



California Regulatory Notice Register

REGISTER 2012, NO. 10-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 9, 2012

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Tahoe-Truckee Sanitation Agency

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

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

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: South Bay Area Schools Insurance Authority
Southern CA Association of Governments
Tahoe-Truckee Sanitation Agency

ADOPTION

MULTI-COUNTY: Sacramento County Board of Education
Sacramento Office of Education

A written comment period has been established commencing on March 9, 2012, and closing on April 23, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Fisher, 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 review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his 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 April 23, 2012. 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 Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620,

Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

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

**TITLE 2. CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the proposed addition to California Code of Regulations Article 5.5, sections 577 and 578 will specify dates the State of California must remit payment of employer and employee retirement contributions to the Public Employees' Retirement Trust Fund.

II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on **March 9, 2012** and closing on **April 23, 2012 at 5:00 p.m.** The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; e-mail at: Christina_Nutley@CalPERS.ca.gov; or mailed to the following address:

Christina Nutley, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 795-2397

III. PUBLIC HEARING

A public hearing regarding this proposed regulatory action has not been scheduled. Pursuant to Government Code section 11346.8, any interested person, or his or

her duly authorized representative, may submit a written request for a public hearing to CalPERS no later than 15 days prior to the close of the written comment period. Such requests must be received no later than 5 p.m., Monday, April 9, 2012. If scheduled, notice of the time, date, and place of the requested public hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

CalPERS' authority to add the proposed amendment to the California Code of Regulations derives from the CalPERS Board of Administration's plenary authority and fiduciary responsibility over the assets of the public retirement system, pursuant to the California Constitution (Section 17 of Article XVI) and the Public Employees' Retirement Law (PERL) (California Government Code Title 2, Division 5, Part 3), including Government Code sections 20120 and 20121. Proposed Article 5.5, and sections 577 and 578, implement and make specific Government Code sections 20771, 20826 and 20831.

**VI. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law provides for the transfer of State retirement contributions from the appropriate employer funds to the CalPERS retirement fund. Government Code (GC) section 20831, provides for quarterly payments of state employer retirement contributions, but does not cite specific payment dates within each quarter. GC Section 20771 directs the State Controller to deduct from employee compensation the employee's normal rate of retirement contribution and the amount of any other contributions payable, and remit the money to the retirement fund.

The proposed regulations will provide a payment schedule as well as specific dates for State of California employer and employee retirement contribution payments.

The proposed regulations will protect the earning potential of the retirement fund. Additionally, the proposed regulations will assist the State in managing its cash flow.

The addition of section 577 requires the State of California to remit to the CalPERS board the em-

ployee's share of retirement contributions that is withheld from their monthly payroll warrant, on or before the first business day after the last day of the pay period to which they refer. The proposed regulation is consistent and compatible with existing statute and regulations for the payment of retirement contributions.

The addition of section 578 requires the State of California to remit to the Retirement Trust Fund the employer's share of retirement contributions on specific quarterly dates. The first and fourth fiscal year quarter payments shall be remitted no later than the first business day after the end of the quarter. The proposed regulation is consistent and compatible with existing statute and regulations for the payment of retirement contributions.

Payments for the second fiscal year quarter shall be remitted in two installments. The first payment shall be for the payroll periods of October and November and remitted no later than December 17th or earlier. The second payment shall be for the payroll period of December and remitted no later than the first business day in January. The proposed regulation is consistent and compatible with existing statute and regulations for the payment of retirement contributions.

Payments for the third fiscal year quarter shall be remitted in two installments. The first payment shall be for the payroll period of March and remitted no later than the first business day in April. The second payment shall be for the payroll periods of January and February and remitted no later than April 16th or earlier. The proposed regulation is consistent and compatible with existing statute and regulations for the payment of retirement contributions.

Forms and Documents Incorporated by Reference: None.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action anticipates a State General Fund cost savings by foregoing the need to borrow cash to meet short-term needs.

- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500, et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states. CalPERS relied upon the plain text of the authorizing statute and proposed regulations to make this determination.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.
- J. **BENEFITS TO HEALTH, WELFARE AND WORKER SAFETY OF CALIFORNIA RESIDENTS, AND THE ENVIRONMENT OF THE STATE:** The proposed regulations have no impact.

IX. CONSIDERATION OF REASONABLE ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in imple-

menting the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Holly Fong
Fiscal Services Division
California Public Employees' Retirement System
P.O. Box 942701
Sacramento, CA 94229-2701
Telephone: (916) 795-2079
E-mail: Holly_Fong@CalPERS.ca.gov

Please direct requests concerning processing of this regulatory action to Christina Nutley, CalPERS Regulations Coordinator, at the address shown above, or (916) 795-2397 (Christina_Nutley@CalPERS.ca.gov).

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Christina Nutley, Regulations Coordinator, at the address shown in Section II.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed regulations after the public comment period has closed. It may amend the proposed regulations as modified, if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the

date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

XIII.

One can access the regulatory material regarding this action at CalPERS' website <http://www.calpers.ca.gov/index.jsp?bc=/about/leg-reg-statutes/regulatory/current/home.xml>.

TITLE 2. SECRETARY OF STATE

NOTICE IS HEREBY GIVEN that the Secretary of State is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Secretary of State at its office not later than 5:00 p.m. on April 27, 2012.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Secretary of State, 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

Under authority established in California Government Code sections 12172.5 and 15601, the California Secretary of State proposes to implement, interpret or make specific Government Code section 12172.5 by revising Section 20811(c) of the California Code of Regulations.

California Government Code section 12172.5 states, "The Secretary of State may adopt regulations to assure

the uniform application and administration of state election laws [California Government Code, title 2, division 3, part 2, chapter 3].”

Further authority for amending the 20811(c) is found in California Elections Code section 15601 that states: “The Secretary of State, within the Secretary of State’s existing budget, shall adopt regulations no later than January 1, 2008, for each voting system approved for use in the state and specify the procedures for recounting ballots, including vote by mail and provisional ballots, using those voting systems.”

INFORMATIVE DIGEST

A. Informative Digest

Elections Code sections 15600 through 15634 establish the statutory framework for the conduct by a local elections official of a recount of ballots cast in a California ballot measure or public office election. Sections 19200 through 19216 give the Secretary of State exclusive authority to examine voting systems and approve or withhold approval for their use in elections in the state. In section 15601, the Legislature directed the Secretary of State to adopt regulations to specify the procedures for recounting ballots cast using each voting system approved for use in the state. The proposed amendment to section 20811(c) would clarify the definition of “Interested party,” to make the term specific so that election officials can more easily comply with notice requirements for recounts.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed amendment to section 20811(c) would clarify the definition of “Interested party,” to make the term specific which will benefit election officials so that the election officials can more easily comply with notice requirements for recounts.

C. Consistency and Compatibility with Existing State Regulations

This regulatory proposal is consistent and compatible with existing state regulations.

D. Documents Incorporated by Reference: None.

E. Documents Relied Upon in Preparing the Regulations: Economic Impact Assessment.

FISCAL IMPACT ESTIMATES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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: No.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: No.

Business Impact: The Secretary of State 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 rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that support this determination.

Impact on Jobs/New Businesses: The Secretary of State 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 the Regulation: The definition of “Interested party” will ensure that election officials can more easily comply with the regulation.

Cost Impact on Representative Private Person or Business: The Secretary of State 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 Secretary of State has determined that the proposed regulations would not affect small businesses. The proposed change is to clarify the definition of “Interested party” to make the term specific so that election officials can more easily comply with notice requirements for recounts.

Economic Impact Assessment/Analysis Summary Comments: This proposed regulation is not a “major regulation” therefore there are no economic impact assessment comments from the Department of Finance nor response.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments relevant to the above determinations.

AVAILABILITY AND LOCATION OF INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL, THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The Secretary of State has prepared an Initial Statement of Reasons setting forth the rationale for the proposed action and has available all the information upon which the proposal is based. The Initial Statement of Reasons is available on the Secretary of State website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the Secretary of State contact or on the website listed below.

A Final Statement of Reasons will be created after the closing of the public comment period. You may obtain a copy of the Final Statement of Reasons once it has been prepared, from 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:

Ryan Macias
Secretary of State
1500 11th St., 6th Floor
Sacramento, CA 95814
(916) 651-7835 (telephone)
(916) 653-4620 (fax)
Ryan.Macias@sos.ca.gov

The backup contact person is:

Susan Lapsley
Secretary of State
1500 11th St., 6th Floor
Sacramento, CA 95814
(916) 651-7837
Susan.Lapsley@sos.ca.gov

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

TITLE 2. SECRETARY OF STATE

NOTICE IS HEREBY GIVEN that the Secretary of State is proposing to take the action described in the In-

formative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Secretary of State at its office not later than 5:00 p.m. on April 27, 2012.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Secretary of State, 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

Under authority established in California Government Code section 12172.5, the California Secretary of State may adopt regulations to assure the uniform application and administration of state election laws.

Further authority established in Elections Code sections 13004 and 13005, the Secretary of State shall adopt rules and regulations governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and requiring the biennial inspection of the manufacturing, finishing, and storage facilities involving ballot cards.

Authority cited: Sections 13004 and 13005, Elections Code; Section 12172.5, Government Code.

Reference cited: Sections 13004, 13005 and 13006, Elections Code.

INFORMATIVE DIGEST

A. Informative Digest

The purpose of revising sections 20200 through 20267 of Title 2, Division 7, Chapter 4 of the California Code of Regulations is as follows:

1. Reflect the changes in current business practices for ballot manufacturers and finishers.

2. Reflect new ballot manufacturing and finishing technology not addressed in the current regulations.

3. Remove requirements that are no longer relevant to current ballot manufacturers and finishers.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Secretary of State is responsible for certifying ballot manufacturing and finishing facilities who wish to print ballots used in California elections. The current regulations have been in place since 1981 to ensure the security of the ballot printing process.

Due to the changes in technology and improving business standards, many of the current regulations have become obsolete or insufficient to effectively secure the ballot printing process.

The proposed changes provide current certified ballot manufacturers and finishers, as well as manufacturers and finishers seeking certification, clear regulations that reflect current business practices and appropriate security measures. The updated regulations incorporate the changes in technology and ensure the introduction of new technology is implemented in a manner that does not jeopardize the security of the ballots. Accordingly, there are no direct benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

C. Consistency/Compatibility with Existing State Regulations

This regulatory proposal updates existing regulations relating to ballot printing and is therefore consistent and compatible with existing state regulations.

D. Documents Incorporated by Reference: No.

E. Documents Relied Upon in Preparing the Regulations: Economic Impact Assessment.

FISCAL IMPACT ESTIMATES AND ECONOMIC IMPACT ASSESSMENT

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: No.

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

Business Impact: The Secretary of State 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 rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which support this determination.

Impact on Jobs/New Businesses: The Secretary of State 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.

Due to the changes in technology and improving business standards, many of the current regulations have become obsolete or insufficient to effectively secure the ballot printing process.

The proposed changes provide current certified ballot manufacturers and finishers, as well as manufacturers and finishers seeking certification, clear regulations that reflect current business practices and appropriate security measures. The updated regulations incorporate the changes in technology and ensure the introduction of new technology is implemented in a manner that does not jeopardize the security of the ballots. Accordingly, there are no direct benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Cost Impact on Representative Private Person or Business: The Secretary of State 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 Secretary of State has determined that the proposed regulations would not affect small businesses. The proposed regulations are updating the regulations to conform to current business practices.

Economic Impact Assessment/Analysis Summary Comments: This proposed regulation is not a "major regulation" therefore there are no economic impact assessment comments from the Department of Finance nor response.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments relevant to the above determinations.

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

INITIAL STATEMENT OF REASONS, THE TEXT OF PROPOSAL AND THE RULEMAKING FILE

The Secretary of State has prepared an Initial Statement of the reasons for the proposed action and has available all the information upon which the proposal is based. The Initial Statement of Reasons is available on the Secretary of State website.

Copies of the express language of the proposed regulations, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained throughout the rulemaking process upon request from the Secretary of State contact or on the website listed below.

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

A Final Statement of Reasons will be created after the closing of the public comment period. You may obtain a copy of the final statement of reasons once it has been prepared from the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Jason Heyes
Secretary of State
1500 11th St., 6th Floor
Sacramento, CA 95814
(916) 651-9163

Or to: Jason.Heyes@sos.ca.gov

The backup contact person is:

Susan Lapsley
Secretary of State
1500 11th St., 6th Floor
Sacramento, CA 95814
(916) 651-7837

Or to: Susan.Lapsley@sos.ca.gov

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4. DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1843.3, Penalties for Medication Violations, to change the time periods associated with penalty guidelines for Category "B" Penalties. The time period for second offense Category "B" violations will change from 365 days to two years and for third offense Category "B" violations the time period will change from 365 days to five years.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 26, 2012**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on April 23, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6397
 Fax: (916) 263-6042
 E-Mail: HaroldC@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19461 and 19580, Business and Professions Code. Reference: Sections 19461, 19580, 19581 and 19582, Business and Professions Code; and Section 11425.50, Government Code.

Business and Professions Code sections 19440, 19461 and 19580 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19461, 19580, 19581 and 19582, Business and Professions Code, and section 11425.50, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19580 provides the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Those policies, guidelines and penalties shall include, at a minimum, the provisions set forth in this article. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. Business and Professions Code section 19582 states violations of section 19581, as determined by the Board are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations

within the previous three years, and prior violations within the violator's lifetime. The Board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars, or both, and disqualification from purses, for a violation of section 19581. The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in sections 1843 and 1887 of Title 4 of the California Code of Regulations. The punishment for second and subsequent violations of section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the Board, concludes that a deviation from this general rule is justified. A third violation of section 19581 during the lifetime of the licensee, determined by the Board to be at a class I or class II level, may result in the permanent revocation of the person's license. The administrative law judge shall, after consideration of the circumstances surrounding a violation specified in paragraph (1), file a decision with the Board that includes findings of fact and conclusions of law. Any person whose license is suspended or revoked pursuant to this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation. The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. All proceedings to revoke a license shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Government Code section 11425.50 states the decision shall be in writing and shall include a statement of the factual and legal basis for the decision.

The Board proposes to amend Rule 1843.3 to change the time periods for Category "B" medication violations in cases of an owner's or trainer's second and third offense. The Rule currently provides for increased penalties if a second offense occurs within 365 days of a first offense, or a third offense occurs within 365 days of a second offense. The Board believes it is necessary to

lengthen the period of time within which licensees may receive increased penalties for second and third Category “B” medication violations because it is possible to have multiple violations over a long period of time, and still only receive a minimum 30-day suspension under the Category “B” first offense. This is because there is only a 365-day period in which a subsequent Class “B” violation may result in an increased penalty. The proposed amendment to Rule 1843.3 will allow the Board to give appropriate penalties for repeat offenders by increasing the time period between offenses. The current 365-day period for a second Category “B” offense will be changed to two years, and the current 365-day period for a third offense will be changed to five years. The proposed increase in penalty time periods between violations does not mean persons with second or third offenses will automatically receive harsher penalties. Rule 1843.3(a) requires the Board of Stewards, the hearing officer or the administrative law judge to consider mitigating circumstances, as well as the penalties set forth in the regulation. If the hearing officer determines there are mitigating circumstances, deviation from the penalty guidelines may be appropriate, including lesser or no penalty. Lengthening the periods of time associated with second and third Category “B” medication violations simply provides the Board with more flexibility in considering the appropriate penalties for licensees who display a pattern of medication violations over time. The Board’s proposal to amend Rule 1843.3 is also in line with the recommendation of the Racing Medication and Testing Consortium (RMTC) recommendations. In August 2011 the RMTC board of directors adopted a recommendation to change the current 365-day period for Category “B” prohibited drugs to within two years in any jurisdiction for a second violation and within a five-year period in any jurisdiction for a third violation. The RMTC consists of 25 racing industry stakeholders and organizations that represent thoroughbred, standardbred, American Quarter Horse and Arabian racing. The organization works to develop and promote uniform rules, policies and testing standards at the national level. While the RMTC’s recommendations are not binding, the CHRБ endorses the uniformity of regulations that seek to ensure the integrity of racing and the health and welfare of racehorses and participants, as well as the interests of the racing public.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Business and Professions Code section 19440 states that jurisdiction and supervision over meetings in this state where horse races with wagering on their results are held or conducted, or over all persons or things hav-

ing to do with the operation of such meetings, is vested in the CHRБ. The principal responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horseracing and pari-mutuel wagering, as well as administration and enforcement of all laws, rules and regulations affecting horseracing and pari-mutuel wagering. The proposed amendment of Rule 1843.3 will change the time periods associated with penalty guidelines for Category “B” Penalties. The time period for second offense Category “B” violations will change from 365 days to three years and for third offense Category “B” violations the time period will change from 365 days to five years. These changes will have several benefits for California’s horseracing industry. Lengthening the time periods under which repeat offenders may receive enhanced penalties for Class “B” medication violations promotes fairness in that licensees who may have one or two Class “B” violations during their entire career will not face the same penalties as a licensee who has a history of multiple drug violations over the space of a couple years. In addition, enhanced periods of suspension may act as a deterrent, which would level the playing field for the wagering public. The proposed amendment to Rule 1843.3 would also promote worker safety for jockeys, grooms and stable employees who work closely with horses.

Consistency with Existing State Regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment of Rule 1843.3 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 following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative 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.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1843.3 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. Lengthening the time periods under which repeat offenders may receive enhanced penalties for Class "B" medication violations promotes fairness in that licensees who may have one or two Class "B" violations during their entire career will not face the same penalties as a licensee who has a history of multiple drug violations over the space of a couple years. In addition, enhanced periods of suspension may act as a deterrent, which would level the playing field for the wagering public. The proposed amendment to Rule 1843.3 would also promote worker safety for jockeys, grooms and stable employees who work closely with horses. This regulation will act as a deterrent to those who might attempt to gain an advantage by the unauthorized use of medication and drug substances. The economic success of horseracing is dependent on its ability to ensure the integrity of the sport.

Effect on small businesses: none. The proposal to amend Rule 1843.3 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610. Rule 1843.3 provides penalty guidelines for violations due to the presence of a drug substance in an official test sample.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: haroldc@chrb.ca.gov

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

Andrea Ogden,
Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process

at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1663, ENTRY OF CLAIMED HORSE

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1663, Entry of Claimed Horse, to provide that if a horse is entered in a claiming race within 25 days of being claimed: 1) A horse that won the claiming race from which it was claimed shall start in a claiming race for at least 25 percent more than the price at which it was claimed, and 2) A horse that did not win the claiming race from which it was claimed shall start at a price equal to, or greater than, the price at which it was claimed. The proposed amendment will also delete the current subsections 1663(b) and (b)(1).

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 26, 2012**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written com-

ment period closes at **5:00 p.m. on April 23, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-mail: HaroldC@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this state where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to: adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this state.

A claiming race is a race in which any of the horses entered may be purchased (claimed) out of the race by any person who is eligible to claim a horse at that meeting. Eligible persons are licensed horse owners or persons who hold "horse owner by open claim" certificates. To claim a horse, the interested party must ensure sufficient funds are on deposit with the paymaster of purses at the track where the horse is to be claimed. In addition, the interested party must properly complete a claim form that has to be dropped into the claiming box within a specified time. The moment the gate opens the

person who has claimed the horse becomes its owner. However, if the horse wins the race or earns money, the money goes to the owner who entered it in the race. If more than one person has put in a claim for the same horse, they “shake” for it (draw lots). The person who wins the shake becomes the owner.

The Board proposes to amend Rule 1663 to modify the conditions under which a horse claimed in a claiming race may start in another claiming race within 25 days of the original claim. Rule 1663 currently states that any horse that starts in a claiming race within 25 days of being claimed shall run for a price that is at least 25 percent more than the price at which it was claimed. The required 25 percent increase in the claiming price within 25 days of being claimed is known as “jail time”. This is because not all claimed horses are capable of running in a higher level race, so they are often kept in the barn until the 25–day period is ended. Some form of this prohibition is in effect in most horseracing jurisdictions. The proposed amendment would add new subsections 1663(b) and (b)(1) to provide that if a claimed horse is entered in a claiming race within 25 days of being claimed, and it won the race from which it was claimed, it shall start for at least 25 percent more than the amount for which it was claimed. This will have the effect of requiring only winning claimed horses to run in a subsequent claiming race (within 25 days of being claimed) for an amount greater than the price at which they were claimed. This will release all other claimed horses to run in accordance with a new subsection 1663(b)(2), which provides that a horse that did not win the claiming race from which it was claimed shall start in another claiming race within 25 days of the date it was claimed for the same amount at which it was claimed, or more. This means that within 25 days of being claimed, the horse does not have to run back at an increased price, and may start in a claiming race for at least the same price at which it was previously claimed. At the end of the 25 day jail time, all claimed horses may be entered in a claiming race for any price. This is current practice, and it will continue as such.

The Board believes the proposed amendment to Rule 1663 will encourage trainers to run claimed horses back sooner, rather than leaving the horses in barns for weeks at a time. Many trainers currently wait out the 25–day period because they do not believe the horses they claimed would be able to compete in a higher level claiming race. The proposed amendment may help racing associations by increasing the number of horses available to race, which will increase the fields (number of horses in a race) and provide more wagering opportunities. In turn, the entire industry would benefit because increased wagering opportunities result in a larger handle, which provides income to the tracks and horsemen in the form of commissions and purses. (The handle is

the total amount wagered on a race, a portion of which is reserved by statute for track commissions and purses).

The proposed amendment will delete the current subsection 1663(b) because the industry believes the 60–day jail time is unnecessary and burdensome. The Board agreed with the industry and has temporarily suspended the subsection by applying the provisions of Board Rule 1406, Suspension of Rule. In addition, the current subsection 1663(b)(1) has been deleted, as the proposed elimination of the current subsection 1663(b) eliminates the need for the California Fair Circuit to be considered one race meeting for the purposes of claiming. This will allow horsemen to freely move horses claimed in California to other states for racing purposes.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari–mutuel wagering. By amending Rule 1663 the Board will honor its commitment to the continued economic health and well being of California’s horseracing industry. It is anticipated that the amendment of Rule 1663 will free trainers and owners to enter claimed horses in upcoming claiming races that are equal in value to the race from which they were claimed, rather than having to withhold such horses until the traditional 25–day jail time has lapsed. The benefit of running horses back sooner is that racing associations will have fewer problems filling races. Full races result in more wagering activity from California residents and out–of–state horseracing fans. Increased wagering translates to higher purses and commissions. The ability to run back a claimed horse within 25 days of the claim will encourage trainers to keep such horses in California, which will benefit the entire industry. A healthy horseracing industry benefits the communities in which California racetracks are located, and promotes agriculture and breeding of horses in this State.

Consistency with existing state regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.
Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Rule 1663 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 following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative 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.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1663 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. This regulation will have a positive effect on the economic health of California's horseracing industry by allowing claimed horses to run-back in claiming races of equal or greater value as soon as the trainer or owner believes the horse is ready to compete. This will help the industry fill claiming races, and potentially increase commissions and purses.

Effect on small businesses: none. The proposal to amend Rule 1663 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1663 states the conditions under which a horse claimed out of a claiming race may start in a subsequent race, and may be run back in a claiming race or run out-of-state. The regulation also provides the conditions under which a claimed horse may be removed from the grounds of the racing association where it was claimed.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The results of the Board's Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

There will be no impact on the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California. However, the proposed regulation will have a positive effect on the economic health of California's horseracing industry by allowing

claimed horses to run-back in claiming races of equal or greater value as soon as the trainer or owner believes the horse is ready to compete. This will help the industry fill claiming races, and potentially increase commissions and purses in some instances.

There will be no benefits to the health and welfare of California residents, worker safety, and the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: HaroldC@chrb.ca.gov

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

Andrea Ogden, Regulation Analyst
Telephone: (916) 274-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register,

the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board’s website address is: www.chrb.ca.gov.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the “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 Doubletree by Hilton — Torrance — South Bay, 21333 Hawthorne Boulevard, Torrance, CA 90503 at 9:00 a.m. on May 4, 2012. 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 23, 2012 or must be received 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 2018 of the Business and Professions Code, and to implement, interpret or make specific the provisions in Section 2236.2 of the Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1355.45 in Article 1, Chapter 2, Division 13, defining the notice required of a physician and surgeon in order to restore the license to active status following a period of incarceration after the conviction of misdemeanor; and, the license status description to be posted on the Board’s Internet site, to reflect current law.

Current law authorizes the Board to automatically place a physician’s and surgeon’s certificate on inactive status during any period of time that the holder of the certificate is incarcerated after the conviction of a misdemeanor. A physician’s and surgeon’s certificate which has been placed on inactive status pursuant to this law shall be returned by the Board to its prior or appropriate status within five business days of receiving notice that the physician is no longer incarcerated.

The proposed regulation will implement, interpret, and make specific the type of notice required to be submitted to the Board when the physician is no longer incarcerated. This regulation will also provide a definition to the public of the term “inactive” when posted to the Board’s Internet site in connection to a physician who is incarcerated and unable to practice medicine. The Board notes that the status of a physician’s and surgeon’s certificate must be posted on its Internet site pursuant to the provisions of Sections 803.1 and 2027 of the Code.

The specific benefits of this proposal are two-fold: 1) By identifying the type of notice (certified copy of release), public protection is enhanced because the Board will have good basis for returning an inactive license to its prior status, instead of simply relying on the verbal or

written statement of the licensee, and 2) by defining the type of statement that will accompany the change in license status, the public will know the reason a physician's license was placed on inactive status.

This proposed regulation is not inconsistent or incompatible with existing state regulations. Additionally, providing notice to the Board of a release from incarceration is consistent with the reporting of criminal information to the Board (B&P Sections 803.5, 803.6).

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.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant adverse economic 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. The benefit to the health and welfare of California residents is the enhanced notice to the consumer so the public will know the reason a physician's license was placed on inactive status. This regulation has no benefit to worker safety and to the State's environment.

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.

Effects on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, 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. 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 the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

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 Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

CONTACT PERSON

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

Name: Natalie Lowe,
Enforcement Analyst
Medical Board of California
Address: 2005 Evergreen Street,
Suite 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Chris Valine
Medical Board of California
Address: 2005 Evergreen Street,
Suite 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at:
http://www.medbd.ca.gov/laws/regulations_proposed.html.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 23, 2012.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at: Loma Linda University — Centennial Complex, Damazo Amphitheater, 24760 Stewart Street, Loma Linda, CA 92354, at 1:30 p.m. on Tuesday, May 1, 2012.

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

Authority and Reference. Pursuant to the authority vested by Sections 4005 and 4127 of the Business and Professions Code, and to implement, interpret or make specific Sections 4005, 4036, 4037, 4051, 4052, 4127, 4169, and 4076 of the Business and Professions Code, the Board of Pharmacy is proposing to amend Sections 1735.1, 1735.2, 1735.3 and Section 1751.2 of Division 17 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of Pharmacy (“Board”) proposes to amend Sections 1735.1, 1735.2, 1735.3 and Section 1751.2 of Division 17 of Title 16 of the California Code of Regulations (“CCR”) for the purpose of amending the board’s regulations specific to the compounding of drug products, as specified below. As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Existing regulations at 16 CCR § 1735.1 specify requirements related to the compounding of drug products, to include definitions of terms used throughout the article. The board’s proposal will add a definition of “equipment” for purposes of compounding drug products. The definition would define “equipment” as those items that must be calibrated, maintained or periodically certified.

Existing regulation at 16 CCR § 1735.2 specifies limitations and requirements for all compounded drug products. This section specifies that a drug product shall not be compounded until the pharmacy first prepares a written master formula to include specified information. A written master formula may be likened to a ‘recipe’ for compounding a drug product. The board’s proposal would require that the written master formula record specify what equipment is to be used in compounding the drug product. The board believes that indicating the equipment to be used in the written master formula record will provide for consistency in the compounding of drug products. The board’s proposal also seeks to renumber existing elements in this Section, specified in subsection (d). This section also incorporates by reference a self-assessment form that must be completed by a pharmacy’s pharmacist-in-charge before any compounding can be done in a pharmacy (“Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-Assessment” Form 17M-39 Rev. 01/11); the regulation also specifies that a pharmacist-in-charge shall complete the self-assessment form by

July 1 of every odd-numbered year. The board’s proposal would update this self-assessment form to reflect the changes proposed in the Notice and would update the revision date of the form to “Rev. 02/12.”

Current regulations at 16 CCR § 1735.3 require that a pharmacy record be maintained for each drug product that is compounded and specifies what information shall be included in the record, including the master formula record, the date the drug product was compounded, and other information. Currently, this section specifies that the equipment used in compounding be included in the pharmacy record. Because the board’s proposal would require that the master formula record specify the equipment to be used in compounding a drug product (and the master formula record is a part of the pharmacy record), this item is being removed. In addition, paragraph (a)(6) of this section requires that the pharmacy record specify the manufacturer and lot number of each component of the compounded drug product. The board’s proposal would require that, in addition to these required elements, the expiration date of each component in the compounded drug product be specified. Also, paragraph (a)(6) currently provides that a hospital that compounds a sterile injectable drug product on a one-time basis for administration to an inpatient, as specified, is exempt from recording the manufacturer and lot number of each component of the compounded drug product in the pharmacy record. This proposal would also specify that the expiration date of each component of a sterile injectable drug product be exempt from recording in the pharmacy record; it would extend the period of time to seventy-two hours (from 24 hours) that the drug can be used; and specifies that the sterile injectable drug must be stored in accordance with United States Pharmacopeia Standards.

Current regulations at 16 CCR § 1751.2 specify additional labeling requirements for sterile injectable drug products that are compounded. The Board’s proposal would clarify the labeling requirements for cytotoxic agents. Currently, all cytotoxic agents must bear a special label that states “Chemotherapy — Dispose of Properly.” However, not all cytotoxic agents are chemotherapy agents. Thus, the board’s proposal would also specify an alternate label that reads “Cytotoxic Product — Dispose of Properly.”

The board conducted a search of Title 21 Code of Federal Regulations (Food and Drugs), as well as the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) and found no existing federal regulations or statutes that are comparable to the board’s proposal. Further, the board conducted a search of the California Code of Regulations and found no existing state regulations that duplicate or address the scope of changes proposed by the board. Based on this initial evaluation, the board does not believe that the proposed regulation is

inconsistent or incompatible with existing state or federal regulations.

Anticipated Benefits of the Proposed Regulations: Please see “Benefits” below under “Results of the Economic Impact Analysis.” In coming to this conclusion, the board considered specific benefits anticipated by the proposed amendment of the sections described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

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 businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This determination is based on the fact that the equipment used to compound a drug product must currently be documented; this proposal changes where that information is documented. Also, the board believes that to protect the public health it is important to document the expiration date of each component of a compounded drug product.

Effect on Housing Costs: None.

Small Businesses: The board’s proposal may affect small businesses; however, the board does not have nor does it maintain data to determine if any of its licensed pharmacies are “small businesses” as defined in Government Code Section 11342.610.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board of Pharmacy conducted an Economic Impact Analysis (EIA) and has made an initial determination that this regulatory proposal will not have a signifi-

cant impact on the creation of new or elimination of existing jobs, businesses or the expansion of businesses in the State of California.

The Board's proposed rulemaking will impact pharmacists and pharmacies. As of October 2011, the board had approximately 37,743 pharmacists (individuals) with current licenses issued by the board. Also, as of October 2011, the board had approximately 6,900 pharmacies (sites) with current licenses issued by the board.

Benefits: Business and Professions Code section 4005 states that "the board may adopt rules and regulations . . . pertaining to the practice of pharmacy. . . ." As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. The board believes the regulatory changes proposed herein will serve to protect the public health by ensuring that compounded drug products are prepared efficaciously; that records of compounded drug products contain relevant and necessary information, that compounded cytotoxic drug products are labeled appropriately; and that sterile injectable drug products compounded on a one-time basis for administration to an inpatient, as specified, are stored appropriately.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Web site <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Web site (www.pharmacy.ca.gov).

CONTACT PERSON

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

Name: Carolyn Klein
 Address: 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone No.: (916) 574-7913
 Fax No.: (916) 574-8618
 E-Mail Address: Carolyn.Klein@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren
 Address: 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone No.: (916) 574-7910
 Fax No.: (916) 574-8618
 E-Mail Address: Anne.Sodergren@dca.ca.gov

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

**TITLE 22. OFFICE OF STATEWIDE
HEALTH PLANNING AND
DEVELOPMENT**

ACTION: Notice of Proposed Rulemaking
SUBJECT: Changes to the Special Fees Charged
to Hospitals and Long-term Care
Facilities

PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (hereafter the "Office") will conduct written public proceedings during which time any interested person or organization may present statements, arguments, or contentions relevant to the amendment of Section 90417 of Title 22 of the California Code of Regulations (CCR) to reduce the special fee assessment rate for hospitals from 0.034% of gross operating costs to 0.027% of gross operating costs, and to reduce the special fee assessment rate for long-term care facilities from 0.034% of gross operating costs to 0.025% of gross operating costs.

Interested parties may submit written comments presenting statements, arguments, or contentions relating to the proposed action. All such comments must be received by the Office at 400 R Street, Suite 250, Sacramento, California, 95811 by 5:00 p.m. on April 23, 2012, which is designated as the close of the written comment period. NOTICE IS ALSO GIVEN that no public hearings will be held. However, a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person submits a written request to hold a public hearing to the Contact Person (see Contact Person below).

CONTACT PERSON

General and substantive inquiries and comments concerning the proposed regulation changes may be addressed to Kenrick J. Kwong, Manager, Accounting and Reporting Systems Section, Office of Statewide Health Planning and Development, 400 R Street, Suite 250, Sacramento, California 95811 (telephone: 916-326-3829; fax: 916-327-0377; e-mail: kenny.kwong@oshpd.ca.gov). The Office's backup contact person is Lexie Bloyd, Health Program Auditor, Hospital Financial Data Unit, Office of Statewide Health Planning and Development, 400 R Street, Suite 250, Sacramento, California 95811 (telephone: 916-326-3833; fax: 916-327-0377; e-mail: lexie.bloyd@oshpd.ca.gov).

POLICY STATEMENT OVERVIEW

The purpose of the proposed regulation change is to reduce the special fee charged hospitals annually from 0.034% to 0.027% of the hospital's annual gross operating costs, and to reduce the special fee charged long-term care facilities from 0.034% to 0.025% of the facility's gross operating costs. By decreasing the special fee assessment rate for California hospitals and long-term care facilities, the California Health Data and Planning Fund will be reduced by \$6.4 million for the 2012-13 fiscal year.

The Office has determined, in accordance with Government Code Section 11346.5(a)(3)(C), that there are no specific benefits anticipated by the proposed amendment, including to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, and the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

As required by Government Code Section 11346.5(a)(3)(D), the Office has determined that the proposed regulation is not inconsistent or incompatible with existing state regulations.

INFORMATIVE DIGEST

Section 90417 of Title 22 of the California Code of Regulations establishes the level of special fee rates annually assessed health facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code. As authorized by Section 127280 of the Health and Safety Code, each year the Office establishes the fee sufficient to produce revenues equal to the appropriation to pay for the required collection, processing, and dissemination of health facility financial and utilization data, and hospital patient-level data.

The Office has determined that the reserve balance of the California Health Data and Planning Fund should fall in the range between \$3.0 million and \$5.0 million with the California Department of Finance's concurrence. Currently, the projected ending reserve balance of this fund for the 2012-13 fiscal year is \$7.7 million. In order to reduce the reserve balance in the California Health Data and Planning Fund, the Office amended Section 90417 to reduce the special fee charged to hospitals from 0.034% of gross operating costs to 0.027% of gross operating costs, and to reduce the special fee charged to long-term care facilities from 0.034% of gross operating costs to 0.025% of gross operating costs. By collecting less revenue than the appropriation to pay for the required collection, processing, and dissemination of health facility financial and utilization data,

and hospital patient–level data, the reserve balance of the California Health Data and Planning Fund will be reduced. However, in subsequent years, the Office may have to increase the special fee to collect revenues equal to the budget appropriation for the Office’s data programs.

Section 127280 of the Health and Safety Code limits the special fee not to exceed 0.035% of the annual gross operating costs of health facilities.

AUTHORITY AND REFERENCE

Section 127280 of the Health and Safety Code authorizes the Office to annually establish the special fee to produce revenues equal to the appropriation to pay for the functions required to be performed pursuant to Division 107 — Statewide Health Planning and Development, Part 2 — Health Policy and Planning, Chapter 1 — Health Planning, commencing with Section 127125 of the Health and Safety Code, and Part 5 — Health Data, Chapter 1 — Health Facility Data, commencing with Section 128675 of the Health and Safety Code. Section 127150 of the Health and Safety Code authorizes the Office director to implement, interpret, or make specific regulations for the implementation of Chapter 1 — Health Planning, commencing with Section 127125 of the Health and Safety Code.

Section 128810 of the Health & Safety Code authorizes the Office to administer Chapter 1 — Health Facility Data, commencing with Section 128675 of the Health & Safety Code, and make all regulations necessary to implement the provisions and achieve its purposes.

FISCAL IMPACT ESTIMATES

- A. Estimate of Cost or Savings to Any State Agency (Cal. Gov’t Code §11346.5(a)(6)): None.
- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov’t Code §11346.5(a)(6)): None.
- C. Non–Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov’t Code §11346.5(a)(6)): Each hospital charged the special fee, including those operated by local governments, will pay 70 cents less per \$10,000 of its gross operating costs, and each long–term care facility will pay 90 cents less per \$10,000 of its gross operating costs as a result of this regulation change.

- D. Cost or Savings in Federal Funding to the State (Cal. Gov’t Code §11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov’t Code §11346.5(a)(12)): None.
- F. Potential Cost Impact on Private Persons or Affected Businesses, Other Than Small Businesses (Cal. Gov’t Code §11346.5(a)(9)): The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DETERMINATIONS

As required by Government Code Section 11346.5(a)(5), the Office has determined that the proposed regulation would not impose a reimbursable mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

As required by Government Code Section 11346.5(a)(8), the Office has made an initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

As required by Government Code Section 11346.3(b)(1), the Office has determined that the proposed regulation would not significantly affect the following:

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

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that the proposed regulation will not significantly affect small businesses as defined in Government Code Section 11342.610. No hospitals meet the definition of a small business, and the long–term care facilities that meet the definition of a small business will be charged the same reduced rate as all long–term care facilities. The assessment rate for long–term care facilities is reduced from 0.034% of gross operating costs to 0.025% of gross operating costs. This results in a reduction of the special

fee for long-term care facilities of 90 cents less per \$10,000 of gross operating costs, and is not significant.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENT

The Office prepared an Initial Statement of Reasons for the proposed regulations. This statement, the text of the proposed regulations (in italics and strikeout format), and the information in support of the proposed changes are available from the Office at the address indicated above (see Contact Person). In addition, the Initial Statement of Reasons and the text of the proposed changes will be available on the Office's web site at: <http://www.oshpd.ca.gov/hid/aboutus/laws.htm>. The Office will notify all affected hospitals and long-term care facilities by e-mail or regular mail of the availability of the Initial Statement of Reasons and the text of the proposed regulatory changes.

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the public comment period or at the end of the public hearing, if one is requested and held, the Office may, without further notice, adopt the proposed regulatory changes as filed or adopt them with non-substantial or grammatical changes as it deems appropriate. If the Office changes or modifies the express terms of the proposed action, other than non-substantial or grammatical changes, the full text of the modified regulations will be made available to the public at least 15 days before they are adopted. A request for copies of modified regulations should be submitted to the Contact Person at the address noted above.

ALTERNATIVES

According to Government Code Section 11346.5(a)(13), the Office 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 or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to af-

ected private persons and equally effective in implementing the statutory policy or other provision of law.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 9, 2012

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies

The Department of Fish and Game (Department) received a proposal on May 24, 2011, from Nancy Fox-Fernandez, Ventura, California, requesting authorization to monitor the California least tern (*Sterna antillarum browni*), a Fully Protected bird, for research purposes, consistent with the protection and recovery of this species. The proposed activities include approaching least tern nesting areas to gather necessary data for determining nesting status and habitat suitability, and for identifying threats.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. Data would be collected by observation with binoculars/spotting scopes in or near potential and known breeding habitat and locating nests on foot. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally listed endangered species, applicants are required to possess a valid Federal Fish and Wildlife Permit for Threatened and Endangered species. The applicant has this federal permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after March 9, 2012, for an initial and renewable term of two years. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Dale Steele.

DEPARTMENT OF HEALTH CARE SERVICES

AUTHORITY

THE DEPARTMENT OF HEALTH CARE SERVICES TO EXEMPT THE MEDI-CAL TEN PERCENT PROVIDER PAYMENT REDUCTION FOR PEDIATRIC DAY HEALTH CARE SERVICES

The authority granted by Government Code Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections (CDC), Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

This notice provides information of public interest about the California Department of Health Care Services' (DHCS) decision to exempt Pediatric Day Health Care (PDHC) services from the ten percent payment reduction. PDHC services will be exempt effective for dates of service on or after April 1, 2012.

Assembly Bill 97 (Chapter 3, Statutes of 2011) added section 14105.192 to the Welfare and Institutions Code that requires DHCS to reduce provider payments up to 10 percent for various outpatient services, effective for dates of service on or after June 1, 2011. Additionally, subdivision (m) Section 14105.192 authorizes the Director of DHCS not to implement a particular payment reduction as necessary to comply with federal Medicaid requirements.

CONTACT PERSON

PUBLIC REVIEW AND COMMENTS

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

The California statutes discussed above are available for public review at welfare offices in every county of the State. Written comments (or requests for copies of the statutes and/or copies of the written comments) may be submitted to: Arlene Sakazaki, Chief, Provider Rate Section; Fee-For-Service Rates Development; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to CDCR's contact person.

RULEMAKING PETITION DECISION

SUMMARY OF PETITION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Petitioner requests an amendment to regulations found in *California Code of Regulations, Title 15, Division 3, Article 9, Personal Property, Section 3190, General Policy*. The specific regulatory reference is found in the *Authorized Personal Property Schedule — High Security and Transitional Housing (Rev. 2/1/08)* that is incorporated by reference into section 3190(b) of Title 15.

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Adult Institutions, Programs and Parole

Petitioner states that a prisoner is allowed to possess a television set but cannot possess a remote control for the television. Petitioner elaborates that the buttons on the televisions are not made to be consistently pushed or pressed in order to change channels or adjust the volume, like that of a remote control that is specifically designed for continuous pressing, and that after a short period of time the buttons of the television generally

PETITIONER

Joel A. Henry

break, become loose, or inoperable, and usually after the warranty has expired.

Petitioner states that remote controls are currently allowed for dayroom activities without problem, and the current regulation needs to be amended to modern time allowing prisoners to possess non-radio frequency remote controls in which to operate their television sets for longevity. The petitioner suggests the language be changed from “No remote control devices,” to “Clear remote controls permitted with vendor approved T.V.’s only.”

DEPARTMENT DECISION

The Secretary of the CDCR denies this petition in its entirety. Remote controls pose a serious security risk in prisons because they can interfere with the electronic security and/or emergency systems. There is no known documentation or evidence that substantiates that any remote controls would not interfere with electronic systems or applications. Additionally, the remote controls can be easily altered to cause security issues, i.e., enabling an inmate to dismantle the unit allowing the concealment of contraband and fabricating the internal components into potential weapons.

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

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

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: February 23, 2012
To: James Myron
From: Chapter Two Compliance Unit

Subject: 2012 OAL DETERMINATION NO. 3(S)
(CTU2012-0201-01)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5; Cal. Code
Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation sections of the Wasco State Prison Inmate Orientation Manual titled “Incoming Mail” and “Incoming Money”

On February 1, 2012, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether sections of the Wasco State Prison Facility “A” General Population Inmate Orientation Manual titled “Incoming Mail” and “Incoming Money” constitute an underground regulation. These sections were issued by the warden at the Wasco State Prison. The sections you challenge list the items an inmate may receive in his regular incoming mail and places a 30-day hold on personal checks.

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):

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.

(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.

. . . .

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 sections challenged by your petition were issued by Wasco State Prison and apply solely to the inmates of Wasco State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for receiving mail and personal checks. Therefore, the sections you challenge are “local rules” and are exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). The sections are not underground regulations.³

³ The rules challenged by your petition are 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.]

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
Assistant Chief Counsel/
Acting Director

/s/

Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
Tim Lockwood

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

VETERINARY MEDICAL BOARD

Precedent Decision Index

1. Decision adopted October 20, 2005, concerning canine teeth cleaning.

The text of precedential decisions can be viewed on the Veterinary Medical Board’s website at www.vmb.ca.gov/laws_regs/

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# 2012-0113-04
BOARD OF ACCOUNTANCY
Accountancy

This non-substantive submission addresses various “clean up” measures by the Board of Accountancy. They are adding and deleting various authority and reference citations, repealing regulations that have expired by their own terms, repealing Permit Reform Act regulations and other cross-references that are no longer relevant or valid.

Title 16
California Code of Regulations
AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87,
87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2
Filed 02/27/2012
Agency Contact: Matthew Stanley (916) 561-1792

File# 2012-0222-01
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
California Capital Access Program for Small
Businesses

This is the certification of compliance for an emer-
gency action that updated a few minor aspects of the
California Capital Access Program for Small Business
in an effort to conform to new legislation and simplify
requirements for participating financial institutions.

Title 4
California Code of Regulations
AMEND: 8070, 8072, 8073, 8074
Filed 02/29/2012
Effective 02/29/2012
Agency Contact: Jillian Franzoia (916) 653-3993

File# 2012-0111-02
CALIFORNIA SCHOOL FINANCE AUTHORITY
State Charter School Facilities Incentive Grants
Program

This regulatory action amends regulations for imple-
mentation of the State Charter School Facilities Incen-
tives Grant Program, which is a federal grant from the
U.S. Department of Education. These amendments
clarify terms, revise eligible costs, delete the Over-
crowded School District preference category, add an
Overcrowded School Site preference point category
and revise driving distance impacts on preference
points.

Title 4
California Code of Regulations
AMEND: 10176, 10177, 10178, 10182, 10188
Filed 02/22/2012
Effective 03/23/2012
Agency Contact:
Katrina Johantgen (213) 620-2305

File# 2012-0215-02
CALIFORNIA STATE UNIVERSITY
Alumni Associations: Organization & Constituency
Alumni Groups

The Board of Trustees of the California State Univer-
sities is amending two regulations concerning Alumni
Associations and removing reference to the campus
president or designee as an ex officio member of the

associations. This matter is exempt from OAL review
pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 42397.2, 42397.6
Filed 02/27/2012
Effective 02/27/2012
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2012-0120-01
CORRECTIONS STANDARDS AUTHORITY
Standards and Training for Corrections

The Corrections Standards Authority amended sec-
tion 173 of title 15 of the California Code of Regula-
tions. The amendment increases the number of hours
for the core course for a probation officer from 174
hours to 196 hours.

Title 15
California Code of Regulations
AMEND: 173
Filed 02/22/2012
Effective 03/23/2012
Agency Contact: Barbara Fenton (916) 323-8620

File# 2012-0217-01
DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency regulatory action amends the exist-
ing oak mortality disease control regulation by adding
eight new plants to the associated articles (nursery
stock) list and moves one plant from the associated ar-
ticles list to the host plant list.

The eight new plants added to the articles list include
Ilex cornuta, *Illicium parviflorum*, *Larix kaempferi*,
Magnolia denudate, *Mahonia nervosa*, *Molinadendron*
sinaloense, *Trachelospermum jasminoides*, *Veronica*
spicata. The plant moved to the host list is *Cinnamo-*
mum camphora.

The changes were mandated by federal order.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 02/23/2012
Effective 03/01/2012
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2012-0120-06
DEPARTMENT OF FOOD AND AGRICULTURE
Fertilizing Materials

This regulatory action implements AB 856 (Ch. 257,
Stats. of 2009). It establishes requirements for registra-
tion and labeling of organic input materials. It sets a fee
for each product label. It also describes civil penalties
for violations and the procedures for contesting adverse
determinations.

Title 3

California Code of Regulations

ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323 AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321

Filed 02/28/2012

Effective 03/29/2012

Agency Contact: Amadou Ba (916) 445-2180

File# 2012-0203-02

DIVISION OF JUVENILE JUSTICE

Parole Violation Process, Detention Revocation, Hearings, and Appeals

This regulatory action amends some sections and adopts some sections in Title 15 of the California Code of Regulations.

This rulemaking is in response to a lawsuit that resulted in a stipulated agreement. In *L.H. vs. Schwarzenegger*, Case No. 2:06-CV-02042-LKK0GGH, the United States District Court, Eastern District of California issued a stipulated order of permanent injunctive relief. Utilizing this stipulated order these regulations adopt and amend regulations in Title 15 to change juvenile parole revocation procedures to comply with the Constitution and the ADA. The lawsuit alleged that juvenile parolees' rights under the Due Process Clause of the Fourteenth Amendment of the United States Constitution, the Rehabilitation Act, and the Americans with Disabilities Act were violated. This rulemaking revises the process for juvenile parole violation, detention, and revocation; addresses the timelines of hearings and other due process proceedings in regard to parole revocation; clarifies the youth appeals process; adds and revises definitions related to the parole revocation process; and establishes a process for parole violations. This rulemaking also adds information regarding reasonable accommodation for parolees.

Title 15

California Code of Regulations

ADOPT: 4845, 4849, 4853, 4854, 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 4983.5 AMEND: 4846, 4847, 4848, 4848.5, 4850, 4852, 4900, 4925, 4926, 4927, 4928, 4929, 4935, 4936, 4937, 4938, 4939, 4940, 4977, 4978, 4979, 4980, 4981, 4982, 4983

Filed 02/22/2012

Effective 03/23/2012

Agency Contact: Sonja A. Dame (916) 445-2180

File# 2012-0215-03

FISH AND GAME COMMISSION

Abalone

This is the first readopt of the prior emergency regulatory action (OAL file no. 2011-0927-02E) that prohibited the take of abalone along the coast of Sonoma

County. This readoption of the prior emergency action modifies the prior emergency text to include that this special closure is in effect from October 4, 2011 through March 30, 2012, and is repealed on March 31, 2012.

Title 14

California Code of Regulations

AMEND: 29.15

Filed 02/24/2012

Effective 02/24/2012

Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2012-0112-01

FRANCHISE TAX BOARD

Sales Factor. Sales Other than Sales of Tangible Personal Property

The Franchise Tax Board adopted section 25136-2 to title 18 of the California Code of Regulations. Section 25136-2 implements recent amendments to Revenue and Taxation Code section 25136, which changed how income from the sale of services or intangibles (sales of other than sales of tangible personal property) is to be determined. Revenue and Taxation Code section 25136, subdivision (b), and section 25136-2 set forth provisions for determining the sales factor for taxpayers who make a single-sales factor election, and how to assign income from the sale or licensing of services or intangibles under that election, based generally on the location of the taxpayer's market.

Title 18

California Code of Regulations

ADOPT: 25136-2

Filed 02/27/2012

Effective 01/01/2011

Agency Contact: Colleen Berwick (916) 845-3306

File# 2012-0130-03

NEW MOTOR VEHICLE BOARD

Annual Board Fee

This action increases the Vehicle Code section 11723 annual license fee for a new motor vehicle dealer or dealer branch from \$225 to \$300 per year. It also increases the Vehicle Code section 3016 annual fee paid by new motor vehicle manufacturers or distributors per new motor vehicle sold, leased or distributed in California from \$.338 to \$.45 subject to a minimum fee of \$300 per year.

Title 13

California Code of Regulations

AMEND: 553

Filed 02/29/2012

Effective 03/30/2012

Agency Contact: Randi Calkins (916) 657-8898

File# 2012-0120-03
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Helicopter Fueling

This action amends an existing regulation governing the fueling of helicopters by deleting the requirement for the grounding of helicopters and their fuel source before and during fueling operations. The amendment retains the existing requirement that the aircraft and fuel supply be “bonded” during fueling.

Title 8
 California Code of Regulations
 AMEND: 1905
 Filed 02/23/2012
 Effective 03/24/2012
 Agency Contact: Marley Hart (916) 274-5721

File# 2012-0207-04
 STATE WATER RESOURCES CONTROL BOARD
 San Francisco Bay BPA Refining the Beneficial Uses of
 Hayward Marsh

This rulemaking amends the San Francisco Bay Region Water Quality Control Plan by amending Table 4-2A to separately list, and leave unchanged, the beneficial uses of five Hayward shoreline marsh areas and to separately list Hayward Marsh without water-contact recreation as a beneficial use but with rare and endangered species as a beneficial use. The rulemaking also clarifies Chapter Four of the plan to specify that NPDES permits for Hayward Marsh are not required to contain the effluent limitations from Table 4-2A.

Title 23
 California Code of Regulations
 ADOPT: 3919.12
 Filed 02/27/2012
 Effective 02/27/2012
 Agency Contact: Janet O’Hara (510) 622-5681

File# 2012-0127-01
 STATE WATER RESOURCES CONTROL BOARD
 TMDL for Pesticides and Polychlorinated Biphenyls in
 Machado Lake

The State Water Resources Control Board (Board) adopted section 3939.42 of title 23 of the California Code of Regulations which provides a summary of the amendment to the Water Quality Control Plan for the Los Angeles Region adopted on September 9, 2009 by the Los Angeles Regional Water Quality Control Board in Resolution No. R10-008. This amendment established a total maximum daily load (TMDL) for Pesticides and Polychlorinated Biphenyls (PCBs) in Machado Lake.

Title 23
 California Code of Regulations
 ADOPT: 3939.42
 Filed 02/29/2012
 Effective 02/29/2012
 Agency Contact: Nick Martorano (213) 576-6694

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 5, 2011 TO
 February 29, 2012**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 2**
- 02/16/12 AMEND: 18401.1
 - 02/13/12 AMEND: 18943
 - 01/31/12 ADOPT 260.1, 261.1 AMEND 258, 260, 262
 - 01/31/12 AMEND 640
 - 01/26/12 AMEND 37000
 - 01/23/12 ADOPT: 1880
 - 01/23/12 ADOPT: 18940.1, 18942.2, 18942.3
 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
 - 01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
 - 01/10/12 AMEND: 18423, 18539, 18550
 - 01/05/12 ADOPT: 18404.2
 - 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL: 18247.5
 - 12/28/11 AMEND: 1859.76
 - 12/21/11 AMEND: 1859.90.2, 1859.81
 - 12/07/11 ADOPT: 18316.6, 18361.11 AMEND: 18360, 18361, 18361.4
 - 11/22/11 AMEND: 559
 - 11/08/11 ADOPT: 18421.31
 - 10/27/11 AMEND: 18404.1
 - 10/26/11 ADOPT: 18237
 - 10/18/11 AMEND: 1859.166.2
 - 10/17/11 AMEND: 25001
 - 10/12/11 AMEND: 59690
 - 10/05/11 ADOPT: 649.21

Title 3

02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323 AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321

02/23/12 AMEND: 3700(c)

02/13/12 AMEND: 3591.2(a)

02/06/12 AMEND: 3435(b)

02/02/12 AMEND: 3423(b)

01/23/12 ADOPT: 588

01/18/12 ADOPT: 3591.25

01/06/12 AMEND: 3591.2(a)

12/29/11 AMEND: 3280

12/20/11 AMEND: 3407(e)

12/05/11 AMEND: 1408.6

11/29/11 AMEND: 3591.15(a)

11/14/11 AMEND: 3437(b)

11/10/11 AMEND: 6000, 6361, 6400, 6460, 6464, 6470, 6502, 6512, 6524, 6560, 6562, 6564, 6625, 6626, 6625, 6632, 6728, 6761, 6780

11/10/11 AMEND: 3589(a)

10/26/11 AMEND: 1430.142

10/19/11 AMEND: 3423(b)

10/12/11 AMEND: 3906

10/10/11 ADOPT: 3591.25

10/10/11 AMEND: 3423(b)

Title 4

02/29/12 AMEND: 8070, 8072, 8073, 8074

02/22/12 AMEND: 10176, 10177, 10178, 10182, 10188

02/16/12 AMEND: 12572

02/14/12 AMEND: 1844

02/14/12 AMEND: 1843.3

02/08/12 AMEND: 66

02/03/12 AMEND: 5000, 5052

12/30/11 ADOPT: 4000.1, 4000.2, 4000.3

12/21/11 ADOPT: 12349

12/09/11 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133

12/07/11 AMEND: 1433

12/05/11 AMEND: 10325(c)(8)

11/28/11 AMEND: 1632

11/07/11 AMEND: 8070, 8072, 8073, 8074

11/03/11 AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162 REPEAL: 10156, 10158, 10164

Title 5

02/27/12 AMEND: 42397.2, 42397.6

02/09/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854

02/09/12 ADOPT: 27100, 27101, 27102, 27103

01/10/12 AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600

12/19/11 ADOPT: 30001.5

12/16/11 AMEND: 53309, 53310

12/14/11 AMEND: 55150, 55151, 55154, 55155 REPEAL: 55152, 55153

11/16/11 ADOPT: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5 AMEND: 11960, 11965, 11969 (renumbered 11968.1), 11969.1

10/27/11 ADOPT: 4800, 4800.1, 4800.3, 4800.5, 4801, 4802, 4802.05, 4802.1, 4802.2, 4803, 4804, 4805, 4806, 4807, 4808

10/24/11 ADOPT: 11966.4, 11966.5, 11966.6, 11966.7 AMEND: 11967, 11967.5.1

10/18/11 ADOPT: 10120.1, 10121

Title 8

02/23/12 AMEND: 1905

02/16/12 AMEND: 5155

02/08/12 AMEND: 1675, 3276, 3278

02/08/12 ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376

02/01/12 AMEND 1504, 1591, 1597

01/24/12 AMEND: 5155

01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6

01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355

01/05/12 AMEND: 4188

12/29/11 AMEND: 3276, 3287

12/29/11 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604

12/27/11 AMEND: 343

12/13/11 ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5

12/12/11 AMEND: 1541.1

12/07/11 ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455

11/07/11 AMEND: 6051

10/27/11 ADOPT: 2320.10, 2940.10 AMEND: 1512, 3400

10/17/11 AMEND: 230.1(a)

10/17/11 ADOPT: 207.1 AMEND: 201, 202, 203, 207

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 10-Z

Title 10

02/16/12 AMEND: 2498.6
 02/13/12 AMEND: 2202
 02/08/12 AMEND: 2222.12
 02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
 01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
 01/11/12 AMEND: 260.204.9
 01/09/12 AMEND: 2699.6707
 12/19/11 AMEND: 2498.5
 12/19/11 AMEND: 2498.4.9
 12/19/11 AMEND: 2498.6
 12/09/11 AMEND: 2698.302
 12/09/11 AMEND: 2699.301
 11/21/11 ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
 10/20/11 AMEND: 2222.12

Title 11

01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 12/28/11 AMEND: 101.1
 12/27/11 AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL: 4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470, 5471

12/15/11 AMEND: 101.2
 12/08/11 ADOPT: 117.1
 11/14/11 AMEND: 1008
 11/01/11 AMEND: 1009
 10/25/11 AMEND: 1005, 1007, 1008
 10/07/11 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 10/06/11 AMEND: 30.14
 10/06/11 ADOPT: 30.16

Title 13

02/29/12 AMEND: 553
 02/13/12 REPEAL: 158.00
 12/14/11 AMEND: 2025
 12/14/11 AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2 REPEAL: 2449.2
 12/05/11 AMEND: 553.70
 11/22/11 AMEND: 1956.8
 11/17/11 AMEND: 1233
 11/09/11 AMEND: 2027
 11/08/11 AMEND: 1
 10/07/11 ADOPT: 345.03, 345.75, 345.76, 345.77

Title 13, 17

10/27/11 AMEND: 2299.2, 93118.2

Title 14

02/24/12 AMEND: 29.15
 02/13/12 AMEND: 29.17, 127
 02/08/12 AMEND: 1257
 01/31/12 AMEND 29.15
 01/26/12 ADOPT 18940, 18941, 18942, 18943, 18944, 18945, 18945.1, 18945.2, 18945.3, 18946, 18947, 18948
 01/25/12 AMEND: 18419
 01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 01/09/12 AMEND: 7.00, 7.50(b)(68)
 01/05/12 ADOPT: 749.7
 01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18
 12/20/11 AMEND: 11900
 12/20/11 ADOPT: 4970.24.2 AMEND: 4970.00, 4970.01, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.15.1, 4970.15.2, 4970.19, 4970.19.1, 4970.23.1, 4970.23.2, 4970.24, 4970.25.2, 4970.25.3
 12/09/11 AMEND: 15062, 15075, 15094, Appendix D and Appendix E
 12/08/11 AMEND: 632

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 10-Z

12/07/11 AMEND: 870.17, 870.19 3340.50, 3351.1 3340.16.4 3306, 3340.1,
 11/22/11 AMEND: 791.7, 870.17 3340.10, 3340.15, 3340.16.5, 3340.17,
 11/17/11 AMEND: 163, 164 3340.22, 3340.22.1, 3340.23, 3340.28,
 11/15/11 AMEND: 700.4, 701, 705 REPEAL: 704 3340.29, 3340.30, 3340.31, 3340.50,
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 3351.1
 REPEAL: 939.15 01/19/12 ADOPT: 1379.40, 1379.42, 1379.44,
 10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 1379.46, 1379.48, 1379.50, 1379.52,
 REPEAL: 939.15 1379.54, 1379.56, 1379.58, 1379.68,
 1379.70, 1379.72, 1379.78

Title 15

02/22/12 AMEND: 173 01/17/12 ADOPT: 1707.6 AMEND: 1707.2
 02/22/12 ADOPT: 4845, 4849, 4853, 4854, 01/11/12 AMEND: 109, 117, 121
 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 01/10/12 AMEND: 12, 12.5, 98 REPEAL: 9, 11.5
 4983.5 AMEND: 4846, 4847, 4848, 01/10/12 AMEND: 2328.1
 4848.5, 4850, 4852, 4900, 4925, 4926, 01/06/12 ADOPT: 3340.38
 4927, 4928, 4929, 4935, 4936, 4937, 12/28/11 AMEND: 1399.157, 1399.160,
 4938, 4939, 4940, 4977, 4978, 4979, 1399.160.3, 1399.160.6
 4980, 4981, 4982, 4983 12/22/11 ADOPT: 601.6, 601.7, 601.8, 601.9,
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