.10, 80.4105.11, 80.4118.10, 80.4118.11, 80.4305, 80.5100, 80.5200.1, 80.5210, 80.5304.1, 80.5305, 95.600 AMEND: 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 80.100, 80.125, 80.126, 80.150, 80.151, 80.152, 80.153, 80.154, 80.155, 80.156, 80.157, 80.158, 80.159, 80.160, 80.161, 80.162, 80.163, 80.164, 80.165, 80.166, 80.167, 80.168, 80.169, 80.170, 80.172, 80.173, 80.174, 80.175, 80.176, 80.177, 80.3000, 80.3001, 80.3002, 80.4000, 80.4100, 80.4101, 80.4102, 80.4103, 80.4104, 80.4105, 80.4106, 80.4107, 80.4108, 80.4109, 80.4111, 80.4113, 80.4115, 80.4117, 80.4118, 80.4119, 80.4120, 80.4121, 80.4123, 80.4124, 80.4125, 80.4126, 80.4127, 80.4200, 80.4201, 80.4300, 80.4301, 80.4302, 80.4303, 80.4304, 80.4308, 80.4309, 80.4310, 80.4311, 80.4312, 80.4313, 80.5000, 80.5200, 80.5201, 80.5300, 80.5301, 80.5302, 80.5303, 80.5304, 95.5025, 95.5030 REPEAL: 80.127, 80.171, 80.4110, 80.4112, 80.4114, 80.4037, 80.5202, 95.2, 95.3, 95.5010	08/31/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
07/29/15	AMEND: 5350, 5353, 5354, 5354.1, 5356, 5357.1, 5357.2, 5358.6, 5358.7, 5358.10 REPEAL: 5358.1	08/26/15	AMEND: 1011
07/29/15	AMEND: 5350, 5357.1	08/17/15	AMEND: 1009
Title 11		Title 12	
12/09/15	AMEND: 1070(c)	12/02/15	AMEND: 800.1, 803, 804, 809 REPEAL: 808
12/09/15	AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1018, 1019, 1051, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960	Title 13	
11/23/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259	12/21/15	AMEND: 423.00
		12/09/15	ADOPT: 1157.21 AMEND: 1157, 1157.4, 1157.6, 1157.8, 1157.10, 1157.12, 1157.13, 1157.14, 1157.16, 1157.18, 1157.20
		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	
		12/30/15	AMEND: 180.6
		12/29/15	AMEND: 1038
		12/28/15	ADOPT: 8.01
		12/15/15	AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.08, 4970.09, 4970.10.4, 4970.17, 4970.23, 4970.24.1, 4970.25.1
		12/10/15	AMEND: 1.92, 703
		11/30/15	AMEND: 1665.7
		11/30/15	AMEND: 163, 164
		11/24/15	AMEND: 29.85
		11/23/15	AMEND: 1052.1
		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
		11/19/15	AMEND: 890
		11/13/15	AMEND: 478, 479

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11/06/15 AMEND: 29.80, 29.85
 11/06/15 ADOPT: 131
 11/05/15 AMEND: 29.85
 11/03/15 AMEND: 895.1, 1038, 1038.2
 11/03/15 AMEND: 870.15, 870.17, 870.19, 870.21
 10/19/15 ADOPT: 1760.1, 1779.1
 10/16/15 AMEND: 17354, 17356
 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

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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

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 12/14/15 ADOPT: 3999.20
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 11/23/15 AMEND: 3173.2
 11/17/15 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
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08/26/15 AMEND: 51516.1

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