



California Regulatory Notice Register

REGISTER 2014, NO. 7-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 14, 2014

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest-Codes — Notice File No. Z2014-0204-04 273
Amendment

Multi-County: California Risk Management Authority
California Risk Management Authority II

TITLE 10. DEPARTMENT OF INSURANCE

Annual Low-Cost Auto Rate Filing — Notice File No. Z2014-0204-09 274

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

Access for Infants and Mothers (AIM) Eligibility, Enrollment, etc. — Notice File No. Z2014-0204-07 277

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

Managed Risk Medical Insurance Program (MRMIP) Modification of GIP — Notice File No. Z2014-0204-08 .. 279

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

Modify Managed Risk Medical Insurance Program (MRMIP) Eligibility Standards — Notice File No. Z2014-0204-06 282

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

Suction Dredging — Notice File No. Z2014-0204-05 285

TITLE 16. CALIFORNIA ARCHITECTS BOARD

Architect Registration Examination (ARE) — Notice File No. Z2014-0204-10 288

TITLE 18. BOARD OF EQUALIZATION

Returns, Defects and Replacements — Notice File No. Z2014-0204-03 290

OAL REGULATORY DETERMINATIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

2014 OAL DETERMINATION NO. 3(S) — SUMMARY DISPOSITION

Folsom State Prison Gate Pass Clearance Criteria 295

(Continued on next page)

Time-Dated Material

DEPARTMENT OF CORRECTIONS AND REHABILITATION
2014 OAL DETERMINATION NO. 2(S) — SUMMARY DISPOSITION

Pelican Bay State Prison Operational Procedure No. 228, Titled the Hunger Strike Procedure 296

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 298

Sections Filed, September 4, 2013 to February 5, 2014 299

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

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY

AGENCY: California Risk Management Authority
California Risk Management Authority II

A written comment period has been established commencing on **February 14, 2014** and closing on **March 31, 2014**. Written comments should be directed to the Fair Political Practices Commission, Attention Barbara Smith, 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 his/her review, unless any interested person or his/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 his/her or its own motion or at the request of any interested person, will approve, or revise and approve, or return

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **March 31, 2014**. 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 Barbara Smith, 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 re-

spective agency. Requests for copies from the Commission should be made to Barbara Smith, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2014-00004

January 29, 2014

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING REGARDING
LOW-COST AUTOMOBILE
INSURANCE RATES**

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to consider an adjustment to rates for the California Low-Cost Automobile Insurance program.

Insurance Code Section 11629.72(c) provides that, annually, the California Automobile Assigned Risk Plan ("CAARP") shall submit to the Commissioner a proposed Low-Cost Automobile rate and surcharge schedule for approval. Accordingly, CAARP submitted its 2013 rate recommendation, proposing an overall average rate increase of 6.7%. The Commissioner will consider the current rates and CAARP's rate proposal and hereby invites public input regarding CAARP's proposal. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

**AUTHORITY TO ADOPT RATES
AND REFERENCE**

Authority for the promulgation of rates is vested in the Insurance Commissioner pursuant to California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, and 11629.79. Premium rates are referenced in Section 27 and Exhibit E of the Program's Plan of Operations. The proposed regulation implements, interprets, and makes specific Insurance Code sections 11629.72 and 11629.79. Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing,

with respect to the proposed rates at the following date, time, and place:

**Date and time: April 7, 2014
11:00 a.m.**

**Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Summer Volkmer, Attorney
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
volkmers@insurance.ca.gov
Telephone: (415) 538-4169

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 7, 2014**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile

transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Insurance Code Sections 11629.7 through 11629.85 establish, within the California Automobile Assigned Risk Plan, established under Section 11620 of the Insurance Code, a statewide Low-Cost Automobile Insurance Program.

Because the program is established and administered through the CAARP, CAARP procedures are applied where appropriate and consistent with the low-cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Section 11629.7 of the Insurance Code requires that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium

rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

Insurance Code Section 11629.72(c) provides that, annually, CAARP shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP has submitted a proposal to increase the current rate 7.5%. Further details appear in the application on file with the Commissioner, which is available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/ FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal 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 proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Insurance Commissioner has initially determined that the proposal will have minimal, if any, effect on small businesses and invites comments.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate proposal, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file with the Commissioner and available for review as set forth below.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rate application. **By prior appointment,**

CAARP's Low-Cost Automobile rate application is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling (415) 538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling (213) 346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment,** the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Below this sub-

heading, click on the ‘Proposed Regulations’ link and then click on the ‘Search for Proposed Regulations’ link. When the ‘Search or Browse for Documents for Proposed Regulations’ screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter the Department’s regulation file number for these regulations (found at the top of this notice) in the ‘Search for’ field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, “11624”), or search by keyword (“low cost,” for example). Then, click on the ‘Submit’ button to display links to the various filing documents.

To browse, click on the ‘Browse All Regulations’ button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the ‘Statistical Plan Enforcement Remedies’ link, and click it. Links to the documents associated with these regulations will then be displayed.

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

**CHAPTER 5.6 ACCESS FOR INFANTS AND MOTHERS PROGRAM
ARTICLE 2. ELIGIBILITY, APPLICATION AND ENROLLMENT**

AMEND SECTIONS 2699.200, 2699.201, 2699.202, 2699.205, 2699.208, 2699.209, 2699.210, 2699.211, 2699.400

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

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

WRITTEN COMMENTS

Notice is also given that any interested person, or his or her authorized representative, may submit written

comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
Attn: Alissa Harris
1000 G Street, Suite 450
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to aharris@mrmib.ca.gov. Comments must be received by no later than **5:00 p.m. on March 31, 2014**. The Board will consider only comments received, at the Board offices by that time.

AUTHORITY AND REFERENCE

Authority: Section 12696.05, Insurance Code, Section 77 of AB 82 (Chapter 23, Statutes of 2013).

Reference: Sections 12696.05, 12698, and 12698.30 of the Insurance Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Access for Infants and Mothers (AIM) program is a state and federally-funded program administered by the Managed Risk Medical Insurance Board (MRMIB or Board) (Insurance Code Section 12695 et seq.). The program provides low-cost health insurance to uninsured, middle-income pregnant women. The total cost to the individual subscriber is 1.5 percent of her adjusted annual household income. The State of California and the federal government supplement the subscriber contribution to cover the full cost of care.

On June 27, 2013, the Governor signed AB 82 (Chapter 23, Statutes of 2013), the 2013 Omnibus Health Trailer Bill. Section 24 of AB 82 added subdivision (d) to Insurance Code Section 12698, requiring use of Modified Adjusted Gross Income (MAGI) in calculating AIM eligibility effective January 1, 2014, pursuant to the Federal Patient Protection and Affordable Care Act (Public Law 111-148, amended by Public Law 111-152, jointly referred to here as the ACA).

On June 27, 2013, the Governor also signed ABX1-1 (Chapter 3, Statutes of 2013-13, First Extraordinary Session). Section 2 of ABX1-1 amended subdivision (a) of Insurance Code Section 12698.30 to require that AIM eligibility continue through the end of the month in which the 60th day following the end of a pregnancy falls, rather than ceasing coverage on the 61st day following the end of the pregnancy.

At its November 20, 2013 public meeting, the Managed Risk Medical Insurance Board adopted emergency AIM regulations to implement provisions concern-

ing eligibility, enrollment and subscriber contributions and to make additional technical changes concerning MAGI eligibility in compliance with AB 82, and end-of-month disenrollment in compliance with ABX1-1 as well as other technical changes. The emergency regulation took effect on December 27, 2013, and was implemented for AIM subscribers beginning January 1, 2014.

The proposed regulation will bring the AIM application and eligibility process into conformity with federal requirements that states provide a streamlined application that can be used across multiple programs, giving applicants “no wrong door” access to programs for which they may be eligible. The proposed regulation will reduce the burden on applicants by removing requirements that certain documentation and a prepayment must accompany the application. The proposed regulation will also provide subscribers with a longer period of coverage, to the end of the month in which the 60th day post-partum occurs, as required by recent legislation.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

After conducting a review for any similar regulations, the Board has concluded that these are the only regulations dealing with AIM application and eligibility. Therefore, MRMIB has determined that the proposed regulation is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

MRMIB has made the following initial determinations: Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The AIM program is funded by a combination of state and federal subsidies and subscriber premiums. The proposed regulation would modify provisions concerning eligibility, enrollment and subscriber contribution. The state fund may have costs since more people will be eligible for coverage. However, at this time, the amount of costs is unknown because the change of caseload in the AIM due to this regulation cannot be identified.

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: The AIM program is funded by a combination of state and federal subsidies and subscriber premiums. The proposed regulation would modify provisions concerning

eligibility, enrollment and subscriber contribution. The state fund may have costs since more people will be eligible for coverage. However, at this time, the amount of costs is unknown because the change of caseload in the AIM program due to this regulation cannot be identified.

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.

Significant effect on housing costs: None.

Results of Economic Impact Analysis/

Assessment: The MRMIB concludes that it is: (1) unlikely that the proposed action will create any jobs within the State; (2) unlikely that proposed action will eliminate any jobs within the State; (3) unlikely that the proposed action will create any new businesses within the State; (4) unlikely that the proposed action will eliminate any existing businesses within the State; and (5) unlikely that the proposed action will cause the expansion of businesses currently doing business within the State.

Benefits of the Proposed Action: The proposed action would benefit the health and welfare of California residents. The proposed regulation brings the AIM application and eligibility process into conformity with federal requirements that states provide a streamlined application that can be used across multiple programs, giving applicants “no wrong door” access to programs for which they may be eligible. The proposed regulation reduces the burden on applicants by removing requirements that certain documentation and a prepayment must accompany the application. The proposed regulation provides subscribers with a longer period of coverage, to the end of the month in which the 60th day post-partum occurs, as required by recent legislation.

Significant, statewide adverse economic impact directly affecting businesses:

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

Small Business Determination: The Board has determined that the proposed regulations will not affect small businesses. AIM is a program for pregnant women funded by the state, the federal government and subscriber premiums. The MRMIB is not aware of any cost impacts that a small business would incur in reasonable compliance with the proposed action.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the MRMIB must determine that no reasonable alternative it considered, or that has been

otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

MRMIB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period, or at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alissa Harris
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324-0571
or

Tony Lee
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327-8000

INITIAL STATEMENT OF REASONS

The MRMIB 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 this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.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 above.

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 above. The Final Statement of Reasons and the Rulemaking File will also be posted on the MRMIB website at www.mrmib.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

WEBSITE ACCESS

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

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

CHAPTER 5.5 MAJOR RISK MEDICAL INSURANCE BOARD

ARTICLE 6 PILOT PROGRAM PAYMENTS

AMEND SECTION 2698.602

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

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

WRITTEN COMMENTS

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
 Attn: Alissa Harris
 1000 G Street, Suite 450
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to aharris@mrrib.ca.gov. Comments must be received by no later than **5:00 p.m. on March 31, 2014**. The Board will consider only comments received at the Board offices by that time.

AUTHORITY AND REFERENCE

Authority: Section 1373.622, Health and Safety Code; section 10127.16, Insurance Code.

Reference: Sections 1373.62 and 1373.622, Health and Safety Code; sections 10127.15 and 10127.16, Insurance Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Insurance Code section 12700, et seq., established the Major Risk Medical Insurance Program (MRMIP) in 1991, administered by MRMIB. The program provides access to health insurance for individuals who are denied coverage or offered excessive premiums due to pre-existing medical conditions. The State subsidizes the cost of health services with an appropriation from the Proposition 99 Cigarette and Tobacco Products Sur-tax Fund. This is a capped appropriation and the Board frequently has been obligated to limit enrollment in the program to stay within the appropriation.

To ease the demand on the MRMIP appropriation, in September 2002 the Legislature passed, and the Governor signed, AB 1401 (Chapter 794, Statutes of 2002), which restructured MRMIP and created a four-year pilot project (Guaranteed Issue Pilot Project or GIP). During the time the pilot project operated, 2003 through 2007, MRMIP subscribers remained in the program for only 36 consecutive months. (Insurance Code section 12725(f).) At the end of that period, their MRMIP eligibility terminated and they became eligible, on a “guaranteed issue” basis, for a “MRMIP look-alike” health plan sold by each health insurer and health care service plan (hereinafter “health plans”) offering coverage in the individual insurance market. As in MRMIP,

MRMIB subsidized the cost of subscriber coverage in GIP but shared the losses equally with the health plans, whereas the state bore substantially all losses within MRMIP. (Health and Safety Code section 1373.62 (repealed), Insurance Code section 10127.15 (repealed).)

Once the pilot project ended, health plans participating in GIP were obligated to continue providing coverage to those subscribers who had already enrolled in GIP health plans, and MRMIB was obligated to continue sharing health plans’ costs, on the same terms as during the pilot project. (Health & Safety Code section 1373.622, Insurance Code section 10127.16.) These terms included a statutorily-defined timeline for plans’ submission of annual reconciliation reports to MRMIB to claim reimbursement for half the plans’ losses within GIP. Specifically, plans were obligated to report aggregate health care expenditures, the amount of a statutorily-authorized administrative fee, and premiums paid for each calendar year by December 31 of the following year. (Health & Safety Code section 1373.62(g,h) (repealed) as amended by SB 1702, Chapter 683, Statutes of 2006; Insurance Code section 10127.15(g,h) (repealed) as amended by SB 1702, Chapter 683, Statutes of 2006.)¹

On October 1, 2013, the Governor signed AB 1180 (Chapter 441, Statutes of 2013) into law. AB 1180 modifies MRMIB’s and health plans’ GIP obligations as follows:

- Health plans are no longer obligated to provide GIP coverage on and after January 1, 2014.
- MRMIB is not obligated to reimburse health plans for health-care expenses incurred on or after January 1, 2014 or for any administrative fee for months after December, 2013.
- As a condition of receiving any payment from MRMIB for GIP coverage, health plans must submit their final reports to MRMIB by the earlier of December 31, 2014 or any earlier date that was already required by Health & Safety Code section 1373.62 and Insurance Code section 10127.15.
- MRMIB is obligated to complete reconciliation within six months if it receives a complete, final reconciliation report for a reporting period.

(Health & Safety Code section 1373.622(a) and Insurance Code section 10127.16(a) as amended by AB 1180.)

At its October 16, 2013 public meeting, the Managed Risk Medical Insurance Board adopted emergency reg-

¹ Health & Safety Code section 1373.62 and Insurance Code section 10127.15 were, by their own terms, repealed January 1, 2008; however, key provisions remained operative because Health & Safety Code section 1373.622 and Insurance Code section 10127.16, which were not repealed, mandated continuing participation in GIP by health plans and continuing subsidies from MRMIB in accordance with the terms of the repealed sections.

ulations to implement AB 1180. The emergency regulations took effect on December 19, 2013, and were implemented beginning January 1, 2014.

The Board is commencing with the regular rulemaking process to make the emergency regulations permanent.

These proposed regulations will (1) ensure that reconciliation between MRMIB and GIP health plans complies with changes enacted by AB 1180 (Chapter 441, Statutes of 2013) and (2) exercise MRMIB's authority to cease providing reimbursement or administrative fees to health plans for any period after December 2013.

Benefits of the Proposed Action:

The proposed action would benefit the health and welfare of California residents by speeding up the close-out of a government-subsidized program that is no longer necessary.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

After conducting a review for any similar regulations, the Board has concluded that these are the only regulations dealing with GIP reconciliation and reimbursement. Therefore, MRMIB has determined that the proposed regulation is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

MRMIB has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The State may have a savings since MRMIB will not provide any reimbursement or administrative fees to health plans after December 2013. However, at this time, the amount of the savings is unknown.

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 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.

Significant effect on housing costs: None.

Results of Economic Impact Analysis/Assessment: The MRMIB concludes that it is: (1) unlikely that the proposed action will create any jobs with-

in the State; (2) unlikely that proposed action will eliminate any jobs within the State; (3) unlikely that the proposed action will create any new businesses within the State; (4) unlikely that the proposed action will eliminate any existing businesses within the State; and (5) unlikely that the proposed action will cause the expansion of businesses currently doing business within the State.

Benefits of the Proposed Action: The proposed action would benefit the health and welfare of California residents by speeding up the close-out of a government-subsidized program that is no longer necessary.

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

Small Business Determination: The Board has determined that the proposed regulations will not affect small businesses, as GIP concerns individual insurance coverage and none of the health plans participating in GIP are small businesses. The MRMIB is not aware of any cost impacts that a small business would incur in reasonable compliance with the proposed action.

Business Reporting Requirement: The Board 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, applies to businesses.

CONSIDERATION OF ALTERNATIVES

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

MRMIB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period, or at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alissa Harris
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324-0571

or

Tony Lee
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327-8000

INITIAL STATEMENT OF REASONS

The MRMIB 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 this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.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 above.

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 above. The Final Statement of Reasons and the Rulemaking File will also be posted on the MRMIB website at www.mrmib.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, MRMIB may adopt the proposed regulations substantially as described in this notice. If MRMIB makes modifications which are

sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Alissa Harris at the address indicated above. MRMIB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

WEBSITE ACCESS

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

TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

ER-4-13

CHAPTER 5.5 MAJOR RISK MEDICAL INSURANCE PROGRAM ARTICLE 2. ELIGIBILITY, APPLICATION AND ENROLLMENT

AMEND SECTION 2698.200

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

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

WRITTEN COMMENTS

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board
Attn: Alissa Harris
1000 G Street, Suite 450
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to aharris@

mrmib.ca.gov. Comments must be received by no later than **5:00 p.m. on March 31, 2014**. The Board will consider only comments received at the Board offices by that time.

AUTHORITY AND REFERENCE

Authority: Sections 12711 and 12712, Insurance Code.

Reference: Sections 12711 and 12725, Insurance Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Managed Risk Medical Insurance Board (MRMIB or Board) administers the Major Risk Medical Insurance Program (MRMIP), which was established in 1991 (see, Insurance Code Section 12700, et seq.) MRMIP provides access to health insurance for individuals who are denied coverage, or offered excessive premiums, due to a preexisting medical condition. Program subscribers and dependent subscribers can select from several health insurers or health maintenance organizations that contract with MRMIB. Program costs are covered by a combination of Proposition 99 cigarette and tobacco tax funds and subscriber contributions.

Section 2698.200 of Title 10 of the California Code of Regulations, implementing Insurance Code Section 12725, establishes MRMIP eligibility criteria and requires that to be eligible, an applicant be “unable to secure adequate private coverage.” The regulation further states that an individual “shall be deemed unable to secure adequate private coverage” if the individual, within the previous 12 months:

1. Has been denied individual coverage; or
2. Has been involuntarily terminated from health insurance coverage for reasons other than nonpayment of premium or fraud; or
3. Has been offered an individual, not a group, health insurance premium rate in excess of the subscriber rate for the individual’s first choice of participating health plan.

On May 9, 2013, the Governor signed Special Session bills AB X1–2 (Chapter 1, Statutes of 2013) and SB X1–2 (Chapter 2, Statutes of 2013), mandating sweeping changes in the private health insurance market, effective January 1, 2014. These Special Session bills implemented the federal Patient Protection and Affordable Care Act (ACA) (P.L. 111–148 as amended by P.L. 111–152). AB X1–2, which governs coverage sold by health insurers regulated by the Department of Insurance, took effect on September 29, 2013. SB X1–2,

which governs coverage sold by health–care services plans regulated by the Department of Managed Care, also took effect on September 29, 2013.

The MRMIP eligibility standards eliminated through this proposed rulemaking are 1) the individual’s involuntary termination from private market coverage, and 2) an offer of private market coverage at a premium higher than the premium for the individual’s first choice MRMIP health plan. Because of changes in carrier protocols mandated by the Special Session bills, these two standards no longer fulfill the MRMIP statute’s eligibility criteria as of January 1, 2014.

At its September 18, 2013 public meeting, the Board adopted an emergency regulation modifying the two eligibility provisions discussed above in order to conform to requirements in the MRMIP statute that were affected by the Special Session bills. The emergency regulation took effect on December 19, 2013, and was implemented beginning January 1, 2014.

Benefits of the Proposed Action:

The proposed action would benefit the health and welfare of California residents by encouraging them to enter or stay in the private marketplace when that is the most appropriate source of health coverage for them. This regulation will also reduce the risk of confusion, i.e., that a member of the public might mistakenly believe that they are eligible for MRMIP when they are not. Further, this regulation helps assure that no one is inadvertently enrolled in MRMIP when they are in fact not eligible under the new laws governing the insurance marketplace.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The MRMIB has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulation that would relate to or affect this area, MRMIB has concluded that this is the only regulation that concerns MRMIP eligibility.

DISCLOSURES REGARDING THE PROPOSED ACTION

MRMIB has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The MRMIP program is funded by a combination of state subsidies (Proposition 99) and subscriber premiums. The proposed regulations delete two of the three current bases for MRMIP eligibility effective January 1, 2014. The state fund may have savings since an unknown number of applicants will be ineligible for coverage. At this time, the amount of savings is unknown because the change in the MRMIP caseload cannot be predicted.

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

Significant effect on housing costs: None.

Results of Economic Impact Analysis/Assessment

The MRMIB concludes that it is: (1) unlikely that the proposed action will create any jobs within the State; (2) unlikely that proposed action will eliminate any jobs within the State; (3) unlikely that the proposed action will create any new businesses within the State; (4) unlikely that the proposed action will eliminate any existing businesses within the State; and (5) unlikely that the proposed action will cause the expansion of businesses currently doing business within the State.

Benefits of the Proposed Action: The proposed action would benefit the health and welfare of California residents by encouraging them to enter or stay in the private marketplace when that is the most appropriate source of health coverage for them. This regulation will also reduce the risk of confusion, i.e., that a member of the public might mistakenly believe that they are eligible for MRMIP when they are not. Further, this regulation helps assure that no one is inadvertently enrolled in MRMIP when they are in fact not eligible under the new laws governing the insurance marketplace.

Statewide adverse economic impact directly affecting businesses and individuals: The Board has determined that the proposed regulations will not have a significant statewide adverse impact on businesses, including small businesses. MRMIP is a State program for individuals with pre-existing medical conditions, and is funded by Proposition 99. The MRMIB is not aware of any cost impacts that any business would incur in reasonable compliance with the proposed action.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the MRMIB must determine that no reasonable alternative it considered, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private per-

sons and equally effective in implementing the statutory policy or other provision of law.

MRMIB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period, or at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alissa Harris
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 324-0571

or

Tony Lee
Managed Risk Medical Insurance Board
1000 G Street, Suite 450
Sacramento, CA 95814
(916) 327-8000

INITIAL STATEMENT OF REASONS

The MRMIB 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 this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at www.mrmib.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 above.

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 above. The Final

Statement of Reasons and the Rulemaking File will also be posted on the MRMIB website at www.mrmib.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

WEBSITE ACCESS

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

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (CDFW or Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department will hold a public hearing meeting on April 1, 2014, from 3:30 p.m. to 5:00 p.m. in the Resources Building Auditorium of the Resources Agency Building located at 1416 9th Street, Sacramento, California. The Resources Building Auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at the office below not later than 5:00 p.m. on April 1, 2014. All written comments must include the true name and mailing address of the commenter. When submitting comments, please indicate whether you agree to accept subsequent notices for this rulemaking electronically.

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

California Department of Fish and Wildlife
 Helen Birss, Branch Chief
 Habitat Conservation Planning Branch
 1416 9th Street,
 Sacramento, CA 95814
 Fax: (916) 653-2588
 E-mail: suctiondredge@wildlife.ca.gov

AUTHORITY

Sections 5653 and 5653.9, Fish and Game Code.

REFERENCE

Sections 5653-5653.9, Fish and Game Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Laws and Regulations Related Directly to the Proposed Amendment to Section 228(a):

CDFW regulates the use of vacuum and suction dredge equipment in California rivers, streams, and lakes pursuant to Fish and Game Code section 5653. In March 2012, for the first time since 1994, CDFW updated and adopted comprehensive regulations to implement its related permitting program. (Cal. Code Regs., tit. 14, §§ 228, 228.5; see also Fish & G. Code, § 5653.9.) Consistent with statute, the updated regulations implement Section 5653.¹

On June 28, 2013, OAL approved an emergency action by CDFW under the Administrative Procedure Act (APA) to amend the regulatory definition of suction dredging. (See Cal. Reg. Notice Register 2013, No 28-Z, pp. 1034-1035; Cal. Code Regs., tit. 14, 228, subd. (a).) On December 26, 2013, OAL approved CDFW's proposed emergency rulemaking action to

¹ All unspecified "section" references are to the Fish and Game Code.

readopt the definition. (Office of Administrative Law, Notice of Approval of Emergency Regulatory Action, OAL File No. 2013–1216–01 EE.) Thus, the new definition is now in effect statewide. Under the Administrative Procedure Act (APA), the emergency regulatory definition can remain in effect by law for no more than 360 days following the initial emergency action. (Gov. Code, § 1346.1, subs. (e), (h).) Even if readopted by CDFW for a second time and approved by OAL, the existing emergency definition of suction dredging currently found in Title 14 will expire by law in June 2014. The proposed amendment would thus adopt through regular rulemaking a definition that is already in effect but that will expire.

Under the existing and proposed definition, the use of any vacuum or suction dredge equipment (i.e., suction dredging) is defined for purposes of Sections 228 and 228.5 of Title 14, as well as Fish and Game Code section 5653, as the use of a suction system to vacuum material from a river, stream or lake for the extraction of minerals. (Cal. Code Regs., tit. 14, § 228, subd. (a), effective June 28, 2013.) The definition also provides that, for purposes of the same sections, the definition and the regulations do not apply to, prohibit or restrict nonmotorized recreational mining activities, including panning for gold. (Cal. Code Regs., tit. 14, § 228, subd. (a).)

Difference from Existing, Comparable Federal Regulation or Statute

The Director of CDFW has determined for purposes of the proposed amendment of California Code of Regulations, Title 14, section 228, subdivision (a), that there are no existing, comparable federal regulations or statutes. Absent such federal regulation or statute, there is no basis for comparison with and nothing related to compare to the proposed amendment. Likewise, importantly, CDFW’s substantive authority to regulate the use of vacuum or suction dredge equipment for instream mining is statewide; that is, CDFW’s regulatory authority extends to any river, stream, or lake in California. (Id., § 5653, subs. (a), (b).)

Policy Statement Regarding Specific and Broad Objectives

The Director of CDFW has determined that the following specific and broad policy objectives are the purpose and goal of the proposed amendment to the California Code of Regulations, Title 14, section 228, subdivision (a):

- To protect against and minimize the prospect of adverse impacts, and aid in the conservation of fish and wildlife resources held in trust for the people of California by and through CDFW (Fish & G. Code, § 1802);

- To protect against and minimize the prospect of adverse impacts to other important natural and cultural resources in California, and the water quality of the State;
- To protect and conserve those important resources, and the health, safety, and welfare of the people of California, consistent with the letter and spirit of the existing statutory moratorium on vacuum and suction dredging activities conducted for instream mining purposes;
- To ensure the use of any vacuum and suction dredge equipment in any river, stream, or lake in California for the extraction of minerals will not be deleterious to fish as defined by Fish and Game Code section 45; and
- To end the practice and foreclose the prospect during the existing statutory moratorium of individuals invoking the 2012 regulatory definition of what it means to use any vacuum or suction dredge equipment in a river, stream, or lake to extract minerals as a basis to modify related equipment in order to avoid or otherwise attempt to evade CDFW’s substantive regulatory authority or the statewide moratorium established by Fish and Game Code sections 5653 and 5653.1, respectively.

The Director of CDFW has also determined the broad policy objectives as just described in terms of the proposed amendment will result in, once effective following OAL review and approval, and otherwise provide similar, related, benefits to the people of California through the protection of the natural, cultural, and fish and wildlife resources of the State.

In terms of other benefits, the Director has also determined the amendment, once effective, will result in fair and open transparency for law enforcement personnel, which is particularly important given the spirit of the ongoing moratorium, and related criminal and civil litigation that has been the hallmark of significant, related controversy concerning CDFW and its regulatory authority related to instream suction dredge mining since at least 2005.

Benefits of the Proposed Action

CDFW’s 2012 update to the regulations occurred as part of an environmental review effort required by a court order entered with the consent of CDFW and various other parties in December 2006. That order and ongoing litigation related to, among other things, the CDFW environmental review and rulemaking effort that culminated in March 2012 are part of a longstanding controversy related to CDFW and its regulation of instream vacuum and suction dredge mining under the

Fish and Game Code. Of the fourteen related civil lawsuits filed against CDFW since May 2005, seven are still pending in San Bernardino County Superior Court as a coordinated proceeding by order of the California Judicial Council. (*Suction Dredge Mining Cases*, Sup.Ct. San Bernardino County, Judicial Council Proceeding No. JCPRS4720.)

When CDFW adopted its updated regulations in March 2012, later effective in April 2012 with the approval of the Office of Administrative Law (OAL), the use of any vacuum or suction dredge equipment for instream mining purposes had been prohibited throughout California pursuant to a statutory moratorium enacted as an urgency measure in August 2009. (Stats. 2009, ch. 62 (Sen. Bill 670), §§ 1–2, enacting former Fish & G. Code, § 5653.1.) Consistent with the consent order and its obligations pursuant to Section 5653.9, CDFW’s March 2012 regulations prescribe time, place, and manner restrictions to ensure the use of vacuum and suction equipment for instream mining purposes is not deleterious to fish. (Fish & G. Code, § 5653, subds. (a), (b); Cal. Code Regs., tit. 14, § 228.) In promulgating its updated regulations, however, CDFW acknowledged that unavoidable significant impacts related to water quality, cultural resources, noise, and certain riparian habitat-associated bird species would also result.

CDFW’s regulations implementing Section 5653 define related statutory language regarding the use of vacuum or suction dredge equipment for mining purposes. (Cal. Code Regs., tit. 14, § 228, subd. (a).) The identical statutory language that appears in Section 5653 (i.e., “use of any vacuum or suction dredge equipment”) also appears in Section 5653.1, the latter section being the statutory moratorium.

The amendment is cast in terms entirely consistent with Section 5653 (i.e., “use of any vacuum and suction dredge equipment”). It is also consistent, in this respect, with identical language in, and the letter and spirit of the related statutory moratorium codified in Section 5653.1. Most important, the proposed amendment will address through regular rulemaking the well-documented adverse environmental effects to California fish and wildlife, and other important natural and cultural resources motivating the enactment of Section 5653 in the early 1960s and the ongoing statutory moratorium in 2009.

Inconsistency or Incompatibility with Existing State Regulations

The Department has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to subsection 228(a) are neither inconsistent nor incompatible with existing state regulations. No other state

agency has the authority to promulgate regulations governing suction dredging. The proposed amendment, in fact, is identical to the emergency regulation now in effect, and, moreover, is consistent and compatible with CDFW’s related regulations currently found in California Code of Regulations, Title 14, section 228, subdivisions (b) through (p), and section 228.5, as adopted by CDFW and approved by OAL in March and April 2012, respectively.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies or school districts: None.

Costs or savings to any state agency: None.

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

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

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

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The proposed action to adopt, through regular rulemaking, the definition already in effect since June 2013 will have no adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Analysis

The results of the Economic Impact Analysis do not indicate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to the health and welfare of California residents or worker safety.

Cost impacts on a representative private person or business:

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

Business reporting requirement: None.

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

CONSIDERATION OF ALTERNATIVES

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

MITIGATION MEASURES REQUIRED BY REGULATORY ACTION

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

CONTACT PERSONS

Department of Fish and Wildlife
Helen Birss, Branch Chief
Habitat Conservation Planning Branch
1416 9th Street,
Sacramento, CA 95814
Office: (916) 653-4681
Fax: (916) 653-2588
E-mail: suctiondredge@wildlife.ca.gov

The backup contact person is:

Department of Fish and Wildlife
Habitat Conservation Planning Branch
Cathie Vouchilas, Environmental Program Manager
1416 9th Street, Room 1260
Sacramento, CA 95814
Fax: (916) 916-653-2588
E-mail: cathie.vouchilas@wildlife.ca.gov

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

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

The Department will have the entire rulemaking file available for inspection and copying at its office at 1416 9th Street, Room 1208, Sacramento. As of the publication date of this notice, the rulemaking file consists of this notice, the proposed text of the regulations, the Economic Impact Analysis, the Economic and Fiscal Impact Assessment (STD. Form 399) and the Initial

Statement of Reasons. Please direct requests for copies of the rulemaking file to Helen Birss as indicated above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Website Access: The entire rulemaking file can be found at <http://www.dfg.ca.gov/suctiondredge/>.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the California Architects Board, 2420 Del Paso Road, Sequoia Room, Sacramento, California, at 2:00 p.m., on April 1, 2014. 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 April 1, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will

be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret or make specific Section 5550 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to establish qualifications required to become eligible for examination.

Existing regulations specify the re-examination procedures for candidates who must retake divisions of the Architect Registration Examination (ARE). The National Council of Architectural Registration Boards (NCARB) Member Boards approved a resolution whereby credit for ARE divisions passed prior to January 1, 2006 will expire on July 1, 2014 unless all divisions have been passed and credited on or before June 30, 2014.

The proposed regulatory action would amend section 120 by specifying that credit for divisions of the ARE will expire on July 1, 2014 unless all divisions of the ARE have been passed and credited.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Amend CCR Section 120 — Re-Examination

This proposal would align the Board’s regulations with the national standard and alleviate any confusion as to what divisions would be credited to a candidate.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of 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: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

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

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 as it only affects architect applicants.

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 environment:

This regulatory proposal will update the ARE requirements to the national standard and alleviate any confusion as to what divisions would be credited to a candidate.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may 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 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 California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

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

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

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

CONTACT PERSON

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

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7217
Fax No.: (916) 575-7283
E-Mail Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Marccus Reinhardt
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7212
Fax No.: (916) 575-7283
E-Mail Address: marccus.reinhardt@dca.ca.gov

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

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 1655, Returns, Defects and Replacements

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 1655, *Returns, Defects and Replacements*, which incorporate and implement, interpret, and make specific amendments made to Civil Code sections 1793.2 and 1793.25, by Assembly Bill No. 242 (AB 242) (Stats. 2011, ch. 727). The amendments to these sections require the Board to reimburse a manufacturer of a new motor vehicle for an amount equal to the use tax that the manufacturer is required to pay to or for a buyer or lessee when replacing a vehicle or making restitution pursuant to California's "Lemon Law."

The proposed amendments to Regulation 1655, subdivision (b)(2)(A) incorporate the new provisions of Civil Code section 1793.2, subdivision (d)(2)(D) by specifying that the term buyer includes a lessee of a new motor vehicle. The proposed amendments to Regulation 1655, subdivisions (b)(2)(B) and (C) add "or use" tax where the current regulation refers to "sales tax or sales tax reimbursement." The proposed amendments to Regulation 1655, subdivision (b)(2)(B) add "or lease" after "sales" where the current regulation refers to "sales agreement" and after "sale" where the current regulation refers to "retail sale." The proposed amendments to Regulation 1655, subdivision (b)(2)(B) add

“or lessor” after “dealer” where the current regulation refers to “the buyer and the dealer” and “the seller’s permit number of the dealer.” The proposed amendments revise and reformat the last sentence in Regulation 1655, subdivision (b)(2)(B) to require a manufacturer, when filing a claim for refund, to include “evidence of one of the following” from a list of proof that: (1) “The dealer had reported and paid sales tax on the gross receipts from that sale”; (2) “The buyer of the motor vehicle had paid the use tax on the sales price for the storage, use, or other consumption of that motor vehicle in this state”; or (3) “The lessee of the motor vehicle has paid the use tax on the rentals payable from the lease of the vehicle.” The proposed amendments also add a new subdivision (b)(2)(D) to Regulation 1655 to specify that “The amount of use tax that the Board is required to reimburse the manufacturer shall be limited to the amount of use tax the manufacturer is required to pay to or for the lessee,” as provided by Civil Code section 1793.25, subdivision (e).

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on April 22–24, 2014. 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 10:00 a.m. or as soon thereafter as the matter may be heard on April 22, 2014. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulation 1655.

AUTHORITY

RTC section 7051

REFERENCE

RTC sections 6006–6012, and 6012.3; Civil Code sections 1793.2–1793.25; Vehicle Code sections 11713.12 and 11713.21

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

General

The Song–Beverly Consumer Warranty Act (commencing with Civ. Code, § 1790) contains provisions that provide warranty protections to purchasers of both

new and used consumer goods. The act includes provisions (Civ. Code §§ 1793.2–1793.26) that require compensation to California consumers of defective new motor vehicles — provisions commonly referred to as California’s “Lemon Law.” The Lemon Law provides, in relevant part, that if a manufacturer or its representative in this state, such as an authorized dealer, is unable to service or repair a new motor vehicle to conform to the applicable express warranties after a reasonable number of attempts, the manufacturer is required to either promptly replace the vehicle or make restitution to the buyer. (Civ. Code, § 1793.2, subd. (d)(2).)

Under the existing Sales and Use Tax Law (Rev. & Tax. Code, § 6001 et seq.), a lease of tangible personal property, including a lease of a motor vehicle, is, with exceptions not relevant here, a “sale” and a “purchase.” (Rev. & Tax. Code, §§ 6006, 6010.) For a lease that is a “sale” and a “purchase,” the tax is measured by the rentals payable. However, as provided in subdivision (c)(1) of Regulation 1660, *Leases of Tangible Personal Property — In General*, the applicable tax is generally use tax, not sales tax, and the lessor is required to collect the use tax from the lessee at the time the amount of rent is paid and give him or her a receipt as prescribed in Regulation 1686, *Receipts for Tax Paid to Retailers*. The lessee is not relieved from liability for the tax until he or she is given such a receipt or the tax is paid to the state.

The Lemon Law originally provided that in the case of restitution, a manufacturer was required to make restitution in an amount equal to the actual price paid or payable by the buyer, including, among other collateral charges, *sales tax*. (Civ. Code, § 1793.2.) The Lemon Law further required the Board to reimburse the manufacturer for an amount equal to the *sales tax* which the manufacturer paid to or for a buyer when providing a replacement vehicle or included in making restitution to the buyer when satisfactory proof was provided that the retailer of the motor vehicle for which the manufacturer was making restitution had reported and paid the sales tax on the gross receipts from the sale, and that the manufacturer had complied with the requirements of Civil Code section 1793.23, subdivision (c). However, the Lemon Law was silent with respect to whether restitution was required to include use tax and whether the Board was required to reimburse a manufacturer for use tax paid to or for a buyer or lessee or included in restitution paid to a buyer or lessee.

As relevant here, AB 242 amended the Lemon Law, specifically Civil Code sections 1793.2 and 1793.25, to make technical corrections sponsored by the Board. The amendments clarify that restitution, under the Lemon Law, includes *use tax* paid or payable by a buyer, including a lessee, of a new motor vehicle, and require the Board to reimburse a manufacturer of a new motor vehicle for an amount equal to the *use tax* that the

manufacturer is required to pay to or for a buyer or lessee when replacing a vehicle or making restitution pursuant to the Lemon Law. And, AB 242 provides that the Board-sponsored amendments to the Lemon Law are declaratory of existing law. (AB 242, §21.)

In the case of restitution, Civil Code section 1793.2, subdivision (d)(2)(B) now provides, in relevant part, that the manufacturer shall make restitution in an amount equal to the actual price paid or payable by the buyer, including any collateral charges “such as sales or use tax.” And, Civil Code section 1793.2, subdivision (d)(2)(D) now specifies that “Pursuant to Section 1795.4, a buyer of a new motor vehicle shall also include a lessee of a new motor vehicle.”

With respect to reimbursement, Civil Code section 1793.25, subdivision (a) now expressly requires the Board to reimburse a manufacturer of a new motor vehicle for an amount equal to “the sales tax or use tax” which the manufacturer pays to or for the buyer “or lessee” when providing a replacement vehicle or includes in making restitution to the buyer “or lessee” under the Lemon Law, and, as a condition to receiving reimbursement, requires a manufacturer to provide satisfactory proof for one of the following:

- The retailer of the motor vehicle for which the manufacturer is making restitution has reported and paid the sales tax on the gross receipts from the sale of that motor vehicle.
- The buyer of the motor vehicle had paid the use tax on the sales price for the storage, use, or other consumption of that motor vehicle in this state.
- The lessee of the motor vehicle had paid the use tax on the rentals payable from the lease of that motor vehicle.

Also, Civil Code section 1793.25, subdivision (e) now provides that “The amount of use tax that the State Board of Equalization is required to reimburse the manufacturer shall be limited to the amount of use tax the manufacturer is required to pay to or for the lessee” under the Lemon Law.

Effect, Objective, and Benefits of the Proposed Amendments to Regulation 1655

Need for Clarification

Subdivision (b)(2) of Regulation 1655 explains when manufacturers must provide restitution or a replacement vehicle to a buyer under the Lemon Law. Regulation 1655, subdivision (b)(2), also prescribes the requirements for a manufacturer to claim a refund from the Board for sales tax or sales tax reimbursement included in restitution paid to a buyer under the Lemon Law. However, Regulation 1655 does not indicate that AB 242 clarified that, under the Lemon Law, restitution includes *use* tax paid or payable by a buyer or lessee of a

new motor vehicle and required the Board to reimburse a manufacturer of a new motor vehicle for an amount equal to the *use* tax that the manufacturer is required to pay to or for a buyer or lessee when replacing a vehicle or includes in making restitution to a buyer or lessee, under the Lemon Law. Therefore, the Board’s Business Taxes Committee (BTC) staff determined that amendments to Regulation 1655 are needed in order to make the regulation consistent with and implement, interpret, and make specific AB 242’s amendments to the Lemon Law set forth above.

Interested Parties Process

As a result of AB 242, BTC staff drafted amendments to Regulation 1655. Specifically, the draft amendments suggested adding language to Regulation 1655, subdivision (b)(2)(A) to incorporate the new provisions of Civil Code section 1793.2, subdivision (d)(2)(D), by specifying that, for purposes of Regulation 1655, the term buyer includes a lessee of a new motor vehicle. The draft amendments suggested adding “or use” tax where the current regulation refers to “sales tax or sales tax reimbursement” in subdivision (b)(2)(B) and (C). The draft amendments suggested adding “or lease” after “sales” where the current regulation refers to “sales agreement” and after “sale” where the current regulation refers to “retail sale” in subdivision (b)(2)(B). The draft amendments also suggested adding “or lessor” after “dealer” where the current regulation refers to “the buyer and the dealer” and “the seller’s permit number of the dealer” in subdivision (b)(2)(B).

In addition, the draft amendments suggested revising and reformatting the last sentence in Regulation 1655, subdivision (b)(2)(B), which currently requires a manufacturer, when filing a claim for refund for sales tax or sales tax reimbursement included in restitution paid to a buyer, to submit evidence that the dealer who made the retail sale of the nonconforming vehicle to that buyer reported and paid sales tax on the gross receipts from that sale. The revised and reformatted sentence requires a manufacturer, when filing a claim for refund for sales or use tax or sales tax reimbursement included in restitution paid to a buyer, including a lessee, under the Lemon Law, to provide “evidence of one of the following” from a list that includes proof that: (1) “The dealer had reported and paid sales tax on the gross receipts from that sale”; (2) “The buyer of the motor vehicle had paid the use tax on the sales price for the storage, use, or other consumption of that motor vehicle in this state”; or (3) “The lessee of the motor vehicle has paid the use tax on the rentals payable from the lease of the vehicle.” The draft amendments also suggested adding a new subdivision (b)(2)(D) to Regulation 1655 to specify that “The amount of use tax that the Board is required to reimburse the manufacturer shall be limited to the amount

of use tax the manufacturer is required to pay to or for the lessee,” as provided by Civil Code section 1793.25, subdivision (e).

BTC staff subsequently prepared a discussion paper regarding the amendments made to the Lemon Law by AB 242 and staff’s draft amendments to Regulation 1655, provided the discussion paper and its draft amendments to Regulation 1655 to the interested parties, and conducted an interested parties meeting on August 8, 2013, to discuss the draft amendments to Regulation 1655. During the interested parties meeting, a participant inquired as to how the provisions of Regulation 1655 would apply to a transaction in which a lessor paid tax at the time the lessor purchased a vehicle which the lessor would then lease. Staff considered the scenario and, subsequent to the meeting, staff explained to the participant that in the event a lessor purchases a vehicle in this state tax paid, the transaction would generally be subject to sales tax and the dealer would likely collect sales tax reimbursement from the lessor. (See Reg. 1660, subd. (c)(2) and (3), regarding property purchased tax–paid and leased in substantially the same form as acquired.) And, staff explained that, with respect to sales tax transactions, the existing provisions of Regulation 1655 would apply to a manufacturer’s claim for a refund for sales tax reimbursement the manufacturer included in restitution paid to a lessor, under the Lemon Law. Furthermore, staff noted that AB 242 did not change the application of the Lemon Law to sales tax transactions, and that questions regarding the application of Regulation 1655 to sales tax transactions were beyond the scope of the current interested parties process, which was to discuss the issue of whether to amend Regulation 1655 to clarify the new provisions of the Lemon Law applicable to use tax transactions.

Since BTC staff did not receive any other inquiries or comments regarding its draft amendments during or subsequent to the first interested parties meeting and staff had no changes to its recommendation to amend Regulation 1655, BTC staff did not prepare a second discussion paper and cancelled the second interested parties meeting that was previously scheduled to discuss staff’s draft amendments. Staff also notified interested parties that comments could be submitted up to October 17, 2013, for consideration in the preparation of a Formal Issue Paper regarding the draft amendments. However, staff did not receive any other comments.

December 17, 2013, BTC Meeting

Subsequently, staff prepared Formal Issue Paper 13–012 and distributed it to the Board Members for consideration at the Board’s December 17, 2013, BTC meeting. Formal Issue Paper 13–012 recommended that the Board approve and authorize publication of the

amendments to Regulation 1655 (discussed above) in order to incorporate the provisions of Civil Code sections 1793.2 and 1793.25, as amended by AB 242, by:

- Specifying that the term buyer includes a lessee of a new motor vehicle (as provided in Civ. Code, § 1793.2, subd. (d)(2)(D), as added by AB 242).
- Adding a reference to use tax, lease agreement, lessor, and lease where the current regulation refers to sales tax, sales agreement, dealer, and retail sale, respectively.
- Creating a list of the types of evidence that sales or use tax was paid, and requiring a manufacturer to provide one of the listed types of evidence when filing a claim for refund (consistent with Civ. Code, § 1793.25, subd. (a), as amended by AB 242).
- Specifying that the amount of use tax that the Board is required to reimburse the manufacturer is limited to the amount of use tax the manufacturer is required to pay to or for the lessee (as provided in Civ. Code, § 1793.25, subd. (e), as added by AB 242).

During the December 17, 2013, BTC meeting, the Board Members unanimously voted to propose the amendments to Regulation 1655 recommended in the formal issue paper. The Board determined that the proposed amendments to Regulation 1655 are reasonably necessary to have the effect and accomplish the objective of making the regulation consistent with and implementing, interpreting, and making specific the amendments made to Civil Code sections 1793.2 and 1793.25, by AB 242.

The Board anticipates that the proposed amendments to Regulation 1655 will promote fairness and benefit taxpayers, including manufacturers, Board staff, and the Board by providing additional notice regarding and implementing, interpreting, and making specific the amendments made to Civil Code sections 1793.2 and 1793.25, by AB 242.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1655 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1655 is the only state regulation prescribing the requirements for the Board to reimburse a manufacturer under Civil Code section 1793.25. In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1655 or the proposed amendments to Regulation 1655.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1655 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulation 1655 will result in no direct or indirect cost or savings to any state agency, cost to any local agencies 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, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulation 1655 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1655 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1655 will neither create nor eliminate jobs in the State

of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1655 will not affect the benefits of Regulation 1655 to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulation 1655 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 Monica Gonzalez Silva, Tax Counsel III, by telephone at (916) 323-3138, by e-mail at Monica.Silva@boe.ca.gov, or by mail at State Board of Equalization, Attn: Monica Gonzalez Silva, 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.

WRITTEN COMMENT PERIOD

The written comment period ends at 10:00 a.m. on April 22, 2014, or as soon thereafter as the Board begins the public hearing regarding the adoption of the pro-

posed amendments to Regulation 1655 during the April 22–24, 2014, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulation 1655. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underscored and strikethrough version of the text of Regulation 1655 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1655, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board’s Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulation 1655 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulation 1655, 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.

OAL REGULATORY DETERMINATIONS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATIONS OF ALLEGED UNDERGROUND REGULATIONS (Summary Dispositions)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324–6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: February 3, 2014
 To: James Allen
 From: Chapter Two Compliance Unit
 Subject: **2014 OAL DETERMINATION NO. 3 (S) (CTU2013–1210–01)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))
 Petition challenging as an underground regulation Folsom State Prison Gate Pass Clearance Criteria

On December 10, 2013, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the Folsom State Prison Gate Pass Clearance Criteria (Gate Pass Clearance) constitutes an underground regulation. The rule is in Folsom State Prison D.O.M. Supplement 62010.7.4, dated April 2013. This Gate Pass Clearance criteria was issued by the warden at the Folsom State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

- (1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

¹“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Folsom State Prison and applies solely to the inmates of the Folsom State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for Gate Pass Clearance criteria. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Senior Counsel

Copy:

Dr. Jeffrey Beard
Tim Lockwood

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: February 3, 2014
To: Scott Cook
From: Chapter Two Compliance Unit

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

Subject: **2014 OAL DETERMINATION NO. 2 (S)**
(CTU2013-0930-01)
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))
 Petition challenging as an underground regulation Pelican Bay State Prison Operational Procedure No. 228, titled the Hunger Strike Procedure

On December 23, 2013, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the Pelican Bay State Prison Hunger Strike Procedure constitutes an underground regulation. The rule is in Operational Procedure No. 228, titled Hunger Strike Procedure, dated June 2013 (Operational Procedure No. 228). This Operational Procedure No. 228 was issued by the warden at the Pelican Bay State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

¹“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

- (1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Pelican Bay State Prison and applies solely to the inmates of Pelican Bay State Prison. Inmates housed at other institutions are governed by those other institutions’ procedures for handling hunger strikes. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/
 Debra M. Cornez
 Director

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

- (A) The challenged rule has been superseded.
- (B) The challenged rule is contained in a California statute.
- (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
- (D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

/s/
Elizabeth A. Heidig
Senior Counsel

Copy:
Dr. Jeffrey Beard
Tim Lockwood

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2014-0124-04
BOARD OF EDUCATION
California Assessment of Student Performance and Progress

This emergency rulemaking by the State Board of Education amends and repeals sections of Title 5 of the California Code of Regulations commencing with section 850 and ending with section 868. Education Code section 60640, as established by AB 484, effective January 1, 2014, deletes provisions that established the Standardized Testing and Reporting Program and establishes California Assessment of Student Performance and Progress.

Title 5
California Code of Regulations
AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868
Filed 02/03/2014
Effective 02/03/2014
Agency Contact: Hillary Wirick (916) 319-0644

File# 2014-0123-02
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Revolving Loan Fund Program

This regulatory action is a deemed emergency pursuant to Education Code section 41365. Pursuant to AB 86 (Chapter 48, Statutes of 2013) the administration of the Charter School Revolving Loan Fund Program has been transferred to the California School Finance Authority. This program provides for loans to charter

schools, not to exceed \$250,000. These emergency regulations establish definitions of key terms, eligibility requirements, describe materials needed to apply and identify additional requirements to apply for and receive a loan.

Title 4
California Code of Regulations
ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
Filed 02/03/2014
Effective 02/03/2014
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2014-0107-06
COMMISSION ON TEACHER CREDENTIALING
Cost Recovery Fees for Accreditation Activities

The Commission on Teacher Credentialing submitted this timely Certificate of Compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1015-08E. That action amended Title 5 of the California Code of Regulations to adopt sections 80691 and 80692 regarding cost recovery fees for accreditation activities performed by the Commission and implements Education Code section 44374.5.

Title 5
California Code of Regulations
ADOPT: 80691, 80692
Filed 02/05/2014
Effective 02/05/2014
Agency Contact:
Tammy A. Duggan (916) 323-5354

File# 2014-0131-03
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action amends the area under interior quarantine in Kern and Tulare Counties for the Asian Citrus Psyllid.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 02/05/2014
Effective 02/05/2014
Agency Contact: Lindsay Rains (916) 654-1017

File# 2013-1220-01
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Supplement Job Displacement Benefit

This change without regulatory effect removes the Division of Workers' Compensation agency logo from four forms, allowing users to print the forms with their own logos if desired.

Title 8
 California Code of Regulations
 AMEND: 10133.32, 10133.33, 10133.35, 10133.36
 Filed 02/05/2014
 Agency Contact: Carol N. Finuliar (415) 286-0660

File# 2014-0106-01
 STATE WATER RESOURCES CONTROL BOARD
 Policy for Maintaining Instream Flows in Northern California Coastal Streams

This rulemaking action readopts the State Water Resources Control Board's (Board's) Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy), which had been ordered vacated by the Alameda County Superior Court in *Living Rivers Council v. State Water Resources Control Board* (Sup. Ct. Alameda Co., 2012, No. RG10-543923) and which was vacated from October 16, 2012, until the Board's readoption of the Policy on October 22, 2013. The Policy establishes principles and guidelines for maintaining instream flows in northern California coastal streams for the protection of fishery resources while minimizing water supply impacts on other beneficial uses of water, such as irrigation, municipal use, and domestic use.

Title 23
 California Code of Regulations
 AMEND: 2921
 Filed 02/04/2014
 Effective 02/04/2014
 Agency Contact: Elizabeth Payne (916) 341-5426

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN September 4, 2013 TO
 February 5, 2014**

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 1

11/21/13 ADOPT: 2002(c)(4), 2002(c)(5),
 2002(c)(8)
 10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004

Title 2

01/27/14 AMEND: 56800
 01/21/14 AMEND: 1194

01/13/14 AMEND: 55300
 12/23/13 ADOPT: 18950.2 AMEND: 18942,
 18944, 18950, 18950.1, 18950.4
 REPEAL: 18727.5, 18950.3
 12/23/13 AMEND: 18351
 12/02/13 ADOPT: 18417
 11/19/13 ADOPT: 21001.1, 21001.2, 21001.3
 AMEND: 21000, 21001, 21002, 21003,
 21004, 21005, 21006, 21007
 (re-numbered to 21004.5), 21008, 21009
 (re-numbered to 21005.5)
 11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6,
 1859.74.5, 1859.77.4, 1859.82, 1859.83
 10/30/13 AMEND: 1859.76
 10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25
 AMEND: 579.2
 10/03/13 AMEND: 18521.5
 10/03/13 ADOPT: 18421.5
 10/03/13 AMEND: 18239
 10/03/13 AMEND: Amend and renumber
 sections: 7285.0 (11000), 7285.1
 (11001), 7285.2 (11002), 7285.4
 (11003), 7285.7 (11004), 7286.0
 (11005), 7286.1 (11005.1), 7286.3
 (11006), 7286.4 (11007), 7286.5
 (11008), 7286.6 (11009), 7286.7(11010),
 7286.8 (11011), 7287.0 (11013), 7287.1
 (11014), 7287.2 (11015), 7287.3
 (11016), 7287.4 (11017), 7287.6
 (11019), 7287.7 (11020), 7287.8
 (11021), 7287.9(11022), 7288.0 (11023),
 7289.4 (11027), 7289.5 (11028), 7290.6
 (11029), 7290.7 (11030), 7290.8
 (11031), 7290.9 (11032), 7291.0
 (11033), 7291.1 (11031), 7291.2
 (11035), 7291.3 (11036), 7291.4
 (11037), 7291.6 (11039), 7291.7
 (11040), 7291.8 (11041), 7291.9
 (11042), 7291.10 (11043), 7291.11
 (11044), 7291.12 (11045), 7291.13
 (11046), 7291.14 (11047), 7291.16
 (11049), 7291.17 (11050), 7291.18
 (11051), 7292.0 (11052), 7292.1
 (11053), 7292.2 (11054), 7292.3
 (11055), 7292.4 (11056), 7292.6
 (11058), 7293.0 (11059), 7293.1
 (11060), 7293.2 (11061), 7293.3(11062),
 7293.4 (11063), 7293.5 (11064), 7293.6
 (11065), 7293.7 (11066), 7293.8
 (11067), 7293.9 (11068), 7294.0
 (11069), 7294.1 (11070), 7294.2
 (11071), 7295.0 (11074), 7295.1
 (11075), 7295.2 (11076), 7295.3
 (11077), 7295.4 (11078), 7295.5
 (11079), 7295.6 (11080), 7295.7

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

(11081), 7295.8 (11082), 7295.9	01/14/14	ADOPT: 1392.13
(11083), 7296.0 (11084), 7296.1	01/09/14	AMEND: 1300, 1300.1, 1300.3, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15 REPEAL: 1300.2, 1300.4
(11085), 7296.2 (11086), 7297.0		
(11087), 7297.1 (11088), 7297.2	12/16/13	AMEND: 3591.12(a) & (b)
(11089), 7297.3 (11090), 7297.4	12/05/1	ADOPT: 1280, 1280.1, 1280.8, 1280.10
(11091), 7297.5 (11092), 7297.6		AMEND: 1280.73
(11093), 7297.7(11094), 7297.9 (11096), 7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumber sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3 (11026), 7291.5 (11038), 7292.5 (11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438	11/25/13	AMEND: 3435(b)
	11/13/13	AMEND: 3700(c)
	11/07/13	AMEND: 3591.20(a)
	11/07/13	AMEND: 6512, 6513
	11/06/13	ADOPT: 1180.3.3, 1180.3.4, 1180.3.5, 1180.3.6, 1180.3.7, 1180.3.8, 1180.3.9
	11/04/13	AMEND: 3591.6(a)
	10/21/13	AMEND: 1380.19(p)
	10/21/13	AMEND: 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7
	10/14/13	AMEND: 3435(b)
	10/07/13	AMEND: 3435(b)
	09/30/13	AMEND: 3435(b)
	09/20/13	AMEND: 3435(b)
	09/12/13	ADOPT: 2320.3, 2320.4(a), 2320.4(b), 2320.4(c), 2324, 2325 AMEND: 2302, 2304, 2304(b)(1), 2304(d), 2322, 2322.3
	09/12/13	ADOPT: 3591.11
	09/10/13	AMEND: 3434(b), 3434(c)
	09/06/13	AMEND: 3589(a)
	Title 4	
	02/03/14	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
	01/21/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
	12/26/13	ADOPT: 8034(d)
	12/24/13	AMEND: 8070, 8072
	12/23/13	AMEND: 5000, 5170, 5190, 5205, 5212, 5230, 5250
	12/19/13	AMEND: 10325
	12/04/13	AMEND: 12200.20, 12220.20, 12480, 12482, 12500, 12505, 12508 REPEAL: 12488
	11/21/13	ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129
	11/21/13	AMEND: 1101, 1126, 1373.2, 1374, 1374.2, 1374.3, 1383.2 REPEAL: 1370, 1374.1
	10/28/13	AMEND: 4001
	10/07/13	AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036
	10/07/13	ADOPT: 8035.5
09/23/13	REPEAL: 58700	
09/23/13	REPEAL: 53200	
09/23/13	REPEAL: 53400	
09/23/13	REPEAL: 57100	
09/19/13	AMEND: 2970	
09/16/13	REPEAL: 56500	
09/16/13	REPEAL: 59580	
09/12/13	REPEAL: 56400	
09/12/13	REPEAL: 52700	
09/12/13	REPEAL: 54500	
09/09/13	AMEND: 649.56	
Title 3		
02/05/14	AMEND: 3435(b)	
01/27/14	AMEND: 3406(b)	
01/23/14	AMEND: 3591.11	

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

09/27/13	ADOPT: 12014				
09/24/13	AMEND: 8035				
Title 5					
02/05/14	ADOPT: 80691, 80692				
02/03/14	AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864				
	REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868				
01/23/14	AMEND: 22000				
12/04/13	AMEND: 15440, 15444, 15445, 15446, 15447, 15448, 15450, 15451, 15453, 15455, 15456, 15460, 15461, 15463, 15464, 15467, 15468, 15469, 15471, 15471.2, 15472, 15473, 15474, 15475, 15480, 15483, 15484, 15485, 15486, 15490, 15493				
10/23/13	ADOPT: 80691, 80692				
10/17/13	ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3				
10/16/13	REPEAL: 3052				
09/25/13	AMEND: 11530, 11531, 11532				
09/25/13	AMEND: 20101, 20107, 20190				
	REPEAL: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157				
09/25/13	AMEND: 11530, 11531, 11532				
09/17/13	AMEND: 4600, 4610, 4630, 4631, 4633, 4650, 4611, 4620, 4621, 4622, 4632, 4640				
09/16/13	AMEND: 80499				
09/05/13	AMEND: 19816, 19828.4				
Title 8					
02/05/14	AMEND: 10133.32, 10133.33, 10133.35, 10133.36				
01/21/14	AMEND: 334				
01/21/14	AMEND: 344, 344.1				
01/09/14	AMEND: 8495, 8496, 8497, 8500				
01/09/14	AMEND: 5155				
01/07/14	AMEND: 4297				
12/26/13	AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19				
12/16/13	ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1				
	AMEND: 10205, 10205.12				
12/02/13	AMEND: 15600, 15605				
11/08/13	ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52				
11/06/13	AMEND: 1529, 1532, 1532.1, Appendix B of 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, Appendix A of 5192,				
	5194, Appendix A of 5194, Appendix B of 5194, Appendix C of 5194, Appendix D of 5194, Appendix E of 5194, Appendix F of 5194, Appendix G of 5194, 5198, Appendix B of 5198, 5200, 5201, 5202, Appendix A of 5202, 5206, 5207, 5208, Appendix J of 5208, 5209, 5210, 5211, 5212, Appendix B of 5212, 5213, 5214, 5217, Appendix A of 5217, 5218, 5220, 8358, Appendix K of 8358, 8359				
		11/06/13	AMEND: 105		
		10/29/13	ADOPT: 344.76, 344.77		
		10/03/13	ADOPT: 11770, 11771.1, 11771.3, 11772, 11773		
		09/30/13	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795		
		09/30/13	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9		
			AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12		
		09/30/13	ADOPT: 10205, 10205.12, 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208		
		09/24/13	ADOPT: 9789.12.1, 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.5, 9789.12.6, 9789.12.7, 9789.12.8, 9789.12.9, 9789.12.10, 9789.12.11, 9789.12.12, 9789.12.13, 9789.12.14, 9789.12.15, 9789.13.1, 9789.13.2, 9789.13.3, 9789.14, 9789.15.1, 9789.15.2, 9789.15.3, 9789.15.4, 9789.15.5, 9789.15.6, 9789.16.1, 9789.16.2, 9789.16.3, 9789.16.4, 9789.16.5, 9789.16.6, 9789.16.7, 9789.16.8, 9789.17.1, 9789.17.2, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.4, 9789.18.5, 9789.18.6, 9789.18.7, 9789.18.8, 9789.18.9, 9789.18.10, 9789.18.11, 9789.18.12, 9789.18.19		
		09/23/13	ADOPT: 10451.1, 10451.2, 10451.3, 10451.4, 10498, 10538, 10606.5, 10608.5, 10774.5, 10957, 10957.1, 10959 AMEND: 10250, 10260, 10300, 10301, 10408, 10450, 10582.5, 10606, 10608, 10622, 10770, 10770.1, 10770.5, 10770.6, 10845, 10886		

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

09/17/13 AMEND: 3650(b)(3)
 09/17/13 AMEND: 5194(g)(2)(Q)
 09/16/13 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 13, 14, 17, 26, 30, 31.3, 31.5, 31.7, 32, 33, 34, 35, 35.5, 36, 38, 100, 104, 105, 106, 109, 110, 112, 117, 10160 REPEAL: 31.2
 09/16/13 AMEND: 344, 344.1

Title 9
 01/28/14 ADOPT: 7005.5 AMEND: 7005 REPEAL: 7144, 7145, 7146, 7147
 01/14/14 AMEND: 7214.1, 7220.7, 7227.2

Title 9, 17
 11/05/13 ADOPT: 40000, 40010, 40020, 40030, 40040 (Title 17)
 REPEAL: 14200, 14210, 14220, 14230, 14240 (Title 9)

Title 10
 01/28/14 AMEND: 2318.6, 2353.1
 01/28/14 AMEND: 2318.6, 2353.1, 2354
 01/24/14 ADOPT: 217, 217.5, 217.10, 217.15, 217.20, 217.25, 217.30, 217.35, 217.40, 217.45 AMEND: 202, 216, 218, 219, 221 REPEAL: 217
 01/07/14 ADOPT: 1430 AMEND: 260.210, 260.211, 260.211.1, 260.231, 1422, 1422.7, 1423, 1581, 1582, 1805.204, 1950.122.8
 12/30/13 AMEND: 260.237
 12/27/13 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400 REPEAL: 2699.202, 2699.208, 2699.211
 12/24/13 ADOPT: 2598.3(b), 2598.3(c)
 12/23/13 ADOPT: 6456
 12/19/13 AMEND: 2698.200
 12/19/13 AMEND: 2698.602
 12/09/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
 12/03/13 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
 11/27/13 ADOPT: 1718.1
 11/26/13 ADOPT: 2598.1, 2598.2, 2598.3, 2598.4, 2598.5, 2598.6
 11/20/13 ADOPT: 2274.50, 2274.51, 2274.52, 2274.53, 2274.54, 2274.55, 2274.56, 2274.57, 2274.58, 2274.59, 2274.60
 11/20/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
 11/19/13 ADOPT: 10.190500, 10.190501
 11/13/13 AMEND: 2699.200, 2699.207
 11/13/13 AMEND: 2698.401
 09/30/13 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
 09/30/13 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620 REPEAL: 6410
 09/30/13 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
 09/30/13 ADOPT: 6800, 6802, 6804, 6806
 09/19/13 ADOPT: 6458
 09/09/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

Title 11
 01/14/14 AMEND: 1015(c)
 12/26/13 ADOPT: 4200, 4210, 4220, 4230, 4240
 12/18/13 AMEND: 4001, 4002
 12/12/13 AMEND: 1001, 1005, 1006, 1007, 1008, 1055, 1070, 1071, 1950
 12/12/13 AMEND: 44.3
 12/12/13 ADOPT: 51.28
 12/02/13 AMEND: 1954(f), 1955(g), 1960(f)
 12/02/13 AMEND: 64.1
 11/25/13 AMEND: 1005, 1007, 1008

Title 12
 09/23/13 REPEAL: 3000

Title 13
 12/30/13 AMEND: 423.00
 12/16/13 AMEND: 2262.9, 2263, 2282

Title 14
 01/21/14 AMEND: 7.50
 01/16/14 ADOPT: 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117
 01/14/14 AMEND: 165, 165.5
 01/13/14 ADOPT: 4000
 01/13/14 ADOPT: 2830, 2831, 2831.1, 2831.2, 2831.3, 2831.4, 2831.5, 2832, 2833, 2834, 2835 AMEND: 2000, 2085, 2501
 12/26/13 AMEND: 228(a)
 12/30/13 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788
 12/23/13 AMEND: 5.79, 27.92
 12/20/13 ADOPT: 2012 AMEND: 2010, 2015, 2030, 2040, 2045, 2405, 2505
 12/19/13 AMEND: 705
 12/19/13 AMEND: 790, 818.02, 825.03, 827.02
 12/17/13 AMEND: 2530, 2535
 12/09/13 AMEND: 820.01
 11/27/13 AMEND: 895.1, 916.9, 936.9, 956.9
 11/26/13 AMEND: 895.1
 11/21/13 AMEND: 251.4
 11/20/13 AMEND: 29.15
 11/19/13 AMEND: 699.5
 11/18/13 ADOPT: 665

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

11/14/13	AMEND: 4970.00, 4970.10.2, 4970.10.3, 4970.10.4, 4970.15.1, 4970.15.2		3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383
10/30/13	AMEND: 163, 164	09/25/13	REPEAL: 7001
10/30/13	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6	09/24/13	AMEND: 3044, 3190, 3282, 3335
10/23/13	AMEND: 18419		
10/21/13	AMEND: 817.02, 817.03, 818.02, 818.03, 820.01, 827.02, 852.60.2, 852.62.2		
10/11/13	AMEND: 190, 195		
10/10/13	ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307		
10/02/13	AMEND: 401 REPEAL: 480		
10/02/13	AMEND: 3550.5		
09/19/13	AMEND: 502		
09/16/13	AMEND: 510		
09/10/13	AMEND: 313		
09/10/13	AMEND: 300		
09/10/13	AMEND: 1670		

Title 15

01/23/14	AMEND: 3000, 3075
01/15/14	REPEAL: 3999.9
01/09/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 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
01/08/14	AMEND: 3044, 3190, 3315
01/08/14	AMEND: 3000, 3006, 3084.7, 3165, 3176, 3177, 3294.5, 3310, 3315, 3352, 3376, 3376.1, 3377.1, 3379, 3426, 3430, 3434
12/09/13	AMEND: 3000, 3190, 3213, 3334
12/02/13	ADOPT: 1329 AMEND: 1300, 1302, 1303, 1304, 1310, 1311, 1312, 1313, 1314, 1320, 1321, 1323, 1324, 1327, 1328, 1340, 1341, 1342, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1370, 1371, 1374, 1375, 1378, 1390, 1391, 1401, 1402, 1409, 1413, 1431, 1432, 1433, 1434, 1435, 1437, 1438, 1439, 1453, 1454, 1461, 1464, 1465, 1466, 1467, 1480, 1482, 1484, 1485, 1486, 1487, 1488, 1501, 1502, 1510 REPEAL: 1450
10/29/13	AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044,

Title 16

01/17/14	AMEND: 475, 476, 3065
01/16/14	ADOPT: 1138
01/13/14	AMEND: 70
01/07/14	AMEND: 1524
01/07/14	ADOPT: 1018.01 AMEND: 1018
12/31/13	ADOPT: 4172
12/23/13	ADOPT: 4128 AMEND: 4122, 4130
12/18/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98
12/04/13	AMEND: 1065
11/21/13	AMEND: 121
11/18/13	AMEND: 411, 412, 3008, 3009
11/13/13	ADOPT: 15, 16, 16.1, 16.2
11/06/13	ADOPT: 420.1, 3021.1
11/06/13	ADOPT: 420.1, 3021.1
10/28/13	AMEND: 1398.6
10/17/13	AMEND: 442, 3035
10/16/13	REPEAL: 3340.38
10/16/13	ADOPT: 15, 15.1, 15.2, 15.3, 15.4 AMEND: 70, 71, 80.1, 80.2
10/09/13	AMEND: 109, 117
09/30/13	AMEND: 2475
09/27/13	ADOPT: 2030.05, 2030.3, 2032.05, 2032.15, 2032.25, 2032.35 AMEND: 2030, 2030.1, 2030.2, 2032.1, 2032.2, 2032.3, 2032.4, 2037
09/23/13	REPEAL: 3526
09/17/13	AMEND: 2520.5, 2523.2, 2577.6, 2579.4
09/10/13	ADOPT: 80.1, 80.2, 87.1 AMEND: 12, 12.5, 37, 80, 81, 87, 87.8, 87.9, 88, 88.1, 88.2, 89 REPEAL: 87.1, 87.7
09/09/13	AMEND: 103

Title 17

01/28/14	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
01/27/14	AMEND: 100600, 100601, 100602, 100608
12/31/13	ADOPT: 95124 AMEND: 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131,

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

	95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157	01/08/14	AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1
12/17/13	AMEND: 1230, 2641.57		
12/02/13	AMEND: 2505	10/17/13	AMEND: 1680, 1681, 1683, 1684
11/21/13	ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101	Title 21	
10/31/13	ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3	01/07/14	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658
10/28/13	AMEND: 54342, 57332	09/23/13	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658
10/11/13	ADOPT: 30400, 30409, 30411, 30412, 30413, 30413.5, 30414, 30415, 30416, 30417, 30418, 30419, 30420, 30467, 30468 AMEND: 30403, 30403.5, 30403.8, 30404, 30405, 30406, 30408, 30410, 30421, 30422, 30423, 30424, 30425, 30427.2, 30435, 30436, 30437, 30440, 30442, 30443, 30444, 30446, 30447, 30450, 30451, 30455.1, 30456.6, 30460, 30461, 30462, 30463, 30464, 30465, 30466 REPEAL: 30400.5, 30400.40, 30400.60, 30400.85, 30400.95, 30420, 30427, 30428, 30441, 30445, 30445.1, 30452, 30467, 30468	Title 22	
10/02/13	AMEND: 54342(a)(29)	12/24/13	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501
09/18/13	ADOPT: 100900, 100901, 100902, 100903, 100904	12/17/13	ADOPT: 70438.2
09/10/13	AMEND: 52086	12/16/13	AMEND: 50090, 50260, 50262.3, 50951, 50953, 51008, 51008.5, 51015, 51159, 51200, 51303, 51341.1, 51458.1, 51476, 51490.1
Title 18		12/05/13	ADOPT: 70951, 70952, 70953, 70954, 70955, 70956, 70957, 70958, 70958.1, 70959, 70960, 71701, 71702, 71703
01/08/14	AMEND: 25106.5-1	10/28/13	AMEND: 123000
12/24/13	AMEND: 263, 462.020, 462.060, 462.160, 462.180, 462.220, 462.240	10/16/13	AMEND: 67100.1, 67100.8, 67100.9
12/09/13	AMEND: 17951-4, 17951-6, 25101, 25106.5-9, 25106.5-10, 25128, 25137-1, 25137-2, 25137-4.2, 25137-7, 25137-8.2, 25137-9, 25137-10, 25137-11, 25137-14	10/02/13	AMEND: 97212
12/09/13	AMEND: 1642	10/01/13	AMEND: 69501.3(b), 69509.1(a), 69509.1(c)
11/26/13	ADOPT: 2000, 2001	09/23/13	AMEND: 97232
11/21/13	AMEND: 25106.5	09/18/13	AMEND: 51516.1
10/30/13	REPEAL: 474	09/05/13	AMEND: 66261.33
10/14/13	ADOPT: 1566.1	Title 23	
09/23/13	ADOPT: 2000	02/04/14	AMEND: 2921
Title 20		01/09/14	ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27
01/28/14	AMEND: 2401, 2402	12/03/13	AMEND: 597
01/08/14	AMEND: 1660, 1661, 1662, 1663, 1664, 1665	11/08/13	AMEND: 3939.24
		11/08/13	AMEND: 3939.15
		11/07/13	AMEND: 3938, 3939, 3939.4, 3939.12
		11/06/13	AMEND: 595
		10/31/13	AMEND: 1062, 1064, 1066, 1068
		10/23/13	AMEND: 2200, 2200.5, 2200.6
		Title 27	
		12/17/13	ADOPT: 15186.1 AMEND: 15100, 15110, 15150, 15170, 15180, 15185, 15186, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15242, 15250, 15260, 15280, 15290, 15300, 15330, Appendix B, Div. 3, Subd. 1, Ch. 1, Ch. 2, Ch. 3, Ch. 4, Ch. 5, Ch. 6 REPEAL:

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 7-Z

15189, 15400, 15400.1, 15400.3,
15400.4, 15410, 15600, 15610, 15620

Title 28

12/16/13 ADOPT: 1300.67.005
10/07/13 ADOPT: 1300.67.003

Title MPP

12/24/13 ADOPT: 40-038 AMEND: 22-071,
22-072, 22-305, 40-036, 40-103,
40-105, 40-107, 40-119, 40-125,
40-128, 40-131, 40-173, 40-181,
40-188, 40-190, 41-405, 42-209,
42-213, 42-221, 42-302, 42-406,

42-407, 42-716, 42-721, 42-751,
42-769, 44-101, 44-102, 44-111,
44-113, 44-115, 44-133, 44-205,
44-207, 44-211, 44-304, 44-305,
44-313, 44-314, 44-315, 44-316,
44-317, 44-318, 44-325, 44-327,
44-340, 44-350, 44-352, 47-220,
47-320, 48-001, 80-301, 80-310,
82-612, 82-812, 82-820, 82-824,
82-832, 89-110, 89-201 REPEAL:
44-400, 44-401, 44-402, 44-403

12/02/13 AMEND: 44-352
09/30/13 AMEND: 40-105, 42-422, 82-504

