



California Regulatory Notice Register

REGISTER 2012, NO. 16-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 20, 2012

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2012-0410-05 505

Multi-County: Chaffey Joint Union High School District

State: California High-Speed Rail Authority

Department of Transportation

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Volatile Organic Compounds in San Joaquin Valley — Notice File No. Z2012-0410-07 506

TITLE 4. CALIFORNIA HORSE RACING BOARD

Suspension of License Due to Delinquent Tax Debt — Notice File No. Z2012-0410-04 510

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Capital Access Program for Small Business — Notice File No. Z2012-0409-02 513

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Ignition Interlock Devices — AB 520 — Notice File No. Z2012-0409-03 515

TITLE 14. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

Tank Vessel Escort Program LA/Long Beach — Notice File No. Z2012-0409-01 518

TITLE 18. BOARD OF EQUALIZATION

United States Government Supply Contracts — Notice File No. Z2012-0406-01 520

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Population Studies of the California Least Tern 524

DEPARTMENT OF FISH AND GAME

South Bay Aqueduct Improvement Consistency Determination 2080-2012-003-03 524

(Continued on next page)

Time-Dated Material

STATE PERSONNEL BOARD

Notice of Rescheduled Public Hearing and Extension of Written Comment Period Regarding Notice of Proposed Rulemaking Originally Published on April 6, 2012 (Notice Register 2012, No. 14–Z) 527

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Amendment to Section 25805: MADLs for Methanol — Public Hearing and Extension of Public Comment Period 528

DISAPPROVAL DECISION

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY 528

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

DEPARTMENT OF JUSTICE

Concerning Department of Justice Policy and Forms Regarding Applications for Dangerous Weapons Permits by Corporations and Other Entities 529

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 531
Sections Filed, November 16, 2011 to March 11, 2012 534

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

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

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Chaffey Joint Union High School District

STATE: California High-Speed Rail Authority
Department of Transportation

A written comment period has been established commencing on April 20, 2012, and closing on June 4, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than June 4, 2012. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

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

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Volatile Organic Compounds in the
San Joaquin Valley Ozone Nonattainment Area
DPR Regulation No. 12-001

**NOTICE OF PROPOSED REGULATORY ACTION
AND
NOTICE OF PUBLIC HEARING
ON A PROPOSED OZONE STATE
IMPLEMENTATION PLAN AMENDMENT
REGARDING PESTICIDE EMISSIONS IN
THE SAN JOAQUIN VALLEY
NONATTAINMENT AREA**

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6452, 6452.2, and 6864; amend section 6452.4 and renumber to 6881; renumber section 6890 to 6864; and adopt sections 6558, 6577, 6880, 6883, 6884, and 6886. The proposed action would require prohibitions on the use of certain nonfumigants on certain crops in the San Joaquin Valley ozone nonattainment area (NAA) during May 1 through October 31 if the volatile organic compound (VOC) emission limit is triggered. These prohibitions would apply to agricultural use products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen. Also, when purchasing or using certain products containing these four active ingredients, the proposed action would require a written recommendation from a licensed pest control adviser and require pest control dealers to provide VOC information to the purchaser.

DPR will conduct a public hearing to accept comments on these amendments that may become part of the ozone state implementation plan (SIP). The federal Clean Air Act requires each state to submit a SIP for achieving and maintaining federal ambient air quality standards for ozone. California's SIP contains an element to reduce pesticidal sources of VOCs. These proposed regulations amend and add to regulations that

were previously submitted to the U.S. Environmental Protection Agency (U.S. EPA) to support a pending SIP amendment. Opportunity to comment and the hearing on the proposed regulations as part of the SIP amendment are being provided in conjunction with this rule-making.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on June 7, 2012. Comments regarding this proposed action may also be transmitted via e-mail to <dpr12001@cdpr.ca.gov> or by facsimile at 916-324-1452.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed changes.¹

DATE: June 6, 2012

TIME: 6:00 p.m.

PLACE: Tulare County Agricultural Commissioner's
Office — Auditorium
4437 S. Laspina Street
Tulare, California 93274

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 5:00 to 6:00 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

State and federal law mandates that DPR protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management.

¹If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

VOCs contribute to the formation of ground-level ozone, which is harmful to human health and vegetation when present at high enough concentrations. The federal Clean Air Act requires each state to submit a SIP for achieving and maintaining federal ambient air quality standards for ozone. An ozone NAA is a geographical region in California that does not meet federal ambient air quality standards. U.S. EPA designates NAAs in Title 40, Code of Federal Regulations section 81.305.

California's SIP includes an element that requires DPR to track and reduce pesticidal sources of VOCs in five NAAs — Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura — to meet the ozone standard. The tracking of emissions and control measures are focused on the period between May 1 and October 31, because that is the peak "ozone forming" season in California.

Since 1990, DPR maintains an annual emissions inventory to track pesticide VOC emissions, based on the amount of pesticide products applied (from pesticide use reports) and the VOC content (emission potential) of pesticide products. Most pesticide VOC emissions are from fumigants and products formulated as emulsifiable concentrates. Fumigants are gaseous pesticides, applied in relatively high amounts. Emulsifiable concentrates (nonfumigants) contain solvents that keep pesticides in liquid form, so that mixing and applying the product are easier.

Sacramento Metro and South Coast ozone NAAs have consistently achieved a reduction of pesticide VOC emissions from the 1990 base year. Prior to 2008, San Joaquin Valley, Southeast Desert, and Ventura NAAs did not always meet the reduction goals. In January 2008, DPR adopted regulations (Office of Administrative Law File No. 2007-1219-01S) to achieve a reduction of pesticide VOC emissions from a baseline level in the five NAAs. Those regulations, in part, focused exclusively on fumigant VOC emissions to achieve reductions through controls requiring "low-emission" application methods and the benchmarks that trigger a cap and allowance system to force reductions if needed.

With the current fumigant controls in place, the emissions inventory indicates that DPR will consistently achieve the SIP reduction goals for the Sacramento Metro, South Coast, Southeast Desert, and Ventura ozone NAAs. However, the emissions inventory indicates that DPR may not consistently achieve the SIP emission level goal of 18.1 tons per day average for the San Joaquin Valley ozone NAA since most pesticide VOC emissions are due to the use of nonfumigants. Fumigants account for approximately one-quarter of the pesticide emissions in the San Joaquin Valley NAA, and nonfumigants account for three-quarters. Since fumigants have a relatively smaller contribution, additional

fumigant reductions would have minimal impact on total pesticide VOC emissions. Under the 2009 proposed SIP revision, DPR is obligated to reduce VOC emissions from nonfumigant pesticides. These reductions will be more effective in reducing total pesticide VOC emissions, since nonfumigants make up the majority of pesticide VOC emissions in the San Joaquin Valley ozone NAA.

It is possible that current regulations would require a major decrease or a total prohibition of fumigants, and still not achieve the pesticide SIP goal for the San Joaquin Valley due to increased nonfumigant emissions. Under the current regulations, a fumigant limit is triggered even if emissions exceed a specified level due to an increase in nonfumigants. Therefore, a fumigant limit program is a less efficient reduction measure for the San Joaquin Valley ozone NAA compared to the other NAAs. DPR proposes to replace fumigant limits in the San Joaquin Valley ozone NAA with nonfumigant use restrictions and prohibitions when emissions reach levels five percent or less below the benchmarks or exceed the benchmark of 6,700,000 pounds (18.1 tons per day average).

As mentioned above, most pesticide VOC emissions in the San Joaquin Valley NAA are from nonfumigant products formulated as emulsifiable concentrates. The liquid products have higher emission potentials, while solid products (e.g., dusts, powders, and granules) have lower emission potentials. In 2005, DPR initiated a reevaluation (regulatory process to request actions by pesticide manufacturers and formulators [registrants]) for several hundred nonfumigant products. The reevaluation required registrants to submit plans for reformulating the inert ingredients in the products to reduce VOC emissions. Some registrants responded to the reevaluation or earlier informal DPR requests by successfully reformulating several products.

Pesticide products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen have consistently been among the highest nonfumigant VOC contributors in the San Joaquin Valley ozone NAA. Although products with lower VOC emissions are available for these active ingredients, current voluntary efforts to use lower VOC products may not consistently achieve the SIP reduction goals. Therefore, restrictions on nonfumigant VOC emissions in the San Joaquin Valley NAA are needed to: ensure that the SIP reduction goal is achieved in a worst-case year; comply with the SIP commitment to implement restrictions on nonfumigant pesticides by 2014; and reduce the regulatory burden on fumigants and avoid triggering a fumigant limit.

DPR will need to balance four factors to achieve the needed VOC reductions from the nonfumigant restrictions — active ingredients, setting product emission potential limits, crops, and exemptions. DPR proposes to

designate products with agricultural uses containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as their primary active ingredient as a “low-VOC” or “high-VOC” contributor based on the product’s emission potential. DPR proposes to require nonfumigant use prohibitions on certain crops in the San Joaquin Valley ozone NAA when using these active ingredients during May 1 through October 31 if the VOC emission limit is triggered. With a few exceptions, products that are designated as “high-VOCs” will not be allowed to be applied to alfalfa, almonds, citrus, cotton, grapes, pistachios, and walnuts during this time period.

Additionally, when agricultural use of a high-VOC product is allowed, DPR proposes to require a written recommendation from a licensed pest control adviser (PCA) as a condition of use on the seven crops during May 1 through October 31. A PCA recommendation is currently optional for all pesticides. The operator of the property and the PCA will be required to retain a copy of the recommendation for two years after the application. Also, whenever selling certain high-VOC products, a licensed pest control dealer will be required to provide written VOC information to the purchaser who has an operator identification number issued by a county agricultural commissioner (CAC) in the San Joaquin Valley ozone NAA.

Adoption of these regulations will provide a benefit to public health and the environment by continuing to reduce VOC emissions in the San Joaquin Valley ozone NAA.

These proposed regulations are not inconsistent or incompatible with existing state regulations.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

CAC offices will be the local agencies responsible for enforcing the proposed regulations. DPR anticipates that there will be no fiscal impact to these agencies. DPR negotiates an annual work plan with the CACs for enforcement activities.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

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

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will have a significant cost impact on representative private persons or businesses. The prohibition of the relevant high-VOC products on the seven crops could affect nearly 17,000 producers in the San Joaquin Valley ozone NAA. The total cost for producers from using low-VOC products instead of high-VOC products on the relevant crops is estimated to be about \$1.58 million annually. The average change in expenditures differs by crop, ranging from an average annual savings of \$39 for citrus producers to an average additional annual cost of \$359 for almond producers. Costs may fluctuate as pesticide product prices change, but in the long-run, it is likely that prices will fall after newer low-VOC products have been on the market for some time. If the emissions trigger level for the San Joaquin Valley NAA is not exceeded, producers would face no high-VOC pesticide restrictions and thus no additional costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will provide a benefit to public health and the environment by continuing to

reduce VOC emissions in the San Joaquin Valley ozone NAA.

Impact on the Creation, Elimination, or Expansion of Job/Businesses: DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

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

DPR has identified several alternatives to the proposed regulatory action. DPR could deny or cancel registrations for high-VOC products and limit registrations to low-VOC products statewide, year-round. This would extend the costs outlined above to agricultural producers across the state and increase aggregate costs substantially. Alternatively, DPR could reclassify the active ingredients in high-VOC products as restricted materials, which means that high-VOC products would undergo the permitting process and would be evaluated by individual agricultural commissioners for use within each county. This process would limit costs associated with switching from high-VOC to low-VOC products to counties that are close to meeting the VOC trigger level. However, administrative costs for CACs would be increased across the state and unnecessary regulatory burden would be placed on growers across the state who would need to obtain a restricted materials permit to use the high-VOC products.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code sections 11456, 12111, 12976, 14005, and 14102.

REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections 11501, 12003, 14006, 14021, 14023, and 14102.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AGENCY CONTACT

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

Linda Irokawa-Otani, Regulations Coordinator
 Department of Pesticide Regulation
 1001 I Street, P.O. Box 4015
 Sacramento, California 95812-4015
 916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted below:

Randy Segawa, Environmental Program Manager
 Environmental Monitoring Branch
 916-324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code sec-

tion 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 1489.1. SUSPENSION OF LICENSE DUE TO DELINQUENT TAX DEBT

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

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1489.1, Suspension of License Due to Delinquent Tax Debt, to comply with the provisions of Business and Professions Code section 494.5. The proposed regulation requires the Board to mail a preliminary notice of intent to suspend, or withhold issuance or renewal of license to current licensees or applicants for license whose name appears on the Board of Equalization (BOE) or the Franchise Tax Board (FTB) 500 largest tax delinquencies lists. If, within 90 days of the mailing of the preliminary notice, the Board receives a notice of release from the BOE or FTB the licensee will not be suspended and the temporary license may become permanent. If no such release is received within 90 days, the license is suspended or the temporary license is terminated and the license fees forfeited. Upon receipt of a notice of compliance, the proposed regulation requires that a suspended license be reinstated within five working days.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 28, 2012**, or as soon after that as business before the Board will permit, at the **Hollywood Park Race Track, 1050 South Prairie Avenue, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the pro-

posed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 4, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
Fax: (916) 263-6042
E-Mail: esward@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 494.5, 19440, 19510, 19520, and 19704, Business and Professions Code. Reference: 494.5, 19510, 19520, and 17904, Business and Professions Code.

Business and Professions Code sections 494.5, 19440, 19510, 19520, and 19704 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 494.5, 19510, 19520, and 17904, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 494.5(a)(1) states that except as provided in paragraphs (2), (3), and (4) of this section, a state governmental licensing entity shall refuse to issue, reactivate, reinstate, or renew a license and shall suspend a license if a licensee's name is included on a certified list. Business and Professions Code section 494.5(e)(2)(A) requires the state governmental licensing entity to issue a temporary license valid for a period of 90 days to any applicant whose name is on a certified list if the applicant is otherwise eligible for a license. Business and Professions Code section 494.5(b)(1) provides that "Certified list" means either the list provided by the State Board of Equalization or the list provided by the Franchise Tax Board of persons whose names appear on the lists of the 500 largest tax delinquencies pursuant to section 7063 or 19195 of the Revenue and Taxation Code, as applicable. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, licensing of each racing association and all persons, other than the public at large, who participate in a horse racing meeting with pari-mutuel wagering. Business and Professions Code section 19510 states no person required to be licensed may par-

ticipate in any capacity in any horse race meeting without a valid and unrevoked license. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, including the Labor Code and the regulations adopted there under, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19520 provides that every person not required to be licensed who participates in, or has anything to do with the racing of horses shall be licensed by the Board pursuant to rules and regulations that the Board may adopt, and upon the payment of a license fee fixed and determined by the Board.

Assembly Bill (AB) 1424, statutes of 2011, requires the suspension of occupational, professional and drivers licenses for debtors appearing on the top 500 largest tax delinquencies lists for Franchise Tax Board (FTB) and Board of Equalization (BOE). Under AB 1424, the FTB and BOE are required to submit a list of names of persons appearing on their 500 largest tax delinquencies lists to licensing agencies. The licensing agencies are required to determine if the name of a licensee appears on the lists. If so, the licensing agency must provide the licensee or applicant for license preliminary notice of its intent to suspend, withhold or refuse renewal of license. If an applicant for license appears on the list, he may only be granted a 90-day temporary license. Within at least 90 days of the preliminary notice of intent to suspend, withhold or refuse renewal of license, the licensing agency shall suspend the occupational license or terminate the temporary license unless the BOE or FTB provides the Board with the licensee's or applicant's compliance. When the licensee has complied with the tax obligation, the BOE or FTB shall mail a release form to the licensee, as well as the appropriate state governmental licensing entity. The CHRB would have five working days to process the release.

Pursuant to AB 1424, Chapter 455, Statutes of 2011, the Board proposes to add Rule 1489.1, Suspension of License Due to Delinquent Tax Debt. Subsection 1489.1(a) states that no person may be issued a permanent license if his or her name appears on the certified lists provided by BOE or FTB. This informs applicants that failure to pay a significant tax obligation which results in the applicant's name being placed on the BOE or FTB certified lists will prevent them from obtaining a permanent license with the Board. Subsection 1489.1(b) states that licensees or applicants whose names appear on the lists shall be notified by the Board immediately that their licenses may be suspended or the issuance or renewal of the licenses withheld. This informs the licensee or the applicant that unless their tax

delinquencies are resolved, their occupational licenses may be subject to suspension, or the issuance or renewal of their license may be withheld. Subsection 1489.1(b) states how the Board will notify the licensee or applicant; by certified mail. This is in keeping with the statute and makes specific AB 1424 by setting the requirements for when and how the Board must notify licensees and applicants. Subsection 1489.1(c) states that a licensee or applicant whose name appears on the lists shall, 90 days after the Board issues a preliminary notice of intent, be subject to suspension of license, or denied a permanent license, unless the BOE or FTB provides the Board with the licensee's or applicant's compliance. This is in compliance with AB 1424. Licensees and applicants are notified of the allotted period of time before they may expect a suspension of license if tax delinquencies are not resolved. Subsection 1489.1(c)(1) informs suspended licensees when they may expect to have their license reinstated once the Board has been notified of their compliance. This allows licensees and applicants to be informed of how soon they may participate in horse racing activities. Subsection 1489.1(c)(2) describes what occurs if the tax delinquency with BOE or FTB is not resolved. It states that a temporary license is valid for a period of 90 days and that the temporary license will be terminated with the loss of the fee if the applicant does not comply. This gives a time frame of when a licensee or applicant must resolve the tax delinquency if he or she does not wish to have the temporary license terminated or license fee forfeited. Subsection 1489.1(d) defines "certified list". This eliminates any unnecessary confusion. It is important for licensees and applicants to know exactly what list the Board is referencing.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed regulation promotes fairness. Individuals who obey tax laws will receive permanent licenses, and those that do not comply with the law and have tax obligations significant enough to be placed on the BOE or FTB certified lists will have his/her license suspended or terminated.

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

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

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

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

The Board has made an initial determination that the proposed addition of Rule 1489.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1489.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 1489.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

The addition of Rule 1489.1 will benefit California by promoting fairness. Individuals who obey tax laws will receive permanent licenses, and those that do not comply with the law and have tax obligations significant enough to be placed on the BOE or FTB certified lists will have his/her license suspended or terminated.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chr.ca.gov

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

Harold Coburn,
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has

adopted the proposed regulations in their current or modified form, should be sent to the attention of Erica Ward at the address stated above.

BOARD WEB ACCESS

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

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

The California Pollution Control Financing Authority (CPCFA and the “Authority”), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code, proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Section 8070 of Title 4 of the California Code of Regulations concerning the administration of the California Capital Access Program for Small Businesses (the “Program” and CalCAP). These regulations were readopted on an emergency basis in February 2012. The current rulemaking action would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44559.5(f) of the Act authorize the Authority to adopt necessary regulations relating to the California Capital Access Loan Program (CalCAP) established by the Act.

Reference: Sections 44559–44559.12 of the Health and Safety Code. These amended regulations implement, interpret, and make specific Sections of the Act by amending Section 8070 of Title 4, Division 11, Article 7 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans

to eligible small businesses that are having trouble obtaining capital. (Health and Safety Code, § 44559.2.)

Under existing law, borrowers and lenders must pay a fee on CalCAP loans to the lender’s loss reserve account. (Health and Safety Code, § 44559.3.) The Authority matches the fees paid by the lender to the Loss Reserve Account at 150 percent or 200 percent, depending on the funding source. (Health and Safety Code, § 44559.4(d).) The funds held in the lender’s loss reserve account are the sole property of the Authority and are used to cover losses on any loan that the lender has enrolled in CalCAP. (Health and Safety Code, § 44559.5.)

The proposed amendments to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California. There are also no benefits to the health and welfare of California residents, worker safety or the state’s environment with the proposed amendment to the CalCAP Regulations.

The proposed amendments introduce a new type of qualified lender in the program that was recently added to the statute. These amendments are the result of periodic evaluation of the regulations and specific requests to make the Program available to more individuals.

Many small businesses throughout the state will benefit from the increased accessibility of the Program that will come from the inclusion of Microbusiness Lenders. Also, with the addition of a new type of Financial Institution, these businesses will have more options to receive necessary loans to continue to operate or to expand.

This proposed amendment to the CalCAP Regulations is consistent and compatible with the existing state regulations. The proposed amendment and objective is as follows:

Section 8070(e). This proposed change would revise the definition of a “Financial Institution” to include Microbusiness Lenders as qualified lenders in CalCAP. The definition of a Microbusiness Lender would be added to the current definition of a “Financial Institution” to show that these lenders are now qualified to enroll in the Program.

Disclosures Regarding the Proposed Action: The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Capital Access Regulations.

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None.

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

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

Significant effect on housing costs: None.

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

Small Business: The amended CalCAP Regulations will not have an adverse impact on small business in California. The proposed regulation will not significantly affect small businesses because it does not impose additional costs on small businesses.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the amended CalCAP Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The amended CalCAP Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

Benefits of the health and welfare of California residents, worker safety, and the state's environment: The Authority is not aware of any benefits to the health and welfare of California residents, worker safety or the state's environment with the proposed amendment to the CalCAP Regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the amended CalCAP Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the amended CalCAP Regulations are

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 Authority invites interested persons to present statements with respect to alternatives to the amended CalCAP Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the amended CalCAP Regulations shall be submitted or directed to:

Jillian Franzoia, Staff Services Analyst
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 653-3993
Fax: (916) 657-4821
Email: jfranzoia@treasurer.ca.gov

Or:

Patricia Tanous, Treasury Program Manager II
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-5821
Fax: (916) 657-4821
Email: ptanous@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the amended CalCAP Regulations to the Authority. The written comment period on the amended CalCAP Regulations ends at **5:00 p.m. on June 4, 2012**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantive changes are made to the amended CalCAP Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified amended CalCAP Regulations for fifteen (15) calendar days after the date on which such amended CalCAP Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF THE
PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the amended CalCAP Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

PUBLIC HEARING

A public hearing regarding the amended CalCAP Regulations has been scheduled for **June 5, 2012 at 10:00 a.m. (PDT) until 11:00 a.m. (PDT) at 915 Capitol Mall, Room 470, Sacramento, CA 95814.**

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the amended CalCAP Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed amended CalCAP Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

**TITLE 13. DEPARTMENT OF MOTOR
VEHICLES**

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 125.12, 125.16, 126.00, 126.02, 127.00, 127.02 and 127.08 in Article 2.55 of Chapter 1, Division 1, Title 13, California Code of Regulations, relating to the California Ignition Interlock Device Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. **JUNE 4, 2012**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 13353.3, 13386, 23573 and 23575.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Assembly Bill (AB) 520 (Chapter 657; Statutes of 2011) amended Vehicle Code section 13353.3 to authorize a person who has been convicted of a violation of Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, and has no more than two prior alcohol-related offenses, to be granted a restricted driver license when the driver agrees to have an Ignition Interlock Device (IID) installed in each vehicle he or she owns.

Current law allows a person guilty of driving under the influence (DUI), who also has a prior DUI, the option of having an ignition interlock device installed in his or her vehicle as a condition of being issued a restricted driver license. A person with a reckless driving violation, who also has a prior DUI, is not afforded the IID option, even though the reckless driving offense is a lower offense.

AB 520 corrected this oversight to allow a person, who pleads guilty to a lesser charge of reckless driving, or a “wet reckless,” to participate in the IID program as a condition of being issued a restricted driver license.

Vehicle Code section 23103.5 authorizes a driver, originally charged with violating Vehicle Code section 23152, driving under the influence, to plead guilty to a lesser charge of reckless driving, Vehicle Code section 23103. Although no suspension is imposed for violators convicted of reckless driving, existing Administrative Per Se laws, as specified in Vehicle Code section 13353.3, require a one-year driver license suspension under the provisions of Vehicle Code section 13353.2 for an individual with one or more prior alcohol-related offenses that is administratively determined to have been driving with an excessive concentration of alcohol.

Upon completion of a 90-day suspension period, Vehicle Code section 13353.3, as amended by AB 520, will allow a driver convicted of reckless driving in satisfaction of an original charge of driving under the influence that has been suspended for one year under Vehicle Code section 13353.2 to be eligible for a restricted driver license. Conditions of restriction include:

- Enrollment in a nine-month driving-under-the-influence program,
- Continued satisfactory participation in the driving-under-the-influence program,
- Installment of an IID and submission of a Verification of Installation form DL 920 (REV 11/2010),
- Agreement to maintain the IID pursuant to Vehicle Code section 23575(g),
- Provide proof of financial responsibility,
- Agreement to pay all driver license reissue fees, optional restriction fees, and all fees associated with the IID program.

Since AB 520 allows for a new type of IID restriction, the department must implement fees for drivers who enter into the IID program. The fees proposed in these regulations will allow the department to recover the fees associated with this process.

Vehicle Code section 13353.3(b)(2)(C)(vii) requires the driver to pay a fee to the department in an amount

sufficient to cover the costs of administering these restriction provisions. The department has prepared costing documentation and has determined that a fee of \$40 is sufficient to manage this program.

Departmental regulations provide for the certification, modification, compliance, and service and maintenance requirements of IIDs, as well as the prescription of forms associated with the installation, compliance and removal of devices. This proposed regulatory action only amends current regulation and is neither inconsistent nor incompatible with existing state or federal regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Verification of Installation, form DL 920 (Rev. 11/2010)
- Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (Rev. 11/2010)

These documents will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: A driver who has an ignition interlock device installed in his or her vehicle as a condition of being issued a restricted driver license, will be required to submit a fee of \$40. There are no costs to business.
- Effect on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This proposed action will not impact small business.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Gov. Code sec. 11346.3(b):

- 1) The creation or elimination of jobs within the State of California.
 - The proposed regulation will neither create nor eliminate jobs within the State of California.
- 2) The creation of new businesses or the elimination of existing businesses within the State of California.
 - The proposed regulation will neither create new business nor eliminate existing business within the State of California.
- 3) The expansion of businesses currently doing business within the State of California.
 - This bill will not expand businesses currently doing business within the State of California.
- 4) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
 - The proposed regulatory action has no impact on health and welfare of California residents, worker safety, nor the state's environment.
- 5) Potential significant statewide adverse economic impact:
 - The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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, or would be 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.

CONTACT PERSON

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

Randi Calkins, Regulations Coordinator
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-Mail: LRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Debbie Swank-Cockrill, Regulations Analyst
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikethrough to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently

related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes amend Section 790, and Sections 851.20 through 851.29 in Subdivision 4 of Title 14 of the California Code of Regulations (CCR). These sections pertain to definitions and abbreviations, and to the Tank Vessel Escort Program for the Los Angeles/Long Beach Harbors.

PUBLIC HEARING

A public hearing has been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all testimony is completed, and will be held as follows:

June 7, 2012
Port of Long Beach
Administration Building
925 Harbor Plaza
Long Beach, CA
Sixth Floor Board Room
9:30 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on June 7, 2012**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.17.2 grants the Administrator the authority to adopt regulations governing tugboat escorts for tank ships and tank barges entering, leaving, or navigating in the harbors of the state. Government Code Section 8670.23.1 describes the responsibilities of the Harbor Safety Committees established throughout the state, which include the development of Harbor Safety Plans. These plans shall be developed in consultation with the port authorities of the harbors and other affected parties.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters.

Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Log Angeles/Long Beach; Port Huenueme; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors. Government Code Section 8670.17.2 also directed the Administrator to adopt regulations implementing tug escort requirements for the specified harbors.

Following the enactment of the above-cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing tug escorts were drafted to clarify the requirements for tug escorts at each individual harbor, to address the peculiarities of local waters that call for special precautionary measures. These sections establish clear and consistent requirements to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, inter-

pret and make specific Government Code Sections 8670.17.2 and 8670.23.1.

This proposal would amend the regulations as follows:

- Extending the existing Tank Vessel Escort Program Force Selection Matrix for the Los Angeles and Long Beach Harbors to include bollard pull requirements for tank vessels with displacements greater than 340,000 tons, which is the upper limit of the existing matrix.
- The existing matrix applicable to tank vessels with displacements from 260,000 to 340,000 tons has been reevaluated and updated for water depths as low as 1.1 x draft (i.e., 10% under-keel clearance).
- Corrections have been made to the terms used, and additional definitions and explanations have been added.

POLICY STATEMENT OVERVIEW

The existing matrix needs to be extended upwards because larger tank vessels are expected to call at the twin ports of Los Angeles and Long Beach. Recently completed channel deepening projects have increased the controlling depths in both harbors to accommodate larger tank vessels. Also, a new crude oil delivery terminal in Los Angeles outer harbor will be constructed to accommodate Very Large Crude Carriers (VLCC's) up to 380,000 displacement tons.

As part of the matrix extension, the bollard pull requirements for tank vessels operating on water depths less than 1.2 x draft need to be revisited and amended. The ship simulation program used to determine our existing matrix was based on ship modeling performed in water depths equal to 1.2 times draft. However, the larger VLCC's calling at the ports of LALB might at times operate with less under-keel clearance, which could affect tank vessel handling characteristics.

The proposed regulations will provide benefits to the health and welfare of California residents, worker safety, and the state's environment, by requiring the appropriate tug escorts for vessels calling at Los Angeles and Long Beach harbors, to potentially assist in the event of a propulsion or steering failure.

The proposed regulation is not inconsistent or incompatible with existing state regulations.

There will be no additional costs to vessels currently calling at the Ports of Los Angeles and Long Beach. Larger vessels that may call in the future will have to pay for tug escorts, consistent with what is currently charged. Typical charges for tug escort services run about \$2,300 per hour; it typically takes 1 to 2 hours for a tug escort to complete its duties. (The average time to conduct a tug escort in Los Angeles/Long Beach Harbors is 1.25 Hours).

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10, 8670.28, 8670.29 AND 8670.55

In accordance with Government Code Section 8670.55(a), these regulations have been developed in consultation with the Oil Spill Technical Advisory Committee.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

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

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

Cost impacts on representative private persons or businesses: No additional costs to existing businesses. The larger vessels that will eventually call at the Los Angeles/Long Beach Harbors will have tug escort costs consistent with costs currently charged to existing vessels.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

The proposed regulations:

- Will not result in the creation or elimination of jobs within the State of California;
- Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;
- Will not result in the expansion of businesses currently doing business within the State of California.
- Will provide benefits to the health and welfare of California residents, worker safety, and the state's environment, by requiring the appropriate tug escorts for vessels calling at Los Angeles and Long Beach harbors, to potentially assist in the event of a propulsion or steering failure.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR
CONTACT PERSON

OSPR 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 the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Mike Coyne ((916) 324-5659).

**TITLE 18. STATE BOARD OF
EQUALIZATION**

**Amendments to California Code of Regulations,
Title 18, Section 1618, *United States Government
Supply Contracts***

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 1618, *United States Government Supply Contracts*. Regulation 1618 implements, interprets, and makes specific RTC section 6207, which provides that the term "retail sale" means "a sale for any purpose other than resale in the regular course of business," and RTC section 6381, which provides an exemption from sales tax for gross receipts from the sale of tangible personal property to the United States. The proposed amendments make the regulation consistent with the 2007 amendments to the Federal Acquisition Regulation (FAR) codified in chapter 1 of title 48 of the Code of Federal Regulations, and clarify the requirements for making sales for resale to the United States of direct consumable supplies and indirect consumable supplies, including overhead materials.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on June 26-28, 2012. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on June 26, 27, or 28, 2012. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulation 1618.

AUTHORITY

RTC section 7051.

REFERENCE

RTC sections 6007 and 6381.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current Regulation 1618

Unless an exemption applies, California imposes a sales tax on retailers, which is measured by their gross receipts from the retail sale of tangible personal property in California. (Rev. & Tax Code, § 6051.) As relevant here, RTC section 6007 provides that the term “retail sale” means “a sale for any purpose other than resale in the regular course of business” and RTC section 6381 provides an exemption from sales tax for gross receipts from the sale of tangible personal property to the United States.

Regulation 1618 currently prescribes the circumstances under which a retailer may make non-taxable sales of tools, equipment, direct consumable supplies, and overhead materials to a United States Government supply contractor who will resell the tangible personal property to the United States Government in the ordinary course of the contractor’s business (hereafter, “sales for resale to the United States”). The regulation generally provides that:

- A retailer’s sales of tools, equipment, direct consumable supplies, and overhead materials to a United States Government supply contractor are sales for resale to the United States if the United States takes title to the tangible personal property pursuant to a United States Government supply contract prior to the time the contractor uses the property to perform the function or act for which the property was designed or manufactured; and
- A retailer’s sales of tools, equipment, direct consumable supplies, and overhead materials to a United States Government supply contractor are not sales for resale to the United States if the contractor makes any use of the property to perform the function or act for which the property was designed or manufactured prior to the time that title to the property passes to the United States.

Regulation 1618 also currently provides specific guidance for determining when title to direct consumable supplies and overhead materials passes to the United States under a United States Government supply contract. In addition, the United States Government has uniform acquisition policies and procedures for its

executive agencies, which are codified in the FAR, and Regulation 1618 provides specific guidance as to when title to “special tooling” passes to the United States under the FAR.

2007 Amendments to FAR

Regulation 1618 was last amended in 1995 to provide specific guidance for determining when title to overhead materials passes to the United States in accordance with the Court of Appeal’s decision in *Aerospace Corporation v. State Board of Equalization* (1990) 218 Cal.App.3d 1300, and when title to “special tooling” passes to the United States in accordance with FAR part 52.245–17. However, the federal government amended the FAR in 2007, and, among other changes, repealed FAR part 52.245–17, which contained special title passage clauses applicable to contracts for “special tooling,” and consolidated a number of clauses regarding the passage of title to the federal government into FAR part 52.245–1, effective June 14, 2007.

Effect, Objectives, and Benefits of the Proposed Amendments to Regulation 1618

The Board directed its staff to meet with interested parties to discuss whether Regulation 1618 needs to be amended due to the repeal of FAR part 52.245–17 and any other changes in United States Government supply contracts. At the conclusion of the interested parties process, Board staff prepared Formal Issue Paper 12–001, which raised the issue of whether the Board should amend Regulation 1618 to conform to changes in the FAR, and recommended that the Board amend Regulation 1618 to:

- Delete the provisions in subdivision (a)(2) providing that the term “tools,” as used in the definition of direct consumable supplies, does not include “special tooling”;
- Add new provisions to subdivision (a)(2) specifying that, effective June 14, 2007, the term “tools,” as used in the definition of direct consumable supplies, includes “special tooling” that “was previously covered by FAR part 52.245–17”; and
- Amend the second to last sentence in subdivision (b) to reflect that the FAR’s title passage clauses for special tooling applied until June 13, 2007, but were no longer effective after that date.

In addition, Formal Issue Paper 12–001 recommended that the Board amend Regulation 1618, subdivision (a)(3) to clarify that costs for “overhead materials” must be allocated to United States Government supply contracts “consistent with government cost accounting standards.” It also recommended that the Board clarify the guidance provided in subdivision (b) regarding the passage of title to “direct consumable supplies” and “overhead materials” by separating sub-

division (b) into paragraphs (1) through (3), explaining that overhead materials are one example of “indirect consumable supplies,” and providing distinct guidance regarding the passage of title to direct consumable supplies, which are directly reimbursable under specific contracts, and indirect consumable supplies, which must be allocated to specific contracts.

The Aerospace Industries Association (AIA) participated in Board staff’s meetings with the interested parties and AIA agreed with staff’s recommended amendments to Regulation 1618 as set forth in Formal Issue Paper 12–001.

During its March 20, 2012, Business Taxes Committee meeting, the Board determined that staff’s recommended amendments are reasonably necessary to accomplish the objectives of making Regulation 1618 consistent with the 2007 amendments to the FAR and clarify Regulation 1618’s guidance regarding sales for resale to the United States of direct consumable supplies and indirect consumable supplies, including overhead materials. The proposed amendments are anticipated to provide the following specific benefits:

1. Ensure that Regulation 1618 is consistent with the amendments made to the FAR effective June 14, 2007;
2. Eliminate confusion regarding the treatment of special tooling after the 2007 amendments to the FAR;
3. Explain that overhead materials are one example of indirect consumable supplies; and
4. Provide more certainty regarding sales for resale to the United States of direct consumable supplies and indirect consumable supplies, including overhead materials.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1618 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1618 is the only state regulation prescribing the requirements for making sales for resale to the United States. In addition, there is no federal sales tax and there are no comparable federal regulations or statutes to Regulation 1618.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1618 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

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

The Board has determined that the adoption of the proposed amendments to Regulation 1618 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non–discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The proposed amendments to Regulation 1618 make the regulation consistent with the 2007 amendments to the FAR, eliminate confusion regarding the treatment of special tooling after the 2007 amendments to the FAR, and provide more clarity and certainty regarding the requirements for sales for resale of direct consumable supplies and indirect consumable supplies, including overhead materials, to the United States. The proposed amendments were the result of a collaborative effort between Board staff and the interested parties and are intended to provide additional certainty to retailers. Furthermore, the proposed amendments will not impose any new taxes. Therefore, the Board has made an initial determination that the adoption of the proposed amendments to Regulation 1618 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulation 1618 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

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

The Board has prepared the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1618 will nei-

ther create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1618 will not affect the health and welfare of California residents, worker safety, or the state's environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of the proposed amendments to Regulation 1618 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

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

CONTACT PERSONS

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

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

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on June 26, 2012, or as soon thereafter as the Board begins

the public hearing regarding the proposed amendments to Regulation 1684 during the June 26-28, 2012, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulation 1618. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underscored and strikethrough version of the text of Regulation 1618 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rule-making file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulation 1618 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

If the Board adopts the proposed amendments to Regulation 1618, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES

Breeding Population Studies of the
California Least Tern

The Department of Fish and Game (Department) reviewed a proposal on April 5, 2012, from Michael Evans, National City, CA, requesting authorization to take the California least tern (*Sternula antillarum browni*), Fully Protected bird, for research purposes, consistent with protection and recovery of the species in San Diego, Orange, Los Angeles, and Ventura Counties.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include approaching least tern nesting areas to gather necessary data used in monitoring nesting status, conducting habitat assessments, and identifying threats. Data would be collected by observation and monitoring with binoculars/spotting scopes in or near potential and known breeding habitat and locating nests on foot. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after May

20, 2012, for an initial and renewable term of two years. Contact: California Department of Fish and Game, Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF FISH AND GAME

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2012-003-03**

Project: South Bay Aqueduct Improvement and Enlargement Project
Location: Alameda County
Applicant: California Department of Water Resources
Notifier: Jim O'Toole, Environmental Science Associates

Background

The Department of Water Resources (DWR) (Applicant) proposes to improve and enlarge the South Bay Aqueduct (SBA) System. The SBA Improvement and Enlargement Project (Project) includes the following elements:

- Bethany Reservoir facility improvements including expansion of an existing building, the installation of additional pumps, a new service bay and a new electrical switchyard at the South Bay Pumping Plant (SBPP) on Bethany Reservoir, and SBPP inlet dredging;
- Construction of a third parallel Brushy Creek pipeline and surge tank parallel to the existing dual pipeline system;
- Construction of the 27-acre Dyer Reservoir, a 500-acre-foot capacity reservoir to be served by the Stage 3 Brushy Creek Pipeline;
- Development of the first phase of a water pipeline from Dyer Reservoir to the proposed Altamont Water Treatment Plant west of Dyer Road;
- Raising the height of canal embankments, canal lining and canal overcrossing structures and bridges for the Dyer, Livermore, and Alameda canals, including Patterson Reservoir, which includes use of the 17-acre Patterson embankment materials borrow area;
- Modification of check structures and siphons along the Dyer, Livermore, and Alameda canals; and
- Construction of new drainage overcrossing structures to eliminate drainage into canals.

The Project activities described above are expected to incidentally take¹ San Joaquin kit fox (*Vulpes macrotis mutica*) and California tiger salamander (*Ambystoma californiense*) where those activities take place within upland grassland that provides habitat for San Joaquin kit fox and California tiger salamander and in or near ponds that provide breeding habitat for California tiger salamander. In particular, both San Joaquin kit fox and California tiger salamander could be incidentally taken as a result of the crushing, entrapment, smothering, etc. San Joaquin kit fox is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.). [See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(6)(E)]. California tiger salamander is designated as a threatened species pursuant to ESA (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to CESA (Fish and Game Code, § 2050 et seq.). [See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)].

San Joaquin kit fox individuals are documented as present within 2.5 miles from the Project site and there is suitable San Joaquin kit fox habitat within and adjacent to the Project site. Because of the proximity of the nearest documented San Joaquin kit fox, dispersal patterns of San Joaquin kit fox, and the presence of suitable San Joaquin kit fox habitat within the Project site, the U.S. Fish and Wildlife Service (Service) determined that San Joaquin kit fox is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of San Joaquin kit fox.

California tiger salamander individuals are documented as present at the Project site and there is suitable California tiger salamander habitat within and adjacent to the Project site. Because of the proximity of the nearest documented California tiger salamander, dispersal patterns of California tiger salamander, and the presence of suitable California tiger salamander habitat within the Project site, the Service determined that California tiger salamander is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of California tiger salamander.

According to the Service, the Project will result in the temporary loss of 159.25 acres of San Joaquin kit fox and California tiger salamander upland habitat.

¹Pursuant 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").

Construction of the Project will also result in the permanent loss of 42.6 acres of San Joaquin kit fox upland habitat, which includes 35.6 acres of California tiger salamander upland habitat.

Because the Project is expected to result in take of species designated as threatened and endangered under ESA, the Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On February 28, 2006, the Service issued a biological opinion (Service file No. 1-1-05-F-028) (BO) to the Corps. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. On June 28, 2006, the Service issued an amendment (Service file No. 1-1-06-F-0129) (Amended BO) to include measures required by DFG. On July 28, 2006, DFG determined that the BO, including the ITS, and the Amended BO was consistent with CESA (DFG Ref. No. 2080-2006-015-03).

On October 15, 2009, the Service issued a second amendment (Service file No. 81420-2008-F-1422-2) (Amended BO 2) to the BO and Amended BO which includes the following changes to the Project:

- The Applicant will expand the existing Harvey O. Banks (HOB) Switchyard approximately 180 feet to the west. The new facility will consist of transformers, switchgear, and powerline connections within the extended fence line.
- The Applicant will install approximately 4,200 feet of new 13 kV powerline at the existing Delta Operations and Maintenance facility to provide reliable permanent power supply to the Skinner Fish Facility. Single metal poles installed every 200 feet along existing access roads and fence lines will provide Powerline support. The Applicant will restring the existing 13 kV powerline to the Skinner fish facility along Burns Road on the existing wooden power poles.
- Sixty-nine Kilovolt Powerline to South Bay Pumping Plant (SBPP): The Applicant will install a 69 kV powerline between the HOB switchyard and the South Bay Pumping Plant to upgrade existing power service to the pumping plant. Implementation will include removal of an existing 13.8 kV powerline and poles located approximately 100 feet east of the proposed 69 kV powerline corridor. Installation of new poles will consist of pole layout, rotary drilling with an auger, pole installation, backfill and powerline stringing.
- Temporary cofferdam at the SBPP: The Applicant will install a cofferdam across the Bethany Reservoir Inlet Channel to dewater the area prior to and during installation of the SBPP intakes, as

well as provide access for excavation of sediments that have accumulated in the channel. The Applicant will excavate an estimated 6,000 cubic yards of material and integrate into existing SBPP spoils piles. Installation of the cofferdam will include driving of sheet piles and placing approximately 12,000 cubic yards of material to a height of approximately 25 feet.

- **Conservation Easement Funding:** On an annual basis, the Applicant will classify the management of the conservation areas as an integral component of the State Water Project (SWP) and on that basis shall obligate funds from its Operations and Maintenance budget sufficient to adequately manage the conservation areas and to meet the obligations of the Conservation Easement Management Plan (CEMP) for the Egan and Bethany properties (draft dated June 6, 2009 or the most recent version). It is anticipated that implementation of the CEMP for the 503 acres of listed species habitat to be preserved and managed will cost approximately \$82,995 annually in 2009 dollars (unescalated). This amount consists of the annual costs for Applicant staff and senior compliance biologists who will be responsible for surveys, annual and five-year reports, meetings, training sessions, mitigation activities, and other day-to-day activities associated with implementation of the CEMP. These are rough estimates; actual expenditures could be different once the Applicant implements the CEMP. The Applicant will review all program budgets on an annual basis and make adjustments as needed to meet CEMP requirements.
- **Increase in Created Wetlands:** This represents a clarification in the original BO. The Corps did not accept 1.26 acres of wetland creation at the Dyer Reservoir drainage. Therefore, the Corps is requiring the Applicant to meet its full wetland creation obligation of 3 acres at the Egan Property. The Applicant has constructed the Dyer Drainage, and wetlands are establishing at this location; however, the Applicant will not receive credit from the Corps for these created wetlands.
- **Revised Estimated Habitat Effects and Proposed Habitat Compensation:** The habitat area temporarily affected by the construction of the Brushy Creek Pipeline, SBPP, and Dyer Reservoir was approximately 42.5 acres greater than estimated in the original BO. Additionally impacts related to the new facilities identified above will

result in 2.6 acres of new permanent and 1.75 acres of new temporary impacts to upland grassland.

In addition to the changes to the Project described in the Amended BO 2, DFG approved a Memorandum of Understanding with the Applicant for the Funding Management of the Bethany and Egan Conservation Areas to provide assurances that funding for the management of the compensatory habitat areas will be provided from the revenues derived from SWP charges to the State Water Contractors under the long-term water supply contracts and any subsequent agreements.

On October 26, 2009, Jim O'Toole, on behalf of the Applicant, notified the Director of DFG that the Applicant was requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Amended BO 2, including the ITS is consistent with CESA. On November 25, 2009, DFG determined that the BO, including the ITS, the Amended BO and the Amended BO 2, was consistent with CESA (DFG Ref. # 2080-2009-018-03) for San Joaquin kit fox.

On August 19, 2010, the Fish and Game Commission added the California tiger salamander to the state list of threatened species under CESA. On March 6, 2012, the Director of DFG received a notice from Jim O'Toole, on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, Amended BO, and Amended BO 2 and the related ITS are consistent with CESA for purposes of the Project and California tiger salamander and San Joaquin kit fox. (Cal. Reg. Notice Register 2012, No. 12-Z, p. 407).

Determination

DFG has determined that the BO, Amended BO, and Amended BO 2 including the ITS, are consistent with CESA as to the Project and San Joaquin kit fox and California tiger salamander because the mitigation measures contained in the BO, Amended BO, and Amended BO 2 including the ITS, 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, DFG finds that: (1) take of San Joaquin kit fox and California tiger salamander will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO, Amended BO, and Amended BO 2 and ITS, 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 San Joaquin kit fox and California tiger salamander. The mitigation measures in the BO, Amended BO, and Amended BO 2 and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Applicant recorded Eagan Conservation Easement (288 acres) and the Bethany Conservation Easement (168 acres) in 2008. The Applicant submitted an additional 47 acres to the Wildlife Conservation Board for approval and conservation easement recordation (referred to as Bethany West). The Applicant will place a total of 503 acres of land under a conservation easement. These lands provide conservation of upland habitat for San Joaquin kit fox and California tiger salamander, existing California tiger salamander breeding ponds and aestivation habitat, and creation of California tiger salamander breeding pond.
- Applicant implemented enhancement measures on the conservation easement ponds. Applicant has created one California tiger salamander pond on the Bethany Conservation Easement, one California tiger salamander pond on the Bethany West property, and is implementing a third pond on the Egan property. The Applicant designed the ponds to provide California tiger salamander breeding opportunities, to maintain water storage through June/July to provide habitat, and to dry out in the fall to reduce potential for bullfrog breeding habitat.
- Applicant has developed a Conservation Easement Management Plan, which includes monitoring, performance criteria, and reporting.
- Applicant has implemented a Species Relocation Management Plan that includes monitoring of construction activities and appropriate sensitive species relocation protocols. This document includes specific provisions for monitoring and relocation of California tiger salamander, including endoscopic of burrows as part of pre-construction clearance.
- Applicant has implemented monitoring of all construction activities, including implementation of the Species Relocation Management Plan as required under the BO.
- Applicant has constructed the Brushy Creek Pipeline in segments to minimize disturbance to San Joaquin kit fox north-south migration.

Monitoring and Reporting Measures

- Applicant shall have a qualified biologist on-site during activities that may result in the take of San Joaquin kit fox and California tiger salamander. The Applicant biologist or biological consultant shall have oversight over implementation over the Terms and Conditions of the BO, Amended BO, and Amended BO 2. The biologist shall have the

authority to halt any work that may result in the take of San Joaquin kit fox or California tiger salamander. The Applicant shall notify the Service and DFG within one working day of the discovery of the death of a San Joaquin kit fox or California tiger salamander.

- Applicant shall submit a post-construction compliance report to the Service within 60 days of the completion of project activities.

Financial Assurances

- Applicant has entered into a Memorandum of Understanding, dated November 9, 2009, with DFG to assign annual funding for the maintenance of the conservation easements in perpetuity.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of San Joaquin kit fox and California tiger salamander, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO, Amended BO, Amended BO 2, and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, Amended BO, and Amended BO 2 and ITS, the Applicant shall be required to obtain a new Consistency Determination or a CESA Incidental Take Permit for the Project from DFG. (See generally Fish and Game Code, §§ 2080.1, 2081, subs. (b) and (c)).

STATE PERSONNEL BOARD

Notice of Rescheduled Public Hearing and Extension of Written Comment Period

California Code of Regulations, title 2, Division 1, Chapter 1, Subchapters 1.2, Hearings and Appeals and 1.3, Examinations and Appointments

By this notice, the State Personnel Board (SPB) is rescheduling the public hearing and extending the written comment period for rulemaking **Z-2012-0327-03**.

The SPB will hold the public hearing for rulemaking Z-2012-0327-03 on **June 1, 2012 at 9:00 a.m. in Room 150 at 801 Capitol Mall, Sacramento, CA**, instead of the date listed in the Notice of Proposed Rulemaking, which was published in the California Notice Register on April 6, 2012. In addition, the SPB hereby extends the deadline by which persons may submit written comments to the SPB on rulemaking Z-2012-0327-03 until **June 1, 2012 at 5:00 p.m.**, instead of the date listed in the Notice of Proposed Rule-

making, which was published in the California Notice Register on April 6, 2012.

Any person who has questions or comments about this notice or the underlying rulemaking may e-mail Julia Johnson at JJohnson@spb.ca.gov or call Ms. Johnson at (916) 651-6532.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE TO INTERESTED PARTIES April 20, 2012

AMENDMENT TO SECTION 25805 SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY

METHANOL

PUBLIC HEARING AND EXTENSION OF PUBLIC COMMENT PERIOD

The Office of Environmental Health Hazard Assessment (OEHHA) has proposed Maximum Allowable Dose Levels (MADLs) for the chemical methanol to be adopted into regulation in Title 27, California Code of Regulations, section 25805¹. MADLs assist interested parties in determining whether warnings are required for exposures to chemicals listed as known to the state to cause reproductive toxicity, and whether discharges of listed chemicals to sources of drinking water are prohibited.

A Notice of Proposed Rulemaking announcing the proposed MADLs for Methanol was published in the *California Regulatory Notice Register* on March 16, 2012 (Register 2012, No. 11-Z) and initiated a 45-day public comment period that was scheduled to close on April 30, 2012. OEHHA has received a request from CP Kelco/Huber Engineered Materials to hold a public hearing on the proposed adoption of MADLs for methanol.

A public hearing is scheduled for **Monday, May 7, 2012** at the California Environmental Protection

Agency Headquarters Building, *Coastal Hearing Room*, located at 1001 I Street, 2nd Floor, Sacramento, California. The public hearing will begin at 1 p.m. and continue until all business has been conducted, or 5 p.m. If you have special accommodation or language needs, please contact Susan Luong at (916) 445-6900 or susan.luong@oehha.ca.gov by April 30, 2012. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

OEHHA hereby extends the public comment period on this proposed amendment to 5:00 p.m., Monday, May 21, 2012. The public is encouraged to submit written information via e-mail rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "METHANOL MADL" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address:
Ms. Susan Luong
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

DISAPPROVAL DECISION

DECISIONS OF DISAPPROVAL OF REGULATORY ACTION

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions is available at www.oal.ca.gov under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:
DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY

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

REGULATORY ACTION:

Title 14, California Code of Regulations
ADOPT SECTIONS 18950, 18951, 18952, 18953,
18954, 18955, 18955.1, 18955.2, 18955.3, 18956,
18957, 18958

DECISION OF DISAPPROVAL OF
REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 2012-0224-03S

**ACCEPTANCE OF PETITION
TO REVIEW ALLEGED
UNDERGROUND REGULATIONS**

(Pursuant to title 1, section 270, of the California
Code of Regulations)

SUMMARY OF REGULATORY ACTION

The Department of Resources Recycling and Recovery (Department) proposed to adopt sections 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, and 18958 in title 14 of the California Code of Regulations to implement, interpret, and make specific Assembly Bill 1343, Chapter 420, Statutes of 2010, establishing the Architectural Paint Recovery Program. On February 24, 2012, the Department submitted the proposed regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On April 6, 2012, OAL disapproved the proposed regulatory action. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

DECISION

OAL disapproved the above-referenced regulatory action for failure to follow the required procedure, required documents included in the file were defective, the agency failed to summarize and/or respond to each comment made regarding the proposed action, and for failure to comply with the clarity and reference standards of Government Code section 11349.1.

DEPARTMENT OF JUSTICE

Petitioner:

Jason Davis
Davis & Associates
27281 Las Ramblas, Ste. 200
Mission Viejo, California 92691

Agency contact:

Kamala Harris
Attorney General
Department of Justice
Post Office Box 944255
Sacramento, California 94244-2550

CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action.

If you have any questions, please contact me at (916) 323-6808.

Date: April 10, 2012

Please note the following timelines:

- Publication of Petition in Notice Register: April 20, 2012
- Deadline for Public Comments: May 21, 2012
- Deadline for Agency Response: June 4, 2012
- Deadline for Petitioner Rebuttal: No later than 15 days after receipt of the agency's response
- Deadline for OAL Decision: August 20, 2012

_____/s/
CRAIG S. TARPENNING
Senior Staff Counsel
for: DEBRA M. CORNEZ
Assistant Chief Counsel/
Acting Director

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

Original: Caroll Mortensen
cc: Ty Moore

February 7, 2012
 Kathleen Eddy Office of Administrative Law
 300 Capitol Mall, Suite 1250
 Sacramento, CA 95814

Re: CTU2011–1121–02 Department of Justice Policy and Forms Regarding Application’s for Dangerous Weapons Permits By Corporations and Other Entities

Ms. Eddy,

I write on behalf of CALIFORNIA BUSINESS ENVIRONMENTS INC. dba FRANKLIN ARMORY regarding their petition the Office of Administrative Law for review of the California Department of Justice’s underground regulation regarding issuance of “assault weapon” and “.50 BMG Rifle” permits pursuant to Penal Codes §§ 31000 & 31005 (Formerly §§ 12286 and 12287) solely to individuals and not to corporations, limited liability companies, partnerships, or other associations defined as “persons” in Penal Code § 16970 (formerly Penal Code section 12277. (**Exhibit A.**)

Specifically, I wanted to thank you for taking the time to speak with me regarding your letter dated January 13, 2012, denying my client’s petition on the grounds that “the letters from the DOJ included with the petition clearly state that the DOJ issues permits to corporations and other entities.” (**Exhibit B.**) Per our conversation, I am writing to request that this matter be reconsidered in light of the following clarifications:

1: You state in your letter that “the letters from the DOJ included with the petition clearly state that the DOJ issues permits to corporations or other entities.” While a letter states as much, it directly contradicts said statement with the sentences that follow. In its entirety, the DOJ statement reads as follows:

The Department issues assault weapon permits to corporations and other business entities. However, such permits are issued to individuals authorized to act on behalf of the corporation or other business entities. The authorization is not transferrable to other persons, or to activities that are not undertaken on behalf of the corporation. (Emphasis added).

In other words, they do not issue such permits to corporations, partnerships, limited liability companies, or other entities that are defined as “persons” under Penal Code section 16970 . . . and only issue to individuals.

This leaves corporations, partnerships, limited liability companies and other business entities in a position of having to reapply for an “assault weapon” permit every time their “individual” employee with a permit leaves their employment.

And, given that it takes upwards of a year or more to obtain a permit once an initial application has been submitted, it potentially places corporations employing such permittees in a precarious position of being in unlawful possession of “assault weapons” and “.50 BMG Rifles” pursuant to Penal Code sections 30605 & 30610 until they receive a replacement permit for an individual employee, while simultaneously facing greater penalties should they attempt to transfer such unlawfully possessed firearms out of their possession pursuant to Penal Code section 30600.

2. Despite the fact that the Penal Code expressly permits “persons” (defined in Penal Code section 16970 (formerly Penal Code section 12277) as individuals, partnerships, corporations, limited liability companies, associations, or any other group or entity regardless of how it was created) to obtain permits, the DOJ has applied their underground regulation of limiting permits solely to “individuals” *without* promulgating a regulation on point.

A review of the Dangerous Weapons regulations codified in 11 C.C.R. 4125 *et seq.* describes nothing of the sort limiting applications to “individuals” — as is the DOJ’s rule and policy.

This is true despite Penal Code section 30520(c), which states as follows: “The Attorney General *shall* adopt those rules and regulations that *may* be necessary or proper to carry out the purposes and intent of this chapter.” (Emphasis added.)

The DOJ’s actions of excluding “partnerships, corporations, limited liability companies, associations, or any other group or entity regardless of how it was created” from applying and receiving permits without promulgating such regulations is not only contradictory to clear and express law, but prevented the general public from engaging in public comment as to the impact that such regulations have on said business entities.

3. In addition to the letters detailing their policy of limiting permits to individuals, the only application produced by the DOJ for Dangerous Weapons Permits (i.e. “assault weapons” permits and “.50 BMG Rifle permits” does not permit or even refer to “corporations” or other entities as “applicants.” In fact, the applications exemplify their policy of issuing solely to individuals by limiting applications solely to individuals, who may be working on behalf of a Corporation — but denying Corporations and other entities the ability to have a permit, and thereby stability of their business and licensing as expressly permitted under the law. An updated copy of this application has been provided as **Exhibit C.**)

As such, we resubmit our request and provide this clarification to assist in your decision.

November 17, 2011
 Office of Administrative Law
 300 Capitol Mall, Suite 1250
 Sacramento, CA 95814
 Attention: Chapter 2 Compliance Unit

**Re: Department of Justice Policy and Forms
 Regarding Application's for Dangerous
 Weapons Permits By Corporations and
 Other Entities**

To whom it may concern,

I write on behalf of CALIFORNIA BUSINESS ENVIRONMENTS INC. dba FRANKLIN ARMORY to petition the Office of Administrative Law for review of the California Department of Justice's underground regulation regarding issuance of "assault weapon" permits pursuant to Penal Codes §§ 12286 and 12287 solely to individuals and not to corporations, limited liability companies, partnerships, or other associations defined as "persons" in Penal Code § 12277. A copy of my client's petition is below. Please direct all future correspondence regarding this matter to my attention.

Sincerely,
DAVIS & ASSOCIATES

/s/
 JASON DAVIS

<p>SUMMARY OF REGULATORY ACTIONS</p>
--

**REGULATIONS FILED WITH
 SECRETARY OF STATE**

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

File# 2012-0328-01
**CALIFORNIA DEBT LIMIT ALLOCATION
 COMMITTEE**
 Administration of California's Limited Tax-Exempt Debt Authority

This emergency regulatory action creates an allocation system to administer the state unified volume ceiling on the aggregate amount of private activity bonds that can be issued in California, pursuant to Tax Reform Act of 1986 (Public Law 99-514) and Government Code section 8869.84(c).

Title 4
 California Code of Regulations
 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540
 Filed 04/04/2012
 Effective 04/04/2012
 Agency Contact: Misti Armstrong (916) 653-3461

File# 2012-0308-05
**CALIFORNIA HEALTH BENEFIT EXCHANGE
 Conflict-of-Interest Code**

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

Title 10
 California Code of Regulations
 ADOPT: 6400
 Filed 04/09/2012
 Effective 05/09/2012
 Agency Contact: Gabriel Ravel (916) 263-4263

File# 2012-0302-02
**CALIFORNIA TAX CREDIT ALLOCATION
 COMMITTEE**
 CTCAC Regulations Implementing the Federal and State LIHTC Laws

This File/Print action by the California Tax Credit Allocation Committee amends eight regulations in Title 4 of the California Code of Regulations governing the federal and state Low Income Housing Tax Credit (LIHTC) programs. The amendments involve revisions adopted at the Committee's February 1, 2012 meeting pursuant to the procedure in Health and Safety Code section 50199.17.

Title 4
 California Code of Regulations
 AMEND: 10302, 10310, 10315, 10317, 10322, 10325, 10327, 10328
 Filed 04/11/2012
 Effective 02/01/2012
 Agency Contact: Nicola Hil (916) 654-0015

File# 2012-0404-02
DEPARTMENT OF CORPORATIONS
 Private Fund Adviser Exemption

This emergency rulemaking action readopts, for 90 days, the effectiveness of an expired federal-law Securities and Exchange Commission registration exemption for investment advisors who continue to rely upon and meet the criteria of that expired federal exemption.

Title 10
California Code of Regulations
AMEND: 260.204.9
Filed 04/10/2012
Effective 04/17/2012
Agency Contact: Karen Fong (916) 322-3553

File# 2012-0326-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Renaming “Bachelor Officer Quarters” to “Staff Quarters”

This change without regulatory effect amends two sections in Title 15 of the California Code of regulations. The amendments are being made to change the text from “Bachelor Officer Quarters” to “Staff Quarters.”

Title 15
California Code of Regulations
AMEND: 3187, 3188
Filed 04/11/2012
Agency Contact: Trilochan Oberoi (916) 445-2227

File# 2012-0229-05
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Transfers to Intermediate Care Facilities

This regulatory action has two main purposes. One is to ensure that inmates who have custody designations indicating they are a security risk and who require an Intermediate Care Facility (ICF) will be housed in the most appropriate ICF program, consistent with safety and security requirements. The other purpose is to ensure that an inmate who was in the Segregated Housing Unit (SHU) and suspended from it based on the need for inpatient medical or mental health treatment can be re-manded back to the SHU if necessary.

Title 15
California Code of Regulations
AMEND: 3341.5, 3375.2, 3377.1
Filed 04/05/2012
Effective 04/05/2012
Agency Contact: Josh Jugum (916) 445-2228

File# 2012-0227-05
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Elimination of Labor Day Visiting in State Prisons

This regulatory amendment removes Labor Day visitation at state prisons.

Title 15
California Code of Regulations
AMEND: 3172.2
Filed 04/09/2012
Effective 05/09/2012
Agency Contact: Josh Jugum (916) 445-2228

File# 2012-0314-01
DEPARTMENT OF SOCIAL SERVICES
CalWORKs Stage One Child Care Eligibility

The Department of Social Services in this rulemaking amends three sections of the Manual of Policies and Procedures (MPP) by conforming to the requirements of the Education Code sections 8447(g) and 8263.1(a). Section 8263.1(a) limits income eligibility for subsidized child care to 70 percent of the State Median Income. Section 8447(g) states that no family receiving California Work Opportunity and Responsibility to Kids cash aid may be charged a family fee.

Title MPP
California Code of Regulations
AMEND: 47-230, 47-240, 47-401
Filed 04/11/2012
Effective 05/11/2012
Agency Contact: Zaid Dominguez (916) 651-8267

File# 2012-0402-04
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEA's — FY 2012-13

The Education Audit Appeals Panel (EAAP) submitted this emergency rulemaking action to update the audit guide that is used for auditing California K-12 Local Education Agencies (LEAs), pursuant to Education Code section 14502.1. This action amends three sections under title 5 of the California Code of Regulations. The amendments specify which provisions of the guide are applicable to FY 2012-13, and also modify section 19845.2 to indicate its applicability through FY 2013-14 pursuant to Section 31 of Chapter 7 of the Statutes of 2011 (SB 70, effective March 24, 2011).

Title 5
California Code of Regulations
AMEND: 19816, 19816.1, 19845.2
Filed 04/11/2012
Effective 04/11/2012
Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2012-0322-02
FAIR POLITICAL PRACTICES COMMISSION
Behested Payments Reporting

This regulatory action defines “behested payments” and “features an elected officer or PUC member”. Pursuant to Fair Political Practices Commission v. Office of Administrative Law, Sacramento Superior Court,

Case No. 512795 (1991), the Office of Administrative Law reviewed this action only for form and style.

Title 2
 California Code of Regulations
 ADOPT: 18215.3
 Filed 04/10/2012
 Effective 05/10/2012
 Agency Contact:
 Virginia Latteri-Lopez (916) 322-5660

File# 2012-0320-06
FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM
 Conflict-of-Interest Code

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

Title 2
 California Code of Regulations
 ADOPT: 59710
 Filed 04/09/2012
 Effective 05/09/2012
 Agency Contact: Ivy Sevilla (916) 322-5660

File# 2012-0326-01
FISH AND GAME COMMISSION
 Greenling Total Allowable Catch

This rulemaking action raises the annual combined total allowable catch, for recreational fishing, and trip limit number of pounds, for commercial fishing, for Greenlings from 37,600 pounds to 121,900 pounds.

Title 14
 California Code of Regulations
 AMEND: 28.29, 52.10, 150.16
 Filed 04/05/2012
 Effective 05/01/2012
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2012-0309-01
NEW MOTOR VEHICLE BOARD
 Fee Collection

This rulemaking action revises the way licensees are notified of the amount of their annual fees which are due to the New Motor Vehicle Board (NMVB). The rulemaking also adds a manufacturer's or distributor's failure to report the number of vehicles distributed in California and failure to pay the required annual fee as considerations for the NMVB in determining whether there is good cause to exercise its authority to direct the Department of Motor Vehicles to conduct an investigation or take action against an entity's license. The rule-

making also makes a number of non-substantive changes.

Title 13
 California Code of Regulations
 ADOPT: 553.30
 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
 Filed 04/10/2012
 Effective 05/10/2012
 Agency Contact: Robin P. Parker (916) 323-1536

File# 2012-0229-01
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
 Revisions of CCORP Data Elements

This regulatory action amends the existing required reporting data elements for the California CABG (coronary artery bypass graft) Outcomes Reporting Program (CCORP) mandated by Health and Safety Code section 128745. The collected data includes demographic and clinical data from patient records. OSHPD analyzes the data elements to prepare and publish annual risk-adjusted outcome reports for CABG (colloquially aka "cabbages" by cardiac surgeons) surgeries, which compare outcomes by hospital and, every other year, by cardiac surgeon.

Title 22
 California Code of Regulations
 AMEND: 97174
 Filed 04/11/2012
 Effective 04/11/2012
 Agency Contact: Holly Hoegh (916) 326-3868

File# 2012-0229-04
STATE WATER RESOURCES CONTROL BOARD
 Colorado R. Basin Yucca Valley Septic Tank Prohibition Basin Plan Amendment

The State Water Resources Control Board submitted this action pursuant to Government Code section 11353 to amend the basin plan of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board). The amendment prohibits discharges of wastewater from septic tank subsurface disposal systems in specific areas in the Town of Yucca Valley. The prohibition of septic tank discharges will apply to areas of Yucca Valley that are scheduled for sewer installation in three phases with compliance deadlines, as specified. The amendment allows the Regional Board to grant exemptions to the prohibition based upon applications that demonstrate unique technical, environmental, or economic conditions that would make connection to the municipal collection system or installation of an on-site advanced treatment and disposal system technically impracticable or economi-

cally excessively burdensome. The amendment is represented in a concise summary by the adoption of title 23, California Code of Regulations, section 3969.1.

Title 23
 California Code of Regulations
 ADOPT: 3969.1
 Filed 04/09/2012
 Effective 04/09/2012
 Agency Contact:
 Thomas Vandenberg (916) 341-5195

File# 2012-0223-01
 STATE WATER RESOURCES CONTROL BOARD
 Conflict-of-Interest Code

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

Title 23
 California Code of Regulations
 AMEND: 645
 Filed 04/05/2012
 Effective 05/05/2012
 Agency Contact: Nathan Jacobsen (916) 341-5181

File# 2012-0302-01
 STATE WATER RESOURCES CONTROL BOARD
 Underground Tank Regulations

The State Water Resources Control Board amended section 2631 of title 23 of the California Code of Regulations relating to design and construction requirements for new underground storage tanks (USTs). The revision provides an option for compliance with existing independent testing and approval requirements so that UST owners and operators can store alternative fuels in USTs in a manner that does not create any significant risk of adverse impacts to water quality.

Title 23
 California Code of Regulations
 AMEND: 2631
 Filed 04/10/2012
 Effective 05/10/2012
 Agency Contact: Laura Fisher (916) 341-5870

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 16, 2011 TO
 April 11, 2012**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with

the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 2**
- 04/10/12 ADOPT: 18215.3
 - 04/09/12 ADOPT: 59710
 - 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
 - 03/13/12 AMEND: 1859.2, 1859.82
 - 03/06/12 ADOPT: 589.11
 - 03/06/12 AMEND: 1189.10
 - 03/02/12 AMEND: 560
 - 02/16/12 AMEND: 18401.1
 - 02/13/12 AMEND: 18943
 - 01/31/12 ADOPT 260.1, 261.1 AMEND 258, 260, 262
 - 01/31/12 AMEND 640
 - 01/26/12 AMEND 37000
 - 01/23/12 ADOPT: 1880
 - 01/23/12 ADOPT: 18940.1, 18942.2, 18942.3 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
 - 01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
 - 01/10/12 AMEND: 18423, 18539, 18550
 - 01/05/12 ADOPT: 18404.2
 - 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL: 18247.5
 - 12/28/11 AMEND: 1859.76
 - 12/21/11 AMEND: 1859.90.2, 1859.81
 - 12/07/11 ADOPT: 18316.6, 18361.11 AMEND: 18360, 18361, 18361.4
 - 11/22/11 AMEND: 559

- Title 3**
- 04/03/12 ADOPT: 3639
 - 04/03/12 ADOPT: 3439
 - 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 16-Z

03/20/12	AMEND: 1430.5, 1430.6, 1430.35, 1430.36, 1430.37, 1430.38	02/14/12	AMEND: 1844
03/09/12	AMEND: 3436(b)	02/14/12	AMEND: 1843.3
03/08/12	AMEND: 3437(b)	02/08/12	AMEND: 66
03/07/12	ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39	02/03/12	AMEND: 5000, 5052
	AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41	12/30/11	ADOPT: 4000.1, 4000.2, 4000.3
	REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30	12/21/11	ADOPT: 12349
02/28/12	ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323	12/09/11	ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
	AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321	12/07/11	AMEND: 1433
02/23/12	AMEND: 3700(c)	12/05/11	AMEND: 10325(c)(8)
02/13/12	AMEND: 3591.2(a)	11/28/11	AMEND: 1632
02/06/12	AMEND: 3435(b)		
02/02/12	AMEND: 3423(b)	Title 5	
01/23/12	ADOPT: 588	04/11/12	AMEND: 19816, 19816.1, 19845.2
01/18/12	ADOPT: 3591.25	04/02/12	ADOPT: 27000, 27001, 27002, 27003, 27004, 27005, 27006, 27007, 27008, 27009
01/06/12	AMEND: 3591.2(a)	04/02/12	ADOPT: 1039.2, 1039.3
12/29/11	AMEND: 3280	03/26/12	AMEND: 1216.1
12/20/11	AMEND: 3407(e)	03/26/12	ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
12/05/11	AMEND: 1408.6	03/12/12	AMEND: 41000
11/29/11	AMEND: 3591.15(a)	03/06/12	AMEND: 18600
		03/01/12	ADOPT: 30001.5
Title 4		02/27/12	AMEND: 42397.2, 42397.6
04/11/12	AMEND: 10302, 10310, 10315, 10317, 10322, 10325, 10327, 10328	02/09/12	ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
04/04/12	AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540	02/09/12	ADOPT: 27100, 27101, 27102, 27103
03/29/12	AMEND: 12008, 12335, 12342, 12345, 12357, 12359	01/10/12	AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600
03/21/12	AMEND: 12200, 12200.9, 12200.10A, 12200.11, 12200.13, 12220, 12220.13, 12342, 12464	12/19/11	ADOPT: 30001.5
03/08/12	AMEND: 10032, 10033, 10034, 10035	12/16/11	AMEND: 53309, 53310
03/08/12	AMEND: 60, 60.5	12/14/11	AMEND: 55150, 55151, 55154, 55155 REPEAL: 55152, 55153
03/06/12	ADOPT: 4075	11/16/11	ADOPT: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5 AMEND: 11960, 11965, 11969 (renumbered 11968.1), 11969.1
03/05/12	AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162		
	REPEAL: 10156, 10158, 10164	Title 8	
03/02/12	AMEND: 8070	03/14/12	AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
02/29/12	AMEND: 8070, 8072, 8073, 8074	02/23/12	AMEND: 1905
02/22/12	AMEND: 10176, 10177, 10178, 10182, 10188	02/16/12	AMEND: 5155
02/16/12	AMEND: 12572	02/08/12	AMEND: 1675, 3276, 3278
		02/08/12	ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376
		02/01/12	AMEND 1504, 1591, 1597
		01/24/12	AMEND: 5155

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 16-Z

01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6
 01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355
 01/05/12 AMEND: 4188
 12/29/11 AMEND: 3276, 3287
 12/29/11 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
 12/27/11 AMEND: 343
 12/13/11 ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5
 12/12/11 AMEND: 1541.1
 12/07/11 ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455

Title 9

03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6, 9804, 9812, 9816, 9820, 9822, 9829, 9836, 9838, 9846, 9848, 9849, 9851, 9852, 9854, 9858, 9862, 9866, 9867, 9868, 9874, 9876, 9876.5, 9878, 9879, 9884, 9886

Title 10

04/10/12 AMEND: 260.204.9
 04/09/12 ADOPT: 6400
 03/15/12 AMEND: 2690
 02/16/12 AMEND: 2498.6
 02/13/12 AMEND: 2202
 02/08/12 AMEND: 2222.12
 02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
 01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
 01/11/12 AMEND: 260.204.9
 01/09/12 AMEND: 2699.6707
 12/19/11 AMEND: 2498.5
 12/19/11 AMEND: 2498.4.9
 12/19/11 AMEND: 2498.6
 12/09/11 AMEND: 2698.302
 12/09/11 AMEND: 2699.301
 11/21/11 ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596

Title 11

04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
 03/14/12 AMEND: 1005, 1007, 1008
 01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 12/28/11 AMEND: 101.1
 12/27/11 AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL: 4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470, 5471
 12/15/11 AMEND: 101.2
 12/08/11 ADOPT: 117.1

Title 13

04/10/12 ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
 02/29/12 AMEND: 553
 02/13/12 REPEAL: 158.00
 12/14/11 AMEND: 2025
 12/14/11 AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2 REPEAL: 2449.2
 12/05/11 AMEND: 553.70
 11/22/11 AMEND: 1956.8
 11/17/11 AMEND: 1233

Title 14

04/05/12 AMEND: 28.29, 52.10, 150.16
 04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796
 03/28/12 AMEND: 11900, 11945
 03/26/12 AMEND: 11960
 03/22/12 AMEND: 27.80
 02/24/12 AMEND: 29.15
 02/13/12 AMEND: 29.17, 127

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 16-Z

02/08/12 AMEND: 1257
 01/31/12 AMEND 29.15
 01/26/12 ADOPT 18940, 18941, 18942, 18943,
 18944, 18945, 18945.1, 18945.2,
 18945.3, 18946, 18947, 18948
 01/25/12 AMEND: 18419
 01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,
 1665.5, 1665.6, 1665.7, 1665.8
 01/09/12 AMEND: 7.00, 7.50(b)(68)
 01/05/12 ADOPT: 749.7
 01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17,
 1092.18
 12/20/11 AMEND: 11900
 12/20/11 ADOPT: 4970.24.2 AMEND: 4970.00,
 4970.01, 4970.03, 4970.04, 4970.05,
 4970.06.1, 4970.07, 4970.07.2, 4970.08,
 4970.10.1, 4970.10.2, 4970.10.3,
 4970.10.4, 4970.11, 4970.13, 4970.15.1,
 4970.15.2, 4970.19, 4970.19.1,
 4970.23.1, 4970.23.2, 4970.24,
 4970.25.2, 4970.25.3
 12/09/11 AMEND: 15062, 15075, 15094,
 Appendix D and Appendix E
 12/08/11 AMEND: 632
 12/07/11 AMEND: 870.17, 870.19
 11/22/11 AMEND: 791.7, 870.17
 11/17/11 AMEND: 163, 164

Title 15

04/11/12 AMEND: 3187, 3188
 04/09/12 AMEND: 3172.2
 04/05/12 AMEND: 3341.5, 3375.2, 3377.1
 04/02/12 ADOPT: 3571, 3582, 3590, 3590.1,
 3590.2, 3590.3 AMEND: 3000
 03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352,
 3352.1, 3352.2, 3354, 3354.2, 3355.1,
 3358
 03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3,
 3078.4, 3078.5, 3078.6 AMEND: 3000,
 3043, 3075.2, 3097, 3195, 3320, 3323
 03/12/12 ADOPT: 3999.11
 03/08/12 ADOPT: 8006
 03/08/12 AMEND: 3315, 3323
 02/22/12 AMEND: 173
 02/22/12 ADOPT: 4845, 4849, 4853, 4854,
 4939.5, 4961.1, 4977.5, 4977.6, 4977.7,
 4983.5 AMEND: 4846, 4847, 4848,
 4848.5, 4850, 4852, 4900, 4925, 4926,
 4927, 4928, 4929, 4935, 4936, 4937,
 4938, 4939, 4940, 4977, 4978, 4979,
 4980, 4981, 4982, 4983
 01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076,
 3076.1, 3076.2, 3076.3
 01/11/12 REPEAL: 3999.8
 01/05/12 AMEND: 3140

12/22/11 AMEND: 3052, 3062
 12/20/11 AMEND: 3040.1, 3043, 3043.6, 3044,
 3045.1
 12/13/11 ADOPT: 3504.1, 3504.2
 12/09/11 AMEND: 3000, 3006, 3170.1, 3172.1,
 3173.2, 3315, 3323
 12/05/11 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1,
 1748.5 AMEND: 1700, 1706, 1712,
 1714, 1730, 1731, 1740, 1747, 1747.1,
 1747.5, 1748, 1751, 1752, 1753, 1754,
 1756, 1760, 1766, 1767, 1768, 1770,
 1772, 1776, 1778, 1788 REPEAL: 1757
 12/01/11 ADOPT: 3571, 3582, 3590, 3590.1,
 3590.2, 3590.3 AMEND: 3000

Title 16

03/30/12 AMEND: 3340.43, 3394.3, 3394.4,
 3394.5, 3394.6, 3394.7
 03/29/12 AMEND: 109, 116, 117, 121
 03/19/12 AMEND: 4155
 03/08/12 AMEND: 318
 03/07/12 AMEND: 2615, 2620
 03/07/12 AMEND: 1889.2 REPEAL: 1832.5
 03/07/12 AMEND: 2615, 2620
 03/07/12 AMEND: 1889.2 REPEAL: 1832.5
 02/27/12 AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62,
 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90,
 94 REPEAL: 5.1, 7, 7.2
 02/16/12 AMEND: 1397.60, 1397.61, 1397.62,
 1397.63, 1397.64, 1397.65, 1397.66,
 1397.67, 1397.68, 1397.69, 1397.70,
 1397.71
 02/09/12 AMEND: 28 REPEAL: 30
 02/08/12 ADOPT: 1018.05 AMEND: 1020
 02/01/12 ADOPT 3340.16.4 AMEND 3306,
 3340.1, 3340.10, 3340.15, 3340.16.5,
 3340.17, 3340.22, 3340.22.1, 3340.23,
 3340.28, 3340.29, 3340.30, 3340.31,
 3340.50, 3351.1 3340.16.4 3306, 3340.1,
 3340.10, 3340.15, 3340.16.5, 3340.17,
 3340.22, 3340.22.1, 3340.23, 3340.28,
 3340.29, 3340.30, 3340.31, 3340.50,
 3351.1
 01/19/12 ADOPT: 1379.40, 1379.42, 1379.44,
 1379.46, 1379.48, 1379.50, 1379.52,
 1379.54, 1379.56, 1379.58, 1379.68,
 1379.70, 1379.72, 1379.78
 01/17/12 ADOPT: 1707.6 AMEND: 1707.2
 01/11/12 AMEND: 109, 117, 121
 01/10/12 AMEND: 12, 12.5, 98 REPEAL: 9, 11.5
 01/10/12 AMEND: 2328.1
 01/06/12 ADOPT: 3340.38
 12/28/11 AMEND: 1399.157, 1399.160,
 1399.160.3, 1399.160.6

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 16-Z

12/22/11 ADOPT: 601.6, 601.7, 601.8, 601.9,
601.10 AMEND: 600.1
12/12/11 AMEND: 1361
11/22/11 ADOPT: 858, 858.1, 858.2, 858.3, 858.4,
858.5, 858.6, 858.7, 858.8, 858.9
11/16/11 AMEND: 950.1, 950.4, 950.5 REPEAL:
962.3, 962.4, 962.5, 962.6

Title 17

03/28/12 AMEND: 100080
03/15/12 ADOPT: 58883
03/15/12 AMEND: 6020, 6035, 6051, 6065, 6070,
6075
03/12/12 AMEND: 95307
02/21/12 AMEND: 95486
02/15/12 AMEND: 95802, 95833, 95841.1,
95852, 95852.1.1, 95852.2, 95870,
95891, 95892, 95914, 95920, 95971,
95974, 95975, 95977.1, 95979, 95980,
95981, 95981.1, 95985, 95986, 95987,
95990, 95993, 95994, 96021 REPEAL:
95893, 95943
01/26/12 AMEND 6540
01/17/12 AMEND: 50602, 50604, 50607, 50612,
54326
12/27/11 ADOPT: 54311 AMEND: 54302, 54310,
54314, 54320, 54326, 54332, 54370
12/15/11 AMEND: 6020, 6035, 6051, 6065, 6070,
6075
12/14/11 ADOPT: 95116, 95117, 95118, 95119,
95120, 95121, 95122, 95123, 95129,
95150, 95151, 95152, 95153, 95154,
95155, 95156, 95157 AMEND: 95100,
95101, 95102, 95103, 95104, 95105,
95106, 95107, 95108, 95109, 95110,
95111, 95112, 95113, 95114, 95115,
95130, 95131, 95132, 95133 REPEAL:
95125
12/13/11 ADOPT: 95801, 95802, 95810, 95811,
95812, 95813, 95814, 95820, 95821,
95830, 95831, 95832, 95833, 95834,
95840, 95841, 95841.1, 95850, 95851,
95852, 95852.1, 95852.1.1, 95852.2,
95853, 95854, 95855, 95856, 95857,
95858, 95870, 95890, 95891, 95892,
95910, 95911, 95912, 95913, 95914,
95920, 95921, 95922, 95940, 95941,
95942, 95970, 95971, 95972, 95973,
95974, 95975, 95976, 95977, 95977.1,
95977.2, 95978, 95979, 95980, 95980.1,
95981, 95981.1, 95982, 95983, 95984,
95985, 95986, 95987, 95988, 95990,
95991, 95992, 95993, 95994, 95995,
96010, 96011, 96012, 96013, 96014,
96020, 96021, 96022

12/12/11 ADOPT: 95312 AMEND: 95300, 95301,
95302, 95303, 95304, 95305, 95306,
95307, 95308, 95309, 95310, 95311
11/17/11 REPEAL: 901

Title 18

03/26/12 ADOPT: 25137-8.2 AMEND: 25137-8
(re-numbered to 25137-8.1)
02/27/12 ADOPT: 25136-2
02/07/12 AMEND: 1807, 1828
01/11/12 AMEND: 1616
01/09/12 AMEND: 1532, 1533.1, 1534, 1535
12/27/11 AMEND: 1570

Title 19

02/16/12 ADOPT: 560.4 AMEND: 557.19,
renumber 560.4, 560.5, and 560.6 as
560.5, 560.6, and 560.7, respectively

Title 22

04/11/12 AMEND: 97174
03/15/12 ADOPT: 123000 and Appendices
REPEAL: 123000 and Appendices
02/21/12 AMEND: 51003
02/21/12 AMEND: 66261.21(a)(3),
66261.21(a)(4)
02/08/12 AMEND: 66261.33, 66268.40
02/06/12 AMEND: 80001, 80075, 83000, 83001,
84001, 84061, 86001, 88001
01/31/12 ADOPT 126010, 126020, 126030,
126040, 126042, 126050, 126055,
126060, 126070, 126072, 126074,
126076, 126090 126010, 126020,
126030, 126040, 126042, 126050,
126055, 126060, 126070, 126072,
126074, 126076, 126090
01/26/12 AMEND 50273
12/28/11 AMEND: 97232, 97240, 97247
12/27/11 AMEND: 51516.1
12/20/11 ADOPT: 69401, 69401.1, 69401.2,
69402, 69402.1, 69402.2, 69402.3,
69402.4, 69402.5, 69402.6, 69403,
69403.1, 69403.2, 69403.3, 69403.4,
69403.5, 69403.6, 69403.7, 69403.8,
69403.9, 69403.10, 69403.11, 69403.12,
69403.13, 69403.14, 69403.15,
69403.16, 69403.17, 69404, 69404.1,
69404.2, 69404.3, 69404.4, 69404.5,
69404.6, 69404.7, 69404.8, 69404.9,
69404.10, 69405, 69405.1, 69405.2,
69405.3, 69405.4, 69405.5, 69405.6,
69405.7, 69405.8, 69406, 69406.1,
69406.2, 69406.3, 69407, 69407.1,
69407.2
12/06/11 AMEND: 40741

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 16-Z

11/21/11 AMEND: 66260.11, 66260.12, 16, 17, 23 (re-numbered to 28), 103, 109,
66262.53, 66262.56, 66263.32, 110, Appendix A REPEAL: 20, 21, 22
66264.12, 66264.71, 66264.72, 12/29/11 ADOPT: 862
66265.12, 66265.71, 66265.72 12/20/11 ADOPT: 3929.8
12/19/11 ADOPT: 3939.40

Title 23

04/10/12 AMEND: 2631
04/09/12 ADOPT: 3969.1
04/05/12 AMEND: 645
03/21/12 ADOPT: 3969
03/21/12 ADOPT: 3939.41
03/21/12 ADOPT: 3939.44
03/15/12 ADOPT: 3939.43
03/12/12 AMEND: 2922
03/09/12 ADOPT: 3919.11
02/29/12 ADOPT: 3939.42
02/27/12 ADOPT: 3919.12
02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27
AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14,

Title 25

03/13/12 ADOPT: 6932 REPEAL: 6932
02/06/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4
02/02/12 ADOPT: 3968

Title 27

03/26/12 AMEND: 25705
03/15/12 AMEND: 25705
01/25/12 AMEND: 27001
01/09/12 AMEND: 25705
11/28/11 AMEND: 25903(c)

Title MPP

04/11/12 AMEND: 47-230, 47-240, 47-401
03/15/12 AMEND: 25705