



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. STATE LANDS COMMISSION**

TITLE 2. DIVISION 3, CHAPTER 1, AMEND ARTICLE 13  
SECTIONS 2980 THROUGH 2980.12

**NOTICE OF PROPOSED RULEMAKING**

The California State Lands Commission (Commission) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. This proposed action will amend the Commission's existing rules for contracting for architectural and engineering (A & E) services in order to conform to the standards established by other state agencies.

**PUBLIC HEARING**

A public hearing for this proposed rulemaking is not scheduled. The Commission will schedule a public hearing only if, no later than 15 days prior to the close of the written comment period indicated immediately below, an interested person or his or her duly authorized representative submits to the Commission, in writing, a request for the Commission to hold a public hearing. Written requests for a public hearing must be submitted to the address indicated immediately below.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. All written comments must be received by the Commission no later than 5:00 p.m. on May 5th, 2014 in order to be considered. Written comments may be submitted by mail, fax, or email, as follows:

Christopher Huitt  
Senior Environmental Scientist  
California State Lands Commission  
100 Howe Avenue, Suite 100–South  
Sacramento, CA 95825  
Telephone: (916) 574–2080  
Fax: (916) 574–1885  
E-mail: [Christopher.Huitt@slc.ca.gov](mailto:Christopher.Huitt@slc.ca.gov)

**AUTHORITY AND REFERENCE**

Authority:

Public Resources Code Section 6103 requires that the Commission administer all laws and statutes committed to it through the Division of State Lands.

Public Resources Code Section 6108 authorizes the Commission to make and enforce all reasonable and proper rules and regulations for carrying out the duties of the Commission.

Article XXII, California Constitution, Sections 1 and 2 authorize the Commission to procure A & E contracts for purposes as the Commission determines is necessary.

California Government Code Section 4526 requires that regulations be adopted by state agencies prior to contracting for A & E services.

Reference:

Government Code Sections 4525 through 4528 detail the process guiding contracts with private architects, engineering, land surveying, environmental, and construction management firms.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Article XXII, Sections 1 and 2 of the California Constitution provide state agencies with the authority to contract with private professional entities to perform architectural and engineering (A & E) services for all phases of public works. First introduced in 1974, (Stat. 1974, Ch. 1434) sections 4525 through 4529 of the Government code provide a framework for agencies to evaluate and select A & E firms for public works based on their demonstrated competence and professional qualifications. Through various legislative amendments, A & E services have been expanded to include construction project management, landscape architecture, and environmental services.

The statutory procedure established for A & E contracting differs from that of other services or consulting contracts (see Pub. Contract Code §10335 et seq.) as A & E firms are selected after review of a solicited Statement of Qualifications (SOQ) that describes a firm's professional qualifications as opposed to a traditional

competitive bid process based on monetary estimates and specific proposals.

Once an A & E firm is selected, Public Contract Code section 6106 defines the process for negotiating fees and executing a contract. Contracts valued over \$50,000 between the Commission and a firm must be reviewed by the Department of General Services. There are no comparable federal regulations or statutes that define the process of A & E contracting by state agencies.

The Commission's existing A & E regulations do not allow for pursuing retainer or "on-call" type contracts, nor does it allow for the flexibility of selecting a qualified A & E firm to negotiate a contract where less than three qualified firms have submitted a SOQ. This proposed action will provide the Commission's Executive Officer with these tools along with adding clarity to the A & E regulations by including SOQ evaluation criteria, additional subdivisions, internal references, and adding definitions for terms.

The objectives of this proposed rulemaking are: 1) to make the A & E contracting process clearer, more transparent, and more consistent with the A & E regulations of other state agencies; 2) provide the Commission's Executive Officer and Commission staff with more of the tools available under the Government Code in contracting for A & E services; and 3) to reduce the cost and inconvenience to A & E firms contracting for services with the Commission.

To achieve the first objective, the proposed rulemaking amends the Commission's current A & E regulations to conform to the structure and substance found in other state agency A & E regulations. The proposed action closely emulates the current form of A & E regulations from the Department of General Services (21 C.C.R. § 1310 et seq.), Department of Transportation (21 C.C.R. § 1520 et seq.), and the California Energy Commission (20 C.C.R. § 2562 et seq.). This creates uniformity between the structure and content across the Commission's and other state agencies' A & E regulations. Secondly, the proposed action amends the current regulatory language by adding specific criteria upon which A & E firms will be chosen, subdividing paragraphs into more clear and more easily understandable directives, and more clearly describing the A & E process from SOQ submission to contract execution.

The proposed rulemaking achieves the second objective by providing the expanded ability to select a qualified A & E firm when less than three qualified firms have submitted SOQs and by providing the authority to engage in retainer contracts for ongoing services. It is envisioned that the Commission will utilize retainer contracts for the hiring of environmental firms to conduct compliance under the California Environmental Quality Act (CEQA). These tools already exist in the A

& E regulations of numerous other state agencies (see agency examples above).

Finally, the proposed rulemaking may likely reduce the cost and inconvenience to A & E firms obtaining a Commission retainer contract by only requiring an A & E firm on retainer to submit one SOQ for work requiring multiple project tasks.

The Commission has evaluated whether or not the proposed regulations are inconsistent or incompatible with existing state regulations and has concluded that these are the only regulations dealing with contracting A & E firms. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Commission has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Anticipated cost or savings to any state agency: This proposed action is not anticipated to provide savings or cost the State. The proposed action is likely to only affect the hiring of environmental firms in conjunction with CEQA compliance. Staff work related to the A & E contracting process in this regard has been, and will continue to be, funded by reimbursement agreements between the Commission and CEQA project applicants.

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

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

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

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

Significant effect on housing costs: None.

Cost impacts on 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.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not create or eliminate jobs within California; it will not create new businesses or eliminate existing businesses within California, nor affect the expansion of businesses currently doing business within California.

Anticipated benefits: A & E firms, many of which are small businesses, may save costs as a result of the proposed regulations. Where an A & E firm is selected for a retainer contract, that contractor will not need to resubmit additional SOQs for additional tasks under the scope of the project. Commission staff estimates that A & E firms awarded a retainer contract may see a maximum savings of \$45,000 to \$90,000 over the life of a retainer contract as a result of this proposed action. Further, this proposed action will facilitate the hiring of A & E firms to conduct environmental evaluation of various projects, furthering the aims of the California Environmental Quality Act.

Christopher Huitt, Senior Environmental Scientist  
California State Lands Commission  
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Sacramento, CA 95825  
Telephone: (916) 574-2080  
[christopher.huitt@slc.ca.gov](mailto:christopher.huitt@slc.ca.gov)

The back-up contact person for these inquiries is:

Joe Fabel, Staff Attorney,  
California State Lands Commission  
100 Howe Ave, Suite 100 South  
Sacramento, CA 95825  
Telephone: (916) 574-0398  
[joe.fabel@slc.ca.gov](mailto:joe.fabel@slc.ca.gov)

#### SMALL BUSINESS DETERMINATION

Commission staff finds that the proposed amendments for Title 2, Division 3, Chapter 1, Article 13 of the California Code of Regulations will not have any adverse impact on "small business" as defined in Government Code Section 11342.610. No deleterious effect on these businesses would occur as a result of this proposed action because the only businesses that will be affected are A & E firms that may be benefited from the efficiencies introduced by the proposed action.

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

The Commission has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from Christopher Huitt, listed at the above address.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.slc.ca.gov/](http://www.slc.ca.gov/).

**TITLE 5. EDUCATION AUDITS APPEALS PANEL**

*Supplement to Audits of K–12 Local Education Agencies*  
Fiscal Year 2013–14

The Education Audit Appeals Panel (EAAP) proposes to amend the Audit Guide regulations as described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Timothy Morgan.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at **5:00 p.m. on Monday, May 5, 2014**. EAAP will consider only written comments received by that time. Written comments for EAAP’s consideration should be directed to:

Christine Pentoney  
Education Audit Appeals Panel  
770 L Street, Suite 1100  
Sacramento, CA 95814

Fax: (916) 445–7626  
e–mail: [cpentoney@eaap.ca.gov](mailto:cpentoney@eaap.ca.gov)

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.

Reference: Sections 14501, 14502.1, 14503, and 41020 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The regulations in Title 5 of the California Code of Regulations, Division 1.5, Chapter 3, constitute the audit guide required by Education Code sections 14502.1, 14503 and 41020. The audit guide provides guidance, by defining terms and specifying procedures, to auditors in the conduct of statutorily required financial and compliance audits of local education agencies.

The Controller, pursuant to Education Code Section 14502.1, has proposed amending the audit guide for fiscal year 2013–14. The proposed changes derive from the Controller’s proposals and also contain changes designed to clarify audit steps, as well as to update the names of parts of audit reports required by applicable federal audit guidance publications. Conforming changes to definitional sections are also made. A proposed revision reflected in various sections seeks to increase clarity and streamline the directions for reporting audit findings, and to provide for allocation of “ungraded” units of average daily attendance among the new grade spans. (Sections 19817.2(e), 19819(a)(3) and (d); 19820(g); 19840(i); 19850(d), 19851(b), 19852(e), and 19853(b).)

**Chapter 3. Audits of California K–12 Local Education Agencies**  
**Article 2 Audit Reports.**

Article 2 prescribes report components (Section 19815), provides definitions of terms (Section 19816), and specifies which sections of the audit guide are applicable to each audit year (Section 19816.1). Portions of these sections applicable to audit years prior to 2012–13 are deleted as no longer necessary for current audits and available in annual booklet form on EAAP’s web site. A new subdivision (/) of Section 19816 updates the definitional description of the audit report’s “Schedule of Instructional Time” to correspond with the Local Control Funding Formula changes reflected in Section 19824. Conforming amendments, to reflect the changes and additions to audit procedures applicable to fiscal year 2013–14, are proposed in new subparagraph (f)(2) of Section 19816, and in new subparagraphs (a)(2), (b)(2) and (c)(2) of Section 19816.1.

**Article 3. State Compliance Procedures: Local Education Agencies Other Than Charter Schools.**

Education finance reform legislation enacted in 2013 to implement the Local Control Funding Formula (Stats. 2013, ch. 47 (AB97; and ch. 49 (SB 91)), required an update to the rules, in Section 19824, governing instructional time requirements, and revisions to

Sections 19817.2, 19819, 19820, 19840, and four Article 4 Sections as discussed below (Sections 19850 through 19853), to reflect the shift of apportionment focus from grade levels to grade spans. Changes in fiscal year applicability reflect the termination or defunding of certain programs, so that the procedures in Sections 19828.4 (Instructional Materials) and 19845.2 (Class Size Reduction) do not apply to fiscal year 2013–14. In addition, Section 19839 is proposed for deletion because the “flexibility” legislation and the public hearing requirement in it have become obsolete.

**Article 3.1. State Compliance Procedures: School Districts, County Offices of Education, and Charter Schools.**

The Local Control Funding Formula legislation requires the addition of new sections to the audit guide: new Section 19843 to verify the LEA’s awareness of the 2013–14 requirements of the Local Control Funding Formula; Section 19844 concerning the expenditure of funds derived from the California Clean Energy Jobs Act (Proposition 39, as implemented by Stats. 2013 ch. 29 (SB 73)); Section 19848 concerning the expenditure of Common Core State Standard implementation funds provided for in the Budget Act of 2013 (Stats. 2013 ch. 48, § 85); and Section 19849 to test the accuracy of the LEA’s reported “unduplicated” counts of pupils eligible for free or reduced–price meals, designated as English Learners, or in foster care: information needed for implementation of the Local Control Funding Formula.

**Article 4. State Compliance Procedures: Charter Schools.**

The proposed substantive amendments to Section 19850 are required by new subdivision (e) of Education Code Section 47612, consistent with the new provisions in subdivision (d) relating to charter schools operating on a multitrack calendar. Sections 19850, 19851, 19852 and 19853 were also amended to reflect the new grade–spans approach to attendance. New Section 19855, calls for audit review of expenditures of funds from the Charter School Grant Facility Program, Education Code Section 47614.5.

CONSISTENCY WITH EXISTING REGULATIONS

EAAP has conducted an evaluation of the proposed regulations, and determined that the proposed changes do not create conflict or inconsistency with existing state regulations.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATIONS

The regulations proposed for adoption, amendment, or repeal serve to update the Audit Guide used by private auditors in the conduct of the compliance portion of annual audits of K–12 LEAs. Obsolete provisions, including one obsolete section (Section 19839), will be removed for clarity and to save space. Other changes begin the update of the Audit Guide to accord with the ongoing reforms in K–12 education including in particular the Local Control Funding Formula.

DISCLOSURES REGARDING THE PROPOSED ACTION:

1. Mandate on local agencies and school districts pursuant to Government Code Section 17500 et seq.: None.
2. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local educational agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment:
  - (a) Adoption of these regulations will not:
    - create or eliminate jobs within California;
    - create new businesses or eliminate existing businesses within California; or
    - affect the expansion of businesses currently doing business within California.
  - (b) Benefits of the regulation to the health and welfare of California residents: Adoption of these amendments will make an outdated and ambiguous requirement inapplicable to the Audit Guide for 2013–14 (former section 19839) and generally update the audit guide to conform to the Local Control Funding Formula reform legislation and to comply with legislative directions.

9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements (Gov. Code § 11346.3(d)): None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the EAAP's 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. EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney III, at (916) 445-7745 or by e-mail: [tmorgan@eaap.ca.gov](mailto:tmorgan@eaap.ca.gov), or Mary C. Kelly, Executive Officer, at (916) 445-7745.

#### AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, and a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, a copy may be obtained by contacting Christine Pentoney at the above address, or from EAAP's website.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: [www.eaap.ca.gov](http://www.eaap.ca.gov).

### TITLE 10. DEPARTMENT OF BUSINESS OVERSIGHT

NOTICE IS HEREBY GIVEN  
[Government Code Section 11346.5,  
Subdivision (a)(1)]

The Commissioner of Business Oversight (Commissioner) proposes to adopt rules under the Revised Banking Law relating to credit exposure to derivative transactions. The Commissioner proposes to adopt Sections 10.190500 and 10.190501 of Title 10 of the California Code of Regulations.

On July 1, 2013, the Department of Corporations and the Department of Financial Institutions merged to form the Department of Business Oversight. The Department of Business Oversight (Department) has all of the powers, authority, enforcement, jurisdiction, laws and regulations that were under the former Department of Corporations and former Department of Financial Institutions.

AUTHORITY

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

Sections 326 and 332, Financial Code.

REFERENCE

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

Sections 1480 and 1481, Financial Code.

PUBLIC COMMENTS

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

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

WRITTEN COMMENT PERIOD

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

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

Regular Mail

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

Electronic Mail

[regulations@dbo.ca.gov](mailto:regulations@dbo.ca.gov)

Facsimile

(916) 322-5875

Comments may be submitted until 5:00 p.m., May 5, 2014. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST

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

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

The benefits anticipated from this regulatory action include providing nonmonetary benefits to California, protecting general welfare and promoting fairness and equity, protecting the public, and increasing transparency in government.

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

Beginning January 21, 2013, state chartered banks and savings associations may not engage in derivative transactions unless the lending limits of the banks' or savings associations' state law takes into consideration credit exposure to derivative transactions. This prohibition is set forth in Section 611 of the Dodd-Frank Act. In June 2012, the Office of the Comptroller of the Currency adopted a final rule setting forth these requirements for national banks and savings associations in Title 12 code of Federal Regulations Part 32.9. Neither the Financial Code nor Title 10 of the California Code of Regulations contains similar lending-limit restrictions. This rulemaking action is necessary to comply with the Dodd-Frank Act.

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

Federal regulation 12 C.F.R. Part 32.9 provides several methods of measurement for credit exposure to derivative transactions. By contrast, the Financial Code permits state chartered banks and savings associations to engage in derivative transactions but provides no method to measure their credit exposure. Rather than adopt duplicate methods of measurement, the proposed regulations would instead require state chartered banks and savings associations to comply with that federal regulation.

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

The proposed regulation is consistent with existing banking regulations, the Revised Banking Law and other Department regulations that set forth requirements for banks and savings associations. These proposed rules allow state chartered banks and savings associations to use the same method of measurement that is provided by federal regulations. It is consistent with the intent of the Revised Banking Law to provide Califor-

nia state chartered financial institutions parity with federally chartered financial institutions.

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

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

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

- Mandate on local agencies and school districts: none.
- Cost or savings to any state agency: none.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.
- Other nondiscretionary cost or savings imposed on local agencies: none.
- Cost or savings in federal funding to the state: none.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: none.
- Significant effect on housing costs: none.

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

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

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

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

The proposed regulations will not affect small business because state-chartered banks and savings associations are not a small business within the meaning of Government Code section 11342.610.

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

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.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**  
[Government Code Section 11346.52 Subdivision (a)(10)]

The Department has determined that:

- The proposed action will not create or eliminate jobs within California;
- The proposed action will not create new businesses or eliminate existing businesses within this state;
- The proposed action will not affect the expansion of businesses currently doing business within California; and
- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

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

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

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

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

As of the date this notice is published, the rulemaking file consists of this notice, the initial statement of rea-

sons and the proposed text of the regulation. The proposed text may be obtained at any of the below Department of Business Oversight's Front Counters. The initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available by requesting Document PRO 19/13 – C from the contact person designated below.

**Los Angeles Office:**

300 S. Spring Street, Suite 15513  
Los Angeles, CA 90013–1259

**San Diego Office:**

7575 Metropolitan Drive, Suite 108  
San Diego, CA 92108

**Sacramento Office:**

1515 K Street, Suite 200  
Sacramento, CA 95814–4052

**San Francisco Office:**

45 Fremont Street, Suite 1700  
San Francisco, CA 94105–2219

The notice, initial statement of reasons and proposed text are also available on the Department's Web site at [www.dbo.ca.gov](http://www.dbo.ca.gov). At the top of the page click the "Laws and Regs" index tab, under Division of Financial Institutions click on the "Rulemaking" link.

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

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

[Government Code Section 11346.5,  
Subdivision (a)(18)]

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

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

[Government Code Section 11346.5,  
Subdivision (a)(19)]

Upon its completion, copies of the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed below.

**CONTACT PERSON**

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

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

Karen Fong  
Rulemaking Coordinator  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322–3553  
e-mail: Karen.Fong@dbo.ca.gov

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

Manuela Rumsey  
Senior Counsel  
Department of Business Oversight  
1515 K Street, Suite 200  
Sacramento, CA 95814–4052  
Telephone: (916) 322–5983  
e-mail: Manuela.Rumsey@dbo.ca.gov

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG–2014–00005**

**COMMISSIONER'S ADDITIONS AND  
AMENDMENTS TO PRODUCER  
PRELICENSING AND CONTINUING  
EDUCATION REGULATIONS**

**SUBJECT OF PROPOSED RULEMAKING**

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to or amend Title 10, Chapter 5, Subchapter 1, Article 6.5 of the California Code of Regulations (CCR),

entitled "Prelicensing and Continuing Education". The proposed changes implement and interpret Sections 1749, 1749.3, 1749.31, 1749.32 and 1749.33 of the California Insurance Code ("CIC"). The amended regulations also work to implement new California laws and uniform licensing standards established by the National Association of Insurance Commissioners ("NAIC").

#### PUBLIC HEARING

The Commissioner will hold a public hearing as follows to provide all interested persons an opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations:

**Date and Time:** May 7, 2014  
10:00 a.m.

**Location:** 300 Capitol Mall  
13<sup>th</sup> Floor Conference Room  
Sacramento, CA 95814

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

#### ACCESS TO HEARING ROOMS

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

#### PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on May 7, 2014**. Please direct all written comments to the following contact person:

Risa Salat-Kolm, Attorney III  
California Department of Insurance  
45 Fremont Street, 21st Floor  
San Francisco, California 94105  
Telephone: (415) 538-4127

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Teresa Campbell, Assistant Chief Counsel  
California Department of Insurance  
45 Fremont Street, 21st Floor  
San Francisco, California 94105  
Telephone: (415) 538-4126

#### DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than 5:00 p.m. on April 16, 2014. Any written materials received after that time will not be considered.

#### COMMENTS TRANSMITTED BY EMAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by email provided they are sent to the following email address: salat-kolmr@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Risa Salat-Kolm and sent to the following facsimile number: (415) 904-5490.

#### AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of or amendments to CCR Sections 2186 through 2188.9 subject to the authority vested in him by Section 1758.5 of the CIC. The proposed regulations will implement, interpret, and make specific Sections 1749, 1749.3, 1749.31, 1749.32 and 1749.33 of the CIC.

#### INFORMATIVE DIGEST

##### SUMMARY OF EXISTING LAW

Assembly Bill (AB) 2782 (Chapter 400, Statutes of 2010) amended Sections 1625 and 1749(a) and (b) of the California Insurance Code (CIC) by splitting the fire and casualty broker-agent license into property broker-agent and casualty broker-agent licenses. Current regulations do not reflect the split of the fire and casualty broker-agent license.

AB 2782 also removed Section 1673 from the CIC. This section authorized the fire and casualty broker-agent to transact disability insurance. The deletion of CIC Section 1673 impacts prelicensing education standards and curriculum in that property broker-agents and casualty broker-agents are now required to hold a separate accident and health agent license in order to transact disability insurance. The proposed regulations

clarify that property broker–agents and casualty broker–agents may not transact disability insurance without an accident health license.

AB 1391 (Chapter 321, Statutes of 2013), effective January 1, 2014, amends Sections 1749.3, 1749.31, 1749.32, and 1749.33 of the CIC by specifying that licensees in all major license types must complete a three–hour ethics continuing education course prior to license renewal. Current regulations conflict with the number of ethics training hours required by AB 1391.

Current regulations are silent as to whether CDI has the authority to perform background reviews of instructors/subject matter experts (SMEs). Providers are not currently required by law to report the names of instructors/SMEs to CDI.

As a result of technology advancements, non–contact courses are no longer only being presented by textbook but also by the use of portable document format (PDF), compact disc (CD), digital versatile disc (DVD), and Internet downloads for delivery of course material. Existing regulations do not address how to ensure the integrity of courses with these different delivery methods.

#### EFFECT OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The regulations are amended to change “fire and casualty broker–agent” to “property broker–agent” and “casualty broker–agent” so as to conform with relevant statutes as amended by AB 2782 (Chapter 400, Statutes of 2010).

The regulations are amended to remove disability insurance from the property broker–agent and casualty broker–agent preclicensing curriculum as these agents can no longer transact disability insurance without holding an accident and health agent license (per AB 2782).

The number of ethics continuing education hours required to renew a license is now set in statute by AB 1391 (Chapter 321, Statutes of 2013). Therefore, the regulations are amended to delete all references to the number of hours of ethics continuing education training required to renew a license.

The regulations are amended to authorize CDI to determine whether instructors/SMEs meet certain standards, including not having had a license to transact insurance revoked, restricted, or surrendered to avoid administrative action. The amended regulations also require education training providers (providers) to report the names of instructors/SMEs to CDI.

The regulations are also amended to implement NAIC guidelines for online continuing education courses. Implementation of NAIC guidelines ensures the integrity of online continuing education courses.

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department has conducted an evaluation of existing state regulations and determined that the proposed regulations are not inconsistent or incompatible with any existing state regulations.

#### ANTICIPATED BENEFITS

The regulations protect consumers as the regulations help ensure that instructors are qualified and meet newly established standards. Additionally, providers benefit from the clear, uniform on–line continuing education standards.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

#### COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS, OR IN FEDERAL FUNDING

The Commissioner has determined that there may be additional tasks to be performed by CDI staff, however, the costs associated with implementing these regulations is minor and absorbable by CDI. The Commissioner has also determined that the proposed regulations will result in no cost or savings to any other state agency, no cost or savings to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

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

The types of businesses that may be affected by the proposed regulations are providers. The proposed regu-

lations require that providers submit to the Commissioner name, insurance license number, if any, and social security number of all instructor/subject-matter experts. The Commissioner is requiring adherence by providers to NAIC uniform standards for continuing education courses delivered through the internet.

The Commissioner has made an initial determination that there is a very low probability that the adoption of the proposed regulations may have a significant, state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements for providers.
- (ii) Consolidation or simplification of compliance and reporting requirements for providers.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for providers.

#### POTENTIAL COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person could necessarily incur in reasonable compliance with the proposed regulations.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, the expansion of businesses currently operating in the state and the benefits of the regulation to the health and welfare of California residents, worker safety and the state's environment.

The Commissioner has made an initial determination that the adoption of the proposed regulations may have a slight impact on employment within the State of California equivalent to a loss of 2.1 to 3.1 full-time jobs in the first 12 months. The adoption of the proposed regulations will not impact the creation of new

businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, worker safety, or the state's environment.

The benefits anticipated to result from the adoption of the proposed regulations include increased consumer protection by ensuring that insurance agents have continuing education courses available to them that are led by qualified instructors or SMEs.

The Commissioner has determined that the proposed regulations will be beneficial to the welfare of California residents, and that the proposed regulations will not impact the health of California residents, worker safety, or the state's environment. The full text of the Commissioner's assessment is set forth in the Economic Impact Assessment, a copy of which is included in the rulemaking record.

#### BUSINESS REPORT

##### FINDING OF NECESSITY

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of the State that the proposed regulations apply to businesses.

#### IMPACT ON SMALL BUSINESS

The Commissioner has determined the proposed action may impact a minority of small and large providers as there may be some initial costs in updating online computer systems. Once compliant, providers in California will be more competitive, able to expand and provide online continuing education courses in other states that follow NAIC guidelines.

#### IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

#### ALTERNATIVES

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

TEXT OF REGULATIONS AND STATEMENTS  
OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available 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. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner’s mailing list.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Documents concerning these proposed regulations are available on the CDI’s website. To access them, go to <http://www.insurance.ca.gov>. Find at the right-hand side of the page the heading ‘QUICK LINKS.’ The third item in this column under this heading is ‘For Insurers’; on the drop-down menu for this item, select ‘Legal Information.’ When the ‘INSURERS: LEGAL INFORMATION’ screen appears, click the third item

in the list of bulleted items near the top of the page: ‘Proposed Regulations.’ The ‘INSURERS: PROPOSED REGULATIONS’ screen will be displayed. Select the only available link: ‘Search for Proposed Regulations.’ Then, when the ‘PROPOSED REGULATIONS’ screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the ‘Currently Proposed Regulations’ link. A list of the names of regulations for which documents are posted will appear. Find in the list the link to ‘Commissioner’s Additions and Amendments to Producer Prelicensing and Continuing Education Regulations’ and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter “REG-2014-00005” (the CDI’s regulation file number for these regulations) in the search field. Alternatively, search by keyword (“prelicensing and continuing education,” for example). Then, click on the ‘Submit’ button to display links to the various filing documents.

**TITLE 16. BOARD OF  
ACCOUNTANCY**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) 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 Hilton Los Angeles Airport, 5711 West Century Boulevard, Los Angeles, California 90045, at 9:00 a.m., on May 30, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on May 5, 2014 or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5018 and 5116, Business and Professions Code; and Section 11400.20, Government Code, and to implement, interpret, or make specific Sections 5018, 5096, 5096.5, 5096.12, 5100 and 5116-5116.6, Business and Professions Code; and Sec-

tion 11425.50(e), Government Code, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST**

**Informative Digest**

Existing law, California Government Code Section 11425.50(e), specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule unless it has been adopted as a regulation. Section 98 of Title 16 of the California Code of Regulations (CCR) incorporates by reference the California Board of Accountancy’s “A Manual of Disciplinary Guidelines and Model Disciplinary Orders, 9th edition, 2013” (Disciplinary Guidelines). Section 5116 of the Business and Professions Code (BPC) requires the CBA to establish criteria for assessing administrative penalties. In addition, section 5100 provides the CBA the authority to discipline a license.

The regulatory proposal is as follows:

**1. Amend Section 98 of Title 16 of the California Code of Regulations**

This proposal incorporates by reference the CBA’s 9th edition of “Disciplinary Guidelines and Model Orders.” The guidelines are updated to add, remove, and amend various provisions, including “general considerations” for proposed decisions (p. 3–4).

Specifically, guidelines for violating the following are being amended in the document:

- Business and Professions Code (see pp. 10–38)
  - Section 5037(a) — Ownership of accountants’ workpapers
  - Section 5037(b)(1)(2) — Return of client documents
  - Section 5050(a) — Practice without permit; temporary practice
  - Section 5050(c) — Practice without permit; temporary practice; foreign accountants
  - Section 5055/Section 5056 — Title of Certified Public Account and title of Public Accountant
  - Section 5058 — Use of confusing title or designations prohibited
  - Section 5058.1 — Titles in conjunction with certified public accountant or public accountant
  - Section 5058.2 — Inactive designation
  - Section 5058.3 — Retired designation
  - Section 5060 — Name of firm

- Section 5061 — Commissions
- Section 5062 — Report conforming to professional standards
- Section 5062.2 — Restrictions on accepting employment with an audit client
- Section 5063 — Reportable events
- Section 5063.3 — Confidential information disclosure
- Section 5072(a) — Requirements for registration as a partnership
- Section 5073(d) — Partnership applications (Admission or withdrawal of partner)
- Section 5076(a) — Peer review
- Section 5076(f) — Peer review — Document submission requirement
- Section 5078 — Offices not under personal management of certified public accountant or public accountant; supervision
- Section 5079(a)(b)(d) — Nonlicensee ownership of firms
- Section 5081(a) — Requirements for admission to certified public accountant examination (acts denying admission to exam)
- Section 5081(b), (c) — Requirements for admission to certified public accountant examination
- Section 5088 — Interim practice rights: out of state CPA
- Section 5095(a) — Minimum number of attest services hours; attest experience
- Section 5096(d) — Practicing through an unregistered firm
- Section 5096(e)(2) — Comply with rules, laws, and standards
- Section 5096(e)(3) — Practice from an unauthorized office in this state
- Section 5096(e)(5) — Cooperate with board
- Section 5096(e)(6), (7), (8), & (9) — Failure to cease exercising the practice privilege
- Section 5096(f) — Failure to notify the board/cease practice
- Section 5096(i) — Failure to file pre-notification form
- Section 5096.5 — Unauthorized signing of attest reports
- Section 5096.12 — Firm practicing without a practice privilege holder
- Section 5097 — Audit documentation
- Section 5100 — Discipline in General

- Section 5100(a) — Conviction of any crime substantially related to the qualifications, functions and duties of a CPA/PA
- Section 5100(b) — Fraud or deceit in obtaining license/permit/registration
- Section 5100(c) — Dishonesty, fraud, gross negligence, or repeated acts of negligence in the practice of public accountancy or the performance of bookkeeping
- Section 5100(d) — Cancellation, revocation or suspension by any other state or foreign country
- Section 5100(e) — Violation of provisions of section 5097
- Section 5100(f) — Violations of provisions of section 5120
- Section 5100(h) — Suspension or revocation of the right to practice before any governmental body or agency
- Section 5100(i) — Fiscal dishonesty or breach of fiduciary responsibility of any kind
- Section 5100(j) — Knowing preparation, publication or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information
- Section 5100(k) — Embezzlement, theft, misappropriation of funds or property, or obtaining money, property or other valuable consideration by fraudulent means or false pretenses
- Section 5100(l) — Discipline, penalty, or sanction by the public company accounting oversight board or securities and exchange commission
- Section 5100(m) — Unlawfully engaging in practice of public accountancy in another state
- Section 5101 — Discipline of partnership
- Section 5104 — Relinquishment of certificate or permit (revocation or suspension)
- Section 5105 — Relinquishment of certificate or permit (delinquent)
- Section 5110(a) — Acts constituting cause for board's denial of exam application or admission, voidance of grades, or denial of license application or registration
- Section 5152 — Corporation reports
- Section 5152.1 — Accountancy corporation renewal of permit to practice
- Section 5154 — Directors, shareholders, and officers must be licensed
- Section 5155 — Disqualified shareholder nonparticipation
- Section 5156 — Unprofessional conduct (accountancy corporation)
- Section 5158 — Practice of public accountancy; management (accountancy corporation)
- California Code of Regulations (Title 16) (pp. 39–61)
  - Section 3 — Notification of change of address
  - Section 5 — Observance of rules
  - Section 8.2 — Requirements for issuance of the authorization to test
  - Section 20 — Notification of change of information for registered out-of-state accounting firms
  - Section 40(a)(b)(c) — Enrollment and participation (Peer Review)
  - Section 41 — Firm responsibilities
  - Section 43 — Extensions
  - Section 44 — Notification of expulsion
  - Section 45 — Reporting to board
  - Section 46(a) — Document submission requirements (substandard peer review)
  - Section 46(b) — Document submission requirements (“pass” or “pass with deficiencies” ratings)
  - Section 50 — Client Notification
  - Section 51 — Firms with nonlicensee owners
  - Section 51.1 — Notification of non-licensee ownership
  - Section 52 — Response to board inquiry
  - Section 53 — Discrimination prohibited
  - Section 54.1 — Disclosure of confidential information prohibited
  - Section 54.2 — Recipients of confidential information
  - Section 56 — Commissions — basic disclosure requirement
  - Section 56.1 — Commissions — Professional services provided to client
  - Section 57 — Incompatible occupations and conflict of interest
  - Section 58 — Compliance with standards
  - Section 59 — Reporting of restatements
  - Section 60 — Reporting of investigations by the public company accounting oversight board
  - Section 61 — The reporting of settlements, arbitration awards, and judgments

- Section 62—Contingent fees
- Section 63—Advertising
- Section 65—Independence
- Section 67 — Approval of use of fictitious name
- Section 68—Retention of client’s records
- Section 68.1 — Working papers defined; retention
- Section 68.2 — Components of audit documentation
- Section 68.3 — Retention period for audit documentation
- Section 68.4 — Changes in audit documentation after issuance of report
- Section 68.5 — Audit documentation retention and destruction policy
- Section 69 — Certification of applicant’s experience
- Section 75.8—Security for claims against an accountancy corporation
- Section 75.9 — Shares: ownership and transfer
- Section 75.11(b) — Certification of registration; continuing validity; notification of name and address changes
- Section 81(a) — Continuing education requirements for renewing an expired license
- Section 87 — Basic requirements (continuing education)
- Section 87.5 — Additional continuing education requirements
- Section 87.6 — Records review continuing education requirements
- Section 87.8 — Regulatory review course
- Section 89—Control and reporting
- Section 89.1 — Reports
- Section 90—Exceptions and extensions
- Section 95.4 — Failure to comply with citation

Guidelines for violating the following are being added to the document:

- Business and Professions Code
  - Section 5070.1(b) — Practice with a retired license status (p.17)
  - Section 5071.2(b) — Practice with a military license status (p.17)
  - Section 37.5 — Fingerprinting (p.40)
- California Code of Regulations
  - Section 50.1 — Attest Client Notification (p. 43)

- Section 80—Inactive Licensee status (p. 56) Guidelines for violating the following are being removed from the document:
  - Business and Professions Code
  - Section 5070.7 — Failure to renew within five years (p.17)
  - Section 5054 — Preparation of tax returns (p.12) The following Model Orders are being added to the document: (p. 63–65)

- 5. Grant petition without restrictions on the license
- 6. Grant petition and place license on probation
- 7. Grant petition and place license on probation after petitioner complete conditions precedent to reinstatement of the license
- 8. Deny petition
- 9. Revocation of probation
- 10. Continuance of probation
- 11. Grant application without restrictions on the license
- 12. Grant application and place license on probation
- 13. Grant application and place license on probation after applicant completes conditions precedent to reinstatement of the license
- 14. Deny application

The following Optional Conditions of Probation are being added to the document:

- 27. Probation monitoring costs (p. 68)

The following Optional Conditions of Probation are being amended in the document:

- 36. Continuing education courses (p. 70)

Policy Statement Overview/Anticipated Benefits of Proposal

This proposal is anticipated to protect consumers by providing the CBA and Administrative Law Judges (ALJ) with updated guidelines to reference when imposing disciplinary action on licensees and providing standards for the consistent and appropriate enforcement of the laws under the CBA’s jurisdiction.

Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

“A Manual of Disciplinary Guidelines and Model Disciplinary Orders” (9<sup>th</sup> edition, 2013)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The cost is insignificant as the predominant form of dissemination for these would be via the CBA website. Printing of the Disciplinary Guidelines would be by request only. In addition, the CBA would be further reimbursed from costs associated with probation monitoring, which may total to \$76,500 to \$95,625 annually.

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

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

The CBA currently regulates approximately 88,000 CPAs, 3,900 Accountancy Corporations, and 1,400 CPA Partnerships. The proposed action does not increase or decrease the penalties that may result after discipline is imposed in an administrative disciplinary action, but rather provides for consistency in application. Any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the CBA’s laws or regulations and would only affect individuals who are disciplined by the CBA. Any potential “adverse economic impact” may be avoided simply by complying with the law.

Cost Impact on Representative Private Person or Business:

The CBA does not believe that the Disciplinary Guidelines will have a significant adverse economic impact on businesses as it only affects individuals and those businesses that are disciplined for violations of the Accountancy Act or CBA regulations. Therefore, the overall economic impact on businesses is deemed as insignificant.

The CBA speculates that converting the minimum penalty from “correction of violation” to “Continuing Education” for Business and Professions Code (BPC) sections 5058.2, 5063, 5076(a), and 5076(f), and California Code of Regulation (CCR) Title 16, sections 20, 40(a)(b)(c), 44, 45, 46(a), 46(b), 50, 51, 56.1, 59, 60, 61, 62, 63, 67, 75.8, 75.9, 75.11(b), 81(a), 87, 87.5,

87.8, 89, and 89.1 will not have an economic impact. The CBA also speculates that including CE in the minimum penalty for the new BPC sections 5058.3, 5070.1(b), and 5070.2(b), and CCR Title 16, sections 37.5, 50.1, 69, 80, and 87.6 will not have an adverse economic impact. CCR, Title 16, section 87.5 already provides the CBA the authority to require any licensee to complete continuing education following an investigation or hearing, and the CBA has not used the minimum penalty in recent years. The addition of Continuing Education in the Disciplinary Guidelines only restates the CBA’s authority. Therefore, the new education requirements will not change the economic impact or the CBA’s behavior on disciplining licensees.

Probation Monitoring Cost is an optional condition of probation, which the CBA has the discretion to use or not to use. Within the next three fiscal years, the CBA estimates that there will be approximately 40–50 cases annually associated with probation monitoring. Each case requires approximately 18.75 hours for an Associate Governmental Program Analyst (AGPA), which adds to a total of 800 AGPA hours in probation workload annually. To reimburse the cost of an AGPA’s time, the CBA charges \$102 per hour for probation monitoring. Therefore, the economic impact to licensees would amount to approximately \$1,900 for a single case, and a total economic impact of \$76,500 to \$95,625 annually.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The CBA does not believe that this regulatory proposal would have a significant adverse impact on business as it only affects individuals and those businesses that are disciplined for violations of the Accountancy Act and CBA regulations. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The CBA has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state’s environment: The proposed regulatory change would

improve clarity for administrative law judges and staff on what discipline to impose on licensees who violate the Accountancy Act and CBA regulations.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml) and may also be obtained at the hearing or prior to the hearing upon request from the CBA at 2000 Evergreen Street, Suite 250, 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: Andrew Breece  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815  
Telephone No.: (916) 561-1782  
Fax No.: (916) 263-3678  
E-mail Address: Andrew.breece@cba.ca.gov

The backup contact person is:

Name: Matthew Stanley  
Address: California Board of Accountancy  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815  
Telephone No.: (916) 561-1792  
Fax No.: (916) 263-3678  
E-mail Address: mstanley@cba.ca.gov

Website Access: Materials regarding this proposal can be found at [http://www.dca.ca.gov/cba/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml).

### TITLE 24. BUILDING STANDARDS COMMISSION

#### NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE 2013 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CHAPTER 11A "HOUSING ACCESSIBILITY"

(HCD 04/13)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. HCD is proposing building standards related to "Housing Accessibility".

#### PUBLIC COMMENT PERIOD (Government Code Section 11346.5(a)(1))

A public hearing has not been scheduled; however, written comments will be accepted from **March 21, 2014** until 5:00 p.m. on **May 5, 2014**.

Please address your comments to:

**California Building Standards Commission,  
2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833  
Attention: Jim McGowan, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS  
(Government Code Section 11346.5(a)(18))**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.**

**AUTHORITY AND REFERENCE  
(Government Code Section 11346.5(a)(2))**

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18949.5 and 18949.6. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18690, 18865, 18873.4 and 19990; and Government Code Section 12955.1. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and

19960-19997; and Government Code Sections 12955.1 and 12955.1.1.

**INFORMATIVE DIGEST  
(Government Code Section 11346.5(03))**

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobile-home parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The 2013 California Building Code, Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code becomes effective on January 1, 2014.

The purpose of the California Building Code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

Summary of Effect

HCD proposes to amend the 2013 California Building Code, Part 2, Title 24 of the California Code of Regulations for the following programs:

(a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act and state law accessibility requirements, except where the application is for public use only.

(b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.

(c) Mobilehome Parks and Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.

(d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal laws and regulations, and conditions unique to California. In addition, these amendments provide clarity and specificity, and give direction for the code user.

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

HCD has developed amendments to the 2013 CBC, Chapter 11A, to implement, interpret and make specific provisions of state and federal law, including the alignment, where possible, of technical requirements with Chapter 11 B (Division of the State Architect — Access Compliance) regarding public use areas and common use areas. The proposed regulatory action, which includes updating standards, will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents. Also providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

Evaluation of Consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

**OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

(Government Code Section 11346.5(a)(4))

None.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Government Code Section 11346.5(a)(5))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state

reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**ESTIMATE OF COST OR SAVINGS**  
(Government Code Section 11346.5(a)(6))

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD, which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**  
(Government Code Section 11346.5(a)(8))

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic and Fiscal Impact Statement* in the rulemaking file.)

**DECLARATION OF EVIDENCE**  
(Government Code Section 11346.5(a)(6))

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determina-

tion of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE  
(Government Code Section 11346.3(d))

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS  
(Government Code Section 11346.5(a)(9))

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

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION  
(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10))

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.  
**These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.**
- The creation of new businesses or the elimination of existing businesses within the State of California.  
**These regulations will not affect the creation or the elimination of existing business within the State of California.**
- The expansion of businesses currently doing business within the State of California.  
**These regulations will not affect the expansion of businesses currently doing business within the State of California.**
- The benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.

**These regulations will update and improve minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.**

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

(Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the Initial Statement of Reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs.

- No increased cost of compliance for those regulations that make only technical, nonsubstantive or clarifying changes.
- Increased cost of compliance for a few regulations, such as detectable warnings; however, the benefit of eliminating hazardous conditions far outweighs the cost impact.
- Updated and improved minimum standards for accessibility requirements.
- Protection of public health and safety, worker safety and the environment.
- General welfare of California residents.

CONSIDERATION OF ALTERNATIVES  
(Government Code Section 11346.5(a)(13))

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

AVAILABILITY OF RULEMAKING DOCUMENTS  
(Government Code Sections 11346.5(a)(19) and 11346.5(a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rule-

making documents will be posted on HCD's website at [http://www.hcd.ca.gov/codes/shl/2013icac\\_part2.html](http://www.hcd.ca.gov/codes/shl/2013icac_part2.html).

Interested parties 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 at the California Building Standards Commission website or HCD's website.

**DISABILITY ACCESS**

(Government Code Sections 11346.5(a)(21) and 11346.6)

HCD shall provide, upon request, a description of proposed changes included in the proposed action in the manner provided by Section 11346.6 to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

**CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**  
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

- CBSC Contact:** Mia Marvelli, Architectural Designer (916) 263-0916
- CBSC Back-up:** If the contact person is unavailable, please contact Michael Nearman at the phone number or fax number provided below.
- CBSC Address:** California Building Standards Commission  
2525 Natomas Park Drive,  
Suite 130 Sacramento,  
CA 95833
- CBSC Telephone:** (916) 263-0916
- CBSC Fax:** (916) 263-0959
- CBSC E-mail:** [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov)

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Stoyan Bumbalov  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471;  
Fax: (916) 327-4712  
E-mail: [stoyan.bumbalov@hcd.ca.gov](mailto:stoyan.bumbalov@hcd.ca.gov)

Back-up:

Emily Withers  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471;  
Fax: (916) 327-4712  
E-mail: [emily.withers@hcd.ca.gov](mailto:emily.withers@hcd.ca.gov)

**TITLE 24. BUILDING STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC) REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 2013 CALIFORNIA BUILDING CODE INTERVENING CODE CYCLE**

Notice is hereby given that the California Building Standards Commission (CBSC), on behalf of the Division of the State Architect - Access Compliance (DSA-AC), proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The DSA-AC is proposing building standards related to the 2013 California Building Code.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from **March 21, 2014**, until 5:00 p.m. on **May 5, 2014**. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Jim McGowan, Executive Director

Written comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

For DSA-AC, the purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections 4450 through 4461, 12955.1 and 14679; Health and Safety Code Sections 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on Government Code Section 4450.

INFORMATIVE DIGEST

An informative digest drafted in plain English in a format similar to the Legislative Counsel’s Digest shall include the following:

Summary of Existing Laws

Government Code Section 4450 authorizes the State Architect to develop regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Summary of Existing Regulations

Existing regulations promulgated by the DSA-AC are contained in the California Building Code (Title 24, Part 2). These regulations are applicable to:

- 1) Publicly funded buildings, structures, sidewalks, curbs and related facilities;
- 2) Privately funded public accommodations, and commercial facilities;
- 3) Public housing and private housing available for public use;
- 4) Any portable buildings leased or owned by a school district; and
- 5) Temporary and emergency buildings and facilities.

Summary of Effect

The proposed action would update the California Code of Regulations, Title 24, Part 2 by:

- Repealing selected portions of the 2013 California Building Code to implement California statutory mandates.
- Amending selected portions of the 2013 California Building Code to implement California statutory mandates.
- Adding new scoping and technical requirements for destination-oriented elevators, variable message signs, and baby changing tables to the 2013 California Building Code to implement California statutory mandates.
- Codifying non-substantive editorial and formatting changes.

Comparable Federal Statute or Regulations

Comparable federal statutes and regulations include:

- Regulations for Title II and Title III of the Americans with Disabilities Act of 1990 as adopted by the US Department of Justice. The regulations provide enforceable standards for accessible design, known as the 2010 ADA Standards for Accessible Design in three parts:
  - 1) 2010 Standards for State and Local Government Facilities: Title II Regulations at 28 CFR Part 35.151;
  - 2) 2010 Standards for Public Accommodations and Commercial Facilities: Title III Regulations at 28 CFR Part 36, Subpart D; and
  - 3) 2010 Standards for Title II and III Facilities: 2004 ADAAG.
- Fair Housing Amendments Act of 1988.

Policy Statement Overview

The proposed building standards are intended to implement new accessibility provisions and clarify existing accessibility provisions contained in the 2013

California Building Code to ensure that publicly funded buildings, structures, sidewalks, curbs, and related facilities shall be accessible to and usable by persons with disabilities; privately funded public accommodations and commercial facilities shall be accessible to and usable by persons with disabilities; and public housing and private housing available for public use shall be accessible to and usable by persons with disabilities.

Evaluation of Consistency

There are no inconsistent or incompatible regulations proposed.

**OTHER MATTERS PRESCRIBED BY STATUTE  
APPLICABLE TO THE AGENCY OR TO ANY  
SPECIFIC REGULATION OR CLASS  
OF REGULATIONS**

There are no other matters prescribed by statute applicable to the DSA-AC, or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS**

The DSA-AC has determined that the proposed regulatory action would not impose a new mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **NO**.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**.
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**.
- E. Cost or savings in federal funding to the state: **NO**.

**INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES**

The DSA-AC has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**DECLARATION OF EVIDENCE**

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S  
HEALTH, SAFETY, OR WELFARE**

The proposed action does not require a report by any business or agency, so the DSA-AC has not made a finding of necessity for public's health, safety or welfare.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS**

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

**ASSESSMENT OF EFFECT OF REGULATIONS  
UPON JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION**

The DSA-AC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.  
The DSA-AC has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.  
The DSA-AC has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California.  
The DSA-AC has determined that the proposed action has no effect.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
The DSA-AC has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

**ESTIMATED COST OF COMPLIANCE OF  
STANDARDS THAT WOULD IMPACT HOUSING**

The DSA-AC has made an initial determination that this proposal would not have a significant effect on

housing costs. DSA-AC is coordinating the 2013 California Building Code Intervening Code Cycle with the Department of Housing and Community Development.

(The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.)

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>

Interested parties 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 at the California Building Standards Commission website.

Government Code Section 11346.5(a)(21) states that DSA-AC shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Enrique Rodriguez or  
Michael Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No: (916) 263-0916  
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Dennis J. Corelis, Deputy State Architect  
Ph. (916) 445-4167  
[Dennis.Corelis@dgs.ca.gov](mailto:Dennis.Corelis@dgs.ca.gov)  
Derek Shaw, Associate Architect  
Ph. (916) 324-7178  
[Derek.Shaw@dgs.ca.gov](mailto:Derek.Shaw@dgs.ca.gov)

Division of the State Architect — Headquarters  
1102 Q Street, Suite 5100  
Sacramento, CA 95811  
DSA-AC Facsimile No: (916) 445-7658

**GENERAL PUBLIC INTEREST**

**AIR RESOURCES BOARD**

**ERRATA  
TITLE 13. CALIFORNIA AIR  
RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER THE ADOPTION OF PROPOSED  
AMENDMENTS TO THE REGULATION TO  
REDUCE EMISSIONS OF DIESEL  
PARTICULATE MATTER, OXIDES OF  
NITROGEN AND OTHER CRITERIA  
POLLUTANTS FROM IN-USE HEAVY-DUTY  
DIESEL-FUELED VEHICLES**

By notice dated February 25, 2014 and published in the March 7, 2014 California Regulatory Notice Register, Register 2014, No. 10-Z, the Air Resources Board (ARB or Board) provided Notice of Public Hearing to Consider the Adoption of Proposed Amendments to the

Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles.

**PLEASE BE ADVISED** that the Staff Report: Initial Statement of Reasons for Proposed Rulemaking released March 5, 2014 and prepared by staff in support of the proposed amendments is corrected as follows.

The last sentence of the paragraph entitled **“4. Staff Investigation”** appearing on page 74 of the Staff Report reads, “Results to date will be presented to the Board in April 2014 prior to the consideration of the proposed amendments.”

That sentence is corrected to read: “Results to date will be presented to the Board in April 2014 during the staff’s presentation of the proposed amendments.”

The complete text of the notice, the Initial Statement of Reasons, and all subsequent regulatory documents are available on ARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2014/truckbus14/truckbus14.htm>.

Inquiries concerning the substance of the proposed amendments to the Truck and Bus regulation may be directed to the designated agency contact persons, Ms. Beth White, Manager of the On-Road Compliance Assistance Section, at (916) 324-1704, or Ms. Jacqueline Johnson, Air Pollution Specialist, at (916) 323-2750.

## DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture published a Notice of Proposed Action in the February 28, 2014 edition of the California Regulatory Notice Register (Register 2014, No. 9-Z, p. 360-363) concerning Peach Fruit Fly Interior Quarantine, Title 3, California Code of Regulations, subsection 3424(b). The original comment period deadline was 5:00 p.m. on April 24, 2014.

The Department is extending the written comment deadline to May 5, 2014. Please submit all written comments to:

Stephen Brown  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814

You may also FAX your comments to (916) 654-1018.

Or e-mail them to [Stephen.Brown@cdfa.ca.gov](mailto:Stephen.Brown@cdfa.ca.gov).

If you have any questions, please contact Stephen S. Brown at (916) 654-1017.

## DEPARTMENT OF FISH AND WILDLIFE

**Project:** Fruit Growers Supply Company Multi Species Habitat Conservation Plan

**Location:** Siskiyou County, California

**Applicant:** Fruit Growers Supply Company

### Background

Fruit Growers Supply Company (FGS) is currently implementing a fifty-year Habitat Conservation Plan (HCP) (Project) that covers forest management activities including timber operations on FGS commercial timberlands in Siskiyou County, California.

The Project activities covered by FGS’ HCP are timber operations and related management activities which include, but are not limited to: felling and bucking timber, yarding timber, loading and other landing operations, salvaging timber products, transporting timber and rock products, road construction and maintenance, rock pit construction and use, water drafting for dust abatement and fire suppression, equipment maintenance, regeneration harvest, site preparation, prescribed burning, slash treatment, planting, pre-commercial thinning and pruning, commercial thinning, and the collection and transport of minor forest products such as burls, stumps, boughs, and Christmas trees.

The Project activities described above are expected to incidentally take<sup>1</sup> northern spotted owl (*Strix occidentalis caurina*; hereafter NSO), a species designated as threatened pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and as a candidate<sup>2</sup> for listing under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). In particular, NSO could be incidentally taken as a result of the Project activities that cause direct or indirect mortality including engaging in timber harvesting within or near occupied NSO nest sites or activity centers, and removing or reducing the quality of occupied owl habitat which displaces NSO from suitable habitat into unsuitable or already occupied habitat.

<sup>1</sup> Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

<sup>2</sup> The species’ status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species. (See Cal. Code Regs., tit. 14, § 670.1, subd. (e)(2).)

NSO individuals occupy the Project site and other unoccupied but suitable habitat occurs within the Project site. Because of the presence of NSO on site, dispersal and other movement patterns of the species, and the presence of other suitable habitat within the Project site, the United States Fish and Wildlife Service (Service) determined that Project activities are expected to result in the incidental take of NSO.

According to the Service, there are 92,762 acres of suitable foraging habitat, 49,394 acres of suitable nesting habitat, and 382,329 acres of unsuitable habitat within the entire 524,485 FGS ownership. Thirty-one percent of the total amount of suitable northern spotted owl habitat is likely to be affected by FGS' activities over the term of the incidental take permit (ITP). Of the suitable habitat likely to be affected, it is anticipated that approximately 44 percent (i.e., 19,340 acres) will be reduced to non-habitat at some point over the term of the 50-year ITP.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, FGS prepared an HCP in support of an application for an ITP pursuant to section 10(a)(1)(B) of the ESA. On November 27, 2012, the Service issued ITP No. TE232253-0. The ITP requires full implementation of, and compliance with, all conservation measures listed in the HCP for avoidance, minimization, and mitigation for impacts to NSO, as well as compliance with the terms and conditions in the associated Implementing Agreement (IA), all of which were incorporated by reference as conditions of the ITP. On April 20, 2012, the Service issued a biological and conference opinion (Service Ref. No. 81333-2011-F-0018) (BO) for the Project based on the following documents: (1) the FGS HCP, (2) the Final Environmental Impact Statement, and (3) the final Implementation Agreement (IA). The BO describes the Project, requires the Applicant to comply with terms of the BO and its associated incidental take statement (ITS), and incorporates additional measures.

The ITP requires FGS to conduct timber harvesting and related operations in accordance with existing state and federal regulations, including the California Forest Practice Rules, the minor modification of the HCP (Minor Mod) issued by the Service on February 4, 2014 (Service Ref. No. 08EYRE00-2014-TA-0004), and other operational and policy management actions currently being implemented by FGS, as well as the company's NSO HCP and ITP.

On February 18, 2014, the Director of the California Department of Fish and Wildlife (CDFW) received notification from FGS requesting a determination pursuant to Fish and Game Code section 2080.1, that the ITP, which requires implementation of, and compliance with, the BO, IA, and HCP, is consistent with CESA for

purposes of the Project and the anticipated incidental take of NSO.

### Determination

CDFW has determined that the BO, its associated ITS, and ITP, which includes the requirement to fully implement the HCP, are consistent with CESA as to the Project and the anticipated incidental take of NSO. CDFW makes this determination because the mitigation measures contained in the HCP, the ITP, the IA, the conditions of the HCP, and other operational and policy management actions currently implemented by FGS, the take minimization measures of the environmental impact statement (42 U.S.C. § 4321 et seq.; see 40 C.F.R. § 1508.11), as well as the conditions in the statement of findings and recommendations on issuance of ITP No. TE-232253-0, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of NSO will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITP and HCP as amended will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of NSO. The mitigation measures in the ITP, IA, and HCP as amended include, but are not limited to, the following:

#### Avoidance, Minimization, and Mitigation Measures

- FGS will establish 24 conservation support areas (CSAs) setting aside approximately 7,131 acres on its ownership to provide demographic support for NSO associated with strategic activity centers located within 1.3 miles of the FGS ownership and whose home ranges overlap with critical habitat units.
- FGS will promote and maintain the following general conditions and habitat features on its ownership within the CSAs:
  - A multi-layered mature forest to provide a more stable and moderate microclimate;
  - Areas composed of tree species associated with use by NSOs (i.e., Douglas-fir with mistletoe infections to provide nesting platforms, hardwoods to provide food and shelter for prey);
  - Variable and increasing average tree diameter;
  - A large tree component (i.e., trees greater than 26 inches dbh);
  - Variable tree densities

- FGS will adhere to habitat commitments for each CSA identified in Appendix D of the HCP in addition to maintaining or creating general habitat conditions and features associated with owl habitat, such as a multi-layered mature forest, large trees, hardwoods, large down woody material, and snags. FGS will maintain selected nesting/roosting and foraging habitat in these areas and strategic locations, with the potential to grow into suitable habitat, will be managed to promote NSO use in the future.
- FGS will ensure the preservation of an additional 5,648 acres that will be protected outside of the CSAs in Watercourse and Lake Protection Zones (WLPZs) under the Aquatic Conservation Strategy, 5,017 acres of which will be in the California Klamath Province and 631 acres in the California Cascades Province for NSO benefit.
- FGS will provide foraging and dispersal opportunities for the NSO across the landscape by establishing WLPZs that promote growth in stands toward a more mature state with a high level of overstory canopy coverage and legacy structures, such as old large trees, snags, and downed wood.
- FGS shall maintain a general trend of increased quality and quantity of NSO dispersal habitat across the ownership over the term of the ITP. Dispersal habitat, at a minimum, consists of stands with adequate tree size and canopy closure to provide protection from avian predators and at least minimal foraging opportunities. FGS will provide an annual summary of acres in each California Wildlife Habitat Relationships (CWHR) diameter and canopy cover class throughout the term of the ITP. FGS' implementation of the HCP is expected to increase CWHR habitat categories 4M and 4D over the term of the ITP.
- FGS will maintain the habitat necessary to provide for no fewer than 13 NSO pairs throughout the term of the ITP to ensure that this important aspect of the HCP of increasing ownership-wide habitat is occurring throughout the ITP period. FGS will verify this ownership-wide habitat by providing, in 10-year intervals throughout the term of the ITP, the Probability of Occupancy as predicted by Zabel, et al. (2003), or by a comparable model with the same assumptions and mapping criteria used in the original modeling run, in the Plan Area as part of the annual report for that year.
- FGS's Deadwood and Wildlife Tree Guidelines (Guidelines) have been updated to define Nest Tree Retention Areas (NRAs) and provide guidance regarding their management in order to protect unique wildlife values. The Guidelines also address (1) wildlife green tree retention and (2) monitoring and reporting. Finally, the Guidelines document has been added to the HCP as Appendix G.
- FGS will avoid and minimize take of NSOs resulting from authorized timber harvesting operations through a combination of: (1) seasonal timing restrictions; (2) pre-harvest surveys; and (3) on-site monitoring by a qualified biologist. Survey protocol as specified in Section 5.3.1.4 of the HCP has been updated and further clarification has been included regarding the expertise required of those doing the surveys in order to maximize the opportunity and ability to hear NSO vocalizations. FGS shall apply for a scientific research permit pursuant to California Fish and Game Code section 2081(a) from the California Department of Fish and Wildlife. Once obtained, all NSO protocol surveys will be conducted under the supervision of the Principal Investigator named on the permit.
- FGS will manage known threats to the NSO, including actions that: (1) survey, monitor, and control barred owls through management actions within the area covered by the HCP; and (2) reduce the potential for catastrophic wildfire on the FGS ownership by implementing stocking control and fuel maintenance measures within the CSAs.

Monitoring and Reporting Measures

FGS shall complete stand inventories in all CSAs within two years of issuance of the ITP and repeated every 10 years during the permit period. FGS will conduct NSO protocol surveys on all CSAs for two consecutive years at four-year intervals. FGS shall perform annual barred owl protocol surveys until no detections for three consecutive years or the Service determines that surveys are no longer necessary for activity centers supported by CSAs on the FGS ownership in which barred owls have been detected and control measures have been implemented.

- FGS shall monitor compliance with the WLPZ measures through post-harvest WLPZ inspections as described in section 7.2.1 of the HCP.

- FGS will implement compliance monitoring associated with NSO incidental take avoidance and minimization measures, and demonstrate compliance with these measures by documenting: (1) completion of pre-harvest surveys, (2) implementation of seasonal restrictions, and (3) which FGS employees received NSO training.
- To demonstrate compliance with the HCP's barred owl control measures, FGS will conduct barred owl monitoring using current Service-approved survey protocols.
- FGS will monitor the NRAs as post-harvest annually and on five-year cycles for condition.
- FGS will submit an annual report to the Service and CDFW on HCP activities occurring in the preceding year. At a minimum, the annual report will include:
  - Any incidental take of NSO;
  - List of active Timber Harvest Plans (THPs) their locations, and identification of THPs in which take minimization and avoidance measures for northern spotted owls were implemented;
  - The amount of suitable habitat within the core area and home range of each activity center on the take list that has been harvested or otherwise converted to non-habitat;
  - Dates, locations, and results of northern spotted owl surveys in CSAs in that year and proceeding years;
  - Dates, locations, and results of barred owl surveys in that year and proceeding years;
  - A summary of acres in each CWHR diameter and canopy class for the FGS ownership;
  - For NRAs, pre-consult reports, post-harvest inspection reports;
  - For green tree retention, annual reporting will include all retention trees by stand, size, and species.
- FGS will submit five-year condition survey reports of the NRAs (post-harvest) in five-year intervals throughout the term of the permit.
- FGS will submit the results generated by a predictive habitat-association model (i.e., probability of occupancy) as described by Zabel, et al. (2003) or by a comparable model with the same assumptions and mapping criteria used in the original modeling, run in the HCP area as part of the annual report for that year, in 10-year intervals throughout the term of the ITP.

Financial Assurances

- FGS has provided CDFW with a performance security in the form of a standby letter of credit issued by CoBANK (No. 00615866) in the amount of \$258,210.00, as a financial assurance for implementation of the HCP.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of NSO, provided FGS implements the Project as described in the BO, ITS, ITP, IA and HCP as amended, including adherence to all measures contained therein, and complies with the mitigation and other conditions described in the BO and its associated ITS, as well as the HCP and ITP. If there are any substantive changes to the Project (e.g., amendments, replacements, or termination of the Service's ITS, HCP, IA, or ITP as amended to date), FGS shall obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

By: /s/ Sandra Morey, Deputy Director  
 Date: 3/6/14  
 Ecosystem Conservation Division  
 California Department of Fish and Wildlife

**Literature Cited**

Zabel, C.J., J.R. Dunk, H.B. Stauffer, L.M. Roberts, B.S. Mulder, and A. Wright. 2003. Northern spotted owl habitat models for research and management application in California (USA). *Ecological Applications* 13(4): 1027-1040.

**DEPARTMENT OF FISH  
 AND WILDLIFE**

**PROPOSED RESEARCH ON FULLY  
 PROTECTED SPECIES  
 Research on the Blunt-nosed Leopard Lizard**

The Department of Fish and Wildlife (Department) received a proposal on December 30, 2013 from Dr. Barry R. Sinervo, on behalf of the University of California, Santa Cruz, Santa Cruz, California, requesting authorization to take the blunt-nosed leopard lizard (*Gambelia sila*) (lizard), for scientific research purposes, consistent with conservation and recovery of the species. The lizard is a Fully Protected reptile, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Dr. Sinervo is planning to conduct studies of the lizard throughout its range in the greater San Joaquin

Valley area, including Carrizo Plain and Panoche Hills, in accordance with non-invasive methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities include capture of wild lizards by hand or pole and noose, taking of body measurements, collection of tail tip tissue samples, marking with passive integrated transponder (PIT) tags, and marking with a non-toxic felt-tipped pen, or other non-invasive marking methods approved by the Department, and palpation of females for eggs, and release at the site of capture.

Dr. Sinervo and any others deemed qualified by the Department for this purpose would conduct the research activities described above, collect tail tip samples in order to obtain genetic tissue samples in order to estimate population size and population connectivity at multiple spatial scales, and to determine habitat relationships and the status of the species throughout its historical range. The PIT-tag is a small device (1.5–6mm) that is inserted into the region just below the skin and would not interfere with muscle, skeletal, and organ functions. The above marking methods are commonly used for genetic sampling and individual marking of reptiles, and no adverse effects on individual lizards or lizard populations are expected.

The Department intends to amend, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Dr. Sinervo as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the lizard, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptile species after a 30-day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 21, 2014, for an initial and renewable term of three years. Contact: Laura Patterson, [Laura.Patterson@wildlife.ca.gov](mailto:Laura.Patterson@wildlife.ca.gov), 916-341-6981.

**DEPARTMENT OF FISH AND WILDLIFE**

**PROPOSED RESEARCH ON FULLY PROTECTED SPECIES**

**Research on the San Francisco Garter Snake**

The Department of Fish and Wildlife (Department) received a proposal on September 13, 2013 from Dr. Brian J. Halstead, on behalf of the United States Geo-

logical Survey, Western Ecological Research Center, Dixon Field Station, Dixon, California, requesting authorization to take the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) ('snake'), for scientific research purposes, consistent with conservation and recovery of the species. The snake is a Fully Protected reptile, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Dr. Halstead is planning to conduct studies of the snake throughout its range in San Mateo and Santa Cruz Counties, in accordance with non-invasive methods approved by the Department and the U.S. Fish and Wildlife Service (Service). Previous research activities occurred at Cloverdale Ranch in San Mateo County. The ongoing research activities include capture of wild snakes by hand, handheld snake stick, and drift fence/funnel trap arrays, taking of body measurements, collection of tail tip tissue samples, marking with passive integrated transponder (PIT) tags and/or a unique brand, or other non-invasive marking methods approved by the Department, opportunistic collection of regurgitated stomach contents and fecal samples, and release at the site of capture. Snake carcasses will be salvaged and samples will be collected, and the remains donated to a public scientific or educational institution open, to the public, as designated by the Department.

Dr. Halstead and any others deemed qualified by the Department for this purpose would conduct the research activities described above, in order to determine distribution, abundance, and demographic parameters of metapopulations, diet composition, landscape features and environmental variables important for survival, and to help determine the status of the species throughout its historical range. The PIT-tag is a small device (1.5–6mm) that is inserted into the region just below the skin and would not interfere with muscle, skeletal, and organ functions. The above marking methods are commonly used for genetic sampling and individual marking of reptiles, and no adverse effects on individual snake or snake populations are expected.

The Department intends to amend, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Dr. Halstead as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the snake, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptile species after a 30-day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with

the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 21, 2014, amending a current MOU with an expiration date of January 12, 2016. This MOU may be subsequently renewed. Contact: Laura Patterson, [Laura.Patterson@wildlife.ca.gov](mailto:Laura.Patterson@wildlife.ca.gov), 916-341-6981.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**EXTENSION OF THE PUBLIC COMMENT  
PERIOD FOR  
NOTICE OF INTENT TO LIST:  
ATRAZINE, PROPazine, SIMAZINE  
AND THEIR CHLOROMETABOLITES DACT,  
DEA AND DIA**

**March 21, 2014**

*[NOTE: Posted on the OEHHA website on  
March 7, 2014]*

On February 7, 2014, the California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2014, No. 6-Z) announcing its intent to list atrazine, propazine, simazine and their chlorometabolites DACT, DEA and DIA as known to the State to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986.<sup>1</sup>

The February 7 notice initiated a 30-day public comment period that was scheduled to close on March 10, 2014. OEHHA has received a request from the Syngenta Crop Protection, LLC seeking an extension of the comment period. **OEHHA hereby extends the public comment period until 5 p.m., Monday, March 24, 2014.**

We encourage you to submit comments via e-mail, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comment@oehha.ca.gov](mailto:P65Public.Comment@oehha.ca.gov) with "NOIL-triazines" in the subject line.

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

Hard copy comments may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010  
Fax: (916) 323-2265  
Street Address: 1001 I Street  
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period.

If you have any questions, please contact Ms. Oshita at [cynthia.oshita@oehha.ca.gov](mailto:cynthia.oshita@oehha.ca.gov) or at (916) 445-6900.

**RULEMAKING PETITION  
DECISION**

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**

Regarding Petition of Claudia Mae Wright, President of the United Family Council

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

PETITIONER

Claudia Mae Wright

AUTHORITY

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

confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDCR shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

#### CONTACT PERSON

Please direct any inquiries regarding this action to Jay Virbel, Associate Director, Female Offender Programs and Services/Special Housing, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

#### AVAILABILITY OF PETITION

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

#### SUMMARY OF PETITION

Petitioner requests an amendment to regulations found in California Code of Regulations (CCR), Title 15, Division 3, Article 7, Visiting, Section 3177, Family Visiting (Overnight). The specific regulatory reference is found in the Section 3177(B)(2) of Title 15. Family visits shall not be permitted for inmates who are in any of the following categories: sentenced to life without the possibility of parole; sentenced to life, without a parole date established by the Board of Prison Terms; designated Close A or Close B custody; designated a condemned inmate; assigned to a reception center; assigned to an administrative segregation unit; assigned to a security housing unit; designated "C" status; guilty of one or more Division A or Division B offense(s) within the last 12 months; or guilty of narcotics distribution while incarcerated in a state prison.

Petitioner contends that in facilities designated as Sensitive Needs Yards (SNY) throughout the CDCR, Lifers have worked hard and diligently to earn not only the trust of CDCR officials and the Board of Parole Hearings (BPH), but also the trust of the general public at large. The efforts of Lifers have been visibly demonstrated and recognized by their overt promotion of non-violent behavior, anti-criminal and gang activity, while advocating pro-social behavior, and creating, building and facilitating self-help programs in the CDCR, which effectuates a dedicated commitment to effective and strong rehabilitation.

Petitioner further explains, and provides examples which demonstrate a clear contrast in the level of trust earned by lifers, when compared to non-lifers who rarely participates in the many positive programming ex-

amples as listed above. Despite this clear contrast, family visiting, a CDCR visiting program designated as a privilege based on trust, alienates and deprives the most deserving segment of the SNY inmate population from enjoying the benefits normally earned with positive behavior and rehabilitative program participation.

It is the Petitioner's opinion that CCR Title 15, Section 3177(b)(2) restricts the eligibility of inmates sentenced to life, without a parole date established by the BPH from Family Visiting. The nature of this proposed regulatory amendment and adoption is based on CDCR's current security and public safety policies, effective rehabilitation and structured incentives that would allow for a very narrow class of Lifers, sentenced to a single life term for non-murders and housed in a designated SNY facility with an electrified fence, to become eligible for family visiting, if the life inmate meets all other criteria outlined in CCR Section 3177 and 3044; and all of the proposed regulation eligibility criteria to be adopted.

Petitioner proposes and submitted regulatory amendment for qualifying inmates sentenced to Life, with the possibility of parole (Life inmates or "Lifers"), is consistent with the public safety and security mission of the CDCR, as well as the Legislative intent of PC 6400 (a) thru (c).

#### DEPARTMENT DECISION

The Secretary of the CDCR declines the petition in its entirety.

The CDCR has been granted the authority by the enactment of Penal Code § 5058, in which the legislature has granted the Secretary of the CDCR the authority to prescribe or amend rules and regulations for the administration of the prisons. All regulations that the Secretary of the CDCR proposes must be vetted through the rulemaking process and comply with the Administrative Procedures Act (APA) of California, which the regulation in question has completed.

The CDCR asserts family visiting (overnight) is a privilege created by CDCR regulations, not by statute. Such privileges may be restricted or eliminated in the interest of safety and security for the visitors, public, staff and inmates alike via promulgation of regulations. CDCR has implemented specific criteria via those regulations that exclude certain inmates from family visits for these reasons.

The inmates who are denied family visits under the current regulations have demonstrated, either by their commitment offense, prior misdemeanor or felony arrest or convictions or by in custody misconduct, that they pose a danger to others and have an inability to conform their behavior to social expectations. Such behavioral histories create a higher security risk for prison

staff and visitors and must be taken into account by administrators with responsibility for the safe operation of prisons and other CDCR facilities. In general, such prisoners require a higher degree of direct supervision than do inmates with less serious histories of criminal offenses and in prison/disciplinary misconduct. Because overnight family visiting is unsupervised by staff, its availability to inmates with the enumerated commitment offenses, prior arrest or convictions, or documented in custody misconduct is very problematic and poses a threat to the safety and security of the institutions. Additionally, the department has established a priority in its regulations for those inmates who, based on their commitment offense, parole prospects, and behavior in custody, will benefit the most from family visiting.

The CDCR reiterates that family visiting is a privilege not a right to the inmates and that the Secretary of the CDCR has the overall responsibility to develop and implement regulations regarding family visiting to ensure the safety and security of the institutions, staff, visitors, and inmates alike as stated in PC § 5054.

The CDCR is responsible for ensuring family visiting produces its desired result, a healthy, positive, and safe experience for all involved.

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

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

File# 2014-0227-03  
**CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY**  
 PACE Loss Reserve Program

The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) adopted sections 10080, 10081, 10082, 10083, 10084, 10085, 10086, and 10087 of title 4 of the California Code of Regulations. These regulations are intended to establish procedures that will enable CAEATFA to protect against the risk of default and foreclosure and increase the acceptance of Property Assessed Clean Ener-

gy (PACE) loans in the marketplace by developing and administering a PACE risk mitigation program, the PACE Loss Reserve Program. These regulations are deemed an emergency by the Legislature pursuant to Public Resources Code section 26009.

Title 4  
 California Code of Regulations  
 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087  
 Filed 03/10/2014  
 Effective 03/10/2014  
 Agency Contact: Noah Proser (916) 653-3032

File# 2014-0227-06  
**CALIFORNIA HEALTH BENEFIT EXCHANGE**  
 Dental Plan Recertification and New Entrant

This emergency regulatory action adopts two new sections to Title 10 of the California Code of Regulations. One provision establishes the requirements for eligible applicants to request recertification as a Standalone Dental Plan for the plan year 2015 for the Individual Exchange and for the SHOP Exchange or for approval of proposed family dental plans for either the SHOP or individual Exchanges. The other provision establishes the requirements for eligible applicants to request certification as either a standalone dental plan or an issue of family dental plans in the individual Exchange and for the SHOP Exchange.

Title 10  
 California Code of Regulations  
 ADOPT: 6424, 6440  
 Filed 03/10/2014  
 Effective 03/10/2014  
 Agency Contact: Andrea Rosen (916) 228-8343

File# 2014-0227-05  
**CALIFORNIA HEALTH BENEFIT EXCHANGE**  
 Qualified Health Plan Recertification and New Entrant

This emergency rulemaking by the California Health Benefit Exchange adopts sections 6420 and 6422 of Title 10 of the California Code of Regulations, establishing the process for eligible health issuers in the individual and Small Business Health Option Plan exchanges to submit proposed qualified health plans (QHP) for recertification and for eligible health issuers to submit proposed QHPs as new market entrants.

Title 10  
 California Code of Regulations  
 ADOPT: 6420, 6422  
 Filed 03/06/2014  
 Effective 03/06/2014  
 Agency Contact: Andrea Rosen (916) 228-8343

File# 2014-0128-03  
CALIFORNIA HORSE RACING BOARD  
Tampering With Smoke Detectors Prohibited

This rulemaking action by the California Horse Racing Board (Board) adopts section 1927.1 into Title 4 of the California Code of Regulations. Specifically, new section 1927.1 prohibits licensees of the Board from tampering with automatic fire alarm systems or smoke detectors located on grounds under the jurisdiction of the Board. Section 1927.1 further specifies the fines imposed on licensees who violate this section and upon licensed trainers whose employees are found culpable of multiple violations within a 365 day period.

Title 4  
California Code of Regulations  
ADOPT: 1927.1  
Filed 03/11/2014  
Effective 07/01/2014  
Agency Contact: Leeland Turner (916) 263-6026

File# 2014-0128-01  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
Secured Perimeter and Delayed Egress Regulations

The Department of Developmental Services (DDS), submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-0604-01E, and re-adopted in OAL file no. 2013-1115-01EE. These filings adopted and amended sections of Title 17 of the California Code of Regulations to implement AB 1472, authorizing the installation of secured perimeters around adult residential facilities and group homes utilizing delayed egress devices, and the installation of delayed egress and secured perimeters in and around specified facilities.

Title 17  
California Code of Regulations  
ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101  
Filed 03/12/2014  
Effective 03/12/2014  
Agency Contact: Diana Nicolaou (916) 654-1760

File# 2014-0123-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Registration and Fees for Egg Handlers

In this resubmitted rulemaking action, the Department adopted section 1358.3 into title 3 of the California Code of Regulations. The purpose of this action is to establish procedures for any person engaged in business in this State as an egg producer or handler, and any out of state egg producer or handler selling eggs into California to submit an application for registration and

to pay a registration fee to the Department. This regulation contains two forms, a registration form and a renewal form, which are incorporated by reference.

Title 3  
California Code of Regulations  
ADOPT: 1358.3  
Filed 03/05/2014  
Effective 04/01/2014  
Agency Contact: Thami Rodgers (916) 698-3276

File# 2014-0206-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Japanese Beetle Eradication Area

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 2013-0905-03E) that established El Dorado County as an area of eradication for the Japanese beetle (*Popillia japonica*). The effect of the amendment provides authority for the state to perform eradication activities against the Japanese beetle within El Dorado County. At this time, the other counties also proclaimed to be eradication areas are Los Angeles, Merced, Orange, Placer, Riverside, Sacramento, San Bernardino and San Diego County.

Title 3  
California Code of Regulations  
AMEND: 3589(a)  
Filed 03/10/2014  
Effective 03/10/2014  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0124-01  
FRANCHISE TAX BOARD  
Withholding

This rulemaking action by the Franchise Tax Board (FTB) creates a comprehensive set of regulations to implement the "withholding at source" statutory requirements in Revenue & Taxation Code section 18662. These regulations are designed to provide guidance consistent with the current statutory framework as well as FTB's current administrative procedures.

Title 18  
California Code of Regulations  
ADOPT: 18662-0, 19002 AMEND: 18662-1, 18662-2, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8 REPEAL: 18662-7, 18662-11, 18662-12, 18662-13, 18662-14  
Filed 03/10/2014  
Effective 07/01/2014  
Agency Contact: Colleen Berwick (916) 845-3306

File# 2014-0131-01  
STATE LANDS COMMISSION  
Rent Regulations for State Lands Leases

The State Lands Commission (Commission) action amended sections 1900, 2002, and 2003 of title 2 of the California Code of Regulations. The amendments add several definitions, update the categories of leases, permits, or agreements for which the Commission is authorized to charge rent or other consideration, and update minimum rental rates and add to the variety of methods the Commission will use to determine rental rates for leases of state lands. Additionally, the amendments establish standards to implement SB 152 (Stats.2011, c. 585), which repealed the statewide rent-free status of private recreational piers and authorized the Commission to begin charging rent for leasing state lands upon which private recreational piers are constructed.

Title 2  
California Code of Regulations  
AMEND: 1900, 2002, 2003  
Filed 03/10/2014  
Effective 07/01/2014  
Agency Contact: Colin Connor (916) 574-1241

File# 2014-0128-02  
**STATE WATER RESOURCES CONTROL BOARD**  
Colorado River Basin Onsite Wastewater Treatment System Implementation Program BPA

This regulatory action is to include a concise summary of changes to the Basin Plan. This change was adopted by the Colorado River Basin Region and incorporates the standards established in the Onsite Wastewater Treatment Systems Policy as required by that policy and by Water Code section 13291(e).

Title 23  
California Code of Regulations  
ADOPT: 3969.4  
Filed 03/11/2014  
Agency Contact:  
Thomas Vandenberg (916) 341-5195

File# 2014-0121-02  
**VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**  
Amendments to Claim Form, Fee Waiver Form, and Regulations

This rulemaking action by the Victim Compensation and Government Claims Board makes changes to regulation sections found in Article 4, Chapter 1, Division 2 of Title 2 of the California Code of Regulations relating to the filing of claims for money damages against the State of California. These changes primarily update regulatory provisions with current law and include the incorporation by reference of a new Government Claims Form and new Government Claims Program Fee Waiver Request Packet.

Title 2  
California Code of Regulations  
ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11  
Filed 03/05/2014  
Effective 07/01/2014  
Agency Contact: Geoff Feusahrens (916) 491-3863

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN October 9, 2013 TO  
March 12, 2014**

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

**Title 1**  
11/21/13 ADOPT: 2002(c)(4), 2002(c)(5), 2002(c)(8)  
10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004

**Title 2**  
03/10/14 AMEND: 1900, 2002, 2003  
03/05/14 ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11  
02/10/14 AMEND: 58000  
01/27/14 AMEND: 56800  
01/21/14 AMEND: 1194  
01/13/14 AMEND: 55300  
12/23/13 ADOPT: 18950.2 AMEND: 18942, 18944, 18950, 18950.1, 18950.4 REPEAL: 18727.5, 18950.3  
12/23/13 AMEND: 18351  
12/02/13 ADOPT: 18417  
11/19/13 ADOPT: 21001.1, 21001.2, 21001.3 AMEND: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007 (re-numbered to 21004.5), 21008, 21009 (re-numbered to 21005.5)  
11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6, 1859.74.5, 1859.77.4, 1859.82, 1859.83  
10/30/13 AMEND: 1859.76  
10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25 AMEND: 579.2

**Title 3**  
03/10/14 AMEND: 3589(a)  
03/05/14 ADOPT: 1358.3

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 12-Z**

02/26/14 AMEND: 3434(b)(c)(d)  
 02/25/14 AMEND: 3417(b)  
 02/25/14 AMEND: 3700(b)  
 02/20/14 AMEND: 3423(b)  
 02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3,  
 3701.4, 3701.5, 3701.6, 3701.7, 3701.8  
 02/12/14 AMEND: 3700(c)  
 02/10/14 AMEND: 3435(b)  
 02/05/14 AMEND: 3435(b)  
 01/27/14 AMEND: 3406(b)  
 01/23/14 AMEND: 3591.11  
 01/14/14 ADOPT: 1392.13  
 01/09/14 AMEND: 1300, 1300.1, 1300.3,  
 1300.11, 1300.12, 1300.13, 1300.14,  
 1300.15 REPEAL: 1300.2, 1300.4  
 12/16/13 AMEND: 3591.12(a) & (b)  
 12/05/1 ADOPT: 1280, 1280.1, 1280.8, 1280.10  
 AMEND: 1280.73  
 11/25/13 AMEND: 3435(b)  
 11/13/13 AMEND: 3700(c)  
 11/07/13 AMEND: 3591.20(a)  
 11/07/13 AMEND: 6512, 6513  
 11/06/13 ADOPT: 1180.3.3, 1180.3.4, 1180.3.5,  
 1180.3.6, 1180.3.7, 1180.3.8, 1180.3.9  
 11/04/13 AMEND: 3591.6(a)  
 10/21/13 AMEND: 1380.19(p)  
 10/21/13 AMEND: 3701.1, 3701.2, 3701.3,  
 3701.4, 3701.5, 3701.6, 3701.7  
 10/14/13 AMEND: 3435(b)

**Title 4**

03/11/14 ADOPT: 1927.1  
 03/10/14 ADOPT: 10080, 10081, 10082, 10083,  
 10084, 10085, 10086, 10087  
 02/03/14 ADOPT: 10170.16, 10170.17, 10170.18,  
 10170.19, 10170.20, 10170.21,  
 10170.22, 10170.23, 10170.24  
 01/21/14 ADOPT: 10170.1, 10170.2, 10170.3,  
 10170.4, 10170.5, 10170.6, 10170.7,  
 10170.8, 10170.9, 10170.10, 10170.11,  
 10170.12, 10170.13, 10170.14, 10170.15  
 12/26/13 ADOPT: 8034(d)  
 12/24/13 AMEND: 8070, 8072  
 12/23/13 AMEND: 5000, 5170, 5190, 5205, 5212,  
 5230, 5250  
 12/19/13 AMEND: 10325  
 12/04/13 AMEND: 12200.20, 12220.20, 12480,  
 12482, 12500, 12505, 12508 REPEAL:  
 12488  
 11/21/13 ADOPT: 7113, 7114, 7115, 7116, 7117,  
 7118, 7119, 7120, 7121, 7122, 7123,  
 7124, 7125, 7126, 7127, 7128, 7129  
 11/21/13 AMEND: 1101, 1126, 1373.2, 1374,  
 1374.2, 1374.3, 1383.2 REPEAL: 1370,  
 1374.1

10/28/13 AMEND: 4001

**Title 5**

02/28/14 ADOPT: 19843, 19844, 19848, 19849,  
 19855 AMEND: 19815, 19816, 19816.1,  
 19817.2, 19819, 19820, 19824, 19828.4,  
 19840, 19845.2, 19850, 19851, 19852,  
 19853 REPEAL: 19839  
 02/13/14 ADOPT: 80033  
 02/06/14 ADOPT: 15494, 15495, 15496, 15497  
 02/05/14 ADOPT: 80691, 80692  
 02/03/14 AMEND: 850, 851, 852, 853, 853.5, 855,  
 857, 858, 859, 861, 862, 862.5, 863, 864  
 REPEAL: 854, 864.5, 865, 866, 867,  
 867.5, 868  
 01/23/14 AMEND: 22000  
 12/04/13 AMEND: 15440, 15444, 15445, 15446,  
 15447, 15448, 15450, 15451, 15453,  
 15455, 15456, 15460, 15461, 15463,  
 15464, 15467, 15468, 15469, 15471,  
 15471.2, 15472, 15473, 15474, 15475,  
 15480, 15483, 15484, 15485, 15486,  
 15490, 15493  
 10/23/13 ADOPT: 80691, 80692  
 10/17/13 ADOPT: 19847 AMEND: 19816,  
 19816.1, 19818, 19824, 19829, 19837.3  
 10/16/13 REPEAL: 3052

**Title 7**

02/27/14 AMEND: 213

**Title 8**

02/12/14 ADOPT: 9785.5, 9792.6.1, 9792.9.1,  
 9792.10.1, 9792.10.2, 9792.10.3,  
 9792.10.4, 9792.10.5, 9792.10.6,  
 9792.10.7, 9792.10.8, 9792.10.9  
 AMEND: 9785, 9792.6, 9792.7, 9792.9,  
 9792.10, 9792.11, 9792.12, 9792.15  
 02/12/14 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6,  
 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10,  
 9792.5.11, 9792.5.12, 9792.5.13,  
 9792.5.14, 9792.5.15 AMEND:  
 9792.5.1, 9792.5.3, 9793, 9794, 9795  
 02/12/14 AMEND: 9780, 9780.1, 9783, 9783.1,  
 9785  
 02/05/14 AMEND: 10133.32, 10133.33,  
 10133.35, 10133.36  
 01/21/14 AMEND: 334  
 01/21/14 AMEND: 344, 344.1  
 01/09/14 AMEND: 8495, 8496, 8497, 8500  
 01/09/14 AMEND: 5155  
 01/07/14 AMEND: 4297  
 12/26/13 AMEND: 9789.12.2, 9789.12.3,  
 9789.12.4, 9789.12.8, 9789.19  
 12/16/13 ADOPT: 10206, 10206.1, 10206.2,  
 10206.3, 10206.4, 10206.5, 10206.14,



**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 12-Z**

01/21/14 AMEND: 7.50  
 01/16/14 ADOPT: 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117  
 01/14/14 AMEND: 165, 165.5  
 01/13/14 ADOPT: 4000  
 01/13/14 ADOPT: 2830, 2831, 2831.1, 2831.2, 2831.3, 2831.4, 2831.5, 2832, 2833, 2834, 2835 AMEND: 2000, 2085, 2501  
 12/26/13 AMEND: 228(a)  
 12/30/13 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788  
 12/23/13 AMEND: 5.79, 27.92  
 12/20/13 ADOPT: 2012 AMEND: 2010, 2015, 2030, 2040, 2045, 2405, 2505  
 12/19/13 AMEND: 705  
 12/19/13 AMEND: 790, 818.02, 825.03, 827.02  
 12/17/13 AMEND: 2530, 2535  
 12/09/13 AMEND: 820.01  
 11/27/13 AMEND: 895.1, 916.9, 936.9, 956.9  
 11/26/13 AMEND: 895.1  
 11/21/13 AMEND: 251.4  
 11/20/13 AMEND: 29.15  
 11/19/13 AMEND: 699.5  
 11/18/13 ADOPT: 665  
 11/14/13 AMEND: 4970.00, 4970.10.2, 4970.10.3, 4970.10.4, 4970.15.1, 4970.15.2  
 10/30/13 AMEND: 163, 164  
 10/30/13 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6  
 10/23/13 AMEND: 18419  
 10/21/13 AMEND: 817.02, 817.03, 818.02, 818.03, 820.01, 827.02, 852.60.2, 852.62.2  
 10/11/13 AMEND: 190, 195  
 10/10/13 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307

**Title 15**

02/11/14 ADOPT: 3999.15  
 02/11/14 ADOPT: 3999.16  
 02/06/14 ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3  
 01/23/14 AMEND: 3000, 3075  
 01/15/14 REPEAL: 3999.9  
 01/09/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749,

1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
 01/08/14 AMEND: 3044, 3190, 3315  
 01/08/14 AMEND: 3000, 3006, 3084.7, 3165, 3176, 3177, 3294.5, 3310, 3315, 3352, 3376, 3376.1, 3377.1, 3379, 3426, 3430, 3434  
 12/09/13 AMEND: 3000, 3190, 3213, 3334  
 12/02/13 ADOPT: 1329 AMEND: 1300, 1302, 1303, 1304, 1310, 1311, 1312, 1313, 1314, 1320, 1321, 1323, 1324, 1327, 1328, 1340, 1341, 1342, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1370, 1371, 1374, 1375, 1378, 1390, 1391, 1401, 1402, 1409, 1413, 1431, 1432, 1433, 1434, 1435, 1437, 1438, 1439, 1453, 1454, 1461, 1464, 1465, 1466, 1467, 1480, 1482, 1484, 1485, 1486, 1487, 1488, 1501, 1502, 1510 REPEAL: 1450  
 10/29/13 AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383

**Title 16**

02/24/14 ADOPT: 1762 AMEND: 1745, 1769  
 02/19/14 AMEND: 1021  
 01/17/14 AMEND: 475, 476, 3065  
 01/16/14 ADOPT: 1138  
 01/13/14 AMEND: 70  
 01/07/14 AMEND: 1524  
 01/07/14 ADOPT: 1018.01 AMEND: 1018  
 12/31/13 ADOPT: 4172  
 12/23/13 ADOPT: 4128 AMEND: 4122, 4130  
 12/18/13 ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98  
 12/04/13 AMEND: 1065  
 11/21/13 AMEND: 121  
 11/18/13 AMEND: 411, 412, 3008, 3009  
 11/13/13 ADOPT: 15, 16, 16.1, 16.2  
 11/06/13 ADOPT: 420.1, 3021.1  
 11/06/13 ADOPT: 420.1, 3021.1  
 10/28/13 AMEND: 1398.6  
 10/17/13 AMEND: 442, 3035  
 10/16/13 REPEAL: 3340.38  
 10/16/13 ADOPT: 15, 15.1, 15.2, 15.3, 15.4 AMEND: 70, 71, 80.1, 80.2  
 10/09/13 AMEND: 109, 117

**Title 17**

03/12/14 ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101

01/28/14 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525

01/27/14 AMEND: 100600, 100601, 100602, 100608

12/31/13 ADOPT: 95124 AMEND: 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157

12/17/13 AMEND: 1230, 2641.57

12/02/13 AMEND: 2505

11/21/13 ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101

10/31/13 ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3

10/28/13 AMEND: 54342, 57332

10/11/13 ADOPT: 30400, 30409, 30411, 30412, 30413, 30413.5, 30414, 30415, 30416, 30417, 30418, 30419, 30420, 30467, 30468 AMEND: 30403, 30403.5, 30403.8, 30404, 30405, 30406, 30408, 30410, 30421, 30422, 30423, 30424, 30425, 30427.2, 30435, 30436, 30437, 30440, 30442, 30443, 30444, 30446, 30447, 30450, 30451, 30455.1, 30456.6, 30460, 30461, 30462, 30463, 30464, 30465, 30466 REPEAL: 30400.5, 30400.40, 30400.60, 30400.85, 30400.95, 30420, 30427, 30428, 30441, 30445, 30445.1, 30452, 30467, 30468

**Title 18**

03/10/14 ADOPT: 18662-0, 19002 AMEND: 18662-1, 18662-2, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8 REPEAL: 18662-7, 18662-11, 18662-12, 18662-13, 18662-14

03/04/14 AMEND: 1502

02/25/14 ADOPT: 5255, 5256, 5453, 5552 AMEND: 5200, 5212, 5215, 5215.4, 5215.6, 5216, 5217, 5218, 5219, 5220, 5222, 5224, 5225, 5230, 5233, 5235, 5237, 5240, 5241, 5242, 5247, 5250, 5262, 5264, 5266, 5267, 5270, 5311, 5322, 5323.6, 5323.8, 5324, 5325.6, 5332, 5332.6, 5333, 5333.4, 5333.6, 5334, 5334.4, 5334.6, 5335, 5336.5, 5345, 5421, 5435, 5444, 5450, 5451, 5452, 5460, 5463, 5510, 5511, 5512, 5522.8, 5523.6, 5551, 5561, 5562, 5563, 5570, 5573, 5574 REPEAL: 5450, 5512, 5563

02/20/14 ADOPT: 19266

01/08/14 AMEND: 25106.5-1

12/24/13 AMEND: 263, 462.020, 462.060, 462.160, 462.180, 462.220, 462.240

12/09/13 AMEND: 17951-4, 17951-6, 25101, 25106.5-9, 25106.5-10, 25128, 25137-1, 25137-2, 25137-4.2, 25137-7, 25137-8.2, 25137-9, 25137-10, 25137-11, 25137-14

12/09/13 AMEND: 1642

11/26/13 ADOPT: 2000, 2001

11/21/13 AMEND: 25106.5

10/30/13 REPEAL: 474

10/14/13 ADOPT: 1566.1

**Title 20**

01/28/14 AMEND: 2401, 2402

01/08/14 AMEND: 1660, 1661, 1662, 1663, 1664, 1665

01/08/14 AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1

10/17/13 AMEND: 1680, 1681, 1683, 1684

**Title 21**

01/07/14 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658

**Title 22**

02/26/14 AMEND: 53800, 53810 REPEAL: 53830

02/13/14 AMEND: 51003

12/24/13 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501

12/17/13 ADOPT: 70438.2

12/16/13 AMEND: 50090, 50260, 50262.3, 50951, 50953, 51008, 51008.5, 51015, 51159, 51200, 51303, 51341.1, 51458.1, 51476, 51490.1

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70959, 70960, 71701, 71702, 71703  
10/28/13 AMEND: 123000  
10/16/13 AMEND: 67100.1, 67100.8, 67100.9

**Title 23**

03/11/14 ADOPT: 3969.4  
02/27/14 AMEND: 2922  
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13.3), 20, 21 (renumbered to 26), 26  
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30) REPEAL: 23, 24, 25, 27  
12/03/13 AMEND: 597  
11/08/13 AMEND: 3939.24  
11/08/13 AMEND: 3939.15  
11/07/13 AMEND: 3938, 3939, 3939.4, 3939.12  
11/06/13 AMEND: 595  
10/31/13 AMEND: 1062, 1064, 1066, 1068  
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02/20/14 AMEND: 27001  
12/17/13 ADOPT: 15186.1 AMEND: 15100,  
15110, 15150, 15170, 15180, 15185,  
15186, 15187, 15188, 15190, 15200,  
15210, 15220, 15240, 15242, 15250,

15260, 15280, 15290, 15300, 15330,  
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15400.4, 15410, 15600, 15610, 15620

**Title 28**

12/16/13 ADOPT: 1300.67.005

**Title MPP**

12/24/13 ADOPT: 40-038 AMEND: 22-071,  
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40-128, 40-131, 40-173, 40-181,  
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82-832, 89-110, 89-201 REPEAL:  
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