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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE: Office of the State Treasurer

A written comment period has been established commencing on March 23, 2012, and closing on May 7, 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 Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than May 7, 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 re-

spective 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 5. STATE BOARD OF EDUCATION

AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING THE ADMINISTRATION OF EPILEPSY MEDICINE: EMERGENCY MEDICAL ASSISTANCE

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. May 7, 2012, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator by 5:00 p.m. on May 7, 2012. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 49414.7, Education Code; Cal. Stats 2011, c. 560 (S.B. 161), sec. 1(b).
Reference: Section 49414.7, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

More than 90,000 children in California have epilepsy, a common symptom of which is seizures. Diastat is a trademark administration system of diazepam (valium) and is currently the only FDA-approved, at-home medication for the treatment of acute repetitive seizures, or "cluster" seizures. Diastat, a rectally-administered gel, was specifically developed to be administered by people without medical training and is considered the fastest, safest and most effective way to treat epileptic seizures.

Many seizure patients, despite maintenance medication, experience breakthrough seizures. Up to 35% of patients on anti-seizure medications may not be adequately controlled. Between 50,000 and 200,000 generalized convulsive status epileptic seizures occur every year in the United States, with an overall mortality rate of 20%. Status seizures lasting more than one hour have a mortality rate of 32%, compared with 2.7% for seizures of shorter duration.

California's nurse-to-student ratio is approximately 1:2,200. According to the California Basic Educational Data System, about one-half of school districts do not have a school nurse.

The proposed regulations will implement the provisions of Education Code section 49414.7, which became effective January 1, 2012. The Legislature passed Senate Bill (SB) 161 and it was signed by the Governor on October 7, 2011 (Statutes of 2011, Chapter 560). SB 161 authorizes a school district, county office of educa-

tion, or charter school to participate in a program to provide nonmedical school employees with voluntary emergency medical training to administer emergency medical assistance to pupils with epilepsy suffering from seizures. The emergency medical assistance would be provided only in the absence of a school nurse or other licensed nurse onsite at the school or charter school, and with a parent's written authorization. The emergency medical training is to be provided in accordance with guidelines to be developed by the California Department of Education (CDE) in consultation with the State Department of Public Health. The CDE is required to post these guidelines on its web site by July 1, 2012. These regulations are being proposed because SB 161 states that the training must be "consistent" with the guidelines and that a nonmedical school employee who has completed the voluntary training and provides assistance "shall" provide assistance "using the guidelines." Because the guidelines are to be rules of general application that implement SB 161, it is necessary to adopt them as regulations.

The Legislature determined that the nonmonetary benefits of the regulation to the health and welfare of California residents and to the State's environment are that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency antiseizure medication to pupils in public schools.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

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

The proposed regulatory amendments are consistent and compatible with State laws and regulations.

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

FISCAL IMPACT

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: Minimal costs will be incurred by the CDE associated with maintaining a clearinghouse, on the CDE Web site, for best practices in training nonmedical personnel in administering emergency anti-seizure medication to pupils.

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

Other non-discretionary cost or savings imposed on local educational agencies: The program is voluntary and would not result in state mandated costs.

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

ECONOMIC IMPACT ANALYSIS

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

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

Adoption of these regulations 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.

The Legislature determined that the benefits of the regulation to the health and welfare of California residents and to the State's environment are that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, it is in the best interest of the health and safety of children to allow trained school employees to administer an emergency antiseizure medication to pupils in public schools.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, 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.

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

CONTACT PERSONS

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

Tom Herman, Education Administrator
Coordinated Student Support & Adult Education
Division
California Department of Education
1430 N Street, Room 6408
Sacramento, CA 95814
Telephone: 916-319-0725

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation 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 Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

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

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Tom Herman, Education Administrator, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0725. It is recommended that assis-

tance be requested at least two weeks prior to the hearing.

TITLE 5. STATE BOARD OF EDUCATION

AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING THE CALIFORNIA HIGH SCHOOL EXIT EXAM (CAHSEE) — IMPLEMENTATION OF ALTERNATIVE MEANS

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

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. May 7, 2012 at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator by 5:00 p.m. on May 7, 2012. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

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

AUTHORITY AND REFERENCE

Authority: Section 60852.2, Education Code.
Reference: Section 60852.2, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The proposed revision of the California Code of Regulations, title 5, extends the implementation date of alternative means to the California High School Exit Examination (CAHSEE) for eligible students with disabilities (SWDs) established in California Education Code section 60852.2, from January 1, 2011, to January 1, 2013.

The State Board of Education (SBE) is required by the provisions of Education Code sections 60852.1 and 60852.2 to consider options for alternative means by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in English–language arts (ELA) or mathematics, or both, required for passage of the CAHSEE. At its July 2010 meeting the SBE determined that alternative means are feasible. Therefore, the SBE will adopt regulations that will include appropriate timelines and the manner in which students and local educational agencies are notified of the results of the alternative means assessment. Education Code section 60852.2(b) specifies a January 1, 2011, implementation date for the alternative means, unless the SBE, by regulation, extends this date by up to two years.

Studies have shown that there are students with disabilities (SWDs) who have an individualized education program (IEP) or Section 504 plan, which states that the student is scheduled to receive a high school diploma, and has satisfied, or will satisfy, all state and local requirements for high school graduation on or after July 1,

2009, and who have taken the California High School Exit Examination (CAHSEE) at least twice since grade ten and at least once in grade twelve but have not passed one or both portions of the CAHSEE; though the actual number of these students is still undetermined.¹ The State Board of Education (SBE) has been charged to consider an analysis of alternative means by which eligible SWDs may demonstrate the same level of academic achievement in the content standards in English–language arts or mathematics, or both, required for passage of the CAHSEE.

The SBE has determined that alternative means to the CAHSEE are feasible and in February 2011 adopted regulations extending the alternative means implementation date to July 1, 2012. In March 2012, the SBE determined that a delay until January 1, 2013, is necessary for the appropriate implementation of alternative means. The proposed amendments to California Code of Regulations, Title 5, amending section 1216.1, would extend the date from July 1, 2012 until January 1, 2013, to provide for the necessary appropriate implementation of alternative means and would make clear that the exemption continues through December 31, 2012.

Non–monetary benefits include providing local educational agencies with adequate time to schedule and hold IEP team meetings for the purpose of addressing students’ educational programs as they pertain to the CAHSEE and graduation requirements. To this end, nonmonetary benefits have the added benefit of promoting fairness and social equity by ensuring that all students may demonstrate competency in reading, writing, and mathematics required for passage of the CAHSEE.

DISCLOSURES REGARDING THE
PROPOSED REGULATION

The SBE has made the following initial determinations:

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

The proposed regulatory amendments are consistent and compatible with State laws and regulations.

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

FISCAL IMPACT

Mandate on local agencies or school districts: None.
Cost or savings to state agencies: None.

¹ For a description of the studies referenced, see the Initial Statement of Reasons under “Studies, Reports, or Documents Relied Upon.”

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

Other non-discretionary cost or savings imposed on local educational agencies: None.

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

ECONOMIC IMPACT ANALYSIS

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

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

Adoption of these regulations 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.

The benefits of the regulation include promoting fairness and social equity by ensuring that all students may demonstrate competency in reading, writing, and mathematics required for passage of the CAHSEE.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the regulations relate only to school districts and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, 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.

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

CONTACT PERSONS

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

Carrie Strong–Thompson, Education Program
Consultant
Assessment Development and Administration
Division
California Department of Education
1430 N Street, Room 5808
Sacramento, CA 95814
Telephone: 916–319–0341

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator at 916–319–0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation 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 Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

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

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Carrie Strong–Thompson, Education Program Consultant, 1430 N Street, Sacramento, CA, 95814; telephone, 916–319–0341. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750 of the Fish and Game Code, and Sections 36725(a) and 36725(e), of the Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500 of the Fish and Game Code, and Sections 36700(e), 36710(e), 36725(a) and 36725(e) of the Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to marine protected areas.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including marine protected areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. The Marine Managed Areas Improvement Act (MMAIA, Stats. 2000, ch. 385) standardized the designation of marine managed areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

Existing regulations (the no-change alternative) consist of five MPAs covering an area of 3.1 square miles (sq mi), representing 0.3 percent of the state waters within the MLPA North Coast Study Region (NCSR). Sixty-six percent of the protected area is within no-take state marine reserves covering 2.1 sq mi or 0.2 percent of the state waters within the MLPA NCSR.

The regulatory action is intended to meet the goals described in the MLPA within a portion of California's State waters. The area covered in this regulatory action is the MLPA NCSR, defined as State waters from the California-Oregon border to Alder Creek, near Point Arena in Mendocino County. This region covers approximately 1,027 sq mi of state waters. The MLPA goals focus on improving the connectivity and effectiveness of California's existing array of MPAs to pro-

tect the State's marine life, habitats, and ecosystems. The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and that the Fish and Game Commission (Commission) adopt a Marine Life Protection Program and regulations based on the plan to achieve the MLPA goals (Fish and Game Code Section 2855).

The MLPA requires that the program, in part, contain an improved marine life reserve (now state marine reserve) component [Fish and Game Code subsection 2853(c)(1)] and protect the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code subsection 2853(b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. The program may include areas with various levels of protection (LOP) through MPAs that may allow for specified commercial and recreational activities. These activities include but are not limited to fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided these activities are consistent with the objectives of the area and the goals and guidelines of the MLPA.

Regional Implementation of Marine Life Protection Act

Important in developing the Proposed Regulation was the consideration for the north coast MPAs to form a component of a statewide biological network. The north coast is the fourth of five study regions to be implemented through the MLPA.

The Proposed Regulation establishes a network component of MPAs for the north coast designed to include all representative north coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection. From an ecological perspective, the Proposed Regulation creates a network component of MPAs in the north coast consistent with the goals of the MLPA. The Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Proposed Regulation

The Proposed Regulation includes 19 MPAs, one MMA, and seven special closures for the NCSR. Of the 19 MPAs, 15 are new and four are existing MPAs. Of the 15 new proposed MPAs, eight MPAs include sub-options for boundaries or allowed take. The Proposed Regulation also amends the boundaries and allowed take of the four existing MPAs to meet the Department's feasibility guidelines and to facilitate public understanding. One existing MPA, the Punta Gorda State Ma-

rine Reserve (SMR), would be removed and replaced by two proposed nearby SMRs.

The three classifications of MPAs used in California to reflect differing allowed uses are SMR, state marine conservation area (SMCA), and state marine park (SMP). Public Resources Code Section 36710 lists the restrictions applied in these classifications. Two of these classifications, SMR and SMCA, are utilized in the Proposed Regulation. One MMA classification known as a state marine recreational management area (SMRMA) is a component of the Proposed Regulation. Public Resources Code Section 36700(e) lists the restrictions in this classification. The Commission has the statutory authority to designate SMRs, SMCAs, and SMRMAs; however, the third MPA classification, SMP, may only be created, modified, or deleted under the authority of the State Park and Recreation Commission [Public Resources Code Section 36725(b)].

Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA. Out of the 19 MPAs and one MMA in the Proposed Regulation, three have been identified as having various existing activities regulated by other agencies. These activities are specified within the proposed MPA regulations to make explicit that these regulated activities are allowed to continue under current permits. The Department provided details regarding these activities, and other unresolved issues requiring the Commission's input, at the Commission's October 19, 2011 meeting.

Beginning in July 2009, the Department and Marine Life Protection Act Initiative (MLPAI) staff began discussions with north coast tribes and tribal communities regarding the MLPAI north coast MLPA planning process. At the Commission's June 29–30, 2011 meeting, staff provided three options developed to accommodate tribal take in MPAs on the north coast. The Commission chose Tribal Option 1 to provide for specific non-commercial tribal uses by federally recognized tribes. The Commission asked the federally recognized tribes to submit a factual record of historic and current uses in specific geographies, other than SMRs, to the Commission within 60 days. The Commission directed the Department to develop regulatory language defining tribal take using specific criteria. The criteria the Commission identified required any tribal member taking living marine resources to possess an identification card issued by a federally recognized tribe, a valid California fishing license for persons 16 years and older, and any valid report card, validation, permit or any other entitle-

ment that is required by applicable federal, state, or local law. The Commission also decided that all tribal take must be consistent with existing regulation. The Commission received six factual records representing twenty-four federally recognized north coast tribes and tribal communities prior to the 60-day deadline. The factual records identified eleven MPAs for tribal use with overlapping requests in some MPAs by specific tribes. In addition to the factual records, the Commission received two letters calling attention to intertribal agreements. These intertribal agreements are transactions between tribes and tribal communities wishing to take resources within the ancestral territories of other tribes and tribal communities, and need to be negotiated between those tribes. The regulations for the NCSR MPAs will not be changed based on intertribal agreements but will reflect tribal take in specific MPAs as they were listed in the factual records received by the Commission.

Take “from shore only” is currently proposed at Double Cone Rock SMCA and Big River Estuary SMCA in the Proposed Regulation. Two existing MPAs outside of the study region also include take restricted to shore only. Due to confusion over the interpretation of what it means to “take from shore only”, the Proposed Regulation includes a general definition for take “originating from shore” that would apply to the Proposed Regulation as well as other MPAs coastwide that allow shore only fishing.

Regulatory Sub-options

Regulatory sub-options are included for eight of the proposed MPAs within the Commission's Proposed Regulation, to provide alternatives to either boundaries or take regulations in the Proposed Regulation that address Department feasibility concerns, as requested by MLPA Initiative staff or stakeholders.

Proposed Regulation Details

The 19 MPAs, one MMA, and seven special closures in the Proposed Regulation encompass geographically 136 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs encompass 51 sq mi or five percent of state waters within the north coast region. The remaining areas are primarily SMCAs and one SMRMA that allow some fishing activity, covering an area of 85 sq mi or eight percent of state waters within the MLPA NCSR.

Alternatives to Regulation Change

Alternatives to the Proposed Regulation were provided by the North Coast Regional Stakeholders Group (NCRSG) and Blue Ribbon Task Force (BRTF) to meet the purposes of the regulatory action but were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the MLPA to varying de-

gress, and attempts to adhere to the SAT guidelines in the draft master plan to the extent possible.

Alternative 1 — This is the Enhanced Compliance Alternative (ECA), developed by the BRTF using the NCRSG proposal and input by constituents representing a variety of consumptive, non-consumptive, and environmental interests. It consists of 21 proposed MPAs and seven special closures covering an area of 134 sq mi, representing 13 percent of the approximately 1,027 sq mi of state waters within the north coast region. No-take SMRs or “very high protection” SMCAAs that do not allow fishing encompass 51 sq mi or five percent of state waters within the MLPA NCSR. The remaining MPAs encompass 83 sq mi or eight percent of state waters within the MLPA NCSR.

No-Change Alternative

The no-change alternative would leave existing MPAs in state waters of the MLPA NCSR unchanged. This alternative does not address the goals and requirements of the MLPA.

Benefit of Proposed Regulation

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The California Department of Parks and Recreation (State Parks) provided input on issues related to their concerns and jurisdiction during the development of the Proposed Regulation. Pre-existing activities and artificial structures including but not limited to utility cables, bridge maintenance, maintenance dredging, and habitat restoration occur throughout the NCSR. These activities may result in incidental take. However, the activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under the MLPA.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, April 11, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, June 6, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before Friday, June 1, 2012 at the address given below, or by

fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on Monday, June 4, 2012. All comments must be received no later than June 6, 2012 at the hearing in Eureka, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Manager, Marine Region, Department of Fish and Game, (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons (ISOR), including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action

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

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

The Proposed Regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The Proposed Regulation may have

negative impacts on commercial and recreational fishing operations and businesses.

The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a first order impact analysis, meaning that it only assesses potential impacts up to the dock (i.e., for commercial, commercial passenger fishing vessel and recreational fisheries). Furthermore, a key assumption of this analysis is that estimates represent maximum potential impacts. An assumption made in the analysis is that the Proposed Regulation completely eliminates fishing opportunities in areas closed to specific fisheries and that fishermen are unable to adjust or mitigate in any way. In other words, all fishing in an area affected by a marine protected area (MPA) is lost completely, when in reality it is more likely that fishermen will shift their efforts to areas outside the MPA. The effect of such an assumption is most likely an overestimation of the impact, or a “worst case scenario.”

The estimates of maximum potential impacts shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by MLPA contractor Ecotrust, and either reported in various documents to the Science Advisory Team (SAT), NCRSG, and BRTF or generated using the GIS data analysis tool created by Ecotrust. Ecotrust interviewed

fishermen to determine both locations of fishing activities and the relative importance of each location. In other words, areas identified were considered by the level of importance placed on those areas relative to total fishing grounds; these are referred to as areas of “stated importance” in analyses. Ecotrust’s importance indices were combined with cost share information (gathered during the interviews) to measure the maximum potential impacts of prospective closures on stated and economic values for key commercial, commercial passenger fishing vessel, and recreational harvesters. The methodology used to determine maximum potential impacts for the Proposed Regulation are described in ISOR Attachment 3 (pp 91–96).

Commercial Harvesters

The maximum potential net economic impact (profit in real 2007 dollars) to commercial harvesters under the Proposed Regulation (see Table 4) was estimated to be \$278,177 per year. In comparison, the estimated average annual baseline ex-vessel value for the study region from 2000–2007 was estimated to be \$23,865,216 and, based on business cost estimates derived from interviews, the estimated corresponding baseline net profit was \$9,289,008. Using these values, the estimated maximum potential percentage reduction per year under the Proposed Regulation was 3.0 percent.

Table 4. Estimated annual maximum potential net economic impacts to commercial harvesters by fishery relative to the base for the Proposed Regulation in the North Coast Study Region.

Fishery	Baseline Ex-Vessel Value	Baseline Profit	Proposed Regulation	
			Estimated Profit Loss (\$)	Estimated Profit Loss (%)
Anchovy/Sardine (Lampara Net)	\$44,428	\$7,553	\$506	6.7%
Dungeness Crab (Trap)	\$18,471,736	\$6,852,874	\$177,737	2.6%
Herring (Gillnet)	\$11,701	\$4,915	\$96	1.9%
Rockfish (Fixed Gear)	\$642,453	\$296,189	\$18,640	6.3%
Salmon (Troll)	\$3,027,616	\$1,249,463	\$32,366	2.6%
Shrimp (Trap)	\$251,315	\$93,286	\$0	0.0%
Smelt (Brail-Dip Net)	\$122,680	\$48,358	\$0	0.0%
Surfperch (Hook and Line)	\$26,431	\$12,167	\$2,389	19.6%
Urchin (Dive Captain)	\$896,780	\$465,151	\$29,637	6.4%
Urchin (Walk-on Dive)	\$370,076	\$259,053	\$16,805	6.5%
All Fisheries	\$23,865,216	\$9,289,008	\$278,177	3.0%

The estimated maximum potential impact to commercial harvesters was also calculated by port under the Proposed Regulation (Figure 2). In

addition, it should be noted that the potential impacts to specific fisheries also vary by port.

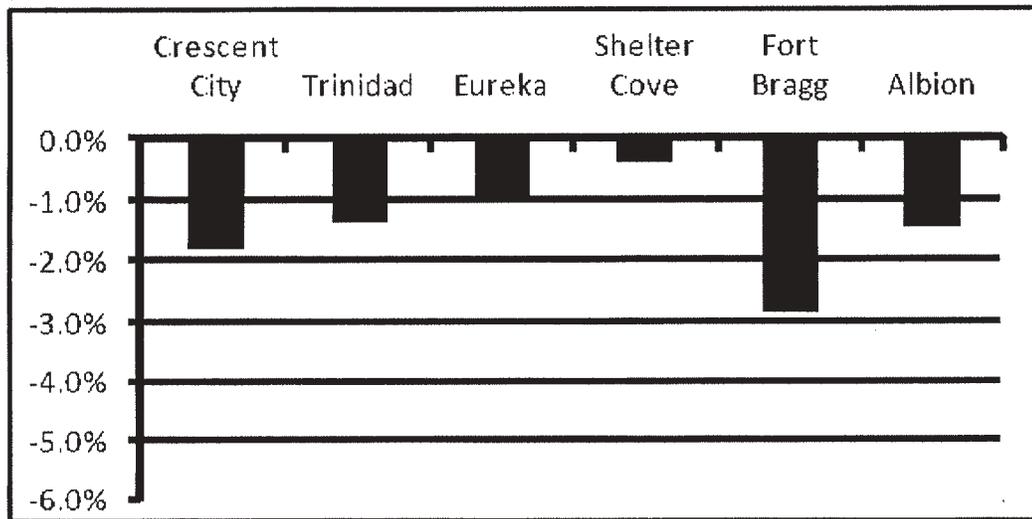


Figure 2. Estimated annual maximum potential net economic impacts of the Proposed Regulation to commercial harvesters by port.

Due to the aggregation of data necessary to maintain the confidentiality of individual fishermen’s financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual fisherman and may actually underestimate the maximum potential impact to specific individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individual fishermen and/or particular fisheries. This was based on lessons learned in the MLPA Central Coast Study Region, where significant disproportionate impacts were only discovered in the implementation phase, leaving limited options to lessen these impacts.

Ecotrust evaluated whether any port–fishery combinations may be disproportionately affected by the Proposed Regulation. To assess these impacts, Ecotrust used a box plot analysis to identify outliers within each fishery (calculated using estimated impacts on the stated value of total fishing grounds). In a box plot analysis, outliers are defined as extreme values that deviate significantly from the rest of the sample. Box plot analysis results can also inform convergence among MPA proposals within a fishery and/or relative potential impacts between fisheries. While no port–fishery combination is disproportionately impacted at a

statistically significant level, the surfperch fishery may be disproportionately impacted relative to other fisheries. Similarly, while there are no statistically significant outliers for urchin, surfperch, or herring, the bi-modal nature of the potential impacts should be noted.

Recreational Harvesters

Ecotrust also analyzed the maximum potential impacts to commercial passenger fishing vessel (CPFV) operators and recreational fishermen (dive, kayak, and private vessel user groups only) in terms of percentage of the fishing grounds within the study region and percentage of stated importance values of fishing grounds within the study region. Estimated impacts represent impacts to areas of stated importance and not impacts on level of effort or on spatial area of total fishing grounds. Similar to the commercial estimates of maximum potential impact, these estimates assume all fishing activity that previously occurred in a closed area is “lost” and not replaced by movement to another location.

Commercial Passenger Fishing Vessels

Ecotrust calculated the maximum potential net economic impact for the CPFV fisheries as the average percentage reduction in net economic revenue (i.e., profit) based on stated importance for all five species considered (Table 5).

Table 5. Estimated annual maximum potential net economic impacts to commercial passenger fishing vessel fisheries relative to the base.

Port	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/Bottomfish	Salmon
Crescent City	0.0%	0.0%	0.0%	0.0%	0.0%
Trinidad	0.5%	0.0%	0.0%	0.1%	1.7%
Eureka	0.0%	0.0%	3.0%	12.0%	1.9%
Shelter Cove	0.0%	0.0%	15.3%	6.9%	0.0%
Fort Bragg	0.0%	9.5%	0.0%	6.2%	11.6%

Other recreational harvesters

Recreational fisheries were stratified by port and user group (i.e., dive, kayak, and private vessel). See Table 6 for additional details.

While not actual economic losses, a loss in recreational fishing areas could lead to decreases in revenues to recreational fishing–dependent businesses.

Table 6. Estimated percentage of stated value of total recreational fishing grounds affected by port and user group for the Proposed Regulation.

Port	User Group	Abalone	California Halibut	Dungeness Crab	Pacific Halibut	Rockfish/Bottomfish	Salmon
Crescent City	Dive	0.0%	---	0.0%	---	0.4%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	3.1%	0.0%	3.8%	0.1%	0.4%
Trinidad	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	0.0%	0.0%
	Private Vessel	---	0.0%	0.1%	0.0%	5.3%	0.4%
Eureka	Dive	0.0%	---	0.0%	---	15.6%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.1%	0.0%	0.8%	12.6%	0.1%
Shelter Cove	Dive	0.0%	---	0.0%	---	0.0%	---
	Kayak	---	---	---	---	---	---
	Private Vessel	---	0.0%	0.0%	7.9%	8.9%	0.0%
Fort Bragg/Albion	Dive	9.4%	---	0.0%	---	9.3%	---
	Kayak	---	---	---	---	6.8%	0.7%
	Private Vessel	---	17.8%	7.7%	22.9%	8.0%	4.3%

In the long term, the potential negative impacts may be balanced by potential positive impacts of

sustainable fisheries, non–consumptive benefits, and ecosystem function in the reserve areas. In

addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas that prohibit bottom fishing for finfish, as well as through transport to distant sites.

The impacts of Proposed Regulation are essentially the same as the impacts for the Revised Round 3 North Coast Regional Stakeholder Group Marine Protected Area Proposal (RNCP). Attachment 15 contains a comparison of the impacts of the RNCP and the Enhanced Compliance Alternative.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Each alternative has potential impacts on the creation and elimination of jobs related to commercial, CPFV, recreational fishing, and non-consumptive activities. An estimate of the number of jobs eliminated as a direct result of the proposed action is difficult to determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and subsequently the long-term viability of these same small businesses. Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

The benefit of the Proposed Regulation is the creation of a network component of MPAs in the north coast, protecting and enhancing natural resources and improving natural resources sustainability, consistent with the goals of the MLPA. From an economic and social perspective, the Proposed Regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

Non-monetary benefits to the health and welfare of California residents and to worker safety are not anticipated.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and are dependent on not only the impacts of the Proposed Regulation, but also other regulations and processes, expectations and implementation needs. Further discussion is needed to clarify the needs and expectations. Comprehensive DFG monitoring, management and enforcement for the North Coast Study Region cannot be absorbed by existing DFG budgets, and will result in significant funding and position needs.

The Department will incur costs associated with printing and installing new regulatory signage, and developing and printing public outreach materials. However, partnerships with state and federal agencies, academic institutions, and non-profit organizations are likely to continue to play an important role in assisting with MLPA implementation in coming years.

Current cooperative efforts with the Channel Islands National Marine Sanctuary, Monterey Bay National Marine Sanctuary, and Gulf of the Farallones National Marine Sanctuary have provided funding for some existing State costs, and cooperative efforts are expected to increase with the adoption of the proposed regulation. In addition to agency partnerships, during planning and implementation of the MLPA study regions (i.e., central coast, north central coast, and south coast), substantial funding in the millions of dollars were contributed by private fund sources including MLPAAI partners, and through bond money distributed through the Ocean Protection Council. These contributions supported costs for baseline science and socio-economic data collection, signage, and outreach and education, among other things, and allowed for a greater outcome than may have been possible with Department funding alone. While it is difficult to quantify the level of support that will be provided by partnerships in future years, the Department will continue to actively pursue and maximize such assistance.

Changes requiring additional enforcement, monitoring, or management will increase the recurring costs to the Department, and total state costs would increase as new study regions are

designated and become operational. For the north coast, the near-term cost to implement the proposed MPAs will include one-time startup, a baseline data collection program, and recurring annual costs. In light of uncertainty regarding the cost for monitoring, funding due to the State's current fiscal crisis, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the north coast are unknown at this time.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 16. PHYSICAL THERAPY
BOARD OF CALIFORNIA**

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

Loma Linda University
Randall Visitors Center
24951 North Circle Drive,
Loma Lind, CA. 92350

May 10, 2012

9:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the PTBC at its office not later than 5:00 p.m. on May 7, 2012, or must be received by the PTBC at the hearing. The PTBC, 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 fifteen (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 144, 480, 490, 802, 2615, 2632, 2655.92, of the Business and Professions (B&P) Code; Government Code section 6157 and Penal Code section 11105; the PTBC is considering changes to Division 13.2 of Title 16 of the California Code of Regulations (CCR) as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Business and Professions Code section 2615 and 2655.92 permits the PTBC to adopt, amend or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Physical Therapy Practice Act. The PTBC is proposing the following changes:

The main purpose of the proposed language is to establish requirements that a licensee must furnish a full set of fingerprints to the Department of Justice ("DOJ") as a condition of renewal with the Physical Therapy Board of California ("PTBC") if the licensee was initially licensed prior to 1998 or if an electronic record of

the fingerprint submission no longer exists. Generally, this proposal would:

- (1) set requirements and time frames for when the licensee would be required to submit criminal history information and other related records to the PTBC;
- (2) specify the conditions and the purpose for which a full set of fingerprints would be required;
- (3) establish that the licensee would be responsible for paying the costs associated with furnishing fingerprints and conducting criminal offender record searches;
- (4) require a licensee to certify compliance with this new fingerprinting requirement on his or her renewal form and maintain records of his or her compliance for at least 3 years;
- (5) authorize a waiver of these new fingerprinting requirements for licensees who are inactive or actively serving in the military outside of the country;
- (6) mandate that licensees disclose on the renewal form whether the licensee has been convicted of a crime, as defined, or had any disciplinary actions taken against any other license he or she holds. This section would also mandate disclosure of a settlement, judgment or arbitration award of over \$3000 to the PTBC pursuant to B&P Code section 802.
- (7) specify that failure to comply with these requirements or submit a full set of fingerprints to DOJ renders any application for renewal incomplete and is grounds for discipline by the PTBC; and,
- (8) add a new form and application requirement for activating or inactivating a license.

Proposed changes, by section, are more specifically identified as follows.

1. Add Sections 1398.14 Response to Board Inquiry

This Section heading and text would provide that if the PTBC asks a licensee to provide criminal history information, the licensee must respond to the request within 30 days by making available all documents and other records requested, and specifies that the information provided must be accurate. This Section would establish the timeframe for a licensee’s compliance with such PTBC inquiries and would ensure that accurate information is received from the licensee. This Section would protect consumers by assisting the PTBC’s Enforcement staff in the information gathering and investigative process for determining whether a licensee is in compliance with the Physical Therapy Practice Act.

2. Add Sections 1399.80 Fingerprint and Disclosure Requirements for Renewal of License title and new Section.

This heading text would inform licensees that the Sections that follow relate to fingerprinting and disclosure requirements for the renewal of a license.

Add Section 1399.80(a)

This Section would establish requirements that a licensee must furnish a full set of fingerprints to the Department of Justice (“DOJ”) as a condition of renewal with the Physical Therapy Board of California (“PTBC”) if the licensee was initially licensed prior to 1998 or if an electronic record of the fingerprint submission no longer exists. Licensees need to be made aware that certain groups of licensees will be required to be fingerprinted as a condition of license renewal, and this regulation would authorize the PTBC to require fingerprinting of these licensees. This Section would protect consumers by giving the PTBC access to currently available DOJ information relative to criminal arrests and convictions and would enable the PTBC to determine if violations of the Physical Therapy Practice Act have occurred.

Add Section 1399.80(a)(1)

This Section would establish that the cost of fingerprinting and conducting the criminal history record check must be paid by the licensee. This regulation is necessary to authorize assessment of costs to licensees, which is consistent with fingerprinting and record check costs that have been paid by every other licensee or applicant since 1998.

Add Section 1399.80(a)(2)

This Section would establish that as part of the renewal process, each licensee will be asked to certify on his or her renewal form whether or not they have submitted fingerprints to the Department of Justice as required or whether they have complied with the reporting requirements of B&P Code section 802.

Add Section 1399.80(a)(3)

This Section would establish an exemption from or waiver of the fingerprinting requirement if the license is on an inactive status or if the licensee is actively serving in the military outside the country.

Add Section 1399.80(a)(4)

This Section would require affected licensees to retain a receipt, as specified, of compliance with the fingerprinting requirement for a period of at least three years. This requirement is necessary to provide evidence that a licensee has complied with the fingerprinting requirement in the event DOJ cannot locate a licensee’s fingerprints or if the PTBC audits licensees.

Add Section 1399.80(b)

This Section would mandate that if a licensee has plead guilty, plead nolo contendere or has been convicted of any violation of the law during the prior renewal cycle, the licensee must disclose that fact to the PTBC, with infractions specified that may be omitted. This reporting requirement is necessary for consumer protection and enforcement of the Physical Therapy Practice Act.

Add Section 1399.80(c)

This section would require that a licensee shall disclose whether, since the licensee last applied for renewal, he or she has been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country, disclose any settlement, judgment or arbitration award of over \$3000, pursuant to Business and Professions Code Section 802. Many licensees hold other licenses either in California or in other states. This language would assist the PTBC in obtaining information relative to discipline taken by other corresponding state or government licensing entities. This information is necessary to determine if disciplinary action is warranted pursuant to the PTBC's authority (e.g., Sections 141 and 2660 of the Business and Professions Code).

Add Section 1399.80(d)

This Section would establish that failure to comply with these requirements would result in non-renewal of the license until the licensee complies with all of the requirements of this Section (e.g., fingerprinting, disclosure or record-keeping requirements). This requirement is necessary to ensure compliance with the unprofessional conduct statutes of the Physical Therapy Practice Act and prevents possible renewal of a license for a licensee who has violated the law.

Add Section 1399.80(e)

This Section would provide that failure to furnish a full set of fingerprints as required is grounds for discipline by the PTBC. The PTBC must have the ability to enforce the requirements of the section by disciplining the license of a licensee who refuses to comply with the requirements for fingerprinting. The licensee could be in violation of the law or potentially cause patient harm if the PTBC does not have the ability to verify the criminal history of its licensees through the DOJ or take action for non-compliance.

Article 13. Requirements for Renewal
Section 1399.98 Inactive Status

Amend Section 1399.98(b)

This Section would be amended to require the licensee to fill out an application, prescribed by the PTBC, to restore and inactive license. The application language

mentioned below would ensure consistency and specificity in the application of the PTBC's requirements for categories of persons who wish to restore their inactive license.

The application would contain the following:

- A requirement for submission of the name of the licensee;
- A requirement for submission of License Type;
- A requirement for submission of license number;
- A requirement for submission of license expiration date;
- A requirement for submission of a request to restore an inactive license;
- A requirement for submission of disclosure of whether, since the licensee last applied for renewal, he or she has plead guilty, plead nolo contendere, convicted of a crime, been denied a license or had a license disciplined by another licensing authority of this state, of another state, of any agency of the federal government, or of another country, disclose any settlement, judgment or arbitration award of over \$3000, pursuant to Business and Professions Code Section 802.
- A requirement that the applicant certify under penalty of perjury to the truth and correctness of the information provided, and sign and date the application;

A requirement that the applicant attach evidence that he or she has completed the required number of approved continuing education courses within the last two years preceding this application, as required by the Physical Therapy Practice Act.

CONSISTENCY WITH EXISTING
STATE REGULATIONS

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

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There were approximately 23,000 Physical Therapist licenses and 5,000 Physical Therapy Assistant licenses issued since the 1998, for a **potential** impact of 28,000 licensees that will need a Livescan submission. This will create an increased work load for the Department of Justice, as well as the Federal Bureau of Investigation. The cost of this service will be paid by the licensee directly to the Livescan vendor.

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 PTBC 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.

AND

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

The PTBC does not believe that this regulation will have a significant adverse economic impact on businesses. There are approximately 750 vendors statewide, including small businesses that provide fingerprinting services. There should be no initial or ongoing cost impact upon the vendors because they are already equipped to provide the service and the fingerprinting of applicable licensees will be extended over a two-year period. Additionally, this proposed regulation would only affect individuals for whom an electronic record of his or her fingerprints does not exist in the DOJ criminal offender record identification database and those licensees that do not comply with the proposed regulation.

Cost Impact on Representative Private Person or Business: Physical Therapists and Physical Therapy Assistants who have not previously been fingerprinted for the PTBC, for whom a fingerprint record no longer exists, will be required to be fingerprinted at the time of their license renewal, reactivation, or reinstatement. The cost for a person to get fingerprinted is approximately \$63.00. Of this fee, \$49.00 goes to the Department of Justice and the Federal Bureau of Investigation for conducting the background check and providing criminal record reports to the PTBC; an average of \$14.00 goes to the vendor for fingerprinting the individual. The vendor's fee ranges from \$5.00 to \$45.00 with the average fee being \$14.00. An individual licensee would pay an average of \$63.00 to comply with this regulation over its lifetime, since it is a one-time requirement.

Effect on Housing Costs: None.

RESULT OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Businesses: The PTBC has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Proposed Regulation. These proposed regulations would help to protect consumers and assist the PTBC in its enforcement actions by enabling the PTBC to take appropriate action against licensees for failure to provide the necessary documentation in a timely manner, as well as ensuring that the PTBC receives criminal history and subsequent arrest information for its entire licensing population.

EFFECT ON SMALL BUSINESS

The PTBC has determined that the proposed regulations would not have a significant economic impact on small businesses. There are approximately 750 vendors statewide, including small businesses, which provide fingerprinting services. There should be no initial or ongoing cost impact upon the vendors because they are already equipped to provide the service, and the fingerprinting of the applicable licensees will be extended over a two-year period. Additionally, this proposed regulation would only affect individuals for whom an electronic record of his or her fingerprints does not exist in the DOJ criminal offender record identification database and those licensees that do not comply with the proposed regulation.

CONSIDERATION OF ALTERNATIVES

The PTBC 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 orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The PTBC 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 PTBC at 2005 Evergreen Street Suite 1350, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Jason Kaiser
Address: 2005 Evergreen Street Suite 1350
Sacramento, California 95815

Telephone No: (916) 561-8278
Fax No: (916) 263-2560
E-Mail Address: jason.kaiser@dca.ca.gov

The backup contact person is:

Name: Elsa Ybarra
Address: 2005 Evergreen Street Suite 1350
Sacramento, California 95815

Telephone No: (916) 561-8262
Fax No: (916) 263-2560
E-Mail Address: elsa.ybarra@dca.ca.gov

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

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD**

NOTICE OF PROPOSED REGULATORY ACTION

The Structural Pest Control Board (SPCB) proposes to amend sections 1920 and 1937.11, and repeal section 1970.5 of Title 16, California Code of Regulations (16 CCR). The proposed action would remove specified criteria in order to maximize SPCB's authority to assess fines in excess of \$2,500; revise language to indicate that as part of a probationary requirement, a licensee may be required to complete a continuing education course approved by SPCB; and delete the definition of

"time ventilation is commenced" used to specify when supervision is required after fumigation is performed.

SUBMITTAL OF COMMENTS

Any interested person may present comments orally or in writing about the proposed action at a hearing to be held at The California Tower Building, 3737 Main Street, Magnolia Room 204, Riverside, California at 9:30 a.m. on May 10, 2012.

For an interested person not able to attend the hearing, written comments, including those sent by mail, facsimile, or e-mail may be presented to the contact person named below. Comments must be received no later than 5:00 p.m. on May 9, 2012, or must be received by SPCB at the hearing.

EFFECT ON SMALL BUSINESS

SPCB has determined that the proposed regulatory action relating to section 1920 establishes citation and fine authority which is already set at a maximum amount of \$5,000 and this amendment is not changing that amount. There could be a minimal impact to small businesses if the small business is not in compliance with rules and regulations and are therefore issued a citation with an administrative fine.

SPCB has determined that the proposed regulatory action relating to section 1937.11 will have no effect on small businesses because the proposal is simply changing the language from requiring a licensee to complete a correspondence course at the University of California, Berkeley that is no longer available to the licensee being required to complete a continuing education course approved by the board.

SPCB has determined that the proposed regulatory action relating to section 1970.5 will have no effect on small business because the proposal is simply removing a definition that is unnecessary to enforce the current aeration plan.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Amend Section 1920—Citations and Fines

Business and Professions (B&P) Code section 125.9 authorizes the board to issue citations for violations of laws and regulations. The citations may include an administrative fine up to \$5,000. In 2006, section 1920 was amended to specify criteria to be used to determine the level of an administrative fine of more than \$2,500 to \$5,000. In order for SPCB to maximize the use of existing enforcement tools, SPCB proposes to remove from regulation the specified criteria in order to maximize its authority to assess fines in excess of \$2,500.

Consumers may benefit from this regulation by the industry complying with the rules and regulations and therefore avoiding the more egregious violations that may result in fines in excess of \$2,500.

Amend the Manual of Disciplinary Guidelines and Model Disciplinary Orders as Incorporated by Reference in Section 1937.11—Disciplinary Guidelines

In order to establish consistency in disciplinary penalties and probationary terms, SPCB established the *Manual of Disciplinary Guidelines and Model Disciplinary Orders* (1991) which is incorporated into regulation by reference. As part of the Optional Terms and Conditions of Probation, the Manual references the completion of a University of California Extension Berkeley correspondence course. The correspondence course is no longer available.

This amendment revises the language in the *Manual of Disciplinary Guidelines and Model Disciplinary Orders* (Revised 2010) to indicate that as part of a probationary requirement, a licensee may be required to complete a continuing education course approved by SPCB.

This regulation may benefit licensees by providing clarity regarding courses that may be required to complete as an enforcement tool and establishes consistency in disciplinary penalties and probationary terms.

Repeal Section 1970.5—Commencing Aeration

B & P Code section 8505.2 requires fumigations be performed only under direct and personal supervision of an individual who is licensed by SPCB as an operator or field representative in a branch of pest control that includes fumigation. B&P Code section 8505.3 defines direct and personal supervision to mean that supervision is required at the fumigation site during the entire time the fumigants are being released, the time ventilation is commenced, and at the time the property is released for occupancy.

Pursuant to section 6780(c), the structural pest control industry had a Fumigation Safety Program approved by the Department of Pesticide Regulation (DPR) known as the Tarpaulin Removal and Aeration Plan (TRAP). In part, TRAP included an aeration procedure in which aeration was completed within about one hour, at the end of which the fumigation workers removed the tarp from the structure. TRAP required direct and personal supervision by a licensed supervisor for the relatively short aeration procedure, ending when all tarps had been removed. As a result, 16 CCR section 1970.5 was adopted in 1990 (and amended in 1996) to define “time ventilation is commenced” as used in B&P Code section 8505.3 expanding the standard definition of “commenced.”

Recently, the structural pest control industry submitted the California Aeration Plan (CAP), as a replacement Fumigation Safety Program to TRAP for employers and employees to follow, and was approved by DPR. One of the main differences between the TRAP and CAP plans is the duration and nature of the aeration procedure. Under the current CAP, a licensed supervisor is required to be present at the beginning of the aeration, and again when the tarps are removed. However, there is no requirement with the approved CAP plan, and no need for a supervisory person to be onsite during the entire CAP aeration procedure.

SPCB proposes to repeal 16 CCR section 1970.5 since it is unnecessary to expand the standard definition of “time ventilation is commenced” by requiring direct and personal supervision during the entire time of ventilation. Direct and personal supervision as described in B&P Code section 8505.3 is sufficient to regulate the use of the new CAP aeration plan, and current definition goes beyond the scope required in section 8505.3.

Fumigators may benefit from this regulation by no longer needing to be present at the fumigation site during the entire duration of aeration while maintaining the same level of protection.

These regulation changes are not inconsistent with or incompatible with existing state regulations.

IMPACT ON LOCAL AGENCIES AND SCHOOL DISTRICTS

SPCB has determined that the proposed action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 Article XIII of the California Constitution. SPCB has also determined that no non-discretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

SPCB has determined that the proposed action will have no costs or savings to any state agency.

EFFECT ON FEDERAL FUNDING TO THE STATE

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

EFFECT ON HOUSING COSTS

SPCB has determined that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES

SPCB has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

SPCB 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 ANALYSIS

Impact on the Creation, Elimination, or Expansion of
Jobs/Businesses

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

Benefits of the Regulation

The benefits of the regulation are increased consumer protections through industry compliance with rules and regulations; clarity for licensees in completing probationary courses; establishing consistency in disciplinary proceedings; and more practical and streamlined procedures in fumigation applications.

CONSIDERATION OF ALTERNATIVES

SPCB 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 to affected private persons than the regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by B&P Code section 8525.

REFERENCE

This regulatory action is to implement, interpret, or make specific B&P Code sections 8505.3, 8572 and 8617.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

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

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the close of the comment period, SPCB may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If SPCB does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. SPCB will accept written comment on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

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

Name: Ronni O'Flaherty
Address: 2005 Evergreen Street, Suite 1500
Sacramento, California 95815
Telephone: (916) 561-8700
Fax: (916) 263-2469
E-Mail: ronni.oflaherty@dca.ca.gov

You may also contact:

Name: Susan Saylor
 Address: 2005 Evergreen Street, Suite 1500
 Sacramento, California 95815
 Telephone: (916) 561-8700
 Fax: (916) 263-2469
 E-Mail: susan.saylor@dca.ca.gov

Materials regarding this proposal are available on SPCB's Internet Home Page <www.pestboard.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(a) may be obtained from the contact person named above.

**TITLE 17. DEPARTMENT OF
 DEVELOPMENTAL SERVICES**

NOTICE OF PROPOSED RULEMAKING

Medicaid Integrity Vendorization Requirements

The Department of Developmental Services (Department) proposes to amend regulations governing regional center vendorization of service providers: California Code of Regulations (CCR), Title 17, Division 2, Chapter 3: Subchapter 2, Article 2, Sections 54302, Definitions, 54310, Vendor Application Requirements, (Proposed New Section 54311, Ownership Disclosure Requirements), 54314, Ineligibility for Vendorization, 54320, Regional Center Review of Vendor Application, 54326, General Requirements for Vendors and Regional Centers, 54332, Regional Center Files, and 54370 Termination for Vendorization and Noncompliance.

WRITTEN COMMENT PERIOD

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action of the Department. The written comment period closes at 5:00 p.m. on **Monday, May 7, 2012**. Please submit any written comments, via U.S. Mail or fax or email, to the Department's contact person designated below by 5:00 p.m. on **Monday, May 7, 2012**.

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person or his or her duly autho-

riized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Sections 4405, 4648(a), 4648.12(c)(1)(A), 4689.7(c), 4689.1, 4866, 10725, 14043.75 and 14124.5, Welfare and Institutions Code; and Section 11152, Government Code; Chapter 157, Statutes of 2003; Chapter 1095, Statutes of 1994, Section 14.

Reference: Sections 1250 and 1502, Health and Safety Code; Sections 240, 242, 243.4, 245, 261, 264.1, 273d, 285, 286, 288, 288a, 289, 311.2, 311.3, 311.4, 647a, 11165.1, 11165.2, 11165.3 and 11165.6, Penal Code; Sections 4500, 4501, 4502, 4504, 4512(i), 4626, 4627, 4631, 4646.5, 4648, 4648(a), 4648.1, 4648.1(d), 4648.12(c) and 4689(a)(1), 4689.7(c), 4690, 4691, 4693, 4742, 4791, 4851, 4861(c), 12305.81(a)(2), 14043.2, 14043.26, 14043.27, 14043.36, 14125.8, 15610.57 and 15610.63; and Article II, Chapter 5, Welfare and Institutions Code; 42, Code of Federal Regulations, Sections 455.104, 455.105, and 455.106; Section 10430(g), Public Contract Code.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

In January 2011, the Centers for Medicare and Medicaid Services (CMS) issued its final report entitled "Medicaid Integrity Program, California Comprehensive Program Integrity Review." In conjunction with the Health and Human Services Agency, the review focused on, among other things, Medicaid program integrity regulations and oversight duties. The Department of Health Care Services (DHCS) administers the California Medicaid Program within the State. The DHCS delegates the program integrity functions to the Department of Developmental Services (Department) and ensures consistency and compatibility with DHCS regulations for the CMS approved Home and Community-Based Services Waiver and Targeted Case Management Program, operated through the regional center system. This regulatory proposal updates existing regulations relating to the vendorization process and is therefore consistent and compatible with existing state regulations.

The CMS report includes findings of non-compliance with federal statute. The areas of non-compliance impacting the Department, regional centers, and ultimately the vendors providing federally funded consumer services are: 1) The State does not capture all required ownership, control, and relationship information from providers of Medicaid funded services prior

to enrollment; 2) The State does not capture required criminal conviction information from providers of Medicaid funded services at the time they enroll or renew their applications; 3) The State does not require disclosure, on request, of “significant” business transactions from providers of Medicaid funded services.

It is the intent of the Department that the proposed action will address the deficiencies in current regulations by providing for further safeguards for consumers by ensuring that providers are appropriately licensed and do not have specified criminal convictions required by federal statute.

The adoption of these regulations are necessary in order for the State to continue to receive federal financial participation funding through the Home and Community-Based Services Waiver and to receive funds for the 1915(i) State Plan Amendment.

The Department proposes to amend Sections 54302, 54310, 54314, 54320, 54326, 54332, and 54370 and add Section 54311, of Title 17 of the California Code of Regulations (CCR). Vendors shall be required to submit business ownership, control and relationship information, pursuant to federal law, and regional centers will be required to gather and review this information from current and prospective vendors. Additionally, regional centers will be required to determine that all prospective and current vendors, at a minimum, are eligible by verifying that they do not have prior criminal convictions or have been involved in civil proceedings of fraud or abuse in any government program, or of abuse or neglect of an elderly person(s), dependent adult(s), or child(ren). Furthermore, on a periodic basis, regional centers will be required to verify that vendors continue to meet all applicable vendorization requirements, including those identified above, in order for the State to comply with federal law and meet the CMS mandated HCBS Waiver assurance that only qualified providers deliver Medicaid funded services.

Section 54302(a)

Proposed changes to subsection (9) will amend the definition to read: “an individual, partnership, group, association, corporation, nonprofit organization, institution, or entity, and the officers, directors, boards of directors, owners, managing employees or agents thereof, that apply to the regional center to become a vendor” that must provide Federal disclosure information. Subsection (75) will amend the definition of “vendor application” to include “application packet” and will amend the date of form DS 1890. The proposal will also amend the subsection number in subsection (78) “Vendorization”, so as to include disclosure requirements.

Section 54302(b)

Proposed addition of new subsection (b) will provide definitions for the required Federal disclosure informa-

tion: excluded individuals or entities; indirect ownership interest; managing employee; ownership interest; person with an ownership or control interest; significant business transaction; subcontractor; and wholly owned supplier.

Section 54310(a)

Proposed changes will modify wording and numbering and the date on the application form Vendor Application DS 1890 will be revised.

Section 54310(b)

Proposed change will revise the date on the application form Vendor Application DS 1890.

Section 54310(c)

Proposed change will add the word “packet” after the word “application” to be consistent with definitions in Section 54302.

Section 54310(d), (f) & (g)

Proposed change will revise the date on the application form Vendor Application DS 1890.

Section 54310(h)

Proposed addition of new subsection (h) ensures those applicants under Title 17, Service Code 715, Dentistry, with documentation provided by Department of Health Care Services, approving enrollment in the Denti-Cal program, will satisfy vendorization requirements.

Section 54311

Proposed addition of this new section will require that all prospective applicants and current vendors complete and submit a signed and dated form DS 1891 (7/2011) Applicant/Vendor Disclosure Statement, by July 1, 2012, which requests Federal disclosure information including: indirect ownership interest; managing employee; ownership interest; person with an ownership or control interest; significant business transactions; subcontractors; and/or suppliers and specify the required criminal convictions. The proposal contains language that would include the disclosure requirements to existing vendors, and authorizes the regional centers to ensure submission of information. Additionally, the proposed change requires vendors to provide the disclosure information upon written request to the Department, regional center, the Department of Health Care Services, any State survey team, the Secretary of the United States Department of Health and Human Services, or any other duly authorized agency representative of the above named entities.

Section 54314(a)(7)

Proposed addition of new subsection (7) will ensure that an applicant determined to be excluded from receiving federal funds as specified in section 54302 definition of “excluded individual or entity” will be ineligible for vendorization.

Section 54320

Proposed change in wording to preface the word “application” with “vendor” to be consistent with definitions in Section 54302. Proposed addition of subsection (a)(6) to require that regional centers verify that disclosed individuals or entities are not “excluded” as defined in Section 54302 and are not under investigation.

Section 54320(b)

Proposed change of subsection (b) will include that no further action be taken if all required information is not received and any investigation, pursuant to (a)(6) is resolved.

Section 54326(a) & new subsection (f)

Proposed changes to subsection (4) will add disclosure information records that vendors must make available for purposes of audit or review. Proposed addition of new subsection (17) and (18) requiring vendors to notify the vendoring regional center of any additions or changes in the information disclosed on the DS 1891 (7/2011) and submit the information pursuant to requirements of Section 54311(c). New subsection (f) will require regional centers to take routine action to ensure vendor eligibility is current and valid.

Section 54332(b)

Proposed change of subsection (b) will require regional centers to review vendor files bi-annually or sooner as requested, for the required disclosure information, to ensure that the information is current and, with added subsection (b)(6), that the vendor is not “excluded”, pursuant to Section 54314(a)(7).

Section 54370(b)(8) and (9)

Proposed addition of new subsections which will give the regional centers the duty and authority to terminate a vendor (8) who knowingly and willfully makes a false statement or representation on the application form, Vendor Application DS 1890 and (9) has been “excluded” from receiving federal funding.

Section 54370(d)(1)

Proposed addition to this subsection will require that the vendoring regional center notify any user regional center in writing upon termination.

IMPACT OF REGULATORY ACTIONS

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability

of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The proposed changes are in concurrence with Federal law and address the deficiencies in current regulations by providing additional protections for consumers from unlicensed providers or providers with specified criminal convictions; such as fraud, neglect and/or abuse.
- (d) Cost Impacts on a Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (e) Costs or savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (f) Nondiscretionary Costs/Savings to Local Agencies: None.
- (g) Programs Mandated on Local Agencies or School Districts: None.
- (h) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (i) Effect on Housing Costs: None.

Effect on Small Business: It has been determined that the adoption of these regulations will not affect small businesses. This initial determination is based on the following fact:

The amendment provides a process to 21 non-profit regional centers who will implement the verification of the new requirements. “An entity organized as a nonprofit institution” is not considered a “small business” pursuant to Government Code section 11342.610 (b)(6); therefore it is determined that the adoption of these regulations will not affect small businesses.

The Department has drafted the regulations in Plain English pursuant to Government Code sections 11343.580 and 11346.2(a)(1).

**DETERMINATION REGARDING
ALTERNATIVES**

The Department 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.

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

CONTACT PERSONS

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310
Sacramento, CA 95814
Attention: Jeffrey Greer
Phone: (916) 654-2201
Facsimile: (916) 654-1578
E-Mail Address: jeff.greer@dds.ca.gov

If the above person is unavailable, you may also contact Marina Olivas, Community Rate Section, at (916) 654-1620.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

The Department has prepared and has copies ready for public review, an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through the Department's website at www.dds.ca.gov. All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through the Department's website.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After close of the comment period the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

**TITLE 20. CALIFORNIA ENERGY
COMMISSION**

NOTICE OF PROPOSED ACTION

**NONRESIDENTIAL BUILDING ENERGY
USE DISCLOSURE PROGRAM**

**PROPOSED REGULATIONS
CALIFORNIA CODE OF REGULATIONS,
TITLE 20
SECTIONS 1680, 1681, 1682, 1683, 1684, 1685**

**CALIFORNIA ENERGY COMMISSION
DOCKET NUMBER 12-AB1103-1
March 23, 2012**

INTRODUCTION

The California State Energy Resources and Development Commission (Energy Commission) proposes to adopt regulations related to nonresidential building energy use benchmarking and disclosure. These regulations implement the mandates of AB 1103 (2007, Saldaña) and AB 531 (2010, Saldaña).

The Energy Commission has prepared this Notice of Proposed Action (NOPA) as specified by Government Code section 11346.5. The Energy Commission has also published the proposed language of the regulations (also referred to as the 45-day language Express Terms), and the Initial Statement of Reasons in support of the proposed regulations.

These documents can be obtained from the contact persons designated below or from the Commission website at:

<http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html>.

PUBLIC COMMENT PERIOD AND HEARINGS

The Energy Commission's Lead Commissioner for Energy Efficiency will hold a hearing to receive public

comment on the proposed regulations. At this hearing, any person may present statements or arguments relevant to the proposed regulatory action summarized below. The Lead Commissioner hearing will be held at the following time and place:

APRIL 16, 2012

1 p.m. to 5 p.m.
 CALIFORNIA ENERGY COMMISSION
 1516 Ninth Street
 First Floor, Hearing Room A
 Sacramento, California
 (Wheelchair Accessible)

The Lead Commissioner hearing will be webcast, with audio and computer documents available for viewing online. For details, please go to www.energy.ca.gov/webcast.

The hearing before the full Energy Commission to consider adopting the 45-day Language express terms, will be held on May 9, 2012 unless the Energy Commission decides to make substantive changes to the Express Terms through 15-day language, in which case the public hearing will be continued to a later noticed date.

MAY 9, 2012

1 p.m. to 5 p.m.
 CALIFORNIA ENERGY COMMISSION
 1516 Ninth Street
 First Floor, Hearing Room A
 Sacramento, California
 (Wheelchair Accessible)

The 45-day language hearing, if not continued to a later noticed date, will be webcast with audio and computer documents available for viewing online. For details, please go to www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in either of these hearings, please contact Lou Quiroz at (916) 654-5146 at least five days in advance.

**PUBLIC COMMENT PERIOD/
 WRITTEN COMMENTS**

The public comment period for the proposed regulations as written in the Express Terms will be from March 23, 2012 through May 9, 2012. Any interested person may submit written comments during this period. However, the Energy Commission appreciates receiving written comments at the earliest possible date. E-mail is preferred.

To e-mail comments on behalf of an organization, send a scanned copy of the comments on the organization's letterhead, signed by an authorized representative.

E-mail comments in either Microsoft Word format (.doc) or Adobe Acrobat portable document format (.pdf) to: docket@energy.ca.gov.

All written comments must indicate **Docket No. 12-AB1103-1** in the subject line. Or, mail comments to:

California Energy Commission
Docket No. 12-AB1103-1
 Docket Unit
 1516 Ninth Street, Mail Station 4
 Sacramento, California 95814-5504

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the proposed regulations under the authority of Public Resources Code sections 25213, 25218, and 25402.10.

The proposed regulations implement, interpret, or make specific Public Resources Code section 25402.10 (AB 1103, AB 531).

INFORMATIVE DIGEST

Existing law requires the Energy Commission to adopt regulations that implement, interpret and make specific the mandates of AB 1103 and AB 531, codified in part at Public Resources Code section 25402.10. AB 1103 and 531 require that nonresidential building owners benchmark and disclose energy consumption data and ratings, if any, for their buildings in advance of major financial transactions (the sale, leasing, or financing of the entire building).

The proposed regulations include provisions on creating building energy use data statements, utility releases of data, reports to the Energy Commission, receipt of disclosures and the schedule for disclosures, as well as general provisions on the scope of the regulations and definition of terms.

The Energy Commission developed the proposed regulations in order to fulfill the purposes of AB 1103, reduce greenhouse gas emissions, and help carry out the Commission's mission of promoting energy efficiency in California. The Commission finds that nonresidential building benchmarking will benefit the environment due to reduced energy use and greenhouse gas emissions. Benchmarking of nonresidential buildings not only saves energy costs, but can boost the sales and rental value of commercial properties. Other nonmonetary benefits include raising the awareness of energy use among commercial building owners.

These proposed regulations require utilities to release all of a building's energy use data, including tenant energy use data, into a building owner's U.S. EPA ENER-GY STAR® Portfolio Manager account to implement

effective benchmarking and rating of the building. The proposed regulations provide for data security protections.

On July 28, 2011, the California Public Utilities Commission (CPUC) issued new rules regarding the privacy of energy use data on the “smart grid” for investor-owned utilities in the state. (Decision 11-07-056 July 28, 2011; accompanying regulations, Attachment D, available at <http://docs.cpuc.ca.gov/published/Graphics/140370.PDF>.) The decision interpreted a recent statute, SB 1476 (Padilla, 2010) (codified at Pub. Utilities Code, § 8380 et seq.) that both protects energy use data and made specific exceptions allowing for its release. One exception allows release as required or permitted by state law. (§ 8380, subd. (e)(3).) The CPUC rules likewise state that energy use data may be released for a “primary purpose,” including to provide services as required by state law, such as AB 1103 and AB 531. (Rule 1, subd. (c)(3) [definition of primary purpose].) Therefore, these proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FEDERAL LAW

There is no federal law that requires building benchmarking and disclosure. The U.S. Environmental Protection Agency (EPA) Portfolio Manager program is utilized on a voluntary basis.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

Local Mandate/Reimbursement. The proposed regulations do not impose a mandate on local agencies or school districts. The proposed regulations do not impose on local agencies or school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Costs or Savings for State Agencies. Minimal. The proposed regulations impact the Energy Commission. The Energy Commission expects to absorb the costs of maintenance and enforcement of the regulations through its existing budget. Under AB 1103 the Department of General Services (DGS) and other State agencies that own their own buildings would be required to benchmark and rate a state-owned building if the entire building were to be sold, leased, or financed. Although some state building sales are anticipated in the future, the cost of compliance with these proposed regulations is low, and the DGS and other state agencies may be able to rely on previous benchmarking as well. The

costs to benchmark will ultimately be offset by increases in energy efficiency and associated increases in the sales and rental value of the buildings.

Other Non-Discretionary Costs or Savings on Local Agencies. Minimal. Local agencies that own government buildings would have to benchmark and disclose energy consumption data for their buildings if the entire building were to be sold, leased, or financed. Because the financial events triggering AB 1103 benchmarking would be relatively rare for government buildings and the cost of compliance with the proposed regulations is low, the costs to local agencies would be minimal. Additionally, costs to benchmark would be offset by increases in energy efficiency, and increased market value of more energy-efficient buildings in sales and rental transactions.

Cost or Savings in Federal Funding to the State. None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Energy Commission has made an initial determination that there will be no significant statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including small businesses, as a result of the proposed regulations, including the ability of California businesses to compete with businesses in other states. The cost of benchmarking is low and the benefits derived from increased energy savings and potential increases in market value are substantial. Further explanation and supporting materials will be included in the rulemaking record.

Nevertheless, the Energy Commission invites interested persons to submit alternative proposals to lessen any adverse economic impact on business that might exist.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

AB 1103 and these regulations require the use of the U.S. EPA’s Portfolio Manager to benchmark and disclose energy consumption data. Use of Portfolio Manager is free. U.S. EPA estimates that the labor and operating costs per benchmark are: \$322 for manual entry, \$117 for entry using the Portfolio Manager import tool, and \$59 for automated benchmarking entry. (Federal Register, Vol. 75, p. 360, Jan. 5, 2010.) Because most benchmarking will be automated, a conservative assumption for the cost is \$250 per benchmark. Financial transactions triggering AB 1103—sale, lease or financ-

ing of the entire building—are relatively rare¹ events, and the total annual cost is likely to be much lower. The Energy Commission has conducted analysis and determined that a triggering event is likely to occur every 3.2 years, on average.

There are substantial economic benefits to benchmarking that more than offset any costs. According to a University of California Energy Institute study², “green” buildings roughly command rental rates three percent higher than otherwise identical buildings; and premiums for desirable buildings rose by six percent or more. Selling prices were higher by about 16 percent. Specific to Energy Star–certified buildings (those rated 75 and higher by Portfolio Manager), the study concluded that every dollar in energy cost savings yielded roughly 18 dollars in increased value.

This added market value is on top of energy cost savings from improving the building’s energy efficiency. According to the UC study, energy costs represent 30 percent of operating expenses in a typical office building. The *Next 10* organization notes that straightforward measures such as installing insulation and using advanced lighting can save 20–30 percent of energy costs.

IMPACTS ON JOBS AND BUSINESS

New Jobs and Businesses. The proposed regulations are not expected to directly create a significant number of new jobs within existing companies. The proposed regulations may create some new consultant businesses, as owners initially seek help in benchmarking their buildings. The Commission finds that there will be no elimination of jobs or businesses due to this regulation.

Expansion of Existing Businesses. The proposed regulations slightly expand the existing duties of building owners and agents, and would in turn likely expand the existing duties of building engineers and efficiency experts. The proposed regulations add specifics to the statutory duties of utilities to compile and release building energy use data.

EFFECT ON HOUSING COSTS

The proposed regulations will have no effect on housing costs.

BUSINESS REPORTS

The proposed regulations require nonresidential building owners to release their Energy Star Portfolio

¹ Moody’s (proprietary database) report XCMCTOTVQ.US, Commercial Mortgage Commitments: Total — Average Life for All Loans, October 2011.

² Piet Eichholtz, Nils Kok and John M. Quigley, “Doing Well by Doing Good? Green Office Buildings,” Center for the Study of Energy Markets Working Paper 192, 2009, Accessed on January 26, 2012.

Manager report to the Energy Commission by clicking on the Energy Commission button within their Portfolio Manager account. The Commission finds that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission 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 to other provision of law.

DESIGNATED CONTACT PERSONS

For general information about the proceeding, contact:

Justin Regnier, PE
High Performance Buildings and Standards Development Office
California Energy Commission
1516 Ninth Street, MS–37
Sacramento, California 95814–5512
(916) 654–4196
jregnier@energy.ca.gov

For legal questions about this proceeding, contact:

Robin M. Mayer
Staff Counsel
California Energy Commission
1516 Ninth Street, MS–14
Sacramento, California 95814–5512
(916) 651–2921
rmayer@energy.ca.gov

For documents related to the proceeding, go to: <http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html> or contact

Docket Office
Docket No. 12–AB1103–1
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814–5504
916–654–5076
docket@energy.ca.gov

PUBLIC ADVISER

The Energy Commission’s Public Adviser Office provides public assistance in participating in Energy

Commission proceedings. If you would like information on how to participate in this proceeding, please contact the Public Adviser's Office at (916) 654-4489 or toll free at (800) 822-6228, or by email at PublicAdviser@energy.ca.gov.

NEWS MEDIA INQUIRIES

News media inquiries should be directed to Adam Gottlieb, Interim Assistant Executive Director Media and Public Communications Office, at (916) 654-5027 or mediaoffice@energy.ca.gov.

AVAILABILITY OF THE TEXT OF THE PROPOSED REGULATIONS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS (ISOR), AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The Energy Commission has made available the Express Terms of the proposed regulations, the Initial Statement of Reasons supporting the regulations, and all documents relied upon by the Energy Commission for the AB 1103 rulemaking, on its website. Most other documents in the rulemaking file will be posted to the website as they become available.

To download documents, visit the Energy Commission's AB 1103 website:
<http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html>

For hard copies of documents, please contact the Energy Commission's Docket Office (address above). Specify the AB 1103 rulemaking, Docket No. **12-AB1103-1**, and request the needed documents by title.

AVAILABILITY OF MODIFIED REGULATIONS AND COMMENT PERIOD

At the May 9, 2012 45-day language adoption hearing, the Energy Commission may adopt the proposed regulations as described in this NOPA. If substantial, sufficiently-related modifications are made to the original 45-day language proposed regulations, the modified text with changes in underline/strikeout form will be made available to the public for at least 15 days before the Energy Commission adopts the final version of the regulations.

A notice of the availability of the modified text will be placed on the Energy Commission's website. The "15-day language" text will also be mailed or e-mailed to all persons who submitted comments with contact in-

formation during the public comment period or at a hearing, and all persons who request to receive notices regarding AB 1103 regulations. In addition, copies of modified text may be requested from the Docket Office. Adoption of the 15-Day language will be considered at a public hearing scheduled in the notice of availability at the time the 15-day language is released.

FINAL STATEMENT OF REASONS

The Energy Commission will prepare a Final Statement of Reasons to support the final version of the regulations. The Final Statement will also contain summaries and responses to relevant public comments made during the comment period.

The Final Statement of Reasons will be posted on the Energy Commission's website and made available for downloading. For hard copies, contact the Docket Office.

INTERNET ACCESS

The proceeding's main web page is at:
<http://www.energy.ca.gov/ab1103/index.html>

Notices and announcements are available at:
<http://www.energy.ca.gov/ab1103/rulemaking/notices/index.html>

Reports, public comments, and other documents are available at
<http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html>

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 27, CALIFORNIA CODE OF REGULATIONS

PROPOSED AMENDMENT OF SECTIONS 25305, 25701, 25705, AND 25801 SCIENCE ADVISORY BOARD NO SIGNIFICANT RISK LEVELS NO OBSERVABLE EFFECT LEVELS

March 23, 2012

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, Cal. Code of Regulations, sec-

tions 25305, 25701, 25705, and 25801¹, to clarify that the Science Advisory Board Committees provide peer review for the proposed No Significant Risk Levels for carcinogens and proposed Maximum Allowable Dose Levels for reproductive toxicants that are developed by OEHHA.

PUBLIC PROCEEDINGS

OEHHA is requesting public comment concerning these proposed amendments to the regulations. A public hearing to present oral comments will be scheduled only upon request. Such a request must be submitted in writing by no later than April 20, 2012 which is 15 days before the close of the comment period on May 7, 2012. A notice for the public hearing, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the hearing date. The notice will provide the date, time and location of the hearing. Notices will also be sent to those individuals requesting such notification.

Any public comments, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on May 7, 2012, which is hereby designated as the close of the written comment period. If you submit your comments electronically, please include: "Science Advisory Board" in the subject line. Written comments regarding this proposed action may be sent by fax, mail or e-mail addressed to:

Monet Vela
 Office of Environmental Health Hazard Assessment
 P. O. Box 4010
 Sacramento, California 95812-4010
 Telephone: 916-323-2517
 Fax: 916-323-2517
 E-mail: P65Public.Comments@oehha.ca.gov

Comments sent by courier should be delivered to:

Monet Vela
 Office of Environmental Health Hazard Assessment
 1001 I Street, 23rd Floor
 Sacramento, California, 95814

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Inquiries concerning the Proposition 65 proposed regulation amendments described in this notice may be

¹ All further references are to sections of Title 27, California Code of Regulations, unless otherwise indicated.

directed to Monet Vela at (916) 323-2517 or by e-mail at monet.Vela@oehha.ca.gov or by mail to OEHHA, P.O. Box 4010 Sacramento, California 95812-4010. Fran Kammerer is a back-up contact person for inquiries concerning processing of this action and is available at (916) 445-4693 or fran.kammerer@oehha.ca.gov.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BACKGROUND

Proposition 65 was enacted as a voters' initiative on November 4, 1986, and is codified at Health and Safety Code section 25249.5 et seq. OEHHA, within the California Environmental Protection Agency, is the state entity responsible for the implementation of Proposition 65. OEHHA has the authority to adopt and amend regulations to further the purposes of Proposition 65². Proposition 65 requires businesses to provide a warning when they knowingly cause an exposure to a chemical listed as known to cause cancer or reproductive toxicity. Proposition 65 also prohibits persons in the course of doing business from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where it passes or probably will pass into a source of drinking water.

EXEMPTIONS

Proposition 65 creates limited exceptions to these warning and discharge requirements. One exception provides that no warning is required for exposure to a chemical known to the state to cause cancer where the person responsible for the exposure can show that it poses no significant risk at that level of exposure. The exception also applies to an exposure to a chemical known to the state to cause reproductive toxicity. For chemicals that are listed as causing reproductive toxicity, the "no observable effect level" is determined by identifying the level of exposure that has been shown to not cause any reproductive effect to humans or laboratory animals. This "no observable effect level" is then divided by 1,000 in order to establish the level of exposure above which a warning must be provided. Businesses subject to Proposition 65 are not required to provide a warning if the exposures to chemicals listed for causing reproductive toxicity do not exceed 1/1000th of the "no observable effect level"³.

² Health and Safety Code section 25249.12.

³ Health and Safety Code section 25249.10(c).

PEER REVIEW

The proposed amendments clarify that the Carcinogen Identification Committee and the Developmental and Reproductive Toxicant Identification Committee of the Science Advisory Board provide the peer reviews of the scientific basis for regulations required under Health and Safety Code section 57004, for the No Significant Risk Levels for carcinogens and Maximum Allowable Dose Levels for the reproductive toxicants that are adopted by OEHHA.

SPECIFIC BENEFITS OF THE AMENDED REGULATIONS

These regulatory amendments will provide clarity concerning OEHHA's current practice for requesting scientific peer review for Proposition 65 regulatory proposals that comply with the requirements of Health and Safety Code section 57004. Safe harbor levels provide needed compliance assistance for businesses subject to the Act and provide relevant information to consumers who may choose to avoid or limit their exposure to listed chemicals. Ensuring the scientific basis for the safe harbor regulatory levels is critical in order to ensure the scientific integrity of the process.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it does not impose any mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES IN CALIFORNIA

The proposed amendments clarify an existing process for obtaining scientific peer reviews for proposed safe harbor regulatory levels. Because the proposed regulatory levels do not impose any mandatory requirements on businesses, OEHHA has determined that the proposed regulatory action will not have any impact on 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.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

The proposed regulatory levels will facilitate the compliance of businesses with Proposition 65, which will provide the public with information about exposures to chemicals present in products, in order to allow consumers to make better-informed choices. It may also encourage businesses to reduce exposures or remove listed Proposition 65 chemicals from their products in order to avoid providing a warning. Both outcomes would protect not only the health and welfare of California residents, but also the State's environment through reduced exposures to harmful chemicals. By adopting safe harbor regulatory levels, businesses will be able to more easily determine the point at which a warning for an exposure must be provided.

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.10(c), 25249.11, and 25249.12.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 by its terms⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 by its terms⁵ does not apply to any State agency and this regulation is simply a clarification of existing procedures, OEHHA has initially determined that no significant savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has initially determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

⁴ See Health and Safety Code section 25249.11(b).

⁵ See Health and Safety Code section 25249.11(b).

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any mandatory requirements on any business.

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

OEHHA has made an initial determination that the adoption of the proposed amendments to the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation does not impose any new requirements upon private persons or businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

Because the proposed regulatory amendments do not impose any mandatory requirements on businesses, the OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any mandatory requirements on small businesses. Proposition 65 expressly exempts businesses with less than 10 employees⁶.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 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.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed

⁶ See Health and Safety Code section 25249.11(b).

regulatory amendments, all the information upon which the amendments are based, and the text of the proposed amendments to the regulation. A copy of the Initial Statement of Reasons and a copy of the text of the proposed regulation are available upon request from Monet Vela at the telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the telephone number indicated above. The Final Statement of Reasons will also be available at OEHHA's web site on www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**
For Publication March 23, 2012
CESA CONSISTENCY DETERMINATION
REQUEST FOR
South Bay Aqueduct Improvement
and Enlargement Program
(2080-2012-033-03)
Alameda County

The Department of Fish and Game (Department) received a notice on March 6, 2012, that the California Department of Water Resources (DWR) proposes to

rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the improvement and enlargement of the conveyance capacity of the existing South Bay Aqueduct, which extends from 16.28 miles from the South Bay pumping plant at Bethany Reservoir, east of the Altamont Hills, to the end of the Alameda Canal south of Livermore, in Alameda County, CA (Project). Project activities will result in temporary impacts to 157.5 acres of aquatic and riparian habitat of the San Joaquin kit fox (*Vulpes macrotis mutica*) and California tiger salamander (*Ambystoma californiense*).

The US Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1–1–06–F–0129) (BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on June 28, 2006, which considered the effects of the project on the Federally endangered and State threatened San Joaquin kit fox, and on the Federally and State threatened California tiger salamander. The Service issued a conference opinion and amendment to the BO (81420–2008–F–1422–2) to the Corps on October 15, 2009. Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS, as amended, are consistent with CESA for the proposed Project, DWR will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

NOTICE TO INTERESTED PARTIES

NOTICE OF ADOPTION OF

**REVISED REFERENCE EXPOSURE LEVELS
FOR NICKEL AND NICKEL COMPOUNDS**

March 23, 2012

The Office of Environmental Health Hazard Assessment (OEHHA) is adopting revised acute, 8–hour and chronic Reference Exposure Levels (RELs) for nickel and nickel compounds. The values of the RELs are listed in the table below. These values and the supporting document will be added to the appendices of the Technical Support Document for the Derivation of Noncancer Reference Exposure Levels. Further, OEHHA, following the analysis presented in the document, hereby adds nickel and nickel compounds to the list of Toxic Air Contaminants that may cause infants and children to be especially susceptible to illness, pursuant to Health and Safety Code Section 39669.5(b)(2). The document becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **March 23, 2012**.

Acute, 8–hour, and Chronic Reference Exposure Levels for Nickel and Nickel Compounds.

<i>Acute Toxicity (for a 1–hour exposure)</i> <i>Inhalation reference exposure level</i>	0.2 µg Ni/m³
8–Hour REL (for repeated 8–hour exposures) <i>Inhalation reference exposure level</i>	0.06 µg Ni/m³
Chronic REL Nickel and Nickel Compounds (except NiO) <i>Inhalation reference exposure level</i>	0.014 µg Ni/m³
Chronic REL Nickel Oxide <i>Inhalation reference exposure level</i>	0.02 µg Ni/m³
Chronic Oral REL Nickel and Nickel Compounds <i>Oral Reference exposure level</i>	0.011 µg Ni/kg–day

BACKGROUND

The Office of Environmental Health Hazard Assessment (OEHHA) is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this statutory requirement, OEHHA has developed revised Reference Exposure Levels (RELs) for nickel and nickel compounds. (An REL is an airborne level of a chemical at or below which non-cancer health effects are not anticipated for specified exposure durations.) These were developed using the most recent "Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels" (OEHHA, 2008), and replace existing values which were developed using previous guidance. This method allows for the estimation of acute, 8-hour and chronic RELs for use in Air Toxics Hot Spots program risk assessments. The new guidance reflects current scientific knowledge and techniques, and in particular explicitly includes consideration of possible differential effects on the health of infants and children, in accordance with the mandate of the Children's Environmental Health Protection Act (Health and Safety Code sections 39669.5 et seq.).

A draft of the nickel RELs was released on June 4, 2010 to solicit public comment, and was discussed at public workshops in Oakland and Diamond Bar, CA in July 2010. The document was then revised to reflect public comments, and peer reviewed by the State's Scientific Review Panel on Toxic Air Contaminants (SRP). It was initially presented to the SRP on May 3, 2011. A revised version of the document reflecting comments of the SRP was discussed at a second meeting held on October 31, 2011. At the latter meeting, the SRP approved the document describing the RELs and their derivation, subject to some additional editorial changes which have been incorporated into the final version.

**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)**

The attachments are not being printed for practical reasons or space considerations. However, if you would

like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

VETERINARY MEDICAL BOARD

Date: March 12, 2012
To: Tiffany Kossick
From: Chapter Two Compliance Unit
Subject: **2012 OAL DETERMINATION NO. 4(S)
(CTU2012-0111-01)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation the Veterinary Medical Board's inclusion of the use of scalers to clean animal teeth as the practice of veterinary medicine.

On January 11, 2012, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the Veterinary Medical Board's (Board) inclusion of the use of scalers to clean animal teeth as the practice of veterinary medicine. The Board has issued several letters advising practitioners of "anesthesia-free dentistry"¹ that the use of a scaler to clean an animal's teeth is a dental operation that is within the scope of the practice of veterinary medicine constitutes an underground regulation. An example of the letters, with personal information redacted, is attached as Exhibit A. You argue that there is no intention in statute or regulation to include anesthesia-free dentistry as within the scope of practice of veterinary medicine. You argue that the Board impermissibly expanded on the definition of "dental operation" as used in Business and Professions Code section 4826.

Business and Professions Code section 4826 states, in relevant part:

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

. . . .

(d) Performs a surgical or dental operation upon an animal.

. . . .

The Board adopted California Code of Regulations, title 16, section 2037 to implement and make specific Business and Professions Code section 4826. Section 2037 provides:

The term "dental operation" as used in Business and Professions Code section 4826 means:

¹ "Anesthesia-free dentistry" is the use of metal tools of various shapes and sizes, called scalers, to remove plaque from the teeth of animals, usually dogs and cats.

(1) The application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and

(2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces.

(3) Nothing in this regulation shall prohibit, however, any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,² which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).³ 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 "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. Government Code section 11425.60 states:

(a) A decision may not be expressly relied on as precedent unless it is designated as a precedent decision by the agency.

(b) An agency may designate as a precedent decision a decision or part of a decision that contains a significant legal or policy determination of general application that is likely to recur. **Designation of a decision or part of a decision as a precedent decision is not rulemaking and need not be done under Chapter 3.5 (commencing with Section 11340).**

² "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.

³ 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.

An agency's designation of a decision or part of a decision, or failure to designate a decision or part of a decision, as a precedent decision is not subject to judicial review.

(c) An agency shall maintain an index of significant legal and policy determinations made in precedent decisions. The index shall be updated not less frequently than annually, unless no precedent decision has been designated since the last preceding update. The index shall be made available to the public by subscription, and its availability shall be publicized annually in the California Regulatory Notice Register.

(d) This section applies to decisions issued on or after July 1, 1997. Nothing in this section precludes an agency from designating and indexing as a precedent decision a decision issued before July 1, 1997. [Emphasis added.]

In May and June of 2002, the Board cited two persons for using a scaler to remove plaque from a dog's teeth in violation of Business and Professions Code section 4826. The matter was appealed, and on September 20, 2004, the Administrative Law Judge hearing the matter issued a proposed decision which addressed the use of scalers to clean an animal's teeth. On October 14, 2004, the Board accepted and adopted the decision as the decision of the Director of the Department of Consumer Affairs, Veterinary Medical Board. On October 20, 2005, the Board adopted this decision as a precedent decision.⁴ The decision stated:

. . . .

Respondent argues that a metal scaler is similar in nature to the items enumerated in subdivision (3) above [of California Code of Regulations, title 16, section 2037], thus putting use of this instrument outside the definition [of] dental operation. Respondent is wrong on this point. The items listed in subdivision (3) are all soft material items, items that a lay person could easily use without fear of harming the pet. The metal scaler is not at all similar to these items. It is a curved steel pick with a sharp point which, according to expert testimony, common sense, and Respondent's own words, could harm an animal unless great care is taken in its use. . . .

The Administrative Law Judge in this matter concluded that the use of the scaler ". . . falls squarely within the statutory definition of a dental operation. . . ."

The Board has adopted a precedent decision that directly addresses the issue of whether the use of a scaler is within the definition of a "dental operation." The

⁴ The Administrative Law Judge's decision and the adoption of the decision as a precedent decision are attached as Exhibit B.

adoption of this decision was done in compliance with Government Code section 11425.60.⁵ The letters sent by the Board advising practitioners of “anesthesia-free dentistry” that the use of a scaler to clean an animal’s teeth is a dental operation that is within the scope of the practice of veterinary medicine are consistent with the precedent decision. Thus the letters do not constitute an underground regulation.⁶

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: Susan Geranen

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regula-

⁵ Government Code section 11425.60 requires the agency adopting a precedent decision to compile an index of its decisions and publish it in the California Regulatory Notice Register. The Board published the index on March 9, 2012. While the publication was not timely, this defect has been cured.

⁶ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

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

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

(A) The challenged rule has been superseded.

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

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

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

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

[Emphasis added.]

tions 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# 2012-0229-02

AIR RESOURCES BOARD

Emergency Amendments to the Tractor-Trailer GHG Regulation

This emergency rulemaking action by the Air Resources Board (ARB) amends section 95307 of title 17 of the California Code of Regulations (CCR). This section is part of the Heavy-Duty Vehicle Greenhouse Gas Emission Reduction (Tractor-Trailer GHG) regulation, which was first adopted in December of 2008. The Tractor-Trailer GHG regulation is one of the emission-reducing measures identified in ARB’s Scoping Plan, designed to meet the goals of AB 32.

The Tractor-Trailer GHG regulation requires certain new and existing long-haul tractors and 53-foot or longer box-type trailers to be United States EPA SmartWay certified or retrofitted with SmartWay verified aerodynamic technologies and low-rolling-resistance tires when they operate on California highways. The regulation exempts vehicles that do not travel at highway speeds, where the technologies are most efficient, from some or all of the requirements. The regulation requires fleet owners to retrofit affected vehicles by following one of two compliance schedules: early compliance or phase-in compliance. However, for a variety of reasons many fleet owners missed the initial application deadline for the phase-in option.

ARB amended the Tractor-Trailer GHG regulation in late 2011 in order to provide fleet owners with a second opportunity to apply for the phase-in compliance option. (OAL file no. 2011-1026-01, eff. January 11, 2012.) However, subsequent to OAL approval, ARB staff realized that the 2011 amendment specified a registration deadline that preceded the effective date of the regulation. This emergency action rectifies the issue by moving the registration deadline for the phase-in compliance option to June 1, 2012.

Title 17

California Code of Regulations

AMEND: 95307

Filed 03/12/2012

Effective 03/12/2012

Agency Contact:

Trini Balcazar

(916) 445-9564

File# 2012-0217-04

BOARD OF BEHAVIORAL SCIENCES

Repeal of section 1832.5 and amendment of section 1889.2, Changes Without Regulatory Effect

This action without regulatory effect makes changes to conform to recent statutory changes. Specifically: "It repeals title 16, section 1832.5, which dealt with the acceptance of degrees approved by the Bureau for Private Postsecondary and Vocational Education (BVPPE). The section has a provision making it inoperative if a successor agency is established. AB 48 established the Bureau of Private Postsecondary Education (BPPE)." The number of licenses issued by the Board of Behavioral Sciences was increased from three to four. This amends CCR title 16, section 1889.2(b) to reflect this.

Title 16

California Code of Regulations

AMEND: 1889.2 REPEAL: 1832.5

Filed 03/07/2012

Agency Contact: Rosa Helms (916) 574-7897

File# 2012-0127-05

BOARD OF CHIROPRACTIC EXAMINERS

Patient Records

This rulemaking by the Board of Chiropractic Examiners (Board) amends section 318 of title 16 of the California Code of Regulations. Currently, the Board's regulations require patient records to be maintained by chiropractors for five years after the last day of treatment. This amendment clarifies that the Board's requirement may be superseded by other state and federal laws which require a longer period of retention, and adds to the list of documents which are considered part of and must be retained in each patient's file.

Title 16

California Code of Regulations

AMEND: 318

Filed 03/08/2012

Effective 04/07/2012

Agency Contact:

Dixie Van Allen (916) 263-5329

File# 2012-0229-03

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY**

SB 71 Sales and Use Tax Exclusion Program

Section 26011.8 of the Government Code authorizes the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to approve projects for financial assistance in the form of the sales and use tax exclusion established in Section 6010.8 of the Revenue and Taxation Code. In 2010, CAEATFA

adopted sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations (CCR) to implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program. Since that time staff has continued to evaluate the program and as a result CAEATFA has now proposed amendments to sections 10032, 10033, 10034, and 10035 of title 4 of the CCR by emergency regulatory action. The filing of these amendments is deemed by the Legislature to be an emergency pursuant to section 26011.8 of the Public Resources Code.

Title 4

California Code of Regulations

AMEND: 10032, 10033, 10034, 10035

Filed 03/08/2012

Effective 03/08/2012

Agency Contact: Deana Carrillo (916) 651-5102

File# 2012-0213-02

CALIFORNIA ARCHITECTS BOARD

Exam Eligibility Requirements

The California Architects Board amended sections 2615 and 2620 of title 16 of the California Code of Regulations. Language is added to section 2615 to allow a candidate who has a Board-approved degree in landscape architecture or an extension certificate in landscape architecture from a Board-approved school to take the multiple choice sections of the Landscape Architect Registration Examination early. Language is added to section 2620 to allow one year education credit for a degree in architecture which consists of at least a four-year curriculum that has been accredited by the National Architectural Accrediting Board or partial completion of either a degree in landscape architecture from an approved school or an extension certificate in landscape architecture from an approved school.

Title 16

California Code of Regulations

AMEND: 2615, 2620

Filed 03/07/2012

Effective 03/07/2012

Agency Contact:

Trish Rodriguez (916) 575-7230

File# 2012-0227-01

CALIFORNIA STATE UNIVERSITY

Admission to Post-Baccalaureate Standing: Unclassified

This regulatory action permits a post-baccalaureate applicant to be admitted to a state-supported baccalaureate nursing program. This action is exempt from the Administrative Procedure Act pursuant to Education Code section 89030.1.

Title 5
 California Code of Regulations
 AMEND: 41000
 Filed 03/12/2012
 Effective 03/12/2012
 Agency Contact:
 Jason T. Taylor (562) 951-4500

File# 2012-0131-01
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 Training and Testing Specifications
 This action amends the curriculum specified in the incorporated Training and Testing Specifications for Peace Officer Basic Courses effective July 1, 2012.

Title 11
 California Code of Regulations
 AMEND: 1005, 1007, 1008
 Filed 03/14/2012
 Effective 07/01/2012
 Agency Contact: Cheryl Smith (916) 227-0544

File# 2012-0215-01
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
 Transfer of Licenses, Caterer's Permit
 This action amends, without regulatory effect, California Code of Regulations, title 4, sections 60 and 60.5 to conform to SB 1211 (Chapter 348, Statutes of 2008) dealing with the allowable sale of beer and wine under a caterer's license.

Title 4
 California Code of Regulations
 AMEND: 60, 60.5
 Filed 03/08/2012
 Agency Contact: Susie Smith (916) 928-6821

File# 2012-0125-01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Serious Rule Violations
 This change without regulatory effect would add section 4501.1 of the Penal Code as a reference citation to title 15, CCR, sections 3315 and 3323 that describe what serious rule violations are, including felonies, and the administrative penalties that apply. Penal Code section 4501.1 defines "gassing" and deems someone convicted of "gassing" guilty of the felony of aggravated battery subject to imprisonment as described in section 4501.5 of the Penal Code. Section 4501.5 provides that every person confined in a state prison of this state who commits a battery upon the person of any individual who is not himself a person confined therein shall be

guilty of a felony and shall be imprisoned in the state prison for two, three, or four years, to be served consecutively.

Title 15
 California Code of Regulations
 AMEND: 3315, 3323
 Filed 03/08/2012
 Agency Contact: Rosie Cuevas (916) 445-2309

File# 2012-0222-03
DEPARTMENT OF CORRECTIONS AND REHABILITATION
 ATOM Pilot Program
 This regulatory action adopts the Alternative Treatment Option Models as a pilot program. This action is exempt from OAL review pursuant to Penal Code section 5058.1.

Title 15
 California Code of Regulations
 ADOPT: 3999.11
 Filed 03/12/2012
 Effective 03/12/2012
 Agency Contact: Josh Jugum (916) 445-2228

File# 2012-0301-03
DEPARTMENT OF FOOD AND AGRICULTURE
 European Grapevine Moth Interior Quarantine
 This emergency regulatory action will deregulate the entire counties of Fresno, Mendocino, Merced and San Joaquin due to the eradication of the European Grapevine Moth (EGVM), *Lobesia botrana*, in these counties, reduce the EGVM quarantine areas in Napa, Nevada, Santa Clara, Santa Cruz, Solano and Sonoma counties because a new federal order will require only a three-mile radius around each location where EGVM has been found instead of the current five-mile radius, and remove *Rubus* as a host plant and possible carrier of EGVM.

Title 3
 California Code of Regulations
 AMEND: 3437(b)
 Filed 03/08/2012
 Effective 03/08/2012
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2012-0126-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Rendering Regulations
 The Department of Food and Agriculture amended, reorganized, repealed, and adopted new sections in title 3 of the California Code of Regulations relating to the rendering industry. This rulemaking action also incorporates by reference specified forms used by the Meat,

Poultry and Egg Safety Branch of the Department for use in the rendering industry.

Title 3
California Code of Regulations
ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39 AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41 REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30
Filed 03/07/2012
Effective 04/06/2012
Agency Contact: Nancy Grillo (916) 900-5000

File# 2012-0221-01
DEPARTMENT OF FOOD AND AGRICULTURE
Bactrocera albistrigata Interior Quarantine

This regulatory action removed a quarantine area of approximately 81 square miles in Los Angeles and San Bernardino counties for the white-striped fruit fly (*Bactrocera albistrigata*) as a result of negative surveys in the quarantine area for the pest, and in January 2010, eradication activities in the area were discontinued. Therefore, the quarantine regulation for this area is no longer needed.

Title 3
California Code of Regulations
AMEND: 3436(b)
Filed 03/09/2012
Effective 03/09/2012
Agency Contact: Lindsay Rains (916) 654-1017

File# 2012-0201-03
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Income Limits

This regulatory action is the annual update of income limits for households of varying sizes. The regulation was transmitted to OAL for filing with the Secretary of State and publication in the California Code of Regulations pursuant to Health & Safety Code section 50093. This filing is exempt from the rulemaking requirements of articles 5 and 6 of chapter 3.5 of the Administrative Procedure Act, and thus, is not subject to OAL's review. (Health & Saf. Code, sec. 50093.) This regulation is effective 2/1/2012, the date the regulation was filed with OAL. (Health & Saf. Code, sec. 50093.)

Title 25
California Code of Regulations
ADOPT: 6932 REPEAL: 6932
Filed 03/13/2012
Effective 02/01/2012
Agency Contact:
Lenora Frazier (916) 323-4475

File# 2012-0209-01
PRISON INDUSTRY AUTHORITY, CALIFORNIA
CALPIA Inmate Pay

The California Prison Industry Authority (CALPIA) and the California Prison Industry Board (PIB) adopted section 8006 in Title 15 of the California Code of Regulations. In 2009 the Office of Administrative Law (OAL) published a determination regarding CALPIA policies for inmate pay schedules. OAL found these policies to be regulations that should have been adopted pursuant to the APA. This rulemaking is meant to address this determination and adopt a regulation that outlines how much and how inmates are paid for their work.

Title 15
California Code of Regulations
ADOPT: 8006
Filed 03/08/2012
Effective 04/07/2012
Agency Contact:
Ann Cunningham (916) 358-1612

File# 2012-0213-03
PUBLIC EMPLOYMENT RELATIONS BOARD
Unfair Practice Charges, Decertification Petition postings

This action makes various nonsubstantive changes to PERB regulations governing Board hearings and procedure. The nonsubstantive changes include adding Government Code section 3506.5 as a reference citation to appropriate PERB unfair labor practice regulations, correcting an incorrect internal cross-reference in section 32603 to reference Government Code section 3508(d) instead of 3508(c), and eliminating an inappropriate period after the word "Board" in section 61360.

Title 8
California Code of Regulations
AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
Filed 03/14/2012
Agency Contact: Les Chisholm (916) 327-8383

File# 2012-0306-01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998: Seismic Mitigation Program

This emergency action readopts the prior emergency action (OAL file no. 2011-0830-03E) that added six categories of construction to the types of school facilities eligible for participation in the Seismic Mitigation Program (SMP) and provides for State Architect review of engineering reports that must be included in an application for funding. The goal is to make use of bond funds based upon a November 2006 initiative measure that have not been disbursed.

Title 2
 California Code of Regulations
 AMEND: 1859.2, 1859.82
 Filed 03/13/2012
 Effective 03/13/2012
 Agency Contact: Robert Young (916) 375-5939

File# 2012-0207-05
 STATE WATER RESOURCES CONTROL BOARD
 San Francisco Bay BPA Adding Water Bodies Designating Beneficial Uses

The San Francisco Bay Water Board Resolution R2-2010-0100, adopted July 14, 2010, amended the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan). The State Water Resources Control Board approved the amendment in Resolution No. 2011-0058 on December 5, 2011 and adopted section 3919.11 of title 23 of the California Code of Regulations which would provide a summary of the amendment. The Basin Plan amendment adds approximately 280 surface water bodies to Table 2-1 of the Basin Plan and designates beneficial uses for approximately 375 surface water bodies.

Title 23
 California Code of Regulations
 ADOPT: 3919.11
 Filed 03/09/2012
 Effective 03/09/2012
 Agency Contact: Janet O'Hara (510) 622-5681

File# 2012-0127-04
 STATE WATER RESOURCES CONTROL BOARD
 Amendment to Statewide Power Plant Cooling Policy

The State Water Resources Control Board (SWRCB) submitted this action pursuant to Government Code section 11353 to amend deadlines for the Los Angeles Department of Water and Power to comply with the implementation schedule in the Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling (Policy). The amendment

to the Policy also requires specified fossil-fueled power plants that are not able to comply with the Policy by December 31, 2022 to install devices by December 31, 2020 that will minimize environmental impacts caused by once through cooling. The amendment to the policy was adopted by SWRCB in Resolution No. 2011-0033 on July 19, 2011 and is represented by an amendment to the concise summary in section 2922 of title 23 of the California Code of Regulations.

Title 23
 California Code of Regulations
 AMEND: 2922
 Filed 03/12/2012
 Effective 03/12/2012
 Agency Contact: Joanna Jensen (916) 341-5582

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 19, 2011 TO
 March 14, 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**
- 03/13/12 AMEND: 1859.2, 1859.82
 - 03/06/12 ADOPT: 589.11
 - 03/06/12 AMEND: 1189.10
 - 03/02/12 AMEND: 560
 - 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

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 12-Z

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

Title 3

03/09/12 AMEND: 3436(b)
 03/08/12 AMEND: 3437(b)
 03/07/12 ADOPT: 1180, 1180.20, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.27,
 1180.28, 1180.29, 1180.30, 1180.31,
 1180.32, 1180.33, 1180.34, 1180.35,
 1180.36, 1180.37, 1180.38, 1180.39
 AMEND: 1180.1, 1180.2, 1180.3,
 1180.3.1, 1180.3.2, 1180.13, 1180.14,
 1180.15, 1180.16, 1180.17, 1180.18,
 1180.19, 1180.31, 1180.32, 1180.33,
 1180.34, 1180.35, 1180.36, 1180.37,
 1180.38, 1180.39, 1180.40, 1180.41
 REPEAL: 1180, 1180.21, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.26,
 1180.27, 1180.28, 1180.29, 1180.30
 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)

Title 4

03/08/12 AMEND: 10032, 10033, 10034, 10035
 03/08/12 AMEND: 60, 60.5
 03/06/12 ADOPT: 4075
 03/05/12 AMEND: 10152, 10153, 10154, 10155,
 10157, 10159, 10160, 10161, 10162
 REPEAL: 10156, 10158, 10164

03/02/12 AMEND: 8070
 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

03/12/12 AMEND: 41000
 03/06/12 AMEND: 18600
 03/01/12 ADOPT: 30001.5
 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

Title 8

03/14/12 AMEND: 32602, 32603, 32620, 32621,
 32625, 32630, 32635, 32640, 32644,
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 02/23/12 AMEND: 1905
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02/08/12	ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376	03/14/12	AMEND: 1005, 1007, 1008
02/01/12	AMEND 1504, 1591, 1597	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
01/24/12	AMEND: 5155	12/28/11	AMEND: 101.1
01/19/12	ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6	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
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		
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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		
		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
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		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
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		10/27/11	AMEND: 2299.2, 93118.2
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		02/24/12	AMEND: 29.15
		02/13/12	AMEND: 29.17, 127

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 01/31/12 AMEND 29.15 1772, 1776, 1778, 1788 REPEAL: 1757
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 18945.3, 18946, 18947, 18948 11/14/11 AMEND: 3341.5, 3375.2, 3377.1
 01/25/12 AMEND: 18419 11/10/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4,
 01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 3359.5, 3359.6 AMEND: 3000
 1665.5, 1665.6, 1665.7, 1665.8 10/25/11 ADOPT: 2240
 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,
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 12/20/11 AMEND: 11900
 12/20/11 ADOPT: 4970.24.2 AMEND: 4970.00,
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 4970.10.1, 4970.10.2, 4970.10.3,
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 4970.15.2, 4970.19, 4970.19.1,
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 12/09/11 AMEND: 15062, 15075, 15094,
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 12/07/11 AMEND: 870.17, 870.19
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 11/17/11 AMEND: 163, 164
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 02/09/12 AMEND: 28 REPEAL: 30
 02/08/12 ADOPT: 1018.05 AMEND: 1020
 02/01/12 ADOPT 3340.16.4 AMEND 3306,
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 01/11/12 AMEND: 109, 117, 121
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 01/10/12 AMEND: 2328.1
 01/06/12 ADOPT: 3340.38
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 12/22/11 ADOPT: 601.6, 601.7, 601.8, 601.9,
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 12/12/11 AMEND: 1361
 11/22/11 ADOPT: 858, 858.1, 858.2, 858.3, 858.4,
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 11/16/11 AMEND: 950.1, 950.4, 950.5 REPEAL:
 962.3, 962.4, 962.5, 962.6
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 3392.5.1, 3392.6.1 AMEND: 3340.1,
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 12/22/11 AMEND: 3052, 3062
 12/20/11 AMEND: 3040.1, 3043, 3043.6, 3044,
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 12/13/11 ADOPT: 3504.1, 3504.2
 12/09/11 AMEND: 3000, 3006, 3170.1, 3172.1,
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03/12/12	AMEND: 95307	Title 19	
02/21/12	AMEND: 95486	02/16/12	ADOPT: 560.4 AMEND: 557.19, renumber 560.4, 560.5, and 560.6 as 560.5, 560.6, and 560.7, respectively
02/15/12	AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943	Title 22	
01/26/12	AMEND 6540	02/21/12	AMEND: 51003
01/17/12	AMEND: 50602, 50604, 50607, 50612, 54326	02/21/12	AMEND: 66261.21(a)(3), 66261.21(a)(4)
12/27/11	ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370	02/08/12	AMEND: 66261.33, 66268.40
12/15/11	AMEND: 6020, 6035, 6051, 6065, 6070, 6075	02/06/12	AMEND: 80001, 80075, 83000, 83001, 84001, 84061, 86001, 88001
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12/12/11	ADOPT: 95312 AMEND: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311	12/28/11	AMEND: 97232, 97240, 97247
11/17/11	REPEAL: 901	12/27/11	AMEND: 51516.1
11/10/11	AMEND: 94508, 94509, 94510, 94512, 94515	12/20/11	ADOPT: 69401, 69401.1, 69401.2, 69402, 69402.1, 69402.2, 69402.3, 69402.4, 69402.5, 69402.6, 69403, 69403.1, 69403.2, 69403.3, 69403.4, 69403.5, 69403.6, 69403.7, 69403.8, 69403.9, 69403.10, 69403.11, 69403.12, 69403.13, 69403.14, 69403.15, 69403.16, 69403.17, 69404, 69404.1, 69404.2, 69404.3, 69404.4, 69404.5, 69404.6, 69404.7, 69404.8, 69404.9, 69404.10, 69405, 69405.1, 69405.2, 69405.3, 69405.4, 69405.5, 69405.6, 69405.7, 69405.8, 69406, 69406.1, 69406.2, 69406.3, 69407, 69407.1, 69407.2
Title 18		12/06/11	AMEND: 40741
02/27/12	ADOPT: 25136-2	11/21/11	AMEND: 66260.11, 66260.12, 66262.53, 66262.56, 66263.32, 66264.12, 66264.71, 66264.72, 66265.12, 66265.71, 66265.72
02/07/12	AMEND: 1807, 1828	Title 22/MPP	
01/11/12	AMEND: 1616	11/10/11	AMEND: 35000, 35001, 35325, 35326, 35329, 35331, 35333, 35334, 35337, 35339, 35341, 35343, 35344, 35345, 35351, 35352, 35352.1, 35352.2, 45-801, 45-802, 45-803, 45-804, 45-805, 45-806, 45-807 REPEAL: 35327, 35347, 35352.3
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12/20/11	ADOPT: 3929.8	02/02/12	ADOPT: 3968
12/19/11	ADOPT: 3939.40	Title 27	
11/03/11	ADOPT: 3949.8	01/25/12	AMEND: 27001
11/01/11	AMEND: 3937	01/09/12	AMEND: 25705
10/20/11	AMEND: 1062, 1064, 1066	11/28/11	AMEND: 25903(c)
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		10/31/11	AMEND: 31-502.42
		10/24/11	AMEND: 44-111.61