



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (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: Special District Risk Management Authority

A written comment period has been established commencing on March 13, 2015, and closing on **April 27, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 I Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his/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.

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 27, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

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

TITLE 2. STATE COMPENSATION INSURANCE FUND

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE COMPENSATION INSURANCE FUND

NOTICE IS HEREBY GIVEN that pursuant to the authority vested in it by section 87306 of the Government Code, the State Compensation Insurance Fund proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Compensation Insurance Fund proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment is necessary due to the creation of new positions (see enclosed summary of the complete Amendment), the clarification of language to the disclosure categories, and other technical changes to reflect the current organizational structure of the Organization. Copies of the amended code are available and may be requested from the contact person below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 20, 2015, by contacting the contact person below.

Any interested person may submit to the contact person at the address or e-mail listed below a written statement, argument, or comments relating to the proposed amendments no later than April 20, 2015, or at the conclusion of the public hearing, if requested, whichever comes later.

The State Compensation Insurance Fund has available the information on which the amendments are based. Copies of the proposed amendments and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State Compensation Insurance Fund has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the State Compensation Insurance Fund must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed, or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Joseph E. Gershaneck,
Logistics Manager and Filing Officer
PO Box 429
Pleasanton, CA 94588
(925) 523-5766
jegershaneck@scif.com

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Sequoia Room
Sacramento, California 95834
Monday, April 27, 2015
2:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, April 27, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

INFORMATIVE DIGEST

A. Informative Digest

Amend Title 16 CCR Section 120 — Re-Examination

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

Existing regulations specify the re-examination procedures for candidates who must retake divisions of the Architect Registration Examination (ARE). Currently, successfully completed divisions are conditionally credited for five years, and candidates who fail a division may not retake that division until six months after the date of the examination.

The National Council of Architectural Registration Boards (NCARB) allows extensions to the duration of ARE conditional credit if a candidate submits an extension request and supporting documentation. NCARB also has modified the retest policy of the ARE by allowing candidates to retake a failed division of the ARE within 60 days of an attempt, up to three times within a running year (which commences on the date of the first attempt).

The proposed regulatory amendment would modify section 120 by allowing candidates to have their conditional examination credit extended if granted by NCARB, clarifying existing provisions regarding candidates who fail to appear for an examination, as well as amending the retest policy for taking a failed division.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This proposal would align the Board’s regulations with the national standard thereby alleviating any confusion as to what ARE divisions a candidate has been credited. It also clarifies existing provisions regarding the procedures to be followed when a candidate fails to appear for an examination or fails a division. Additionally, candidates will be able to retake failed divisions of

the ARE more frequently, potentially decreasing their time to become licensed.

C. Consistency and Compatibility with Existing State Regulations

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

DOCUMENT INCORPORATED BY REFERENCE

National Council of Architectural Registration Boards’ Architect Registration Examination Guidelines, July 2014 Edition

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None .

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses as it only affects architect applicants.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

This proposal would align the Board's regulations with the national standard thereby alleviating any confusion as to what ARE divisions a candidate has been credited. It also clarifies existing provisions regarding the procedures to be followed when a candidate fails to appear for an examination or fails a division. Additionally, candidates will be able to retake failed divisions of the ARE more frequently, potentially decreasing their time to become licensed.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and

of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

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

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

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

CONTACT PERSON

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

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

The backup contact person is:

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

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

**TITLE 17. CALIFORNIA INSTITUTE
FOR REGENERATIVE MEDICINE**

Date: March 13, 2015

**Deadline for Submission of Written Comment:
April 27, 2015 — 5:00 p.m.**

Public Hearing Date: None Scheduled

**Subject Matter of Proposed Amendments:
Conflict-of-Interest Rules Applicable to the
Non-ICOC Members of the Scientific and Medical
Research Funding Working Group**

Sections Affected: The proposed regulatory action amends Chapter 1, Section 100003, of Title 17 of the California Code of Regulations.

Authority: Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

Reference: Sections 125290.50, subd. (e), and 125290.60, Health and Safety Code.

Informative Digest/Policy Statement Overview:

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in 2005 after the passage in 2004 of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens’ Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The goal of CIRM is to sponsor and facilitate research in regenerative medicine that will advance scientific understanding and result in the development of therapies and treatments for a wide range of devastating diseases. To help in this task, the Act creates three working groups that draw on outside experts for advice. Each of the working groups has patient advocates, as well as outside experts, among its members.

The purpose of the Scientific and Medical Research Funding Group (“Grants Working Group” or “GWG”) is to provide recommendations to the ICOC regarding standards, criteria, requirements, funding, and oversight of grant and loan applications and awards. This purpose will be accomplished through the review of grants and loan applications, based on standards and criteria adopted by the ICOC, in order to make recommendations to the ICOC for the awarding and continued funding of training, research, therapy development, and clinical trial grants and loans. Finally, this purpose will be accomplished through oversight reviews of grantees to ensure compliance with the terms and conditions of the award in order to fulfill the mission of the Act, and to make recommendations for subsequent actions to the ICOC or the CIRM President, as appropriate.

Because the GWG is a purely advisory body, members of the groups are not subject to the conflict-of-

interest disclosure and disqualification laws of the Political Reform Act. (Health and Safety Code § 125290.50, subd. (e).) Nevertheless, the ICOC has taken the unprecedented step of subjecting these advisory bodies to stringent conflict-of-interest requirements as reflected in section 100003.

The success of the CIRM research program and its ability to maintain the confidence of the people of California depends critically upon the agency’s ability to fund the highest quality research proposals, chosen without bias. Strong CIRM conflict-of-interest policies are thus essential. The proposed amendments strengthen the policy and make it clearer and easier to follow and understand.

Financial Conflicts-of-Interest

Under current policy, financial conflicts are limited to a member’s financial interest in the applicant institution and the application under review. CIRM proposes to expand the scope of financial conflicts to strengthen the policy by including financial interests in subcontractors and partners. These terms are defined as follows:

“Partner” means an organization that, in exchange for the right to the opportunity for a future financial return, has (1) agreed to provide matching funds for the proposed project or (2) entered into an agreement with the applicant organization relating to the commercialization of the proposed project.

“Subcontractor” means an organization (other than the applicant organization) that is expected to: (a) contribute to the scientific development or execution of the project in a substantive, measurable way and (b) receive \$50,000 or more through the proposed project. “Subcontractor” does not include suppliers of widely available goods.

The intent of this change is to capture other financial interests that could create a conflict-of-interest with respect to a particular application because they are significant participants in the proposed project or stand to benefit financially if the project is successful.

Professional Conflicts-of-Interest

Under the current regulation, a non-ICOC member of the Grants Working Group is considered to have a conflict-of-interest if he or she has had long-standing scientific differences or disagreements with the applicant that are known to the professional community and could be perceived as affecting the member’s objectivity. However, debate helps illuminate issues of concern. Furthermore, it is often difficult to discern when a difference of opinion crosses the line into a “long-standing scientific difference” warranting recusal. Additionally, under Prop. 71, CIRM’s conflict rules must be modeled on the NIH’s conflict policies, which do not include an analogous provision. Because of the difficulty

of applying the rule and the absence of a similar NIH rule, the amendments propose to eliminate “long-standing scientific differences” as a basis for recusal. However, to address the concerns underlying this rule, CIRM has added a provision requiring a member to recuse himself or herself if the member believes his or her objectivity could be compromised for any reason.

The amendments also clarify the scope of professional conflicts to ensure that the recusal requirement applies to research collaborations and other significant professional relationships, but not to more remote connections, such as when the reviewer and an applicant are two of many authors of a review article or where the reviewer and applicant each contributed a chapter to a book.

Personal Conflict-of-Interest

Under the existing regulation, a member is deemed to be in conflict if he or she “has had long-standing personal differences” with the applicant. As with long-standing professional differences, this provision is very difficult to apply because it is so subjective. Short of a formal dispute, it is often difficult to determine whether personal differences exist. Furthermore, the NIH does not have an analogous provision. CIRM therefore proposes to modify this provision to apply it to situations in which the reviewer and an applicant have been on opposing sides of a formal legal dispute.

Definitions

CIRM also proposes to clarify the policy by providing definitions of key terms, such as key personnel, research collaboration, subcontractor, partner and immediate family. These definitions will assist both reviewers and applicants in identifying potential conflicts and will facilitate CIRM’s administration of the regulation.

Anticipated Benefits of the Proposed Regulation:

The primary objective of the regulation is to codify the process of identifying and screening for potential conflicts-of-interest in the review of grant proposals for CIRM funding. The success of the CIRM research program and its ability to maintain the confidence of the people of California depends critically upon the agency’s ability to fund the highest quality research proposals, chosen without bias. Strong CIRM conflict-of-interest policies are thus essential. The proposed amendments strengthen the policy and make it clearer and easier to follow and understand. The amendments help to ensure that the funding process is fair to all applicants,

Consistency with Existing State Regulations:

After performing an evaluation for any other regulations in this area, CIRM has determined that these are

the only regulations dealing with conflicts-of-interest for non-ICOC members of the Grants Working Group, and therefore the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED AMENDMENTS

CIRM has made the following initial determinations:

Mandate on local agencies and school districts: None.

Submittal of Comments:

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on April 27, 2015. Comments regarding this proposed action may also be transmitted via e-mail to GAPComments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

Public Hearing:

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than April 13, 2015.

Effect on Small Business:

CIRM has determined that the proposed amendment will have no impact on small businesses. The regulation implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a “new program or higher level of service of an existing program” within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

Effect on Housing Costs:

CIRM has determined that the proposed amendments will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

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

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

Results of Economic Impact Analysis:

The proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals, but implement standards identifying and screening for potential conflicts-of-interest during the internal review of grant applications. CIRM has made an initial determination that it is unlikely the proposed amendments will directly impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California, nor directly impact the health and welfare of California residents, worker safety, and the state’s environment. However, to the extent that the amendments ensure a fair and thorough process for screening conflicts-of-interest, and thereby ensure the integrity of the grant-evaluation process, the welfare of California residents is enhanced. In addition, to the extent that the applications for funding are evaluated not on the basis of bias but on the basis of scientific merit, and to the extent that the regulation ensures that is the case, the welfare of California residents is enhanced by ensuring that only the best scientific proposals receive funding, which ultimately may lead to the reduction of suffering (and save money) if the research projects are ultimately successful and reach California patients.

Consideration of Alternatives:

In accordance with Government Code Section 11346.5, subdivision (a)(13), CIRM 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law than the proposal described in this Notice. CIRM invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments at the scheduled hearing or during the written comment period.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
 Counsel to the Chairman, ICOC
 California Institute for Regenerative Medicine
 210 King Street
 San Francisco, CA 94107
 (415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Amy Cheung
California Institute for Regenerative Medicine
(415) 396-9100

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code Section 11346.9, subdivision (a), may be obtained from the contact person named above.

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 308.6, Application for Equalization by Member, Alternate Member, or Hearing Officer

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, section (Property Tax Rule) 308.6, *Application for Equalization by Member, Alternate Member, or Hearing Officer*. The proposed amendments to Property Tax Rule 308.6 implement, interpret, and make specific Revenue and Taxation Code (RTC) sections 1612.7 and 1622.6, by clarifying the current conflict-of-interest provisions applicable to county property tax assessment appeals, including specifying the individuals whose applications must be heard by an alternate assessment appeals board, and by establishing the procedures for a clerk of the local assessment appeals board to refer an assessment appeal application to an alternate assessment appeals board in another county. The proposed amendments also delete a reference to repealed RTC section 1636.5, and clarify that RTC sections 1624.1 and 1624.2 are applicable to the removal of a special assessment appeals board member.

PUBLIC HEARING

The Board will conduct a meeting in Room 121 at 450 N Street, Sacramento, California on April 28-30, 2015. The Board will provide notice of the meeting to any person who requests that notice in writing and make the no-

tice, including the specific agenda for the meeting, available on the Board's Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on April 28, 29, or 30, 2015. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Property Tax Rule 308.6.

AUTHORITY

Government Code section 15606

REFERENCE

RTC sections 1612.7 and 1622.6

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

The Board has a number of duties in regard to the administration of California's property tax. Under Government Code section 15606, subdivision (c), the Board is given the power and duty to prescribe rules and regulations to govern local boards of equalization and assessment appeals boards when equalizing and county assessors when assessing. In compliance with this duty, the Board has adopted Property Tax Rules 301 through 326 relative to the local equalization process, which is the process by which a county property tax assessment may be appealed to a local board of equalization or assessment appeals board by filing an application.

The Board adopted Property Tax Rule 308.6, pursuant to Government Code section 15606, in order to implement, interpret, and make specific the Revenue and Taxation Code's conflict-of-interest provisions applicable to county property tax assessment appeals.

Prior to 2009, RTC section 1612.7 required an application filed by an employee of the office of the clerk of an assessment appeals board in the county in which the individual is employed, on the employee's own behalf or with the intention to represent the employee's spouse, parent, or child in an assessment appeal, to be heard in accordance with RTC section 1622.6.

Prior to 2009, RTC section 1622.6 required an application filed by a member or alternate member of an assessment appeals board in the county in which the member serves, on the member's own behalf or with the intention to represent the member's spouse, parent, or child, to be heard by a special alternate assessment appeals board appointed by the superior court.

In addition, prior to its repeal (discussed below), RTC section 1636.5 required an application filed by an assessment hearing officer in the county in which the officer serves, on the officer's own behalf or with the intention to represent the officer's spouse, parent, or child, to be heard in accordance with RTC section 1622.6.

Assembly Bill No. 824 (Stats. 2009, ch. 477) (AB 824) repealed and reenacted RTC section 1612.7 and amended RTC section 1622.6 in order to:

- Add to and revise the statutory list of persons whose applications must be heard in accordance with the procedures in RTC section 1622.6 regarding hearings by special alternate assessment appeals boards appointed by the superior court;
- Grant clerks discretion to refer an application to an actively serving special alternate assessment appeals board in another California county in lieu of requesting that the superior court appoint a new special alternate assessment appeals board to hear the application in the clerk's county; and
- Specify the jurisdiction of special alternate assessment appeals boards to hear applications referred from other counties.

The August 19, 2009, Senate Floor Analysis of AB 824 explained that the California Association of Clerks and Election Officials (CACEO) sponsored the bill, and that the new procedures for clerks to refer an application to an actively serving special alternate assessment appeals board in another county are intended to "be voluntary for both [the referring and receiving] counties."

As a result of AB 824, RTC section 1612.7 currently requires applications filed by the following persons, in the counties in which they serve or are employed, on their own behalf or with the intention to represent their spouse, parent, or child, to be heard in accordance with RTC section 1622.6:

- A current member of an assessment appeals board or a current member of a special alternate assessment appeals board;
- A current assessment hearing officer;
- A current employee of the office of the clerk of the county board of equalization or assessment appeals board; and
- A current employee of the county counsel who advises the assessment appeals board or represents the assessor before the assessment appeals board.

As a result of AB 824, RTC section 1622.6 currently requires that such applications must be heard by a special alternate assessment appeals board either appointed by the superior court or consisting of three qualified special alternate assessment appeals board members in good standing in another California county.

Senate Bill No. 1494 (Stats. 2010, ch. 654) (SB 1494) subsequently repealed RTC section 1636.5 because similar provisions pertaining to hearing officers were added to RTC section 1612.7 by AB 824.

Property Tax Rule 308.6 reflects the conflict-of-interest provisions applicable to county property tax assessment appeals prior to the statutory changes made by AB 824 and SB 1494.

Furthermore, RTC section 1624.1 currently provides that "No person shall be qualified to be a member of an assessment appeals board who has, within the three years immediately preceding his or her appointment to that board, been an employee of an assessor's office." RTC section 1624.2 currently provides that "No member of an assessment appeals board shall knowingly participate in any assessment appeal proceeding wherein the member has an interest in either the subject matter of or a party to the proceeding of such nature that it could reasonably be expected to influence the impartiality of his judgment in the proceeding. Violation of this section shall be cause for removal under Section 1625 of this code." RTC section 1625 provides that "Any member of an assessment appeals board may be removed for cause by the board of supervisors." And, Property Tax Rule 308.6, subdivision (d), currently provides that "Sections 1624.1 and 1624.2 of the Revenue and Taxation Code shall be applicable to the appointment of a special assessment appeals board member."

Effect, Objective, and Benefits of the Proposed Amendments

Board staff in the Property and Special Taxes Department, County-Assessed Properties Division, initiated a project to amend Property Tax Rule 308.6 to reflect the changes to RTC sections 1612.7 and 1622.6 made by AB 824, delete the reference in the rule to section 1636.5, which was repealed by SB 1494, and incorporate the provision regarding removal in the second sentence of RTC section 1624.2. Interested parties were provided with staff's proposed draft language for the amendments to the rule on August 28, 2012 (Letter To Assessors 2012/036), and invited to participate in the rulemaking effort.

The draft amendments provided in Letter To Assessors 2012/036 suggested that an application "may only be referred to a county if there is an agreement for the referral between the two counties." The Tulare County Counsel's Office raised concerns that staff's suggested language may be interpreted as requiring a formal contract signed by each county's board of supervisors. Therefore, the Tulare County Counsel's Office suggested replacing staff's suggested language with the following: "Applications may only be referred to a county if that county's assessment appeals board has consented to accept the referral."

Staff agreed with the comment and incorporated the Tulare County Counsel's Office's proposed language into the second draft of staff's proposed amendments to Property Tax Rule 308.6, which was provided to interested parties in Formal Issue Paper 13-001. In addition, staff determined that a violation of RTC section 1624.1 would provide cause for the removal of a special assessment appeals board member under RTC section 1625. Therefore, the second draft of staff's proposed amendments to Property Tax Rule 308.6 provided that both RTC sections 1624.1 and 1624.2 are applicable to the "removal" of a special assessment appeals board member, rather than incorporating the provision regarding removal in the second sentence of RTC section 1624.2.

CACEO raised a concern regarding the revised language providing that "Applications may only be referred to a county if that county's assessment appeals board has consented to accept the referral" in a letter dated March 6, 2013. The letter explained that CACEO's intent in sponsoring AB 824 was to establish a procedure for referring applications under which "the only action or 'agreement' . . . was the 'agreement' between the two clerks involved" and recommended that staff's proposed amendments be revised to read as follows: "Applications may only be referred to a county if that county's clerk of the assessment appeals board has consented to accept the referral."

Staff subsequently accepted CACEO's recommended revision and a third draft of the proposed amendments to the rule, which incorporated CACEO's recommended revision, was sent to interested parties on September 29, 2014 (Letter To Assessors 2014/047). No interested parties raised any further concerns regarding the third draft. Therefore, Board staff prepared Formal Issue Paper 14-010, which recommended that the Board propose the adoption of staff's third draft of the amendments to Property Tax Rule 308.6, and submitted it to the Board for consideration at its January 21, 2015, Property Tax Committee meeting.

During its January 21, 2015, Property Tax Committee meeting, the Board determined that staff's recommended amendments were reasonably necessary to have the effect and accomplish the objective of making Property Tax Rule 308.6 consistent with the provisions of RTC sections 1612.7 and 1622.6, as modified by AB 824, deleting the reference to RTC section 1636.5, which was repealed by SB 1494, and clarifying that RTC sections 1624.1 and 1624.2 are applicable to the removal of a special assessment appeals board member. Therefore, the Board unanimously voted to propose the adoption of the recommended amendments.

The Board anticipates that the proposed amendments to Property Tax Rule 308.6 will promote fairness, increase openness and transparency in government, and

benefit members of assessment appeals boards and special alternate assessment appeals boards, assessment hearing officers, employees of the offices of the clerks of the boards of equalization and assessment appeals boards, the clerks themselves, employees of the county counsels, and the general public by providing more clarity as to the application of RTC sections 1612.7, 1622.6, 1624.1, and 1624.2.

The Board has performed an evaluation of whether the proposed amendments to Property Tax Rule 308.6 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because there are no other Property Tax Rules that implement the RTC's conflict-of-interest provisions applicable to county property tax assessment appeals. In addition, the Board has determined that there are no comparable federal regulations or statutes to Property Tax Rule 308.6 or the proposed amendments to Property Tax Rule 308.6.

NO MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 308.6 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 308.6 will result in no direct or indirect cost or savings to any state agency, cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Property Tax Rule 308.6 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1533.2 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Property Tax Rule 308.6 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 308.6 will not affect the benefits of Property Tax Rule 308.6 to the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of the proposed amendments to Property Tax Rule 308.6 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

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

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on April 28, 2015, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Property Tax Rule 308.6 during the April 28-30, 2015, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Property Tax Rule 308.6. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underline and strikeout version of the text of Property Tax Rule 308.6 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's website at www.boe.ca.gov.

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

The Board may adopt the proposed amendments to Property Tax Rule 308.6 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Property Tax Rule 308.6, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at www.boe.ca.gov.

**TITLE 22. EMERGENCY MEDICAL
SERVICES AUTHORITY**

**TITLE 22. SOCIAL SECURITY
DIVISION 9. PREHOSPITAL EMERGENCY
MEDICAL SERVICES
CHAPTER 13: EMS SYSTEM REGULATIONS
APPEAL PROCEEDINGS TO THE COMMISSION**

The Emergency Medical Services Authority (EMSA) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will conduct a public hearing on **April 27, 2015**. The hearing will begin at **2:00 p.m. and end at 4:00 p.m.** The hearing will be held at EMSA Headquarters located at 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMSA requests that per-

sons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action, to EMSA. Comments may also be submitted by facsimile (FAX) at (915) 324-2875 or by e-mail to teri.harness@emsa.ca.gov. The written comment period closes at **4:00 p.m. on April 27, 2015**. EMSA will only consider comments received at EMSA Headquarters by that time. Submit comments to:

Teri Harness, Assistant Division Chief
EMS Systems Division
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The Health and Safety Code (H&SC), Section 1797.107 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, and make specific Section 1797.105(c) and (d) of the H&SC.

**INFORMATIVE DIGEST/ POLICY STATEMENT
OVERVIEW**

Existing law requires EMSA to review emergency medical services (EMS) plans received from local EMS agencies (LEMSAs). EMSA is required to either approve or disapprove the plan based on whether the plan meets specific requirements. LEMSAs are permitted to appeal an EMSA determination to the EMS Commission.

The regulations proposed in this rulemaking action would establish the appeal procedures to the EMS Commission. All appeal hearings to the Commission would be conducted through the Administrative Procedure Act. An administrative law judge (ALJ), within the Office of Administrative Hearings (OAH), would evaluate evidence submitted by EMSA and the LEMSA. The ALJ would provide a recommendation to the Commission to either sustain the determination of EMSA, or overrule the determination of EMSA. The Commission would then vote on the proposed decision at the next regularly scheduled Commission meeting. The Commission's vote on the proposed decision would be limited to either adopt or not adopt the ALJ's proposed decision, or return the proposed decision to the OAH for re-hearing if the proposed decision is inconsistent with the regulations or statute.

Anticipated Benefits of the Proposed Regulation:

Adoption of the regulations will avoid serious harm to the public peace, health, safety and general welfare by adopting an appeal process for LEMSAs when an EMS plan is disapproved. In addition, the regulations will allow three (3) pending appeals to advance forward and ensure due process to the LEMSAs under state law.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, EMSA has concluded that these regulations will not cause inconsistency or incompatibility with other existing regulations that concern EMS plan appeals.

DISCLOSURES REGARDING THE PROPOSED ACTION

EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: EMSA 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, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None.
- The proposed regulations will not affect small business because the establishment of the appeal process only applies to the 33 LEMSAs within California. The regulations have no significance to small businesses.

Results of the Economic Impact Analysis

EMSA concludes that it is (1) unlikely that the regulations will eliminate any jobs for ambulance providers; (2) possible that the regulations will create an unknown

number of jobs for ambulance providers; (3) likely that the proposal will create an unknown number of new private ambulance companies providing ambulance services; (4) unlikely that the proposal will eliminate any existing businesses; (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing businesses within the State; and (6) benefit California residents by providing this means of resolution between EMSA and LEMSAs concerning emergency medical services plans which would ultimately lead to protection of the public peace, health, safety, and general welfare.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), EMSA must determine that no reasonable alternative considered, or otherwise identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective 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.

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Teri Harness, Assistant Division Chief
 EMS Systems Division
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
 (916) 431-3708
teri.harness@emsa.ca.gov

The backup contact person for these inquiries is:

Kathy Bissell, Manager
 EMS Systems Division
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
 (916) 431-3687
Kathy.bissell-benabides@emsa.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons (ISORS), the modified text of the regu-

lations, if any, or other information upon which the rule-making is based, to Teri Harness at the above address.

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

EMSA will have the entire rulemaking file available for inspection and copy throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the ISORS. Copies may be obtained by contacting Teri Harness at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

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

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Teri Harness at the address provided on the previous page.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the ISORS, and the text of the regulations in underline and strikeout may be accessed through EMSAs website at www.emsa.ca.gov.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2015-0219-01
BOARD OF EQUALIZATION
Conflict-of-Interest Code

This is an amendment to a Conflict-of-Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 18
California Code of Regulations
AMEND: 6001
Filed 03/04/2015
Effective 04/03/2015
Agency Contact:
Richard E. Bennion (916) 445-2130

File# 2015-0226-06
CALIFORNIA ENERGY COMMISSION
Amendment to EUDP Compliance Schedule

The California Energy Commission readopted the amendment of subdivision (c) of section 1682 of title 20 of the California Code of Regulations as an emergency regulatory action to change from July 1, 2014 to July 1, 2016 as the date when the disclosure requirements of Public Resources Code section 25402.10 apply for a nonresidential building with a total gross square foot area measuring 5,000 square feet up to 10,000 square feet.

Title 20
California Code of Regulations
AMEND: 1682(c)
Filed 03/04/2015
Effective 03/04/2015
Agency Contact: Galen Lemei (916) 654-4873

File# 2015-0123-03
CALIFORNIA HORSE RACING BOARD
Veterinarian's List

This rulemaking action by the California Horse Racing Board (CHRB) amends section 1866 of title 4 of the

California Code of Regulations to state that a horse placed on the Veterinarian's List as sick or having received veterinary treatment shockwave therapy may not workout for 72 hours after being placed on the List without the permission of the official veterinarian. Additionally, this rulemaking action requires a horse to remain on the Veterinarian's List for a specific number of days after being placed on the List as lame or unsound before the horse is eligible to be removed from the List.

Title 4
 California Code of Regulations
 AMEND: 1866
 Filed 03/04/2015
 Effective 07/01/2015
 Agency Contact:
 Nicole Lopes-Gravely (916) 263-6397

File# 2015-0123-02
CALIFORNIA HORSE RACING BOARD
 Use of Whips

In this regulatory action, the Board is amending title 4, section 1688 of the California Code of Regulations to replace the word "whip" with "riding crop" and to prohibit a jockey from using a riding crop on a horse more than three times in succession without giving the horse a chance to respond before using the riding crop again.

Title 4
 California Code of Regulations
 AMEND: 1688
 Filed 03/02/2015
 Effective 07/01/2015
 Agency Contact:
 Nicole Lopes-Gravely (916) 263-6397

File# 2015-0206-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Conflict-of-Interest Code

This Conflict-of-Interest Code filing by the Department of Food and Agriculture (DFA) was approved by the Fair Political Practices Commission on January 28, 2015 and is being submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 3
 California Code of Regulations
 AMEND: 2
 Filed 02/25/2015
 Effective 03/27/2015
 Agency Contact: Teresa Swafford (916) 403-6616

File# 2015-0227-02
DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture (DFA) will expand the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 50 square miles in Fresno County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura, and a portion of Fresno, Kern, Madera, Santa Clara, San Joaquin, and San Luis Obispo counties that are already under quarantine for the ACP, totaling approximately 51,332 square miles.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 03/02/2015
 Effective 03/02/2015
 Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0202-01
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 Commercial Modulares and Special Purpose Commercial Modulares

This filing of changes without regulatory effect by the Department of Housing and Community Development amends Title 25, section 4514 of the California Code of Regulations to update reference to a code section referred to in section 4514, which was renumbered with the adoption of the 2013 Building Standards Code.

Title 25
 California Code of Regulations
 AMEND: 4514
 Filed 03/03/2015
 Agency Contact: Ruth Ibarra (916) 263-3262

File# 2015-0220-02
DEPARTMENT OF PUBLIC HEALTH
 Raw Gulf Oyster

This regular rulemaking by the Department of Public Health ("DPH") amends 17 CCR §§ 13675 and 13676. Specifically, this rulemaking revises the microbiological level for *Vibrio vulnificus* ("V. vulnificus") in raw Gulf of Mexico oysters from the current level of less than 3 Most Probable Number per gram ("MPN/g") to less than 30 MPN/g. Epidemiological studies have demonstrated that human illness can result from exposure to V. vulnificus through consumption of contaminated seafood, as well as through exposure to the bacterium through wounds. The purpose of this rulemaking is to harmonize California's molluscan shellfish regulations with the provisions adopted for the National Shellfish Sanitation Program by the U.S. Food and Drug Ad-

ministration and the Interstate Shellfish Sanitation Conference (“ISSC”). With the exception of California, all member states and countries of ISSC have adopted the less than 30 MPN/g microbiological level for *V. vulnificus* in post-harvest processed oysters. These amendments also allow for the use of certain new laboratory methods when testing oysters for the bacterium.

Title 17
California Code of Regulations
AMEND: 13675, 13676
Filed 02/27/2015
Effective 04/01/2015
Agency Contact: Laurel Prior (916) 440-7673

File# 2015-0209-01
DIVISION OF WORKERS’ COMPENSATION
Workers’ Compensation-Official Medical Fee
Schedule-Inpatient Hospital

The Division of Workers’ Compensation amended section 9789.25 (Federal Regulations, Federal Register Notices, and Payment Impact File by Date of Discharge) within Article 5.3 (Official Medical Fee Schedule) of title 8 of the California Code of Regulations to make changes to the workers’ compensation inpatient hospital fee schedule. This filing is submitted to the Office of Administrative Law only for the purpose of filing with the Secretary of State and publication in the California Code of Regulations in that it is exempt from the rulemaking provisions of the Administrative Procedure Act pursuant to Labor Code section 5307.1(g)(2).

Title 8
California Code of Regulations
AMEND: 9789.25
Filed 02/25/2015
Effective 03/05/2015
Agency Contact: Jarvia Shu (510) 286-0646

File# 2015-0120-04
FAIR EMPLOYMENT AND HOUSING COUNCIL
Proposed Amendments to CFRA Regulations

This rulemaking action by the Fair Employment and Housing Council amends numerous sections in Title 2 of the California Code of Regulations that implement, interpret and make specific the California Family Rights Act (CFRA). The purpose of these amendments is to clarify rules, make technical amendments to ease readability and adopt and modify some of the parallel federal Family and Medical Leave Act regulations.

Title 2
California Code of Regulations
AMEND: 11087, 11088, 11089, 11090, 11091,
11092, 11093, 11094, 11095, 11096, 11097
REPEAL: 11098
Filed 03/04/2015
Effective 07/01/2015
Agency Contact: Brian Sperber (213) 337-4495

File# 2015-0129-02
FRANCHISE TAX BOARD
Transfer of Appreciated Property to Insurer

This is a resubmittal of a regular rulemaking by the Franchise Tax Board (“FTB”) adopting 18 CCR § 24465-3. Revenue and Taxation Code § 24465 prescribes the use of specified insurers as receptacles of appreciated assets transferred by affiliated corporations and allows for a deferral of gain recognition if the transferred asset is used in the active conduct of the insurer’s trade or business. Revenue and Taxation Code § 24465(c) also allows FTB to “prescribe regulations providing for an annual reporting requirement in the form of a statement or other form, to be attached to the transferor taxpayer’s return, regarding the current ownership of any property for which any gains were previously deferred pursuant to [Revenue and Taxation Code § 24465(b)].” This rulemaking would prescribe the parameters for the contents of, filing methodology, and records retention for the annual statement described in Revenue and Taxation Code § 24465(c).

Title 18
California Code of Regulations
ADOPT: 24465-3
Filed 02/26/2015
Effective 04/01/2015
Agency Contact:
Teresa Bush-Chavey (916) 845-7847

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 1, 2014 TO
March 4, 2015**

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

Title 1

11/10/14 AMEND: 1, 14, 20
 10/29/14 AMEND: 86

Title 2

03/04/15 AMEND: 11087, 11088, 11089, 11090,
 11091, 11092, 11093, 11094, 11095,
 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4,
 553.5, 553.6, 599.100, 599.101, 599.102,
 599.120, 599.121, 599.122, 599.123,
 599.124, 599.140, 599.141, 599.142,
 599.143, 599.144, 599.145, 599.146,
 599.160, 599.161, 599.162, 599.163,
 599.164
 02/09/15 AMEND: 1859.76
 02/02/15 AMEND: 18705, 18705.3, 18705.4,
 18705.5 REPEAL: 18704, 18704.1,
 18704.5
 02/02/15 AMEND: 18450.11
 02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300
 12/31/14 ADOPT: 20620 AMEND: 20610, 20611,
 20612, 20613, 20622 and renumber as
 20621, 20623 and renumber as 20622,
 20624 and renumber as 20623, 20625 and
 renumber as 20624, 20626 and renumber
 as 20625, 20627 and renumber as 20626,
 20630, 20631, 20632, 20633, 20635 and
 renumber as 20634, 20636 and renumber
 as 20635, 20637 and renumber as 20636,
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10/22/14	AMEND: 1018	02/05/15	ADOPT: 100018, 100020, 100025, 100026, 100027, 100028, 100029, 100030 AMEND: 100005, 100007, 100009, 100014, 100015, 100016, 100017, 100018, 100020, 100021, 100025, 100026, 100027 REPEAL: 100013, 100019, 100022, 100023, 100024, 100028
10/20/14	AMEND: 1387, 1387.1	12/31/14	AMEND: 97174
10/20/14	AMEND: 4110, 4112, 4120, 4121, 4123, 4127	12/17/14	AMEND: 51341.1
		12/01/14	REPEAL: 63000.10, 63000.13, 63000.16, 63000.17, 63000.19,
Title 17			
02/27/15	AMEND: 13675, 13676		
02/11/15	AMEND: 2643.5, 2643.10, 2643.15		
02/05/15	AMEND: 6540		
01/21/15	ADOPT: 6550, 6551, 6553, 6553.1, 6555, 6557, 6557.1, 6557.2, 6557.3		
12/31/14	AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990		
12/31/14	AMEND: 95201, 95202, 95203, 95204		
12/31/14	AMEND: 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115,		

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	63000.25,	63000.28,	63000.31,	10/29/14	ADOPT: 3929.13
	63000.34,	63000.35,	63000.37,	10/27/14	AMEND: 2200, 2200.2, 2200.5, 2200.6,
	63000.40,	63000.43,	63000.46,		2200.7, 3833
	63000.47,	63000.48,	63000.49,	10/13/14	ADOPT: 3939.46
	63000.62,	63000.65,	63000.66,	10/13/14	AMEND: 3930
	63000.67,	63000.68,	63000.70,	10/01/14	ADOPT: 3959.6
	63000.71,	63000.74,	63000.77,	Title 25	
	63000.80,	63000.81,	63000.83,	03/03/15	AMEND: 4514
	63000.84,	63000.85,	63000.86,	Title 27	
	63000.87,	63000.88,	63000.89,	11/19/14	AMEND: Appendix A of 25903
	63000.90,	63000.92,	63000.95,	Title 28	
	63010,	63011,	63012,	12/22/14	ADOPT: 1300.65.2, 1300.89.21
	63013,	63014,	63015,		AMEND: 1300.65, 1300.65.1
	63020,	63021,	63025,	Title MPP	
	63026,	63027,	63028,	01/23/15	AMEND: 11-403
	63029,	63030,	63040,	01/22/15	ADOPT: 42-708, 42-709 AMEND:
	63050,	63051,	63052,		42-302, 42-701, 42-711, 42-712,
	63055,	63056,	63057,		42-714, 42-716, 42-720, 42-721,
	63058				42-722, 42-802, 42-1009, 42-1010,
11/18/14	AMEND: 97240, 97241, 97246				
10/14/14	ADOPT: 65530, 65534, 65540, 65546				
	AMEND: 65501, 65503, 65511, 65521,				
	65523, 65525, 65527, 65529, 65531,				
	65533, 65535, 65537, 65539, 65541,				
	65545, 65547, 65551 REPEAL: 65505,				
10/08/14	65507, 65509, 65543, 65549				
	AMEND: 51051, 51135 REPEAL:				
	51221, 51222				
Title 22, MPP					
11/10/14	AMEND: 85001, 85075.1, 85075.2,				
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Title 23					
02/17/15	ADOPT: 3919.14				
01/23/15	ADOPT: 3939.37				
01/05/15	ADOPT: 3946(b), 3946(c), 3946(d)				
	AMEND: 3946(a)				
11/25/14	AMEND: 2050, 2050.5, 2051				
10/30/14	AMEND: 1062, 1064, 1066, 3833.1				
10/29/14	ADOPT: 3979.8				
				11/13/14	AMEND: 30-763