



California Regulatory Notice Register

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Department of Fish and Wildlife

A written comment period has been established commencing on May 27, 2016, and closing on July 11, 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 pro-

posed conflict-of-interest code(s). Any written comments must be received no later than July 11, 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 Commis-

sion should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CALIFORNIA HIGH SCHOOL PROFICIENCY EXAM (CHSPE)

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on July 11, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 11, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 48410 and 48412, Education Code.

References: Sections 48410 and 48412, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 48412 authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the CDE. The law requires the SBE to award a certificate of proficiency to persons who demonstrate that proficiency. The law further requires the CDE to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the CDE to verify competency. The law authorizes the CDE to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

Senate Bill (SB) 252 (Leno), signed by the Governor on September 30, 2015, prohibits the CDE from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless child or youth. SB 252 authorizes a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. Accordingly, the Homeless Certification Form, (issued 03/2016), is hereby incorporated by reference. SB 252 provides that no additional state funds shall be appropriated for purposes of implementing the above provisions.

Anticipated Benefits of the Proposed Regulation

The proposed regulations will serve to implement the changes to law required under SB 252 by providing direction to homeless youth, homeless services providers, and the testing contractor about what documentation, including the Homeless Certification Form, and processes will be required for a homeless youth to obtain the fee waiver for the CHSPE. The proposed regulations further clarify which fee will be waived, which fees will not be waived, how long Homeless Certification Forms and fee waivers will be valid, and documentation that must be maintained by homeless services providers and the testing contractor. Implementation of the proposed regulations would provide homeless youth who do not have the financial resources to pay the CHSPE registration fee an opportunity to take the CHSPE at no personal cost and potentially earn a Certificate of Proficiency. The proposed regulations would also ensure that only those eligible youth who are verified to be homeless are afforded this opportunity.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the CHSPE and found that none exist that are inconsistent or incompatible with these regulations regarding a fee waiver for homeless youth to take the CHSPE.

INCORPORATION BY REFERENCE

The Homeless Certification Form (issued 03/2016) is hereby incorporated by reference and a copy can be obtained by contacting the Regulations Coordinator.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: Homeless services providers may be required to make certification records available to the CDE upon request. This may result in minimal costs to agencies.

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

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

Cost impacts on a representative private person or businesses: The cost of implementing these regulations will initially be absorbed by the CHSPE test contractor and, after the impact of the volume of homeless youth utilizing the fee waiver is known, the testing contractor may offset those costs through moderate fee increases to other examinees. The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because registration fees for the CHSPE are paid by individuals.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit homeless youth who may demonstrate proficiency in the skills necessary to earn a Certificate of Proficiency but do not have the funds required to register to take the CHSPE. Those who earn the Certificate of Proficiency may be able to pursue other educational or career opportunities that they would not have without the Certificate of Proficiency. Additionally, these individuals will be provided the same opportunity afforded to others who have the financial means to take the test.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

John Boivin, Administrator
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 5408
Sacramento, CA 95814
Telephone: 916-319-0751

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a

public hearing on proposed regulations, may request assistance by contacting the Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0751. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS FOR CALIFORNIA (ELPAC)

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:30 a.m. on July 11, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 11, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

References: Sections 306, 313, 37200, 48985, 60810, 60812 and 60900, Education Code; and 20 U.S.C. Sections 1412, 6311, 6312, 6821, 6823, 6825, 6826, 6841 and 6843; Public Law No. 114–95, Section 8002.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 313 requires school districts, county offices of education and charter schools (local educational agencies (LEAs)) to assess English language proficiency (ELP) of its pupils to the extent required by federal and state law. Assessment of a pupil's ELP is required upon initial enrollment after a survey of a pupil's language indicates a primary or native language other than English, and annually thereafter until a pupil is redesignated as English proficient. The CDE is responsible for the oversight of the state test of ELP, as set forth in Education Code sections 313 and 60810.

Senate Bill (SB) 201 (Chapter 478, Statutes of 2013), amended existing Education Code sections 313 and 60810 (SB 201, sections 2 and 5) and added new Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Newly added Education Code section 60810, subdivisions (d) and (f), requires two separate assessments: 1) an initial assessment to determine if a pupil is an English learner (EL), as defined by Education Code section 306; and 2) an annual summative assessment to identify an EL's level of ELP, and also to measure an EL's progress in learning English. Combined, these assessments are described as the English Language Proficiency Assessments for California (ELPAC). The current state test of ELP, the California English Language Development Test (CELDT), serves the dual purposes

of initial identification and summative assessment in one test. Education Code section 313(d)(2) (SB 201, section 3), specified the summative assessment is to be conducted annually during a four-month period after January 1 determined by the State Superintendent of Public Instruction (SSPI), with the approval of the SBE.

In addition, Assembly Bill (AB) 124 (Chapter 605, Statutes of 2012) required the SSPI, in consultation with the SBE, to update, revise, and align the English Language Development Standards (ELD Standards) to the state's English language arts standards. As required by AB 124, the SBE adopted the updated and revised ELD Standards in November 2012. The new ELPAC initial and summative assessments required by SB 201 will be aligned to the 2012 ELD Standards, as required by Education Code section 60810, subdivisions (c)(5) and (e)(7) (SB 201, section 6). The ELPAC assessments will be administered in the place of CELDT once they are ready for administration, as specified in Education Code section 60810(f) (SB 201, section 5) and Education Code section 60810(h) (SB 201, section 6).

These regulations are necessary in order for LEAs to successfully assess the ELP of eligible pupils using the new ELPAC initial and summative assessments, which are required by the provisions of Education Code sections 313 and 60810 (SB 201, sections 3 and 6). Through this rulemaking process, the SBE will define the assessment period, provide procedures to address errors in identifying the ELP of pupils, and a method for LEAs to be apportioned funds for administration of the ELPAC. The regulations that have guided the administration of the CELDT are not applicable to the administration of the ELPAC. Because the ELPAC will be aligned to the 2012 ELD Standards, and because the ELPAC will include two assessments for two distinct purposes, the regulations governing administration of the CELDT are not appropriate for the ELPAC. In addition, these proposed regulations are necessary to provide specificity and consistency of administration of the ELPAC by LEAs. Therefore, the SBE proposes to amend the California Code of Regulations, title 5, by adding sections 11518 through 11519.5 to implement Education Code sections 313 and 60810 (SB 201, sections 3 and 6).

Anticipated Benefits of the Proposed Regulation

The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations provide a detailed outline for the process of reliably identifying ELs, and opportunities for the correction of errors in the classification of pupils' ELP status. The proposed regulations also specify the four-month period, after January 1, in which LEAs must administer the ELPAC sum-

mative assessment. This change in the summative assessment window provides eligible pupils with additional months of instruction prior to being annually assessed for their levels of ELP.

In order for all eligible pupils to access valid and reliable assessments of ELP consistent with state and federal law, these regulations propose a consistent procedure for administering and scoring the ELPAC by LEAs.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to the ELPAC and found that none exist that are inconsistent or incompatible with these regulations regarding state and federal law.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on LEAs: None.

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

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

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations apply to and impact only public LEAs and do not apply to or impact businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The benefits of the proposed regulations include statewide consistency for the administration and scoring of the ELPAC initial and summative assessments to all eligible pupils. The proposed regulations provide a process for reliably identifying ELs, and opportunities for the correction of errors in the classification of pupils' ELP status. The proposed regulations also specify the four-month period, after January 1, in which LEAs must administer the ELPAC summative assessment. This change in the summative assessment window provides eligible pupils with additional months of instruction prior to being annually assessed for ELP.

In order for all eligible pupils to access valid and reliable assessments of ELP, these regulations propose a statewide consistent procedure for administering the ELPAC by LEAs.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the content of these regulations should be directed to:

Kelly Bacher, Education Research and
Evaluation Consultant
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Suite 4409
Sacramento, CA 95814
Telephone: 916-319-0343

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the back-up contact person, Hillary Wirick, Regulations Analyst, at 916-319-0860.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

**TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

**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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

**REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Kelly Bacher, Assessment Development and Administration Division, 1430 N Street,

Suite 4409, Sacramento, CA, 95814; telephone, 916-319-0343. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 5. BUREAU FOR PRIVATE
POSTSECONDARY EDUCATION**

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter "Bureau"), Department of Consumer Affairs, is proposing to take the action described in the Informative Digest. Any Person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 N. Market Blvd., Sacramento, CA 95834 at 10 a.m. or as soon as practicable thereafter, on July 12, 2016. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than 5 p.m. on July 12, 2016, or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 94877, 94932.5 and 94941 of the Education Code, and to implement, interpret or make specific Sections 94932.5 and 94941 of the Education Code, the Bureau is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY OVERVIEW

This rulemaking action implements the requirements set by the Legislature in SB 1247, Chapter 840, Statutes of 2014 related to the Bureau's prioritization of complaints and compliance inspections.

Education Code sections 94932.5 and 94941 require the Bureau to adopt regulations to establish priorities for its inspections and other investigative resources to ensure that student protections are the highest priority and that the Bureau conducts inspections based on risk and potential harm to students. Education Code section 94941(c) requires the Bureau to consider as posing heightened risks institutions that have various charac-

teristics, including those receiving more than 70% of their revenues from student aid funds and those with a high student default rates on student loans. The Bureau is to consider these and other stated characteristics when developing its priorities for inspection, investigation, and enforcement of institutions. The proposed regulations incorporate the legislative risk factors as well as others not in the statute in a provision related to how the Bureau will determine the priority and number of total announced and unannounced, or immediate inspections of institutions. They also clarify that in the “Notice to Students” regarding the inspection, the results of the inspection can be found on a specific page of the Bureau’s website. Furthermore, the proposed regulations require that institutions post a “Notice to Students” of upcoming announced compliance inspections and that notices regarding compliance inspections must also be posted in all the languages in which the institution is approved to teach courses.

Education Code section 94941 also requires the Bureau to adopt regulations to establish categories of consumer complaints that the Bureau is to handle on a priority basis. Education Code section 94941(e) provides that priority complaints shall include those alleging improper business acts or practices, including false or misleading statements related to certain subjects. The proposed regulations make these categories of complaints, as well as other known serious allegations, of high priority for the Bureau when processing complaints.

Education Code section 94932.5 now requires the Bureau to perform announced and unannounced inspections of institutions every five years, rather than every two years, and there is now no requirement that institutions be subject to an equal number of announced and unannounced inspections. The proposed rulemaking action would amend the regulations to be consistent with those statutory revisions.

The specific regulatory proposal is as follows:

1. Repeal section 75200(a) of Division 7.5 of Title 5 of the California Code of Regulations

This repeals the section providing that the first inspection shall be an announced inspection.

2. Re-number section 75200(b) to section 75200(a) of Division 7.5 of Title 5 of the California Code of Regulations

This renumbers this subsection.

3. Repeal section 75200(c) of Division 7.5 of Title 5 of the California Code of Regulations

This repeals the section that required that an institution be subject to the same number of announced and unannounced inspections in a two-year period.

4. Re-number section 75200(d) to section 75200(b) and amend new section 75200(b) of Division 7.5 of Title 5 of the California Code of Regulations

This section provides the factors for prioritizing inspections, including by incorporating those risk characteristics from section 94941(c) of the Code and the complaint priority factors from section 75300 of these proposed regulations, as well as other listed factors in this subdivision.

5. Re-number section 75200(e) to section 75200(c) and amend new section 75200(c) of Division 7.5 of Title 5 of the California Code of Regulations

This section provides for changing the inspection period from two to five years.

6. Adopt section 75210(a) of Division 7.5 of Title 5 of the California Code of Regulations

This requires that an institution which is to be the subject of a forthcoming announced compliance visit post the prescribed notice at least 5 business days prior to the inspection.

7. Adopt section 75210(b) of Division 7.5 of Title 5 of the California Code of Regulations

This is the original language that made up section 75210. It is also amended to clarify the posting requirement and provide additional information about the notice itself.

8. Adopt section 75210(c) of Division 7.5 of Title 5 of the California Code of Regulations

This section requires that all notices be posted in each language the institution is approved to teach courses.

9. Adopt section 75300 of Division 7.5 of Title 5 of the California Code of Regulations

This section provides the high priority categories for prioritizing complaints, including those from section 94941(e) of the Code and other listed factors in this section.

Anticipated Benefits of the Proposal

Institutions are required to have announced and unannounced compliance inspections by the Bureau every five years. By prioritizing these inspections based on various risk factors listed in the statute as well as these proposed regulations, the Bureau will be able to better determine which institutions should be inspected first (i.e. those at higher risk) and how frequently they should be inspected. Likewise, consumer complaints about institutions will be prioritized based on various factors from both the statute and regulations. Higher priority complaints will be dealt with first as they represent a more pronounced risk to California students.

Consistency and Compatibility with Existing State Regulations

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

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Bureau has made an initial determination that the proposed regulations 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.

Impact on Jobs/New Businesses: None.

Cost Impact on Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses. The prioritization is generally an internal operation to ascertain which complaints and compliance inspections should be handled as soon as possible and which represent a lower priority. All institutions, whether large or small, are already subject to compliance inspections. It is for the safety and welfare of California citizens that high-priority complaints and inspections may result in multiple inspections or investigations of institutions.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation

of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents by providing a system of priority to address complaints and compliance inspections, which separates urgent matters needing immediate attention to protect the health and welfare of California residents from lower priority matters which are not as impactful. The proposal will have no effect on worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau for Private Postsecondary Education at P.O. Box 980818, West Sacramento, CA 95798–0818.

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

All information upon which the proposed regulations are based is contained in the rulemaking file which is

available for public inspection by contacting the person named below.

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

CONTACT PERSON

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

Name: Kent Gray
 Legislative/Regulatory Analyst
 Address: P.O. Box 980818
 West Sacramento, CA
 95798-0818
 Telephone No.: (916) 246-3907
 Fax No.: (916) 263-1897
 E-Mail Address: Kent.Gray@dca.ca.gov

The backup contact person is:

Name: Joanne Wenzel
 Address: P.O. Box 980818
 West Sacramento, CA
 95798-0818
 Telephone No.: (916) 431-6905
 Fax No.: (916) 263-1897
 E-Mail Address: Joanne.Wenzel@dca.ca.gov

Website access: Materials regarding this proposal can be found at <http://bppe.ca.gov/>

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter “Bureau”), Department of Consumer Affairs, is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 N. Market Blvd., Sacramento, CA 95834, at 10 a.m., or as soon as practicable thereafter, on July 14, 2016. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on July 14, 2016, or must be received by the Bureau at the hearing. The Bureau, 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 techni-

cal or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 94877, 94923, and 94924 of the Education Code, and to implement, interpret or make specific Sections 94843, 94844, 94870, 94874, 94874.1, 94911, 94923, 94924, 94925, 94926, 94927, and 94927.5 of said Code, the Bureau is considering changes to Division 7.5 of Title 5 of the California Code of regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

SB 1247, Chapter 840, Statutes of 2014 (SB 1247), made fundamental changes to the Student Tuition Recovery Fund (STRF or Fund) provisions in the Private Postsecondary Education Act of 2009 (the Act). This rulemaking action provides for increased eligibility for making a STRF claim, including for claims made by students whose charges were paid by a third-party payer and for claims in which proof of payment of the STRF assessment cannot be established. It makes changes to definitions to reflect the changes made by SB 1247 and removes some sections that are now incorporated into the statute or for consistency with SB 1247. Additionally, it provides clarification on: (1) STRF assessments for a re-enrolling student; (2) information and requirements related to an application for STRF payment; (3) the maximum period of time to file claims based on the type of eligibility; (4) claims by government agencies on behalf of students; and (5) the STRF disclosures required to be in enrollment agreements and school catalogs.

Specifically, the regulatory proposal is as follows:

1. Amend section 76000(a) of Division 7.5 of Title 5 of the California Code of Regulations

This alters the definition of “California resident” for the purposes of this regulatory chapter.

2. Amend section 76000(c) of Division 7.5 of Title 5 of the California Code of Regulations

This makes changes to the definition of “Economic loss,” by adding to both what is covered by the definition and what is not covered for the purposes of this regulatory chapter.

3. Re-number sections 76000(d) to section 76000(e) and 76000(e) to section 76000(l) and add new section 76000(d) of Division 7.5 of Title 5 of the California Code of Regulations

This adds a definition of “Educational opportunity loss” for the purposes of this regulatory chapter.

4. Re-number section 76000(f) to section 76000(g) and amend new section 76000(g) of Division 7.5 of Title 5 of the California Code of Regulations

This changes the definition of “Qualifying institution” for the purposes of this regulatory chapter.

5. Re-number section 76000(g) to section 76000(h) and amend new section 76000(h) of Division 7.5 of Title 5 of the California Code of Regulations

This makes an alteration to the definition of “Residency Program” for the purposes of this regulatory chapter.

6. Re-number sections 76000(h) to section 76000(i), 76000(i) to section 76000(j), and 76000(j) to section 76000(k) and add new section 76000(l) of Division 7.5 of Title 5 of the California Code of Regulations

This adds a definition of “Third-party payer” for the purposes of this regulatory chapter.

7. Amend section 76020(a) of Division 7.5 of Title 5 of the California Code of Regulations

This modifies and expands who may be eligible to make a claim from the Fund.

8. Delete section 76020(b) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes the subsection that makes students whose total charges were paid for by a third-party payer ineligible for making a STRF claim.

9. Delete section 76120(b) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes the subsection that provides that students whose costs were paid by a third-party payer with whom they do not have an agreement to repay the third-party shall not pay the STRF assessment.

10. Delete section 76120(c) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes the subsection that provides that the STRF assessment is non-refundable except under certain circumstances. This is now in statute.

11. Amend section 76130(a) of Division 7.5 of Title 5 of the California Code of Regulations

This splits subsection (a) into subdivisions (1) and (2). Subdivision (2) provides how an institution should collect a STRF assessment for a student who is re-enrolling at the same institution.

12. Amend section 76130(b) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes reference to the outdated 2/10 version of the STRF Assessment Reporting Form and deletes redundant text.

13. Amend section 76200(a) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes reference to the outdated 2/10 version of the Student Tuition Recovery Fund Application Form. It removes the requirement for proof that a student paid into STRF. It also makes additions to the information to be provided by a student making a STRF claim.

14. Amend section 76200(b) of Division 7.5 of Title 5 of the California Code of Regulations

This makes additions to the maximum amount of time a student has to file a STRF claim based upon the reason for the claim.

15. Deletes section 76200(c) of Division 7.5 of Title 5 of the California Code of Regulations

This deletes the section that provides that students whose total charges are paid by a third-party payer are not eligible to apply for payment from the Fund.

16. Re-number section 76200(d) to section 76200(c) and amend new section 76000(c) of Division 7.5 of Title 5 of the California Code of Regulations

This re-numbers this subsection and adds the basis for which the Bureau can request supplemental information or documentation from a student related to a STRF claim.

17. Add section 76210(a) to Division 7.5 of Title 5 of the California Code of Regulations

This provides that a student seeking reimbursement under the Fund that includes student loans as part of the claim must attempt to obtain a loan discharge directly from the loan holder before the Bureau can process the student’s application for payment under section 76200.

18. Re-number section 76210(a) to section 76210(b) of Division 7.5 of Title 5 of the California Code of Regulations

This re-numbers this subsection.

19. Re-number section 76210(b) to section 76210(c) of Division 7.5 of Title 5 of the California Code of Regulations

This re-numbers this subsection.

20. Re-number section 76210(c) to section 76210(d) and amend new section 76210(d) of Division 7.5 of Title 5 of the California Code of Regulations

This rennumbers this subsection, makes a grammatical change to the text, and adds clarifying language.

21. Re-number section 76210(d) to section 76210(e) and amend new section 76210(e) of Division 7.5 of Title 5 of the California Code of Regulations

This re-numbers this subsection and makes a technical change to maintain logic and clarity.

22. Adopt section 76210(f) of Division 7.5 of Title 5 of the California Code of Regulations

This provides for payment from the STRF for students whose charges were paid by a third-party payer.

This also provides the method, conditions, and limitations of payments based on third-party payer claims.

23. Re-number section 76210(e) to section 76210(g) and amend new section 76210(g) of Division 7.5 of Title 5 of the California Code of Regulations

This renumbers this subsection and makes a grammatical change to the text.

24. Re-number section 76210(l) to section 76210(h) of Division 7.5 of Title 5 of the California Code of Regulations

This renumbers this subsection.

25. Re-number section 76210(g) to section 76210(i) of Division 7.5 of Title 5 of the California Code of Regulations

This renumbers this subsection.

26. Re-number section 76210(h) to section 76210(j) of Division 7.5 of Title 5 of the California Code of Regulations.

This renumbers this subsection.

27. Amend section 76212 of Division 7.5 of Title 5 of the California Code of Regulations

This makes clarifying changes to provide that STRF claims brought by a government agency on behalf of students may be paid directly to the students under certain conditions.

28. Amend section 76212(a) of Division 7.5 of Title 5 of the California Code of Regulations

This makes clarifying changes that are consistent with the definition of qualifying institution.

29. Amend section 76212(c) of Division 7.5 of Title 5 of the California Code of Regulations

This makes a clarifying change to specify that the government agency is the one that is filing this type of claim and must do so within two years after the judgment becomes final.

30. Amend section 76212(d) of Division 7.5 of Title 5 of the California Code of Regulations

This makes a clarifying change to provide that STRF claims brought by a government agency must state the amount of the judgment that is allocable to each student.

31. Amend section 76212(e) of Division 7.5 of Title 5 of the California Code of Regulations

This makes changes to the amount payable to each student from a claim by a government agency on behalf of students.

32. Add section 76212(f) of Division 7.5 of Title 5 of the California Code of Regulations

This adds that the claim by a government agency on behalf of students is subject to the same limitations and rights as other STRF claims.

33. Amend section 76215(a) of Division 7.5 of Title 5 of the California Code of Regulations

This makes alterations to the disclosures required to be in both the Enrollment Agreement and School Catalog.

34. Amend section 76215(b) of Division 7.5 of Title 5 of the California Code of Regulations

This makes alterations to the disclosures required to be in the School Catalog.

Anticipated Benefits of the Proposal

The broad objective of the proposed rulemaking is to make the current STRF regulations and eligibility categories consistent with SB 1247's changes to the Act, including by providing the structure for payment of claims by a student who suffers educational opportunity losses whose charges are paid by a third-party payer. The specific benefits anticipated from the regulation are increased protection of the students that suffer economic loss while enrolled at a private postsecondary educational institution in California, and clarification and guidance for students, institutions, and the Bureau on the procedures governing the administration and maintenance of the STRF.

Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

N/A

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Bureau has made initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: The Bureau is not aware of any cost impact

that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses. Institutions that qualify as small businesses are already required to collect any STRF assessments from students and remit the assessments to the Bureau. The proposed regulations make no changes to that requirement.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents by providing clarification and expanded eligibility for their receipt of STRF monies, and will otherwise bring the regulations into harmony with the new STRF provisions set forth in SB 1247. The proposal will have no effect on worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the 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 provisions of law.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818.

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

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

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

CONTACT PERSON

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

Name: Kent Gray
 Legislative/Regulatory Analyst
 Address: P.O. Box 980818
 West Sacramento, CA
 95798-0818
 Telephone No.: (916) 246-3907
 Fax No.: (916) 263-1897
 E-Mail Address: Kent.Gray@dca.ca.gov

The backup contact person is:

Name: Joanne Wenzel
 Address: P.O. Box 980818
 West Sacramento, CA
 95798-0818
 Telephone No.: (916) 432-6905
 Fax No.: (916) 263-1897
 E-Mail Address: Joanne.Wenzel@dca.ca.gov

Website access: Materials regarding this proposal can be found at <http://bppe.ca.gov/>.

TITLE 10. DEPARTMENT OF BUSINESS OVERSIGHT

The Commissioner of Business Oversight (Commissioner) proposes to adopt regulations under the Corporate Securities Law of 1968 (Corporate Securities Law). Specifically, the Commissioner proposes to adopt Sections 260.211.4, 260.211.5, 260.211.6 and 260.211.7 in Article 8, Subchapter 2, Chapter 3 of Title 10 of the California Code of Regulations.

The Department of Business Oversight (Department) administers and enforces the Corporate Securities Law. Under the Corporate Securities Law, the Department regulates broker-dealers registered in California and the offer and sale of securities (e.g., stocks and bonds) to the public. Broker-dealers are prohibited from engaging in securities transactions unless they are registered or exempt from registration.

This rulemaking would implement the provisions of Assembly Bill (AB) 667,¹ which created a new exemption from the broker-dealer requirements for finders, or individuals who, for compensation, introduce potential investors and issuers of securities to each other. AB 667 also established a separate regulatory structure for finders to be administered by the Department. Individuals seeking exemption from the broker-dealers requirements as a finder must meet the statutory definition of a finder and comply with certain conditions.

Specifically, the rulemaking would adopt the Statement of Information form to enable individuals to file for the exemption, and other regulatory requirements consistent with the legislative intent of AB 667. AB 667 is effective January 1, 2016.

AUTHORITY [Government Code Section 11346.5, Subdivision (a)(2)]

Section 25206.1, Corporations Code.

REFERENCE [Government Code Section 11346.5, Subdivision (a)(2)]

Section 1798.17, Civil Code; Sections 25206.1, 25212, and 25401, Corporations Code; Sections 13140–13144, Government Code; 17 C.F.R. 230.506(d); and 5 U.S.C. Section 552a.

PUBLIC COMMENTS [Government Code Section 11346.5, Subdivision (a)(17)]

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department’s contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD [Government Code Section 11346.5, Subdivision (a) (15)]

Where to Submit Comments

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed as follows, by any of these means:

Postal Mail

Department of Business Oversight
Attn: Inna Swickard, Legal Division
1515 K Street, Suite 200
Sacramento, CA 95814

Electronic Mail

Comments may be submitted electronically to regulations@dbo.ca.gov. Please identify the comments as PRO 05–15 in the subject line.

Fax

(916) 322–5875

Time for Comments

Comments may be submitted until 5:00 p.m., July 15, 2016. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

Comments Relating to the Economic and Cost Impact to Business and Individuals

As required under Government Code section 11346.5, the Department has made an initial assessment of the costs, benefits and cost-effectiveness of the proposed regulatory action and reasonable alternatives to the regulatory action.

In addition to comments relating to the proposed rules, the Department is interested in any perspectives or insights from the public concerning the potential economic and cost consequences to businesses, investors, finders and other individuals from the proposed changes, and whether there are other ways to achieve the regulatory objectives in a more cost-effective and less burdensome manner. Interested parties are encour-

¹AB 667 (Chap. 743, Stats. 2015).

aged, but are not required, to submit written comments to any of the following questions:

1. Would the proposed changes to the regulations under the Corporate Securities Law have an adverse statewide economic impact or the potential for an adverse impact on individuals, or on businesses, including their ability to compete with businesses in other states? If so, please explain how and to what extent the proposed changes may adversely impact businesses and individuals.
2. What are other alternatives to the proposed changes that would lessen any adverse economic impact to businesses or individuals, and accomplish the regulatory objectives of protecting investors and improving regulatory oversight of the industry?
3. What specific operational or other changes would need to be made by businesses to comply with the proposed changes and what are the potential costs of these changes?
4. What other alternatives would be more effective, or as effective as and less burdensome to businesses or individuals, in achieving the regulatory objectives than the proposed changes?
5. What benefits would the proposed changes provide to businesses or individuals?
6. To what extent would the proposed changes create or eliminate jobs or businesses, or expand businesses currently doing business in this state?
7. What performance standards may be used in place of any prescriptive standards in the proposed changes? “Performance standard” means a regulation that describes an objective with the criteria stated for achieving the objective.² “Prescriptive standard” means a regulation that specifies the sole means of compliance with a performance standard by specific actions, measurements, or other quantifiable means.³

INFORMATIVE DIGEST [Government Code
Section 11346.5, Subdivision (a)(3)]

Policy Statement and Specific Benefits Anticipated
from Regulatory Action [Government Code Section
11346.5, Subdivision (a) (3)(C)]

The objective of the proposed regulations is to implement the provisions of AB 667 by:

- Adopting the Statement of Information form that individuals must file with the Department for the exemption;
- Specifying the requirements for filing and renewing the Statement of Information and paying the filing fees to the Department;
- Requiring finders to notify the Department of any subsequent change to the information in the Statement of Information and when withdrawing the exemption;
- Requiring finders to maintain their records at the location identified in the Statement of Information; and
- Clarifying the Commissioner’s authority to examine the records of a finder at any time.

The specific benefits anticipated by the proposed rulemaking action include increased investor protection from improving the Department’s regulatory oversight of finders and strengthening enforcement of the broker–dealer provisions of the Corporate Securities Law. The proposed rules will help prevent illegal broker–dealer activities and ensure that those engaged in business as finders are regulated by identifying individuals who are operating as finders, establishing a regulatory structure to enable the Department to oversee their activities, preventing individuals with disciplinary records from operating as finders, and promoting accountability of finders through Department inspections of books and records.

The proposed adoption of rules is anticipated to benefit finders through lower regulatory costs by requiring simplified filings, which reduce the cost and time to file for and maintain the exemption.

The proposed rulemaking is anticipated to improve market transparency and promote confidence in the investment capital market by clarifying the securities law with respect to finders, which benefits finders, investors and issuers of securities. A finder whose activities go beyond the introduction of prospective parties is engaging in unlicensed broker–dealer activity and thus subject to a number of legal consequences including rescission of the transaction by the investor,⁴ and the issuer of the securities may be in violation of the law by aiding and abetting the finder in the transaction.⁵ Adopting the regulatory procedures will help distinguish the allowable finder activities from broker–dealer functions, which will provide regulatory certainty for finders and the issuers that rely on them, and help prevent them from unintentionally violating the law.

The proposed rulemaking action is expected to benefit California’s economy by promoting investment in California businesses and helping ensure continuing

² Gov. Code, § 11342.570.

³ Gov. Code, § 11342.590.

⁴ Corp. Code, § 25501.5.

⁵ Corp. Code, § 22504.

access to capital for small to mid-size businesses. According to the legislative committee analyses for AB 667, the activity of finders is critical to the success of capital-raising efforts by start-up companies and small to mid-sized companies that would otherwise be unable to engage a broker-dealer or access needed capital.⁶ The proposed rules will help business by providing regulatory certainty concerning the use of finders and clarifying the scope of the permissible activities that may be performed by finders, which will foster investor confidence and facilitate access to capital for smaller companies.

The proposed rulemaking benefits the state's fiscal position because the exemption program will be funded by fees paid by finders, and therefore no impact is anticipated to the state's general fund or other state funds.

By adopting the regulations in compliance with the Administrative Procedure Act, the proposed regulatory action increases transparency in government and encourages public participation in adopting balanced regulations.

Summary of Existing Laws and Regulations, and Effect of Proposed Action [Government Code Section 11346.5, Subdivision (a)(3)(A)]

Broker-dealers are registered and regulated by the Department under the Corporate Securities Law.⁷ Existing law defines a broker-dealer as, among other things, any person engaged in the business of effecting securities transactions in California for the account of others or his or her own account. Existing law requires broker-dealers to apply for and obtain a certificate from the Department authorizing the person to act as a broker-dealer, unless the person is exempt from the registration requirements.

Existing law specifies the persons or entities that are exempt or excluded from the broker-dealer registration requirements. With respect to this rulemaking action, existing law exempts from the registration requirements an individual who is a finder. Existing law defines a finder as a natural person who, for direct or indirect compensation, introduces or refers one or more accredited investors [as defined in Rule 501(a) of Regulation D under the federal Securities Act of 1933 (17 C.F.R. 230.501(a))] to an issuer or an issuer to one or more accredited investors, solely for the purpose of a potential offer or sale of securities of the issuer in an issuer transaction in this state, and who does not perform certain services. Existing law specifies the services that the individual may not perform including providing services to an issuer for a transaction or related transac-

tions that exceed fifteen million dollars (\$15,000,000), advising any party regarding the investment, participating in negotiating any terms of the investment, receiving any funds in connection with the transaction, and selling or offering for sale any securities owned by the finder.

Existing law requires an individual seeking exemption from the broker-dealer requirements as a finder to file a statement of information and pay a filing fee of \$300.00 to the Department. Existing law authorizes the Department to prescribe the information in the form, which must include the name and complete business or residential address of the finder, and the mailing address of the finder, if different from the business or residential address. The proposed rulemaking action would adopt the Statement of Information form to enable individuals to file for the exemption from the broker-dealer requirements.

Existing law requires finders to file with the Department a renewal statement of information and pay a filing fee of \$275.00 within 30 days of the filing of the initial statement of information and annually thereafter. Existing law authorizes the Department to prescribe the information in the form, which must include certain affirmative representations made by the finder. Specifically, the finder must affirm that he or she has complied with and will continue to comply with the statutory prohibitions against performing certain services; has not been sanctioned by the Commissioner or performed any acts pursuant to Corporations Code section 25212 or Rule 506(d) of Regulation D under the Securities Act of 1933,⁸ including certain criminal or civil actions, censure by national securities associations or violation of the Corporate Securities Law or similar regulatory scheme of other states or the federal government; and has obtained the written informed consent from each person introduced or referred to an issuer. Existing law permits finders to receive transaction-based compensation. The finder must also disclose as a condition for renewal whether he or she received compensation from the sale of securities by an issuer in which the finder performed services. The proposed rulemaking would adopt the requirements for renewing the exemption.

Existing law specifies the disclosure and recordkeeping requirements for finders, and provides the remedies available against a finder who violates the requirements. The proposed rulemaking would require finders to maintain the records for the statutory time period, which is five years from the date of filing of the statement of information, at the location designated by the finder and clarify the Commissioner's authority to examine the records of a finder at any time.

⁶ See Assembly Committee on Banking and Finance, AB 667, as amended on April 6, 2015, hearing date April 20, 2015.

⁷ Unless otherwise noted, all references are to Corp. Code, § 25000 et seq.

⁸ 17 C.F.R. 230.506(d).

Existing law provides that an individual who is engaged in the business of a finder and who does not meet the exemption requirements for a finder is subject to the requirements of a broker–dealer. The proposed rule-making action would require finders to notify the Department of any change to the information in the Statement of Information and when the finder is no longer operating under the exemption.

Existing law prohibits any person in connection with the offer, sale or purchase of a security from engaging in fraudulent or misleading acts and authorizes the Commissioner to bring an action to enforce the law. The proposed rulemaking would clarify that the anti–fraud provision applies to the activities of finders.

Existing law provides the Department’s rulemaking authority to adopt, amend and rescind the rules, including defining any terms, with respect to the exemption for finders.

Existing Federal Regulation or Statute [Government Code Section 11346.5, Subdivision (a)(3)(B)]

The federal Securities Exchange Act of 1934 prohibits any broker or dealer (other than those persons whose business is exclusively intrastate and who do not make use of any facility of a national securities exchange) from effecting, inducing or attempting to induce the purchase or sale of any security unless such person is registered with the U.S. Securities and Exchange Commission (SEC).⁹ Unless a broker–dealer’s business is exclusively within California and not through a national securities exchange, there is concurrent federal jurisdiction over the activities, including finders.

Under federal securities law, finders may not receive compensation based upon a percentage of amount invested. However, California law allows such compensation and therefore there may be a conflict with federal securities law because the SEC uses compensation as a factor in determining whether a finder is acting as a broker. A recent federal district court decision¹⁰ disagreed with the SEC’s interpretation of what constitutes a broker and therefore the SEC’s position may be in flux.

The Legislature in enacting the exemption for finders recognized that individuals have been operating in California as unregulated finders and that regulating them under a separate regulatory structure is beneficial to California’s investment capital market because it facilitates capital formation for companies.

⁹ 15 U.S.C. § 78o(a)(1), §15(a)(1) of the federal Securities Exchange Act of 1934.

¹⁰ See *SEC v. Kramer*, 778 F. Supp.2d 1320, 1339 (M.D. Fla 2011).

Existing State Regulations [Government Code Section 11346.5, Subdivision (a)(3)(D)]

The Department has evaluated whether the proposed regulations are consistent with existing state regulations and concluded that these are the only rules that directly impact finders in securities transactions. Other state laws and regulations, including state tax laws with respect to delinquent tax payers¹¹ and child support,¹² do not impact this regulatory action because existing law does not require the Department to issue a professional or occupational license, certificate, registration or permit to an individual seeking exemption as a finder. Accordingly, the proposed regulatory action is consistent and compatible with existing state regulations and laws, and policy considerations under the Corporate Securities Law, and therefore the proposed amendments are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE [Title 1, California Code of Regulations, Section 20, Subdivision (c)(3)]

This proposed regulatory action does not incorporate any forms by reference.

DISCLOSURES REGARDING THE PROPOSED ACTION [Government Code Section 11346.5, Subdivision (a)(5) and (6), and (12)(A)]

- Mandate on local agencies or school districts: none.
- Cost or savings to any state agency: none.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: none.
- Other nondiscretionary cost or savings imposed on local agencies: none.
- Cost or savings in federal funding to the state: none.
- Significant effect on housing costs: none.

ECONOMIC IMPACT ON BUSINESS [Government Code Section 11346.5, Subdivision (a)(8)]

The Commissioner has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California

¹¹ Bus. & Prof. Code, § 494.5.

¹² Fam. Code, § 17520.

businesses to compete with businesses in other states. The Commissioner relied on the legislative committee analyses of AB 667¹³ to support the initial determination. Specifically, the proposed rulemaking will facilitate capital formation in California and thus benefit businesses, particularly small and emerging companies, which historically have been the catalysts for California's leading position in technology, biological science, entertainment and other industries. The regulatory structure proposed in this rulemaking will require finders to provide simplified filings, which is a less burdensome regulatory approach for business.

The Commissioner has not relied on any other reports, facts, evidence, documents, or testimony to support the initial determination that the regulation will not have a significant adverse economic impact on business.

EFFECT ON SMALL BUSINESS [Title 1, California Code of Regulations, Section 4]

The proposed regulations will not affect small business because finders are not a small business within the meaning of Government Code section 11342.610. Subdivision (b)(1) of Government Code section 11342.610 provides that a small business does not include a securities broker-dealer.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS [Government Code Section 11346.5, Subdivision (a)(9)]

Individuals seeking exemption from the broker-dealer requirements as a finder will incur an initial cost of \$300.00 to comply with the proposed rulemaking and thereafter annual costs of \$275.00. Specifically, the statutory fee to initially file the exemption is \$300.00 and the filing fee to renew the exemption each year is \$275.00. The Department anticipates some costs to individuals from completing the Statement of Information. However, these costs are anticipated to be insignificant because the information required to complete the form is minimal. There is no cost to finders to file amendments to the Statement of Information or to notify the Department when withdrawing as a finder.

The cost of the filing fees is not an additional cost to individuals who engage in securities transactions. Individuals engaged in securities transactions must either register as a broker-dealer or file an exemption, and

both require the payment of fees to the Department. The fee for filing an application for a broker-dealer certificate is \$300.00, which is the same amount as filing for exemption as a finder.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS [Government Code Section 11346.5, Subdivision (a)(10)]

The Department has determined that:

- The proposed action will not create or eliminate jobs within the state;
- The proposed action will not create new businesses or eliminate existing businesses within this state;
- The proposed action will not expand businesses currently doing business within California;
- As discussed above under the Informative Digest, the proposed action may benefit the health and welfare of California residents by increasing protections for investors; simplifying the regulatory filing process for finders; improving transparency in government and the economic market; and promoting confidence in the investment market, and in particular, investment in California businesses; and
- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

BUSINESS REPORTING REQUIREMENT [Government Code Section 11346.5, Subdivision (a)(11)]

The regulatory action does not require businesses to file a report with the Department.

CONSIDERATION OF ALTERNATIVES [Government Code Section 11346.5, Subdivision (a)(13)]

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 the law.

¹³ Legislative analyses are available at www.leginfo.ca.gov.

AVAILABILITY OF THE NOTICE, STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE [Government Code Section 11346.5, Subdivision (a)(16) and (20), and (b)]

As of the date this notice is published, the rulemaking file consists of this notice; the initial statement of reasons, which contains all the information upon which the proposal is based; and the proposed text of the regulation. The notice, initial statement of reasons, and proposed text are available by contacting the person designated below.

Inna Swickard
Legal Secretary
1515 K Street, Suite 200
Sacramento, California 95814
Telephone: (916) 322-3553
e-mail: Inna.Swickard@dbo.ca.gov

The notice, initial statement of reasons and proposed text are also available on the Department's website at www.dbo.ca.gov. To access the documents from the Department's website, click on the "Laws & Regs" tab at the top of the home page, click on the "Rulemaking" link under "Division of Corporations", and then click on the "Corporate Securities Law of 1968" link.

As required by the Administrative Procedure Act, the Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Business Oversight, Legal Division, 1515 K Street, Suite 200, Sacramento, California 95814.

AVAILABILITY OF CHANGED OR MODIFIED TEXT [Government Code Section 11346.5, Subdivision (a) (18)]

If the Department makes changes which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS [Government Code Section 11346.5, Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named below or may be accessed on the Department's website listed above.

CONTACT PERSON [Government Code Section 11346.5, Subdivision (a)(14)]

Inquiries regarding the substance of the proposed regulations may be directed to:

Peggy Fairman
Senior Counsel
1515 K Street, Suite 200
Sacramento, California 95814
Telephone: (916) 324-5217
e-mail: Peggy.Fairman@dbo.ca.gov

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to the backup contact person:

Inna Swickard
Legal Secretary
1515 K Street, Suite 200
Sacramento, California 95814
Telephone: (916) 322-3553
e-mail: Inna.Swickard@dbo.ca.gov

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

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on June 28, 2016. 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 per-

son designated in the 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.

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 July 13, 2016.

Authority and Reference: Pursuant to the authority vested by Section 7818 of the Business and Professions Code, and to implement, interpret, or make specific Sections commencing with Sections 7844 and 7846 of said code, the Board is considering making changes to Division 29 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Business and Professions Code (B&P) Section 7818 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of law relating to the practice of geology. To that extent, staff is proposing amendments to the Regulations Relating to the Practices of Geology and Geophysics to repeal exam inspections and appeals for geophysicists or specialty geologists or specialty geophysicists. These modifications would allow for increased exam security and protection of consumers of California and the Board's licensees and certificate holders. This change would maintain the Board's mission to safeguard the life, health, property, and welfare of the public. The Board is proposing the following:

REPEAL SECTIONS 3036.1, 3036.2, 3037.1, AND 3037.2 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS.

The proposed regulations would repeal Title 16 CCR Sections 3036.1 and 3037.1 to remove the inspection and appeal of geophysicist, specialty geologist or specialty geophysicist examinations from Title 16 CCR, Division 29. All licensing exams being repealed are multiple-choice only and clearly have one right answer, are psychometrically valid and are not structured to be appealed, and are scored by computer and leave no possibility for variation in grading. Additionally, there is no statutory authority required to provide examination inspection or appeal, nor is there a statutory or regulatory fee for examination inspection.

Repealing Title 16 CCR Sections 3036.2 and 3037.2 is simply eliminating the language. The authority to inspect and appeal geologist examinations was repealed on December 31, 1999, but the language remained in the regulations. Repealing language is purely clean-up as we seek to repeal Title 16 CCR, Sections 3036.1 and

3037.1 which currently allow for inspection and appeal of geophysicist or specialty geologist or specialty geophysicist examinations.

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The purpose and benefit is to ensure that the examination tests minimal competence to ensure public safety and that the items developed for licensure and certification are secure and reliable. Changes to the law will remove inspection and appeal options for exam candidates and their attorneys. Changes guarantee that exam items remain valid, are kept secure when not being tested, are legally defensible, and are reliable for future examinations. The amendments will maintain the Board's mission to safeguard the life, health, property, and welfare of the public. Additionally, repealing Title 16 CCR Sections 3036.1 and 3037.1 would result in a minor cost savings to the Board.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern examination appeal.

FISCAL IMPACT ESTIMATES

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

There are administrative expenses associated with the appeal process including, but not limited to, application review, staff preparation, subject matter expert consultation, and travel expenses. Repealing Title 16 CCR Sections 3036.1 and 3037.1 would result in a minor cost savings for the Board.

Nondiscretionary Costs/Savings to Local Agencies:

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

Local Mandate:

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

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

None.

Business Impact:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations pertain to the inspection and appeal of an examination by the examinee or the applicant's attorney.

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 have the following benefits to the health and welfare of California residents, worker safety, and the state's government:

The purpose and benefit is to ensure that the examination tests minimal competence to ensure public safety and items developed for licensure and certification are secure and reliable. Changes to the law will remove inspection and appeal options for exam candidates. Changes guarantee that exam items remain valid, are kept secure when not being tested, are legally defensible, and are reliable for future examinations. The amendments will maintain the Board's mission to safeguard the life, health, property, and welfare of the public.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

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

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

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

CONTACT PERSON

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

Name: Billie Baldo
Address: 2535 Capitol Oaks Drive, S-300
Sacramento, CA 95833
Telephone No.: (916) 263-2277
Fax No.: (916) 263-2246
E-Mail Address: billie.baldo@dca.ca.gov

The backup contact person is:

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

Website Access: Materials regarding this proposal can be found at <http://www.bpelsg.ca.gov/>.

TITLE 16. BOARD OF REGISTERED NURSING

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

**Board of Registered Nursing
1747 N. Market Blvd.
Sapphire Room (Room #285)
Sacramento, CA 95834**

**July 11, 2016
9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 11, 2016. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code (Code), and to implement, interpret or make specific Section 2725.4 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

SB 466 (Hill, Chapter 489, Statutes of 2015), approved by the Governor and filed with the Secretary of State on October 4, 2015, includes expanded require-

ments of registered nursing education programs specific to awarding student applicants credit in the field of nursing for military education and experience, internet posting of such information, and adoption of relevant regulations by the Board. This proposal would implement SB 466. Specific regulatory language is necessary to ensure clarity so that the nursing education programs understand and the BRN can enforce the requirements. The primary purpose of this proposal is to comply with SB 466, which requires the Board to adopt regulations requiring schools to have a process to evaluate and grant credit for military education and experience.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The benefit of these regulations will be to allow persons with applicable military education and experience who wish to become a Registered Nurse to have an effective process to have credit evaluated and applied toward completion of precicensure nursing education and/or establishing licensure eligibility.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATION

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

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There will be a fiscal impact to the state as the Board would have to hire Nursing Education Consultants to review schools’ policies and practices regarding granting credit for military education and experiences at least once every 5 years to ensure consistency in evaluation and application across schools.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

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

Results of the Economic Impact Assessment: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. As stated above under the ‘Anticipated Benefits of the Proposed Regulation,’ the benefits of these regulations will be to allow persons with applicable military education and experience who wish to become a Registered Nurse to have an effective process to have credit evaluated and applied toward completion of pre-licensure nursing education and/or establishing licensure eligibility. The proposed regulations will not have a significant impact to the health and welfare of California residents, worker safety or to the state’s environment.

Cost Impact on Representative Private Person or Business:

The proposed regulations may affect some schools in workload volume but not financial costs. Schools already have personnel in place as a part of the college and nursing department structure to evaluate transcripts for transfer credit; therefore, they may have an increase in workload volume.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses by increased workload.

CONSIDERATION OF ALTERNATIVES

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

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

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 of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board’s website, www.rn.ca.gov.

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

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

CONTACT PERSON

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

Name: Ronnie Whitaker
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-8257
 Fax No.: 916-574-7700
 E-Mail Address: ronnie.whitaker@dca.ca.gov

Name: Alcidia Valim
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-7684
 Fax No.: 916-574-7700
 E-Mail Address: alcidia.valim@dca.ca.gov

Website access: Materials regarding this proposal can be found at <http://rn.ca.gov/>

TITLE 16. PHYSICIAN ASSISTANT BOARD

The Physician Assistant Board (Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on July 11, 2016, in the Hearing Room located at

2005 Evergreen Street, Sacramento, California 95815. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov. The written comment period closes at **5:00 p.m. on July 11, 2016**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Anita Winslow, Regulatory Coordinator
Physician Assistant Board
2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

AUTHORITY AND REFERENCE

Business and Professions Code sections 2018 and 3510 authorize the Board to adopt this proposed regulation. The proposed regulation implement, interpret, and make specific section 3502 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Profession Code section 3502 authorizes the medical services performable by physician assistants, the supervision requirements of physician assistants, and supervision recordkeeping requirements. Existing law at Title 16, California Code of Regulations (CCR) section 1399.546 requires physician assistants to enter the name of their supervising physician in the patient's medical record every time they provide care for that patient. Section 1399.546 was adopted prior to the now wide-use of electronic medical records (EMR) and the automated or computerized entry of required medical information in the medical records of patients.

SB 337 Chapter 536, Statutes of 2015 (Pavley), amended Business and Profession Code section 3502.

Among the amendments was the requirement that the medical record for each episode of care for a patient identify the physician and surgeon who is responsible for the supervision of the physician assistant. Business and Professions Code section 3502(f) also was amended to state: "Compliance by a physician assistant and supervising physician and surgeon with this section shall be deemed compliance with Section 1399.546 of Title 16 of the California Code of Regulations."

Upon review of its interpretation of Section 1399.546 and the recent amendments to SB 337, the Board determined that Section 1399.546 is not consistent with the intent of Business and Professions Code section 3502 as amended by SB 337. Specifically, the Board determined that SB 337 was intended to alleviate the need for the physician assistant to manually enter the supervising physician's name in the patient's EMR for each episode of care. However, the current regulation still may be interpreted to require that entry.

This proposal would strike the current requirement that the physician assistant manually "enter" the name of his or her supervising physician in the patient's medical record for each episode of care, and instead require that the physician assistant only "record" the supervising physician in the patient's medical record for each episode of care. This would permit use of EMRs or other methods of recordation to meet this recordkeeping requirement.

The proposal would also add a paragraph to Section 1399.546 that explicitly permits the use of EMRs to meet this requirement provided that the electronic medical record software used by the physician assistant is designed to, and actually does, enter the name of the supervising physician assistant for each episode of care into the patient's medical record. Such automatic entry would be deemed sufficient compliance with this recordkeeping requirement.

Anticipated Benefits of the Proposed Regulation:

The purpose is to eliminate duplicative record keeping, thus ensuring that licensees would not be subjected to burdensome regulations in complying with this reporting requirement while still meeting the objective of documenting who is responsible for providing care in the patient's medical record.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action will directly affect businesses statewide, including small business, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

Significant effect on housing costs: None.

Business Impact:

This regulation 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. This initial determination is based on the following facts or evidence/documents/testimony:

The Physician Assistant Board has approximately 10,732 licensees for FY 2015–2016. Physician assistants work in a variety of practice settings and specialties under the supervision of licensed physicians. The Board does not have data on the number of physicians who supervise physician assistants or the number of businesses that employ them.

Existing law requires that physician assistants manually enter the name of their supervising physician in the patient’s record for each episode of care. The proposed amendment would clarify and specifically permit the physician assistant to use computer software programs to automatically enter the information, thus saving costs and time and eliminating duplicative functions within the health care delivery system. This proposal would therefore result in cost savings for any businesses that employ physician assistants or no costs for those businesses already electronically generating the information required by this regulation. The proposal’s purpose is to ensure there is no duplicative record keeping

while still enabling the patient to reference who their supervising physician is.

Effect on Small Business:

The Physician Assistant Board has determined that the proposed regulations would not affect small businesses because they only affect how physician assistants document their supervising physician.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS:

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

Benefits of the Proposed Action: The Physician Assistant Board has determined that this regulatory proposal will benefit the health and welfare of California residents by eliminating the inconsistency between Business and Professions Code section 3502 and CCR section 1399.546, thus enhancing consumer protection.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name: Anita Winslow
Address: 2005 Evergreen Street,
Suite 1100
Sacramento, CA 95815–3893
Telephone No.: (916) 561–8782
Fax No.: (916) 263–2671
E–Mail Address: anita.winslow@mbc.ca.gov

The backup contact person is:

Name: Lynn Forsyth
Address: 2005 Evergreen Street,
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TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 462.040, *Change in Ownership — Joint Tenancies*

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Anita Winslow at the address indicated above. The Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at: www.pac.ca.gov.

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, section (Property Tax Rule) 462.040, *Change in Ownership — Joint Tenancies*. The proposed amendments to Property Tax Rule 462.040 make the rule consistent with current law regarding the types of transfers that create “original transferor” status under Revenue and Taxation Code (RTC) section 65, subdivision (b), the change in ownership consequences of transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), and the applicability of the exclusion from the definition of change in ownership for transfers between cotenants, under RTC section 62.3. The proposed amendments clarify the rule’s current examples by identifying the joint tenancies in the current examples that are joint tenancies described in RTC section 65, subdivision (b), and subdivision (b)(1) of the rule, and are therefore subject to RTC section 65, subdivisions (c) and (d). The proposed amendments also reorganize the current provisions in paragraphs (1) through (3) in subdivision (b) by topic in new subparagraphs in new subdivision (b)(1), provide more descriptive subheadings for the numbered subparagraphs in new subdivision (b)(1) and renumbered paragraphs (2) through (6) in subdivision (b), and rearrange and renumber the examples in new subdivision (b)(1) so that the examples correspond to the subheadings.

PUBLIC HEARING

The Board will conduct a meeting at 1 Civic Center Plaza, Irvine, California, on July 14, 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 9:00 a.m. or as soon thereafter as the matter may be heard on July 14, 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 Property Tax Rule 462.040.

AUTHORITY

Government Code section 15606.

REFERENCE

RTC sections 60, 61, 62, 62.3, 63, 63.1, 65, 65.1, and 67; Evidence Code section 662.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current Law

Proposition 13 was adopted by the voters at the June 1978 primary election and added article XIII A to the California Constitution. Article XIII A generally limits the amount of ad valorem tax to a maximum of 1 percent of the full cash value of real property. For purposes of this limitation, section 2 of article XIII A defines *full cash value* to mean a county assessor’s valuation of real property as shown on the 1975–76 tax bill, or thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California Legislature codified the definition of “change in ownership” in RTC section 60 and codified other provisions regarding whether a transfer of property results in a change in ownership or is excluded from the definition of “change in ownership” in RTC sections 61 through 69.5.

Under Government Code section 15606, subdivision (c), the Board is authorized to prescribe rules and regulations to govern local boards of equalization and assessment appeals boards when equalizing and county assessors when assessing. The Board adopted Property Tax Rule 462.040, pursuant to Government Code section 15606, to implement, interpret, and make specific the change in ownership provisions, under article XIII A of the California Constitution and the RTC, applicable to transactions that create, transfer, or terminate joint tenancy interests.

In particular, Property Tax Rule 462.040 implements, interprets, and makes specific RTC section 65, subdivisions (a) through (d), which provide that:

(a) The creation, transfer, or termination of any joint tenancy is a change in ownership except as provided in this section, Section 62, and Section 63. Upon a change in ownership of a joint tenancy interest only the interest or portion which is thereby transferred from one owner to another owner shall be reappraised.

(b) There shall be no change in ownership upon the creation or transfer of a joint tenancy interest if the transferor or transferors, after such creation or transfer, are among the joint tenants. Upon the

creation of a joint tenancy interest described in this subdivision, the transferor or transferors shall be the “original transferor or transferors” for purposes of determining the property to be reappraised on subsequent transfers. The spouses of original transferors shall also be considered original transferors within the meaning of this section.

(c) Upon the termination of an interest in any joint tenancy described in subdivision (b), the entire portion of the property held by the original transferor or transferors prior to the creation of the joint tenancy shall be reappraised unless it vests, in whole or in part, in any remaining original transferor, in which case there shall be no reappraisal. Upon the termination of the interest of the last surviving original transferor, there shall be a reappraisal of the interest then transferred and all other interests in the properties held by all original transferors which were previously excluded from reappraisal pursuant to this section.

(d) Upon the termination of an interest held by other than the original transferor in any joint tenancy described in subdivision (b), there shall be no reappraisal if the entire interest is transferred either to an original transferor or to all remaining joint tenants, provided that one of the remaining joint tenants is an original transferor.

Also, Property Tax Rule 462.040 implements, interprets, and makes specific RTC sections 61, subdivision (e), 62, subdivision (f), and 65.1, subdivision (a), which contain change in ownership provisions that are specific to joint tenancies. RTC section 61, subdivision (e), provides that the term “change in ownership” includes “[t]he creation, transfer, or termination of any joint tenancy interest, except as provided in subdivision (f) of Section 62, and in Section 63 and Section 65.” RTC section 62, subdivision (f), provides that the term “change in ownership” does not include “[t]he creation or transfer of a joint tenancy interest if the transferor, after the creation or transfer, is one of the joint tenants as provided in subdivision (b) of Section 65.” And, RTC section 65.1, subdivision (a), provides that “Except for a joint tenancy interest described in subdivision (f) of Section 62, when an interest in a portion of real property is purchased or changes ownership, only the interest or portion transferred shall be reappraised. A purchase or change in ownership of an interest with a market value of less than 5 percent of the value of the total property shall not be reappraised if the market value of the interest transferred is less than ten thousand dollars (\$10,000) provided, however, that transfers during any one assessment year shall be cumulated for the purpose

of determining the percentage interests and value transferred.”

In addition, paragraphs (4), (5), and (7) in Property Tax Rule 462.040, subdivision (b), implement, interpret, and make specific the more general change in ownership provisions of, respectively, RTC sections 62, subdivision (a), 63, and 63.1. RTC section 62, subdivision (a), provides that the term change in ownership does not include “(1) [a]ny transfer between coowners that results in a change in the method of holding title to the real property transferred without changing the proportional interests of the coowners in that real property, such as a partition of a tenancy in common” and “(2) [a]ny transfer between an individual or individuals and a legal entity or between legal entities . . . that results solely in a change in the method of holding title to the real property and in which proportional ownership interests of the transferors and transferees, whether represented by stock, partnership interest, or otherwise, in each and every piece of real property transferred, remain the same after the transfer.” RTC section 63 provides an exclusion from the definition of change in ownership for interspousal transfers, and RTC section 63.1 provides an exclusion from the definition of change in ownership for specified parent–child and grandparent–grandchild transfers if a timely claim is filed.

On February 22, 2012, the Board received a petition from the California Assessors’ Association (CAA) requesting that the Board make a number of amendments to Property Tax Rule 462.040. In response, the Board initiated the rulemaking process to make several of the requested amendments and amended Property Tax Rule 462.040, effective October 1, 2013. As relevant here, the 2013 amendments made the rule consistent with:

- Current law (see, e.g., Civ. Code, § 683.2, subd. (a)(1)), which provides that the transfer of a joint tenancy interest to a trust severs the joint tenancy, for transfers to trusts occurring on or after October 1, 2013 (the effective date of the amendments);
- Family Code section 297.5 regarding the rights, protections, and benefits of registered domestic partners and RTC section 62, subdivision (p), providing an exclusion from the definition of “change in ownership” for transfers between registered domestic partners;
- RTC section 62.3 providing an exclusion from the definition of change in ownership for transfers of a principal residence between two cotenants that take effect upon the death of the transferor cotenant if specified statutory requirements are met, including that the transferee submits a signed affidavit affirming that he or she continuously resided with the transferor at the residence for the

one–year period immediately preceding the transfer; and

- RTC section 65, subdivision (b), by providing that all transferor(s) must be among the joint tenants for a transfer creating a joint tenancy or transferring a joint tenancy interest to be excluded from the definition of change in ownership, and that a transfer resulting in the elimination of a joint tenant does not create “original transferor” status in any of the remaining joint tenants.

Effects, Objectives, and Benefits of the Proposed Amendments

In its 2012 petition, the CAA also requested that examples be added to Property Tax Rule 462.040 to clarify the change in ownership consequence of transfers terminating certain joint tenancies under the current provisions of Rule 462.040, subdivision (b)(4), which are applicable to proportional transfers of interests in joint tenancies that are not described in RTC section 65, subdivision (b), and subdivision “(b)(1)” of Rule 462.040. Due to ongoing litigation regarding a transfer terminating a joint tenancy, changes to this subdivision were deferred during 2012 and 2013. This litigation, *Richard N. Benson v. Marin County Assessment Appeals Board* (2013) 219 Cal.App.4th 1445 (hereafter *Benson*), has now been finally decided.

As a result, Board staff reviewed *Benson, supra*. In that case, brother A owned real property. Brother A transferred the real property into a joint tenancy with brother B, and the transfer creating the joint tenancy was excluded from being a 50 percent change in ownership of the real property because the joint tenancy was a joint tenancy described in RTC section 65, subdivision (b). Then, brother B subsequently transferred his joint tenancy interest to himself as a tenant in common and argued that the proportional transfer was excluded from the definition of change in ownership under RTC section 62, subdivision (a). However, the court agreed with the county assessor that brother B’s transfer of his joint tenancy interest to himself as a tenant in common was a change in ownership triggering reassessment of his 50 percent interest under section 2, subdivision (a), of article XIII A of the California Constitution. This was because the joint tenancy of A and B was a joint tenancy described in RTC section 65, subdivision (b). The transfer of B’s interest to himself terminated the joint tenancy and constituted a change in ownership under the express terms of RTC sections 61, subdivision (f), and 65, subdivision (a). And, the court held that the provisions in RTC section 62, subdivision (a), excluding specified proportional transfers from the definition of change in ownership do not apply to transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), because the Legislature intended that sub-

division (f) be the only subdivision in RTC section 62 that applies to transfers of interests in joint tenancies described in RTC section 65, subdivision (b).

Board staff also reviewed the current provisions of Property Tax Rule 462.040, subdivision (b)(4) (referred to in the CAA's petition), which implement, interpret, and make specific the provisions in RTC section 62, subdivision (a), excluding specified proportional transfers from the definition of change in ownership, and explain how the statutory provisions apply to transfers of interest in joint tenancies, "other than" joint tenancies described in RTC section 65, subdivision (b). And, staff determined that there were issues because subdivision (b)(4) does not contain any clarifying examples and it does not clearly explain that the provisions in RTC section 62, subdivision (a), do not apply to transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), as the court held in *Benson*.

Board staff therefore developed a draft of proposed amendments to the rule to add six examples that clarify the change in ownership consequences of transfers terminating interests in joint tenancies. Two of the examples specifically illustrate the different consequences of transfers terminating interests held by an "original transferor or transferors" described in RTC section 65, subdivision (b), and held by persons "other than original transferors." The other four examples specifically illustrate that the provisions in RTC section 62, subdivision (a), excluding specified proportional transfers from the definition of change in ownership do not apply to transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), in accordance with *Benson, supra*, but may apply to transfers terminating interests in joint tenancies that are *not* described in RTC section 65, subdivision (b).

While preparing the draft amendments, staff determined that the current provisions in Property Tax Rule 462.040, subdivision (b), would be easier to understand if they were reorganized by topic. Therefore, to better organize subdivision (b), staff's draft amendments combined paragraphs (1) through (3) in subdivision (b) into a new subdivision (b)(1). Staff's draft amendments included current subdivision (b)(1)'s provisions explaining the general requirements to qualify for the exclusion from the definition of change in ownership provided by RTC section 65, subdivision (b), and create "original transferor" status at the beginning of new subdivision (b)(1) with the rule's three current examples (4, 6, and 11) illustrating the general requirements. Staff's draft amendments included current subdivision (b)(1)'s provisions explaining the requirements for a spouse or registered domestic partner to be considered an original transferor in new subdivision (b)(1)(A) with the rule's four current examples (7–10) illustrating the require-

ments. Staff's draft amendments included current subdivision (b)(2)'s provisions explaining the consequences of transfers terminating an original transferor's interest in a joint tenancy in new subdivision (b)(1)(B) with the rule's current example (14) and one of the new examples (discussed above) illustrating the consequences. Staff's draft amendments included current subdivision (b)(3)'s provisions explaining the consequences of transfers terminating an interest in a joint tenancy held by a person other than an original transferor in new subdivision (b)(1)(C) with the rule's two current examples (15 and 16) and one of the new examples (discussed above) illustrating the consequences. Staff's draft amendments included current subdivision (b)(1)'s provisions regarding transfers of joint tenancy interests into trusts in new subdivision (b)(1)(D) with the rule's current examples (5 and 12) regarding transfers to trusts. Staff's draft amendments renumbered current paragraphs (4) through (8), as paragraphs (2) through (6), respectively, in new subdivision (b), and added the four other new examples (discussed above) to renumbered subdivision (b)(2) regarding proportional transfers. Board staff's draft amendments also added more descriptive subheadings to the numbered subparagraphs in new subdivision (b)(1) and renumbered paragraphs (2) through (6) in subdivision (b) for additional clarity, and renumbered the current examples in subdivision (b).

In addition, while preparing the draft amendments, staff determined that it would be easier to understand how the Board reached the conclusions in the current examples in Rule 462.040, subdivision (b), if the examples more clearly identified the joint tenancies that are joint tenancies described in RTC section 65, subdivision (b), and are therefore subject to RTC section 65, subdivisions (c) and (d). Therefore, staff's draft amendments revised new subdivision (b)(1) of the rule so that it refers to a joint tenancy described in RTC section 65, subdivision (b), as a "joint tenancy described in subdivision (b)(1)" of the rule, and revised the old and new examples in new subdivision (b)(1)(A) through (D) and renumbered subdivision (b)(2) so they identify the joint tenancies that are joint tenancies described in subdivision (b)(1) of the rule.

Board staff subsequently provided its draft of the proposed amendments to the county assessors and other interested parties for comment via Letter To Assessors (LTA) 2015/033, dated July 2, 2015, which requested that written comments be submitted by August 14, 2015. Then, Board staff met with the interested parties on October 21, 2015, to discuss staff's draft amendments to Property Tax Rule 462.040.

The interested parties recommended and Board staff agreed that:

- New subdivision (b)(1) should include language informing readers that the purchase of property as joint tenants does not create original transferor status based upon the Board’s Legal Department’s long-standing opinion that purchasers are transferees, but are not transferors of the purchased property, within the meaning of RTC section 65, subdivision (b). (See, e.g. the Legal Department’s opinion in the November 3, 1986, back-up letter to Property Tax Annotation 220.0307 (11/3/86); annotations are published in the Board’s Property Taxes Law Guide and are summaries of the conclusions reached in selected legal rulings of the Board’s Legal Department (Cal. Code Regs., tit. 18, § 5700));
- Current example 8 should be revised to clarify that A died “while D was A’s husband”;
- Current example 12 should identify the date of the last step in the example’s step transaction as the date of the change in ownership resulting from collapsing the transaction’s steps under the step-transaction doctrine to be consistent with current law (See, e.g., *Crow Winthrop Operating Partnership v. Orange County* (1992) 10 Cal.App.4th 1848);
- One of the new examples should be further clarified to fully illustrate that the exclusions from the definition of change in ownership in RTC section 62, subdivision (a)(2), and RTC section 65 do not apply to a transfer of property held in a joint tenancy described in RTC section 65, subdivision (b), to a legal entity; and
- Renumbered subdivision (b)(6) should clarify that the exclusion from the definition of change in ownership for transfers between cotenants only applies when an affidavit has been submitted to the assessor, as required by RTC section 62.3.

Therefore, staff developed a second draft of the proposed amendments to the rule and distributed it to interested parties for comment via LTA 2015/063 dated December 31, 2015, which requested that written comments be submitted by February 12, 2016.

Board staff received a few comments recommending nonsubstantive changes to the second draft of the proposed amendments from interested parties in response to LTA 2015/063, all of which were accepted. Therefore, staff did not hold a second interested parties meeting.

Staff subsequently prepared a revised draft of the proposed amendments to Property Tax Rule 462.040, which incorporated the nonsubstantive changes recommended by the interested parties, deleted current example 13 because it is included in current example 14, and

renumbered the following old and new examples accordingly. Staff also prepared Formal Issue Paper 16-04, and submitted it to the Board with the revised draft of the proposed amendments for consideration during its March 30, 2016, Property Tax Committee meeting.

In the formal issue paper, Board staff recommended that the Board amend Property Tax Rule 462.040 to:

- Combine paragraphs (1) through (3) in subdivision (b) into a new subdivision (b)(1);
- Consolidate current subdivision (b)(1)’s provisions explaining the general requirements to qualify for the exclusion from the definition of change in ownership provided by RTC section 65, subdivision (b), and create “original transferor” status at the beginning of new subdivision (b)(1) with the rule’s current examples illustrating the general requirements;
- Clarify in new subdivision (b)(1) that the purchase of property as joint tenants does not create original transferor status, consistent with RTC section 65, subdivision (b);
- Consolidate in newly created subdivision (b)(1)(A) the rule’s current provisions and examples regarding transfers between spouses and registered domestic partners;
- Consolidate in newly created subdivision (b)(1)(B) the rule’s current provisions and example explaining the consequences of transfers terminating an original transferor’s interest in a joint tenancy.
- Clarify in a new example included in newly created subdivision (b)(1)(B) that the termination of the last surviving original transferor’s interest will result in a reassessment, consistent with RTC section 65, subdivision (c);
- Delete current example 13 because it duplicates current example 14;
- Consolidate in newly created subdivision (b)(1)(C) the rule’s current provisions and examples explaining the consequences of transfers terminating an interest in a joint tenancy held by a person other than an original transferor;
- Clarify in a new example included in newly created subdivision (b)(1)(C) that there is no reassessment as long as an original transferor continues to be on title, consistent with RTC section 65, subdivision (d);
- Consolidate in newly created subdivision (b)(1)(D) the rule’s current provisions and examples regarding transfers to trusts that occurred between November 13, 2003 and September 30, 2013;

- Renumber paragraphs (4) through (8) in subdivision (b) as paragraphs (2) through (6), respectively;
- Add four new examples to renumbered subdivision (b)(2) to specifically illustrate that the provisions in RTC section 62, subdivision (a), do not apply to transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), in accordance with *Benson, supra*, but may apply to transfers terminating joint tenancies that are *not* described in RTC section 65, subdivision (b);
- Add more descriptive subheadings to all the numbered subparagraphs in new subdivision (b)(1) and renumbered paragraphs (2) through (6) in subdivision (b) for additional clarity and to make the rule easier to navigate;
- Clarify in subdivision (b)(6) that the exclusion from the definition of change in ownership for transfers between cotenants only applies when an affidavit has been submitted to the assessor, as required by RTC section 62.3; and
- Provide more detailed information in current examples 4 through 16 to more clearly identify the joint tenancies that are joint tenancies described in RTC section 65, subdivision (b), and Rule 462.040, subdivision (b)(1), and renumber the current examples.

The recommendations in the formal issue paper were the result of a consensus between staff and the interested parties who participated in the interested parties meetings.

At the conclusion of the March 30, 2016, Property Tax Committee meeting, the Board agreed with staff's recommendations and unanimously voted to propose the adoption of staff's recommended amendments to Property Tax Rule 462.040. The Board determined that the amendments were reasonably necessary to have the effects and accomplish the objectives of addressing the CAA's petition and the issues created by the facts that Property Tax Rule 462.040, subdivision (b)(4), does not contain any clarifying examples and it does not clearly explain that the provisions in RTC section 62, subdivision (a), do not apply to transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), as the court held in *Benson, supra*. The Board also determined that the amendments were reasonably necessary to have the effects and accomplish the objectives of:

- Clarifying that the purchase of property as joint tenants does not create original transferor status;
- Clarifying that there is no reassessment of property held in a joint tenancy so long as an original transferor is on title, but that the

termination of the last surviving original transferor's interest in a joint tenancy will result in a reassessment;

- Identifying the joint tenancies in the rule's current examples 4 through 16 that are joint tenancies described in RTC section 65, subdivision (b), and subdivision (b)(1) of the rule, and are therefore subject to RTC section 65, subdivisions (c) and (d);
- Clarifying the conclusions reached in some of the current examples in subdivision (b);
- Reorganizing the current provisions of paragraphs (1) through (3) in subdivision (b) by topic in new subparagraphs in new subdivision (b)(1), renumbering paragraphs (4) through (8) as paragraphs (2) through (6), respectively in subdivision (b), and providing more descriptive subheadings for the number subparagraphs in new subdivision (b)(1) and renumbered paragraphs (2) through (6);
- Rearranging and renumbering the current examples in renumbered Rule 462.040, subdivision (b)(1), so that the examples correspond to the subheadings; and
- Clarifying that the exclusion from the definition of change in ownership for transfers between cotenants only applies when an affidavit has been submitted to the assessor.

The Board subsequently determined that it was necessary to make minor grammatical and clarifying changes to new subdivision (b)(1)(B), new examples 19 and 21, renumbered subdivision (b)(4), and subdivisions (c) and (d), and the Board included these minor changes in the Board's proposed amendments. (See footnote 2 in the initial statement of reasons for more detail.)

The Board anticipates that the proposed amendments will promote fairness throughout California's 58 counties and benefit the public, local boards of equalization and assessment appeals boards, and county assessors by providing additional notice regarding the provisions of RTC section 65, as interpreted in *Benson, supra*, clarifying the types of transfers that create "original transferor" status, and clarifying the change in ownership consequences of transfers terminating interests in joint tenancies described in RTC section 65, subdivision (b), under current law.

The Board has performed an evaluation of whether the proposed amendments to Property Tax Rule 462.040 are inconsistent or incompatible with existing state regulations. The Board has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because division 1 of title 18 of the California Code of Regulations con-

tains the only state regulations that implement, interpret, and make specific the change in ownership provisions in article XIII A of the California Constitution and the RTC, including Property Tax Rule 462.040, and the proposed amendments are not inconsistent or incompatible with any of the provisions in division 1. In addition, there are no comparable federal regulations or statutes to Property Tax Rule 462.040 or the proposed amendments to Property Tax rule 462.040.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 462.040 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement 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 Property Tax Rule 462.040 will result in no direct or indirect cost or savings to any state agency, no cost to any local agency or school districts 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 Property Tax Rule 462.040 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 Property Tax Rule 462.040 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 determined that the proposed amendments to Property Tax Rule 462.040 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Property Tax Rule 462.040 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create new businesses or expand businesses currently doing business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 462.040 will not affect the benefits of the rule to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of the proposed amendments to Property Tax Rule 462.040 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 Sonya Yim, Tax Counsel III (Specialist), by telephone at (949) 224-4804, by e-mail at Sonya.Yim@boe.ca.gov, or by mail at State Board of Equalization, Attn: Sonya Yim, 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. Yim.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:00 a.m. on July 14, 2016, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Property Tax Rule 462.040 during the July 14, 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 Property Tax Rule 462.040. 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 underline and strikeout version of the text of Property Tax Rule 462.040 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). The Board has also prepared a separate document identifying the current text of Rule 462.040 that the Board is proposing to move. 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, the initial statement of reasons, and document identifying the current text of the rule that the Board is proposing to move 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 Property Tax Rule 462.040 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 amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Property Tax Rule 462.040, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at www.boe.ca.gov.

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

DPH-15-001 Public Pools

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement overview section of this notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will

hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5:00 p.m. on July 11, 2016, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “**DPH-15-001 Public Pools**” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440-5747;
3. By Postal Service: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand-delivered: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, “**DPH-15-001 Public Pools**,” author’s name and mailing address.

AUTHORITY AND REFERENCE

The Department is proposing to amend the proposed regulation under the authority provided in California Health and Safety Code sections 116025, 116035, and 116050. This proposal implements, interprets and makes specific California Health and Safety Code sections 116025, 116035, 116040, 116043, 116050, 116053, 116055, 116060, and 116063.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department is authorized to establish public swimming pools regulations pursuant to California Health and Safety Code sections 116025 to 116068. The existing public pool regulations in Title 22, California Code of Regulations establish minimum operational standards for public pools. The Department is proposing an amendment to existing public swimming pool

regulations that is consistent with existing Model Aquatic Health Code (MAHC) requirements. In October 2013, the Department proposed rulemaking, which, in part, established a requirement for a pool operator to test for combined chlorine and maintain it below 0.4 ppm in order to minimize pool user discomfort in accordance with Centers for Disease Control and Prevention’s (CDC’s) and World Health Organization’s recommendations. That rulemaking was finalized in October 2014.

The Department proposes removing the requirement to test for and maintain combined-chlorine concentrations at 0.4 parts per million (ppm). This proposed change is in response to a change made by the CDC to the MAHC in August 2014. The Annex to the MAHC states that 0.4 ppm combined chlorine is an “action level,” not a true MAHC standard, because it is currently impossible for field tests to differentiate between organic and inorganic chloramines. Organic and inorganic chloramines show up in field test kits as combined chlorine, and, until a test becomes available that can test for one and not the other, the CDC has stated it will not introduce a combined-chlorine concentration requirement into the MAHC. The proposed regulatory action amends public pool operation and maintenance regulations that affect public pool sanitation, health, and safety practices in California. This action is necessary to incorporate the change of CDC’s requirement regarding combined-chlorine monitoring and to effectuate the Department’s statutory mandate to supervise the sanitation, healthfulness, and safety of public pools pursuant to California Health and Safety Code sections 113035 and 116050.

In addition, many California water purveyors introduce chloramine in their drinking water well above 0.4 ppm in order to kill microorganisms and keep the water safe. For instance, San Francisco has an average 2.2 ppm chloramine concentration in its tap water. Public pool operators would have a difficult time complying because pools are filled with tap water. Thus, it would make little sense to impose a stricter standard for public pools than for tap water.

The Department proposes removing all mentions of combined-chlorine maximum concentrations.

Problem Statement: In August 2014, the CDC’s MAHC was changed in a way that contradicts a requirement imposed in the Department’s October 2014 Public Pools rulemaking.

Objective: The broad objective of this proposed regulatory action is to effectuate the Department’s statutory mandate to effectively supervise sanitation, healthfulness, and safety of public pools by updating public swimming pool operational standards to meet current nationally recognized public health recommendations.

Benefit: In municipalities where the combined-chlorine concentration of the drinking water is higher than the current regulation, pool operators would be required to drain and fill their pools daily in order to comply if the regulation is not adopted. This results in a dramatic waste of precious water without an observable public health benefit. There is not a significant public health benefit to the current combined-chlorine concentration requirement because it is stricter than for drinking water, which is consumed, whereas pool water is not.

The proposed repeal of the combined-chlorine concentration requirement will result in the conservation of water during a time in which California is facing one of the most severe droughts on record. In addition, the repealing of this requirement follows the CDC's repeal of the requirement in their MAHC and will not affect the safety or healthfulness of pool water.

EVIDENCE SUPPORTING THAT THE PROPOSED REGULATORY ACTION IS COMPATIBLE WITH EXISTING STATE REGULATIONS

The Department has evaluated this proposal as to whether the proposed regulations are inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect public pools, the Department has concluded that no known statute or regulation conflicts with this proposed regulatory action.

MANDATED BY FEDERAL LAW OR REGULATIONS

Currently, there are no existing federal regulations or statutes applicable to the regulations.

FORMS INCORPORATED BY REFERENCE

None.

OTHER STATUTORY REQUIREMENTS

None.

BUSINESS REPORTING REQUIREMENT

Businesses operating a public pool are required to maintain records of certain public pool daily and monthly water quality and operation data. This proposal would lessen the daily water quality monitoring burden but still protect the health, safety, and welfare of the

people of the State. The Department finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation which requires a report apply to businesses.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Thus, there will be no significant adverse economic impact on California businesses.

LOCAL MANDATE

The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

FISCAL IMPACT ASSESSMENT

- A. Cost to Any Local Agency or School District:** The Department anticipates that there will be no cost to local government or school districts that operate public pools. The cost to comply with amending the proposed sections will provide a cost savings to the regulated community. The proposed regulatory requirement and standards for local government are the same as for State agencies and businesses operating public pools in California.
- B. Cost or Savings to Any State Agency:** The Department anticipates that there will be no cost to California agencies or departments that operate public pools.
- C. Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.
- D. Cost or Savings in Federal Funding to the State:** None.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Department anticipates that there will be no cost to private persons or businesses in California that operate public pools.

EFFECT ON HOUSING

The Department has determined that the regulations will not have an impact on housing costs. The amended language lessens the burden on the regulated community by eliminating the requirement to test for combined chlorine in a public swimming pool.

EFFECT ON SMALL BUSINESS

The Department has determined there are approximately 4,000 small businesses that operate public pools in California. The Department has further determined that this proposed regulatory action would not affect small businesses that own or operate public pools other than to reduce their regulatory burden. Existing regulations require public pool owners or operators to test and record several pool water quality parameters on a daily basis. This proposed amendment would reduce the amount of water quality testing public pool owners or operators are required to monitor on a daily basis by eliminating the combined chlorine monitoring requirement.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has determined that it is not likely the regulations would significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.
4. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations are reasonably necessary to protect the health and welfare of California residents who use public swimming pools.

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 this 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 provisions of law.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

Centers for Disease Control and Prevention, *The Model Aquatic Health Code, the Annex*. Available at <http://www.cdc.gov/healthywater/pdf/swimming/pools/mahc/Complete-First-Edition-MAHC-Annex.pdf>. Page 232.

San Francisco Public Utilities Commission, *Annual Water Quality Report 2013*. Available at <http://sfwater.org/index.aspx?page=634>.

CONTACT PERSON

Inquiries regarding the subject matter in this notice may be directed to Eric Trevena, Department's Environmental Management Branch, (916) 449-5695.

Inquiries regarding the regulatory process described in this notice should be directed to Dawn Basciano, Office of Regulations, at (916) 440-7367, or to the designated backup contact person, Linda Cortez (916) 440-7807.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 558-1710 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FOOD AND
AGRICULTURE**

NOTICE OF A REQUESTED HEARING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department), Meat, Poultry and Egg Safety Branch, Egg Safety and Quality Management Program, has proposed to adopt section 1358.6 of Title 3 of the California Code of Regulations. The proposal was published in the *California Regulatory Notice Register* on April 1, 2016 [Notice File No. Z2016-0322-07, Register 2016, No.14-Z], but no hearing was scheduled by the Department. The Department received a request for a public hearing; therefore, a public hearing will be held in accordance with Government Code section 11346.8. The proposal will establish procedures for the implementation of administrative penalties against any person found to be in violation of specified statutes and/or regulations relating to eggs, including the adoption of an administrative penalty schedule in regulation section 1358.6 in accordance with section 27581.1 of the Food and Agricultural Code. The regulatory proposal pertains to all egg registrants who market shell eggs and shell egg products in California in accordance with sections 27531 and 27541 of the Food and Agricultural Code.

Public Hearing Date, Time, and Location

June 6, 2016
10:00 a.m. to 11:00 a.m.
Department of Food and Agriculture
2800 Gateway Oaks Drive, Room #101
Sacramento, CA 95833

The Department may adjourn the hearing prior to the posted time if all public testimony has been received and/or no person is present that wishes to provide testimony.

Public Comments

Any interested person, or his or her duly authorized representative, may appear and be heard and provide written and/or oral testimony. Written comments may be faxed or e-mailed by 5:00 p.m., the day of the hearing to the contact person named in this Notice. Any written comments submitted during the original 45-day public comment period beginning April 1, 2016 and ending at 5:00 p.m., May 16, 2016, shall remain in the Department's official rulemaking file. All oral and written comments will be reviewed and responded to by Departmental staff in the Final Statement of Reasons (FSR) as part of the compilation of the rulemaking file. Any person may request a copy of the FSR once it has been prepared by the Department and approved by the Office of Administrative Law as a part of the final rulemaking file.

Contact Person

Any comments or inquiries may be faxed or e-mailed to the following:

Anthony S. (Tony) Herrera, Egg Quality Manager
E-mail: tony.herrera@cdfa.ca.gov
Fax: (916) 900-5359

The backup contact person is:

Nancy Grillo, Regulation Coordinator
E-mail: nancy.grillo@cdfa.ca.gov
Fax: (916) 900-5332

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**DEPARTMENT OF HEALTH CARE
SERVICES**

**Notice of 30-Day Public Comment Period
June 1, 2016-July 1, 2016**

**Nursing Facility/Acute Hospital Transition and
Diversion Waiver Renewal**

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (DHCS) intends to submit a

1915(c) Home and Community–Based Services Nursing Facility/Acute Hospital Transition and Diversion (NF/AH) Waiver renewal. This notice provides information of public interest with respect to DHCS seeking approval from the federal Centers for Medicare and Medicaid Services (CMS) to allow DHCS to renew the NF/AH Waiver. This proposal will be effective upon approval from CMS.

DHCS plans to submit the NF/AH Waiver renewal to CMS no sooner than August 31, 2016. The NF/AH Waiver may be modified, including a new CMS requirements relating to the HCBS Transition Plan, to reflect many of the changes that have been discussed during public meetings, the technical workgroups, as well as public comment received during the public comment period.

WRITTEN PUBLIC COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments to the Department relevant to the changes described in this notice.

The draft NF/AH Waiver renewal discussed above will be posted on May 6, 2016, on the DHCS NF/AH Waiver Renewal webpage at:

[http://www.dhcs.ca.gov/services/ltc/Pages/Nursing-Family-Acute-Hospital-\(NF-AH\)-Waiver-Renewal.aspx](http://www.dhcs.ca.gov/services/ltc/Pages/Nursing-Family-Acute-Hospital-(NF-AH)-Waiver-Renewal.aspx)

The full NF/AH Waiver application is also available upon request. **Written public comments will be accepted from June 1, 2016 through 5:00 p.m. on July 1, 2016.**

Mail Delivery: ATTN: Gopinath Vijayalakshmi
 Department of Health Care Services
 Long–Term Care Division
 1501 Capitol Avenue, MS 4502
 P.O. Box 997437
 Sacramento, CA 95899–7437

Email: nfahwaiverrenewal@dhcs.ca.gov

The written comment period closes at 5:00 p.m. on July 1, 2016; any written comments regardless of the method of transmittal must be received electronically by 5:00 p.m. or postmarked on this date, for consideration.

DHCS will hold five stakeholder meetings throughout the state to discuss the comments received on the waiver renewal during the 30–day public comment period, and to inform the public of changes made to the waiver as a result of public input. A summary of comments received and DHCS response(s) will be made available on the DHCS NF/AH Waiver Renewal webpage listed above by June 30, 2016 (hard copies will be mailed to waiver beneficiaries/providers upon request). Dates and locations of July meetings are listed below.

Date	Time	County	Address
7/7/2016	8 a.m.–5 p.m.	Sacramento, EEC	1500 Capitol Ave, Sac, CA 95814 (916) 445–3548
7/14/2016	8 a.m.–5 p.m.	Fresno, Mariposa Mall	2550 Mariposa Mall, Room 1036 Fresno, CA 93721 (559) 445–5084
7/18/2016	8 a.m.–5 p.m.	Los Angeles, Ronald Reagan State Building	300 S. Spring St, Ste 1726; Los Angeles, CA 90013 (213) 897–2241
7/19/2016	8 a.m.–5 p.m.	San Diego, Eshleman Auditorium	1350 Front St, Ste 6034, SD, CA 92101 (619) 525–4001
7/29/2016	8 a.m.–5 p.m.	Redding, Oxford Suites	1967 Hilltop Drive, Redding, CA 96002 (530) 221–0100

For individuals with disabilities, the Department will provide assistive devices such as reading or writing assistance, and conversion of materials into Braille, large print, audio, or computer disk. To request such services or copies in an alternate format or language, write or email by June 29, 2016:

ATTN: Jonathan Alspektor
 Department of Health Care Services
 Long–Term Care Division
 1501 Capitol Avenue, MS 4502
 P.O. Box 997437
 Sacramento, CA 95899–7437
 Email: nfahwaiverrenewal@dhcs.ca.gov

FISH AND GAME COMMISSION

site at <http://www.fgc.ca.gov/regulations/2012/index.aspx#nso>.

NOTICE OF FINAL CONSIDERATION OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2078, the California Fish and Game Commission (Commission), at its April 14, 2016, meeting in Santa Rosa, California, continued the hearing on potential listing of northern spotted owl (*Strix occidentalis caurina*) as a threatened or endangered species. The hearing is to be held at the Bakersfield Elks Lodge #266, 1616 30th Street, Bakersfield, California, on June 22–23, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard.

Pursuant to the provisions of Fish and Game Code Sections 2075 and 2075.5, the Commission will consider the petition and all other information in the record before the Commission to determine whether listing the northern spotted owl as a threatened or endangered species is warranted.

The Petition, the Department evaluation report and the other information in the record before the Commission are posted on the Fish and Game Commission web-

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65) NOTICE OF INTENT TO LIST: BROMODICHLOROACETIC ACID

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemical *bromodichloroacetic acid* as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. This action is being proposed under the authoritative bodies listing mechanism².

Chemical (CAS No.)	Reference	Occurrence
<i>Bromodichloroacetic acid</i> (71133–14–7)	NTP (2015)	Bromodichloroacetic acid can form when water containing natural organic matter and bromide is disinfected with chlorine-containing oxidizing compounds.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer pursuant to Title 27, Cal. Code of Regs., section 25306(d)³.
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in section 25306(e).

However, the chemical is not listed if scientifically valid data which were not considered by the authorita-

tive body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The National Toxicology Program (NTP) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)). OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA’s determination: *Bromodichloroacetic acid* meets the criteria for listing as known to the state to cause cancer under Proposition 65, based on findings of the NTP (NTP, 2015).

Formal identification and sufficiency of evidence for bromodichloroacetic acid: In 2015, the NTP published a report on bromodichloroacetic acid entitled *Toxicology Studies of Bromodichloroacetic Acid (CAS No. 71133–14–7) in F344/N Rats and B6C3F1/N Mice and Toxicology and Carcinogenesis Studies of Bro-*

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

³ All further references are to sections of Title 27 of the Cal. Code of Regulations, unless otherwise stated.

modichloroacetic Acid in F344/NTac Rats and B6C3F1/N Mice (Drinking Water Studies). The NTP report concludes that the chemical causes cancer (NTP, 2015) and satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP's discussion of data and conclusions in the report that bromodichloroacetic acid causes cancer. NTP (2015) states in the Conclusion section of the report's Summary (page 6):

"We conclude that bromodichloroacetic acid in the drinking water caused malignant mesothelioma and skin tumors in male rats and fibroadenomas and carcinomas of the mammary gland in female rats. Brain tumors in male and female rats and tumors of the oral cavity, large intestine, and mammary gland in male rats may also have been related to bromodichloroacetic acid exposure. We conclude that bromodichloroacetic acid caused liver cancer in male and female mice and Harderian gland cancer in male mice."

The NTP (2015) report states in the Conclusion section of the report's Abstract and main body of the report (pages 10 and 94):

"Under the conditions of this 2-year inhalation study, there was *clear evidence of carcinogenic activity* of bromodichloroacetic acid in male F344/NTac rats based on increased incidences of malignant mesothelioma and the combined incidences of epithelial tumors of the skin. Occurrences of subcutaneous fibromas were also related to exposure to bromodichloroacetic acid. Occurrences of glioma or oligodendroglioma (combined) of the brain, squamous cell papilloma and squamous cell carcinoma of the oral cavity (oral mucosa or tongue), adenoma of the large intestine, and fibroadenoma of the mammary gland may have been related to exposure to bromodichloroacetic acid."

"There was *clear evidence of carcinogenic activity* of bromodichloroacetic acid in female F344/NTac rats based on increased incidences of fibroadenoma and carcinoma of the mammary gland. The occurrences of glioma or oligodendroglioma (combined) of the brain may have been related to bromodichloroacetic acid exposure."

"There was *clear evidence of carcinogenic activity* of bromodichloroacetic acid in male B6C3F1/N mice based on increased incidences of hepatocellular carcinoma and hepatoblastoma and increased incidences of adenoma or carcinoma (combined) of the Harderian gland."

"There was *clear evidence of carcinogenic activity* of bromodichloroacetic acid in female B6C3F1/N mice based on increased incidences of hepatocellular adenoma, hepatocellular carcinoma, and hepatoblastoma." (Emphasis in original)

Thus, NTP (2015) has found that bromodichloroacetic acid causes increased incidences of malignant and combined malignant and benign tumors in male and female rats and male and female mice.

Request for comments: OEHHA is requesting comments as to whether bromodichloroacetic acid meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on June 27, 2016.** We encourage you to submit comments via e-mail, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov with "NOIL-bromodichloroacetic acid" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Michelle Robinson
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California
95812-4010
Fax: (916) 323-2265
Street Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period. Electronic files submitted should not have any form of encryption.

If you have any questions, please contact Ms. Robinson at Michelle.Robinson@oehha.ca.gov or at (916) 445-6900.

References

National Toxicology Program (NTP, 2015). *Toxicology Studies of Bromodichloroacetic Acid (CAS No. 71133-14-7) in F344/N Rats and B6C3F1 Mice and Toxicology and Carcinogenesis Studies of Bromodichloroacetic Acid in F344/NTac Rats and B6C3F1/N Mice (Drinking Water Studies)*. NTP Technical Report Series No. 583. US Department of Health and Human Services, NTP, Research Triangle Park, NC. Available at http://ntp.niehs.nih.gov/ntp/htdocs/lt_rpts/tr583_508.pdf.

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 2016–02

The Board of Parole Hearings (board) received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Steven J. Kelley on April 15, 2016. In accordance with 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:** Steven J. Kelley (D30828)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS (CCR) REQUESTED TO BE AFFECTED:** California Code of Regulations, title 15, section 2402(c).
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner cited to Penal Code section 3052 (board’s authority to promulgate regulations) and Penal Code section 5076.2 (requiring the board to promulgate regulations under the California Administrative Procedure Act (APA)).
5. **REASONS SUPPORTING THE AGENCY’S DECISION:** Petitioner requested the board repeal California Code of Regulations, title 15, section 2402, subdivision (c). The board fully reviewed petitioner’s request as well as petitioner’s explanation for the request.

Petitioner’s request is DENIED: The California Code of Regulations, title 15, section 2402, subdivision (c) lists “Circumstances Tending to Show Unsuitability.” Petitioner argues that this regulation was “never adopted or implemented in substantial compliance with

the California Government Code.” However, petitioner’s allegation is unsupported.

The Community Release Board, which was a predecessor agency to the Board of Parole Hearings, adopted title 15, section 2402, including subdivision (c). In adopting this regulation, the Community Release Board relied on Penal Code section 3041 for authority and reference in adopting section 2402 of title 15, as is reflected in the history note of section 2402. Penal Code section 3041, as it previously existed, required the board to “establish criteria for the setting of parole dates.”

The APA was enacted by statute in 1979. Section 2402 of title 15 was filed with the Secretary of State on September 8, 1981, and took effect thirty days later. It was subsequently published in the California Code of Regulations (Register 1981, No. 37). Since the Community Release Board adopted this regulation after the enactment of the APA, the Community Release Board met all APA requirements. Under the APA, the California Government Code section 11343.6 states:

The filing of a certified copy of a regulation . . . with the Secretary of State raises the rebuttable presumptions that:

- (a) It was duly adopted.
- (b) It was duly filed and made available for public inspection at the day and hour endorsed on it.
- (c) All requirements of this chapter [the APA] and the regulations of the office relative to such regulation have been complied with.
- (d) The text of the certified copy of a regulation or order of repeal is the text of the regulation or order of repeal as adopted.

The courts shall take judicial notice of the contents of the certified copy of each regulation and of each order of repeal duly filed.

Therefore, California Code of Regulations, title 15, section 2402, subdivision (c) is presumed to have been duly adopted and consistent with the statutory duties it was intended to clarify. Moreover, the California Supreme Court has expressly discussed and relied on the board’s suitability regulations, including the criteria in section 2402, subdivision (c), in reaching its conclusions about the role of a hearing panel in assessing an inmate’s suitability, which demonstrates the Supreme Court’s approval of these criteria. (See *In re Lawrence* (2008) 44 Cal.4th 1181; *In re Shaputis* (2008) 44 Cal.4th 1241.)

Consequently, the board DENIES petitioner’s request because petitioner’s allegation is not supported by current law.

6. BOARD CONTACT PERSON:

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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 2016-02** in the request.

Repeal sections: 12-501, 12-501.1, 12-501.2, 12-505, 12-505.1, 12-505.2, 12-505.3, 12-505.4, 12-505.5, 12-505.6, 12-510, 12-510.1, 12-510.1.11, 12-510.1.11.111, 12-510.1.11.112, 12-510.1.12, 12-510.1.13, 12-510.2, 12-510.2.21, 12-510.2.21.211, 12-510.2.21.212, 12-510.3, 12-510.3.31, 12-510.4, 12-510.4.41, 12-510.4.42, 12-510.5, 12-510.5.51, 12-510.5.52, 12-515, 12-515.1, 12-515.1.11, 12-515.1.12, 12-515.2, 12-515.2.21, 12-515.2.22, 12-515.2.22.221, 12-515.2.22.222, 12-515.2.23, 12-515.2.24, 12-515.2.24.241, 12-515.2.24.242, 12-515.2.25, 12-515.2.26, 12-515.2.26.261, 12-515.2.26.262, 12-515.2.26.263, 12-515.3, 12-515.3.31, 12-515.3.32, 12-515.3.32.321, 12-515.3.32.322, 12-515.3.33, 12-515.3.33.331, 12-515.3.33.332, 12-515.3.34, 12-515.3.34.341, 12-515.3.34.342, 12-515.3.35, 12-515.3.36, 12-515.3.36.361, 12-520, 12-520.1, 12-520.1.11, 12-520.1.12, 12-520.1.12.121, 12-520.1.12.122.

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-0329-04

DISAPPROVAL DECISION

DECISION OF DISAPPROVAL OF REGULATORY ACTION

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

DEPARTMENT OF CHILD SUPPORT SERVICES

Office of Administrative Law

In re:

Department of Child Support Services

Regulatory Action:

Title MPP, California Code of Regulations

OAL Matter Type: Nonsubstantive (N)

SUMMARY OF REGULATORY ACTION

On March 29, 2016, the Department of Child Support Services (Department) submitted this action to the Office of Administrative Law (OAL) to repeal Chapter 12-500 of the Manual of Policies and Procedures (MPP), which deals with the Franchise Tax Board child support collection program, as a change without regulatory effect.

On May 11, 2016, OAL provided notice to the Department that OAL disapproved the action. This Decision of Disapproval explains the reasons for OAL’s action.

DECISION

OAL disapproved the above-referenced action because the Department failed to provide an explanatory statement that complies with the requirements in title 1 of the California Code of Regulations (CCR), section 100. The Department did not demonstrate that the repeal of the chapter meets the requirements for a change without regulatory effect.

CONCLUSION

For the reasons set forth above, OAL disapproved this action because the Department did not adequately demonstrate that the repeal of MPP Chapter 12-500, in

its entirety, qualifies as a “change without regulatory effect” under title 1, section 100, of the California Code of Regulations.

Date: May 18, 2016

/s/

Thanh Huynh
Senior Attorney

For: Debra Cornez
Director

Original: Alisha A. Griffin
Copy: Joseph Lott

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2016-0401-01
Board of Barbering and Cosmetology
Military Training

This rulemaking action by the Board of Barbering and Cosmetology amends section 910 of title 16 of the California Code of Regulations to specify how veterans may utilize education, training, or experience obtained in the armed services to apply towards qualification for the Board’s licensure examination.

Title 16
AMEND: 910
Filed 05/13/2016
Effective 07/01/2016
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2016-0406-01
Board of Education
CA Assessment of Student Performance & Progress (CAASPP)

This certificate of compliance action makes permanent emergency regulations in OAL Matter No. 2015-1113-04E governing the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized

testing guidelines of the Smarter Balanced Assessment Consortium.

Title 5
ADOPT: 851.5, 853.6, 853.8, 860
AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864
Filed 05/18/2016
Effective 05/18/2016
Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0329-02
California Film Commission
California Film & Television Tax Credit Program 2.0

This certificate of compliance action makes permanent implementation of the California Film & Tax Credit Program, including the definitions, application process, eligibility determination, qualified expenditures, tax credit allocation, approved applicant responsibility, credit certificate issuance, applicant ranking, and promotional requirements.

Title 10
ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
Filed 05/11/2016
Effective 05/11/2016
Agency Contact: Terri Toohey (916) 768-5638

File# 2016-0330-01
Department of Corrections and Rehabilitation
Inmate Religious Personal Items and Sanctuaries

This is a resubmittal of rulemaking action no. 2015-1215-04 by the California Department of Corrections and Rehabilitation, which amends regulations in title 15 of the California Code of Regulations that deal with inmate possession of religious items.

Title 15
AMEND: 3000, 3213
Filed 05/11/2016
Effective 07/01/2016
Agency Contact: Sarah Pollock (916) 445-2308

File# 2016-0408-03
Department of Food and Agriculture
Seed Assessment Fees

This rulemaking action by the Department of Food and Agriculture amended section 3906, title 3 of the California Code of Regulations pertaining to the assessment on sales of agricultural and vegetable seed.

Title 3
AMEND: 3906
Filed 05/17/2016
Effective 07/01/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0411-03
Department of Food and Agriculture
Asian Citrus Psyllid Interior Quarantine

This certificate of compliance rulemaking by the Department of Food and Agriculture makes permanent amendments adopted in emergency action 2015-1025-03E. That emergency action expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* in the Bakersfield area of Kern County by approximately 83 square miles and established a new ACP quarantine area of approximately 106 square miles in the Arvin area of Kern County.

Title 3
AMEND: 3435
Filed 05/18/2016
Effective 05/18/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0506-02
Department of Food and Agriculture
Asian Citrus Psyllid Interior Quarantine

In this emergency rulemaking action, the Department of Food and Agriculture (“DFA”) amended section 3435(b) of title 3, California Code of Regulations to establish a quarantine area for the Asian Citrus Psyllid (“ACP”), *Diaphorina citri*, in the Kettleman City area of Kings County. This quarantine area of approximately 134 square miles is in response to the identification of one adult ACP in the Kettleman City area on April 13, 2016. The effect of this emergency action provides authority for the State to perform quarantine activities against ACP within this area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, Tulare, and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Alameda, and Stanislaus counties that were already under quarantine for ACP, totaling approximately 53,769 square miles.

Title 3
AMEND: 3435(b)
Filed 05/11/2016
Effective 05/11/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0506-04
Department of Food and Agriculture
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the “Department”) expands the quarantine area for the Asian Citrus Psyllid (“ACP”) *Diaphorina citri* in the Delano area of Kern County. The

Delano quarantine area is expanded by approximately 111 square miles and is expanded in response to the identification of one adult ACP on April 15, 2016. As a result of this emergency rulemaking, the quarantine areas in the Buttonwillow, Mettler, Shafter, Taft, and Wasco areas of Kern County are combined into the Delano quarantine area. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3
AMEND: 3435(b)
Filed 05/11/2016
Effective 05/11/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0510-03
Department of Food and Agriculture
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture (the “Department”) expands the quarantine area for the Asian Citrus Psyllid (“ACP”) *Diaphorina citri* in the Easton area of Fresno County. The Easton quarantine area is expanded by approximately 92 square miles in response to the identification of one adult ACP on April 14, 2016. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

Title 3
AMEND: 3435(b)
Filed 05/12/2016
Effective 05/12/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0510-04
Department of Food and Agriculture
Asian Citrus Psyllid Interior Quarantine

In this emergency rulemaking action, the Department of Food and Agriculture (“DFA”) amended section 3435(b) of title 3 of the California Code of Regulations to expand the existing quarantine area for the Asian Citrus Psyllid (“ACP”), *Diaphorina citri*, in San Luis Obispo County. This quarantine area expansion is in response to the identification of two adult ACPs from a trap in the San Luis Obispo area on April 8, 2016. The effect of this 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, San Bernardino, San Diego, Santa Barbara, Riverside, Tulare, and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Alameda, and Stanislaus counties that were already under quarantine for ACP, totaling approximately 53,772 square miles.

Title 3
 AMEND: 3435(b)
 Filed 05/12/2016
 Effective 05/12/2016
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0421-05
 Department of Rehabilitation
 Section 100 — Reference, Terms, and Typographical Corrections

This section 100 action amends several sections in title 9 to primarily make the text easier to use with assistive technology. Other changes include corrections to authority/reference citations and correcting typographical errors.

Title 9
 AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6
 Filed 05/12/2016
 Agency Contact: Shelly Risbry (916) 445-4466

File# 2016-0411-02
 Department of Resources Recycling and Recovery
 Compostable Materials Transfer and Processing

Section 17852 lists definitions for chapter 3.1 of division 7 of title 14 of the California Code of Regulations. Subdivision (a)(24.5) defines “Land Application.” As a change without regulatory effect, the Department of Resources Recycling and Recovery is clarifying that subdivision (a)(24.5) does not apply to the use of compost produced in compliance with “chapters” 3.1 and/or 3.2 of division 7, not “articles” 3.1 and/or 3.2.

Title 14
 AMEND: 17852
 Filed 05/11/2016
 Agency Contact: Harlee Branch (916) 341-6056

File# 2016-0421-01
 Occupational Safety and Health Appeals Board
 Stay of Abatement

In this rulemaking action, the Occupational Safety and Health Appeals Board (OSHAB) amends regulations in Title 8 of the California Code of Regulations to establish that stays of abatement of non-serious worker safety conditions by cited employers remain stayed pending disposition of an appeal unless otherwise ordered by the OSHAB. The action conforms section 362 of the OSHAB’s regulations to Assembly Bill 1634 (Chapter 497 of 2014) regarding the absence of a stay of abatement of serious citations during the pendency of a request for reconsideration. The action also amends sections 364 and 364.1 of the OSHAB’s regulations regarding withdrawals of appeals by employers and with-

drawals and partial withdrawals of citations by the Division of Occupational Safety and Health.

Title 8
 AMEND: 362, 364, 364.1
 Filed 05/18/2016
 Effective 07/01/2016
 Agency Contact: Autumn Gonzalez (916) 274-5751

File# 2016-0330-03
 Office of Emergency Services
 Hazardous Material Release Reporting, Inventory, and Response Plans

This filing of changes without regulatory effect by the Governor’s Office of Emergency Services amends and adopts sections in Title 19 of the California Code of Regulations, to make non-substantive changes for the purpose of restructuring chapter 7. All changes are related to renumbering.

Title 19
 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671
 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671
 Filed 05/11/2016
 Agency Contact:
 Michelle Church-Reeves (916) 845-8972

File# 2016-0411-04
 State Water Resources Control Board
 San Diego Water Board Basin Plan Amendment

This rulemaking action by the State Water Resources Control Board (SWRCB), pursuant to Government Code section 11353, adopts, by Resolution No. 2015-0066, the amendments to the Water Quality Control Plan for the San Diego Basin (9) adopted by the San Diego Regional Water Quality Control Board in Reso-

lution No. R9–2015–0008. The amendments include: incorporating the SWRCB Onsite Wastewater Treatment Systems Policy; changing the nitrate water quality objective for groundwater, with the exception of the Warner Valley Hydrologic Area, to 45 mg/L nitrate; adding implementation provisions for the nitrate groundwater objective to protect surface water quality where groundwater and surface water are interconnected; and repealing Appendix D — Conditions for Conditional Waivers of Waste Discharge Requirements in Table 4–4 and the corresponding concise summary of these Conditions for Conditional Waivers at section 3989 of Title 23 of the California Code of Regulations.

Title 23

ADOPT: 3991.1

REPEAL: 3989

Filed 05/17/2016

Effective 05/17/2016

Agency Contact: Jody Ebsen (916) 521–3965

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 16, 2015 TO
May 18, 2016**

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

- 04/21/16 AMEND: 599.744
- 04/12/16 AMEND: 18239
- 04/12/16 AMEND: 18616
- 03/22/16 AMEND: 18215.3, 18247.5, 18404, 18405, 18422, 18425, 18427.1, 18450.4, 18531.5, 18531.62 REPEAL: 18402.5
- 03/22/16 AMEND: 18406, 18530.4, 18530.45, 18992
- 02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024
- 02/22/16 ADOPT: 59800
- 02/11/16 AMEND: 57200
- 02/10/16 AMEND: 57200
- 02/04/16 ADOPT: 555.5

- 02/04/16 AMEND: 18351
- 02/04/16 AMEND: 18616
- 01/14/16 AMEND: 18944.1
- 01/14/16 AMEND: 18996
- 01/06/16 AMEND: 48000
- 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

Title 3

- 05/18/16 AMEND: 3435
- 05/17/16 AMEND: 3906
- 05/12/16 AMEND: 3435(b)
- 05/12/16 AMEND: 3435(b)
- 05/11/16 AMEND: 3435(b)
- 05/11/16 AMEND: 3435(b)
- 05/10/16 AMEND: 3435(b)
- 05/09/16 ADOPT: 3591.27
- 04/25/16 AMEND: 3435(b)
- 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
- 04/05/16 AMEND: 3589
- 03/29/16 AMEND: 3435(b)
- 03/21/16 AMEND: 3435
- 03/10/16 AMEND: 3435(b)
- 03/09/16 AMEND: 3435(b)
- 03/08/16 AMEND: 3435(b)
- 02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784
- 02/17/16 AMEND: 3439(b)
- 02/09/16 AMEND: 3435(b)
- 02/02/16 ADOPT: 3442
- 01/27/16 ADOPT: 3591.26
- 01/21/16 AMEND: 3435(b)
- 01/20/16 AMEND: 3435(b)
- 01/14/16 AMEND: 3435(b)
- 01/06/16 AMEND: 3435(b)
- 01/05/16 AMEND: 3435(b)
- 12/30/15 AMEND: 3435(b)
- 12/23/15 ADOPT: 3441
- 12/21/15 AMEND: 3435(b)
- 12/16/15 AMEND: 3435(b)

Title 4

- 04/27/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12
- 04/25/16 ADOPT: 1866.1 AMEND: 1844
- 04/21/16 ADOPT: 610

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04/13/16	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15	03/23/16	AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19
04/12/16	AMEND: 1489	03/14/16	AMEND: 9789.21, 9789.25
03/28/16	AMEND: 10176(d), 10181	03/14/16	AMEND: 333, 336
03/23/16	ADOPT: 12465 AMEND: 12460, 12461, 12462, 12463, 12464, 12466	03/07/16	AMEND: 4307
03/10/16	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	03/07/16	AMEND: 4412
03/08/16	AMEND: 1658	03/04/16	AMEND: 9785.4.1
03/03/16	AMEND: 10176, 10179, 10180, 10181	02/25/16	AMEND: 3328
02/04/16	AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230	01/06/16	AMEND: 5194(c)
02/01/16	ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229	12/30/15	ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962
01/26/16	ADOPT: 1866.1 AMEND: 1844	Title 9	
01/25/16	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11	05/12/16	AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6
01/04/16	AMEND: 130	04/21/16	REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799
12/29/15	AMEND: 1887	Title 10	
12/24/15	AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337	05/11/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
Title 5		05/10/16	AMEND: 2318.6, 2353.1, 2354
05/18/16	ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864	05/10/16	AMEND: 2353.1
04/25/16	AMEND: 41906.5, 41906.6	03/22/16	AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6
03/28/16	ADOPT: 1700	03/08/16	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5
03/22/16	ADOPT: 9526	02/04/16	AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218
03/21/16	AMEND: 80057.5, 80089.2	02/02/16	ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268 REPEAL: 2218.1, 2255, 2261, 2262, 2263, 2264, 2265, 2269.1, 2269.4, 2269.7, 2269.10, 2269.11, 2269.13, 2269.14
03/03/16	AMEND: 19810	01/07/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
02/26/16	AMEND: 27007		
02/24/16	AMEND: 80499		
02/24/16	AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2		
02/18/16	ADOPT: 40106		
01/12/16	ADOPT: 27700, 27701, 27702, 27703, 27704, 27705		
Title 8			
05/18/16	AMEND: 362, 364, 364.1		
04/12/16	AMEND: 3207, 3212		

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

Title 11

04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132

04/25/16 ADOPT: 50.24

04/06/16 ADOPT: 28.5

04/06/16 ADOPT: 28.6

03/23/16 ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559

03/10/16 AMEND: 20

02/24/16 AMEND: 1005, 1007, 1008, 1052

02/24/16 AMEND: 1951, 1953, 1954, 1955

02/17/16 AMEND: 1005, 1081

01/27/16 AMEND: 1953(e)(5)

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05/09/16 AMEND: 156.00, 156.01

04/06/16 ADOPT: 150.10

02/29/16 AMEND: 553.70

02/25/16 AMEND: 551.8, 551.12, 591, 592

02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442

01/26/16 AMEND: 1239

01/25/16 AMEND: 1162.1, 1242

01/19/16 AMEND: 1253

01/19/16 ADOPT: 1160.7, 1161.8 AMEND: 1160.2

12/21/15 AMEND: 423.00

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05/11/16 AMEND: 17852

05/02/16 AMEND: 29.85

04/28/16 ADOPT: 131

04/27/16 AMEND: 27.80

04/26/16 AMEND: 29.45

04/26/16 AMEND: 28.20

04/20/16 ADOPT: 1760.1, 1779.1

04/06/16 AMEND: 1038

03/29/16 AMEND: 27.80

03/28/16 ADOPT: 8.01

03/07/16 ADOPT: 749.8

03/01/16 AMEND: 7.50

02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, 230

02/23/16 AMEND: 632

02/18/16 ADOPT: 748.5

02/10/16 ADOPT: 672, 672.1, 672.2

02/10/16 AMEND: 17381.2

02/09/16 AMEND: 3550.11

02/05/16 AMEND: 1724.9

01/25/16 AMEND: 870.15, 870.17, 870.19, 870.21

01/21/16 ADOPT: 1760.1, 1779.1

01/13/16 AMEND: 149

12/30/15 AMEND: 180.6

12/29/15 AMEND: 1038

12/28/15 ADOPT: 8.01

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05/11/16 AMEND: 3000, 3213

05/10/16 AMEND: 3173.2

04/28/16 AMEND: 3000

03/30/16 AMEND: 8004.2

03/30/16 REPEAL: 3999.16

03/29/16 AMEND: 3315, 3375.2

03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4

03/10/16 ADOPT: 3000, 3268.2 REPEAL: 3999.17

02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379 REPEAL: 3999.15

02/18/16 AMEND: 3375.1, 3377

12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2

12/24/15 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

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05/13/16 AMEND: 910

05/10/16 AMEND: 2403

05/04/16 AMEND: 4170

05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5

04/28/16 AMEND: 1417

04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106

04/20/16 AMEND: 1715, 1784

04/11/16 AMEND: 1399.523

04/08/16 ADOPT: 1746.1

04/04/16 AMEND: 974

03/22/16 AMEND: 1970.4

03/21/16 AMEND: 1380.5

03/07/16 AMEND: 1001

03/03/16 ADOPT: 1463.5, 1485.5

02/29/16 ADOPT: 1960

02/24/16 AMEND: 1446, 1447, 1447.1

02/23/16 AMEND: 109, 111

02/18/16 ADOPT: 1108

02/08/16 AMEND: 1417
 01/27/16 ADOPT: 1746.3
 01/25/16 ADOPT: 1746.2
 01/25/16 AMEND: 420.1, 3021.1
 01/11/16 AMEND: 995
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 12/23/15 ADOPT: 1399.50, 1399.52

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04/25/16 AMEND: 100800
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9,
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 6500.51, 6500.55, 6500.58, 6500.71,
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 03/08/16 AMEND: 60201
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04/22/16 AMEND: 1668
 04/20/16 AMEND: 5600, 5601, 5603
 03/28/16 AMEND: 2401, 2413, 2422
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 01/06/16 AMEND: 1619
 12/29/15 ADOPT: 18416.5
 12/16/15 AMEND: 1532, 1533.1, 1533.2, 1534,
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05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632,
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 2655, 2656, 2657, 2658, 2659, 2670,
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2631, 2705 renumbered to 2632, 2720
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 renumbered to 2643, 2724 renumbered to
 2644, 2725 amended and renumbered to
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 2729.5 amended and renumbered to
 2655, 2729.6 amended and renumbered
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 renumbered to 2657, 2731 renumbered to
 2658, 2732 amended and renumbered to
 2659, 2733 amended and renumbered to
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04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204,
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 04/06/16 AMEND: 2401, 2402
 03/08/16 AMEND: 2.1
 02/10/16 AMEND: 1601, 1604, 1605.3
 12/21/15 ADOPT: 1208, 1208.1, 1209, 1210,
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 1233.4, 1234 AMEND: 1003, 1101,
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 to 1747], 1755 [renumbered to 1748],
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05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171
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 04/19/16 AMEND: 123000
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 03/29/16 AMEND: 51516.1
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 02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172
 02/01/16 AMEND: 64806
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02/10/16 AMEND: 102352, 102416.5, 102417, 102421
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02/25/16 ADOPT: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8414 AMEND: 8400, 8401, 8410, 8412 (renumbered to 8411), 8416 (renumbered to 8412), 8417 (renumbered to 8413), 8419 (renumbered to 8415), 8420 (renumbered to 8416), 8421 (renumbered to 8417) REPEAL: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8411, 8413, 8414, 8415, 8418

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04/13/16	AMEND: 27001	12-204.2,	12-204.3,
02/08/16	AMEND: 25705	12-204.3.31,	12-204.3.31,
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