



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

STATE AGENCY: State Personnel Board

**ADOPTION**

STATE AGENCY: California Department of Human Resources (CalHR)

MULTI-COUNTY AGENCY: Oxford Preparatory Academy

A written comment period has been established commencing on **April 19, 2013** and closing on **June 3, 2013**. 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 3, 2013**. 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 Adrienne Tackley,

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 18. BOARD OF EQUALIZATION**

**Amendments to California Code of Regulations, Title 18, Sections 4601, *Service of a Notice of Violation or Warning Notice*, 4603, *Penalties for Licensed or Unlicensed Retailers*, 4604, *Penalties for Licensed or Unlicensed Wholesalers and Distributors*, and 4605, *Penalties for Licensed or Unlicensed Manufacturers and Importers***

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Business and Professions Code (BPC) section 22971.2, proposes to adopt amendments to California Code of Regulations, title 18, sections (Regulations) 4601, *Service of a Notice of Violation or Warning Notice*, 4603, *Penalties for Licensed or Unlicensed Retailers*, 4604, *Penalties for Licensed or Unlicensed Wholesalers and Distributors*, and 4605, *Penalties for Licensed and Unlicensed Manufacturers and Importers*. The proposed amendments to Regulation 4601 provide for all notices issued under the Cigarette and Tobacco Products Licensing Act (Act) (div. 8.6 (commencing with § 22970) of the BPC) to be served personally or by mail in the manner prescribed for service of a notice under BPC section 22971.5. The proposed amendments to Regulations 4603 through 4605 provide the Board with discretion to reduce a person's suspension for a violation of the Act to "5 days," in addition to the Board's current discretion to reduce a person's suspension to 0 days, 10 days, and 20 days, when mitigating factors are present. The proposed amendments clarify cross-references to the BPC in Regulations 4603 through 4605 and make all four regulations' reference notes consistent with the content of their respective regulations.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on June 11, 2013. 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](http://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 10:00 a.m. or as soon thereafter as the matter may be heard on June 11, 2013. 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 Regulations 4601, 4603, 4604, and 4605.

AUTHORITY

BPC section 22971.2.

REFERENCE

Regulation 4601: BPC section 22971.5  
Regulation 4603: BPC sections 22973, 22974, 22974.3, 22974.4, 22974.7, 22980, 22980.1, 22980.2, and 22980.3  
Regulation 4604: BPC sections 22974.7, 22977, 22978.1, 22978.2, 22978.5, 22978.7, 22979.7, 22980, 22980.1, 22980.2, and 22980.3  
Regulation 4605: BPC sections 22974.7, 22979, 22979.4, 22979.5, 22979.6, 22979.7, 22980.1, 22980.2, and 22980.3

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Current Law

On October 12, 2003, the State of California enacted Assembly Bill No. (AB) 71 (Stats. 2003, ch. 890 (Horton)), and section 1 of AB 71 added the Act to the BPC. As originally enacted, the Act imposed licensing requirements on all retailers, wholesalers, and distributors of cigarettes and tobacco products and all manufacturers and importers of cigarettes. In 2006, the State of California enacted AB 1749 (Stats. 2006, ch. 501 (Horton)), which added new provisions to the Act that imposed the same licensing requirements on manufacturers and importers of tobacco products as were previously imposed on manufacturers and importers of cigarettes.

The Act is administered by the Board pursuant to BPC section 22971.2, and, in 2006, the Board adopted a number of regulations to implement, interpret, and make specific the Act's licensing requirements. As relevant here, the Board adopted Regulation 4600, *Issuance and Contents of a Notice of Violation or Warning Notice*, to require the Board to issue a Notice of Violation or Warning Notice to a person that has been issued a citation for a violation of the Act, and the Board adopted Regulation 4601 to prescribe the manner in which a Notice of Violation or Warning Notice shall be served. The text of Regulation 4601 is based upon the text of Revenue and Taxation Code (RTC) section 30206, which provides for the service of a notice of determination issued under the Cigarette and Tobacco Products Tax Law (RTC § 30001 et seq.).

The Board also adopted Regulations 4603, 4604, and 4605 to provide for the issuance of a Warning Notice, or the imposition of a 10-day, 20-day, or 30-day suspension, or the revocation of a license and the imposition of a fine for specified violations of the Act; and to provide for the reduction in the length of a suspension and changing a revocation to a 30-day suspension, when mitigating factors warrant. As relevant here, the second and third sentences in subdivision (f) of Regulations 4603 and 4604 and subdivision (e) of Regulation 4605 all currently provide that:

If any suspension period is reduced, the redetermined period of suspension shall be 0 days, 10 days, or 20 days. The existence of mitigating circumstances may also warrant reducing a revocation penalty to a 30-day suspension, unless revocation is mandated pursuant to Business and Professions Code section 22974.4, 22978.6, or 22980.3, subdivision (a)(2).

#### Effect, Objectives, and Benefits of the Proposed Amendments to Regulations 4601, 4603, 4604, and 4605

##### *Amendments to Regulation 4601*

A person has the right to appeal when the Board has alleged that the person violated the Act. When timely appeals are made, the Board is required to issue notices under Regulations 4700, *Appeal — Special Taxes and Fees Division*, 4701, *Appeal — Appeals Division*, and 4702, *Appeal — Board Hearing*. However, Regulation 4601 only prescribes the manner of serving a Notice of Violation or Warning Notice, and there is no regulation expressly prescribing the manner in which the Board shall serve other notices required to be served under the Act, such as the notices required by Regulations 4700 through 4702. Therefore, the intent and objectives of the proposed amendments to Regulation 4601 are to make the regulation prescribe the manner of serving all of the notices the Board is required to serve under the

Act, require that all of the notices be served in the manner prescribed for service of a notice under BPC section 22971.5, and generally ensure that the regulation is consistent with BPC section 22971.5. The Board anticipates that the public, including regulated persons, will benefit from the increased openness and transparency regarding the procedures for the service of all notices required under the Act.

The text of the proposed amendments to Regulation 4601 is slightly different than the text that the Board approved on June 26, 2012. The original text provided that “Any notice issued under the Cigarette and Tobacco Products Licensing Act may be served personally or by mail in the manner prescribed for service of a notice of determination under Revenue and Taxation Code section 30206 of the Cigarette and Tobacco Products Tax Law.” However, section 22971.5 was added to the BPC after the Board's adoption of Regulation 4601 to prescribe the manner for serving any notice required under the Act. Therefore, the Board revised the approved text of the amendments to Regulation 4601, prior to beginning the formal rulemaking process, in order to make the text of the Board's proposed amendments to Regulation 4601 fully consistent with the provisions of BPC section 22971.5, which are substantially similar to the provisions of RTC section 30206. The Board's proposed amendments provide that “Any notice issued under the Cigarette and Tobacco Products Licensing Act may be served personally or by mail in the manner prescribed for service of a notice under Business and Professions Code section 22971.5.”

##### *Amendments to Regulations 4603 through 4605*

Regulations 4603 through 4605 provide that a suspension period may be reduced to “0 days, 10 days, or 20 days” when mitigating factors warrant, but the regulations do not give the Board sufficient flexibility to reduce suspensions because there are situations where a 10-day suspension is too harsh, a 0-day suspension would not be sufficient to deter violations of the Act, and a suspension period of more than 0 days and less than 10 days would be appropriate. The intent and objectives of the proposed amendments to Regulations 4603 through 4605 are to add a 5-day suspension period to the regulations to specifically give the Board additional flexibility to reduce suspensions based upon staff's belief that a 5-day suspension period is long enough to deter violations of the Act, in some circumstances, and that Board staff has a sufficient amount of time to perform an inspection during a 5-day suspension period. The Board anticipates that the Board and regulated persons will benefit by the establishment of a fair, 5-day suspension period to address such situations.

In addition, the intent and objectives of the proposed amendments to Regulations 4603 through 4605 are to

clarify the regulations' cross-references to statutes that require the revocation of retailers', wholesalers', distributors', manufacturers', and importers' licenses for specified violations of the Act; and the Board anticipates that the Board and regulated persons will benefit from the additional clarity provided by the proposed amendments.

The proposed amendments also update the reference notes to Regulations 4601, 4603, 4604, and 4605 to better reflect the contents of each reference note's regulation.

*Business Taxes Committee Process*

The Board approved the amendments to Regulation 4601, 4603, 4604, and 4605 (described above) during the Board's June 26, 2012, Business Taxes Committee meeting, but, at the conclusion of the meeting, the Board voted to postpone proposing the amendments to Regulations 4601, 4603, 4604, and 4605 while the Board considered whether to propose the adoption of an additional regulation to implement, interpret, and make specific other provisions of the Act. During the Board's January 15, 2013, Business Taxes Committee meeting, the Board unanimously voted to begin the formal rule-making process to propose the amendments to Regulations 4601, 4603, 4604, and 4605 at this time, and the Board did not decide to propose to adopt a new regulation at that time.

The Board has performed an evaluation of whether the proposed amendments to Regulations 4601, 4603, 4604, and 4605 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 4601 is the only state regulation prescribing the manner for serving a notice issued under the Act and Regulations 4603 through 4605 are the only state regulations prescribing the Board's discretion to reduce a suspension imposed under the Act. In addition, there are no comparable federal regulations or statutes to Regulations 4601, 4603, 4604, and 4605.

**NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Board has determined that the adoption of the proposed amendments to Regulations 4601, 4603, 4604, and 4605 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 Regulations 4601, 4603, 4604, and 4605 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 Board has made an initial determination that the adoption of the proposed amendments to Regulations 4601, 4603, 4604, and 4605 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 Regulations 4601, 4603, 4604, and 4605 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 Regulations 4601, 4603, 4604, and 4605 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulations 4601, 4603, 4604, and 4605 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 Regulations 4601, 4603, 4604, and 4605 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](mailto: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](mailto: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 10:00 a.m. on June 11, 2013, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Regulations 4601, 4603, 4604, and 4605 during the June 11, 2013, 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 Regulations 4601, 4603, 4604, and 4605. 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 underscored and strikethrough versions of the text of Regulations 4601, 4603, 4604, and 4605 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 rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

SUBSTANTIALLY RELATED CHANGES  
PURSUANT TO GOVERNMENT CODE  
SECTION 11346.8

The Board may adopt the proposed amendments to Regulations 4601, 4603, 4604, and 4605 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 Regulations 4601, 4603, 4604, and 4605, 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](http://www.boe.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**PROPOSED RESEARCH ON A FULLY PROTECTED SPECIES**

**Monitoring and Research of the California Black Rail**

The Department of Fish and Wildlife (Department) received a proposal on February 26, 2013 from Mr. Thomas P. Ryan, on behalf of Ryan Ecological Consulting, Monrovia, California, requesting authorization to take California Black Rail (*Laterallus jamaicensis coturniculus*) (rail), for research purposes, consistent with the protection and recovery of the species. The rail is a Fully Protected bird and is also listed as Threatened under the California Endangered Species Act.

Mr. Ryan is planning to conduct surveys throughout the range of the rail in California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service. The proposed activity consists of searching for vocalizing individuals of the rail, employing broadcasts of recorded, species-specific vocalizations, to determine distribution and status of local populations. Mr. Ryan and any others deemed qualified for this purpose would collect data by interpreting calls received from marsh birds responding to the tape and by observing individual rails. There would be no attempt to capture individual rails or to approach nests of the rail, unless specifically approved by the Department. No adverse effects on individual rails or rail populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Mr. Ryan as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a scientific collecting permit (SCP) to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species 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 19, 2013, for an initial and renewable term of four years. Contact: Esther Burkett, [Esther.Burkett@wildlife.ca.gov](mailto:Esther.Burkett@wildlife.ca.gov), 916-445-3764.

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION  
NO. 2080-2013-002-06**

**Project:** Desert Harvest Solar Project  
**Location:** Riverside County  
**Applicant:** EDF Renewable Energy  
**Notifier:** Mr. Ian Black, EDF Renewable Energy

**Background:**

EDF Renewable Energy (Applicant) proposes to construct, operate, maintain, and decommission a commercial solar power generating facility on land managed by the Bureau of Land Management (BLM), to be authorized by a proposed issuance of a right of way grant by BLM. The Desert Harvest Solar project (Project) includes a 150-megawatt (MW) alternating current (AC) solar photovoltaic (PV) energy-generating facility, located approximately five miles north of the community of Desert Center in the County of Riverside. The solar generating facility will be located on 1,208 acres, and will be comprised of two separate parcels. The northern parcel consists of 1,053 acres and the southern parcel consists of 155 acres.

The Project has a minimum expected lifetime of 30 years, with an opportunity of 50 years or more with equipment replacement, re-powering, and an extension of the applicable permits, approvals, and authorizations. The Project consists of a main generation area, an operations and maintenance (O&M) facility either on or off the solar facility site, an onsite substation, a switchyard, and site security. Construction components include pre-construction surveys; exclusion fencing; clearing and construction of a lay-down yard, parking area, and pad mounts for transformers; and all construction activities for the northeastern and southwestern solar facilities. The solar facilities will consist of arrays of PV modules on a single axis tracking system. All of the solar field will be impacted by some form of soil disturbance, including compaction, micro-grading, or disc-and-roll grading. Each array will consist of PV modules, a power conversion station, and a transformer. Installed panels will shade up to approximately 1,000 acres of the solar facility.

The Project activities described above are expected to incidentally take<sup>1</sup> the Mojave population of the desert tortoise (*Gopherus agassizii*) (desert tortoise) where

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

those activities take place within the Project boundary, along the gen-tie and associated access roads, in areas where exclusion fencing will be installed, and within recipient sites resulting from construction and long-term O&M (defined by the BO as the action area). In particular, the desert tortoise could be incidentally taken as a result of moving individuals out of harm's way and from translocation and subsequent health assessments, and from crushing, trampling, or burial of sub-adults, adults, juvenile desert tortoises, and eggs. Desert tortoise is designated as a threatened 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 & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(A).)

Desert tortoise individuals are documented as present approximately 0.25 miles from the Project site within the adjacent Desert Sunlight project chuckwalla recipient site, and approximately 4.25 miles from the Project site along the proposed shared gen-tie route, and there is suitable desert tortoise habitat within and adjacent to the Project site. Focused protocol-level field surveys indicated desert tortoise presence based on multiple condition-class burrows found within the Project boundary. Because of the proximity of the nearest documented desert tortoise and results of the field surveys, the United States Fish and Wildlife Service (Service) determined that the desert tortoise is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of the desert tortoise. The Service estimated that up to two sub-adult or adult desert tortoises, up to two juveniles, and an unquantifiable number of eggs might occur within the Project boundary.

According to the Service, the Project activities will result in the permanent loss of 1,300 acres of desert tortoise habitat; and if the Project impacts desert tortoise habitat beyond this acreage, the amount or extent of take will be exceeded. Since 2010, there have been ongoing discussions on the desert tortoise between the Applicant and BLM, the Service, and California Department of Fish and Wildlife (CDFW), formerly California Department of Fish and Game (collectively, the "Agencies"). Between spring 2010 and spring 2011, the consultants performed biological surveys of desert tortoise within the Project boundaries; and the Agencies and the Applicant coordinated on the development of the measures to avoid, minimize, and offset impacts to the desert tortoise. Between August 2011 and August 2012, conference calls and meetings were held to discuss Project impacts and measures to avoid, minimize, and offset those impacts.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, BLM consulted with the Service as required by the ESA. Request for formal consultation and subsequent revisions to the biological assessment were submitted to the Service in May 2012 and August 2012, respectively. Through October and November 2012, CDFW and the Service continued mutual coordination on desert tortoise conservation measures. On January 15, 2013, the Service issued a BO (Service file No. FWS-ERIV-10B0593-12F0411) to BLM. The BO describes the Project, and requires the Applicant to comply with terms of the BO, including the incidental take statement (ITS), and incorporates additional measures.

On March 5, 2013, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, including the ITS, is consistent with CESA for purposes of the Project and desert tortoise (See Cal. Reg. Notice Register 2013, No. 13-Z p. 527).

#### **Determination:**

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and desert tortoise because the mitigation measures contained in the BO and 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, CDFW finds that: (1) take of desert tortoises will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO 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 the desert tortoise. The mitigation measures in the BO and ITS include, but are not limited to, the following:

#### Avoidance, Minimization, and Mitigation Measures

- The Applicant will designate Authorized Biologists (ABs), who will be approved by the Agencies, to implement and oversee biological compliance. No ground disturbance shall commence until an approved AB is available on the Project site. The Applicant shall submit résumés of potential ABs to the Agencies no less than 30 days prior to the beginning of any Project ground disturbing activities. In addition, the Applicant shall submit the résumés of all Biological Monitors (BMs) and at least three references to BLM and CDFW for approval. The BMs will assist the ABs in conducting surveys,

monitoring fence installation, and ensuring compliance of the conservation measures.

- The AB must meet the following minimum qualifications: (a) a bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field; (b) at least three years of experience in field biology or current certification of a nationally recognized biological society, like The Ecological Society of America or The Wildlife Society; (c) at least a year of field experience with biological resources found in or near the Project area, including desert tortoise; (d) the current AB qualifications set forth by the Service and demonstrated competence in protocols and guidelines for the desert tortoise, and be approved by the Service; (e) possess a California Endangered Species Act Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise. In lieu of any of the above requirements, the résumé shall demonstrate to the satisfaction of the Agencies that the proposed AB has the appropriate training and background to effectively implement the conservation measures.
- The AB will have the knowledge and experience to conduct any or all of the following: (a) locate, identify, and report all forms of desert tortoise sign in accordance with approved protocols; (b) handle and temporarily hold desert tortoises; (c) move desert tortoises from harm's way when they enter the Project site; (d) relocate/translocate desert tortoises prior to implementation of projects; (e) excavate burrows to locate desert tortoises; (f) reconstruct desert tortoise burrows; (g) unearth and relocate desert tortoise eggs; (h) approve BMs and their activities; (i) directly supervise BMs during clearance surveys and train them in all aspects of protecting desert tortoises; (j) understand and implement all project requirements, including the BO, and license (copy in hand); (k) ensure proper implementation of protective measures; (l) record and report incidents of non-compliance in accordance with the BO; and (m) halt project activities per provisions of the BO. Only the AB will translocate any desert tortoises in the Project area determined not to be a candidate for exclusion with fencing, to a recipient site within California.
- The AB will: (a) supervise, conduct, and coordinate mitigation, monitoring, and other biological resources compliance requirements; (b) clearly mark sensitive biological resource areas and verify personally or use BMs to check for compliance with all impact avoidance and minimization measures; (c) conduct continuous

compliance inspections throughout Project site preparation activities, and provide weekly updates to the Agencies; (d) monitor perimeter fence and desert tortoise exclusion fence installation and conduct pre-construction desert tortoise clearance surveys; (e) inspect active construction areas where animals may have become trapped, prior to construction commencing each day, and at the end of the day, inspect the installation of structures that prevent entrapment or allow escape during periods of construction inactivity; (f) periodically inspect areas with high vehicle activity for animals in harm's way; (g) remain on Project site daily in areas located outside of permanent desert tortoise exclusion fencing while ground-disturbance activities are taking place; (h) train BMs and ensure their competence in the Worker Environmental Awareness Program (see below), and desert tortoise surveys and handling; (i) maintain direct communication with agency representatives including notification of dead or injured species and reporting of special-status species observations; (j) report all special-status species observations to the California Natural Diversity Database and include copies of these reports in monthly or quarterly monitoring reports, and immediately report any dead or injured listed threatened or endangered species to the Service and CDFW; and (k) notify the Agencies of non-compliance with any conservation measures set forth in the BO.

- The Applicant will implement a Worker Environmental Awareness Program (WEAP) to ensure Project activities are conducted within a framework of safeguarding environmental resources. The Applicant will provide WEAP training to all workers prior to beginning work, and throughout the construction, operations, and decommissioning phases. At least 45 days prior to construction-related ground disturbance, the Applicant will provide the Agencies a draft WEAP for review and approval. The WEAP will emphasize the desert tortoise by including photographs; information on physical characteristics, distribution, behavior, identification, ecology, and sensitivity to human activities; explanation of flagging for designating work areas, legal protection, conservation measures, penalties for violations, hazardous substance spill prevention and containment measures, and reporting requirements; and contact information for notification of dead or injured animals. The WEAP shall be repeated annually for

permanent employees, and administered within a week of arrival of new Project personnel.

- The Applicant will avoid and minimize project impacts by: (1) fencing the solar generation site to prevent desert tortoises from entering the work area during construction, O&M, or decommissioning; (2) removing all desert tortoises from within the fenced perimeter of the Project site prior to initiating construction; and (3) translocating desert tortoises to an agency-approved off-site location.
- Prior to any construction activities, the Applicant will conduct clearance surveys in accordance with the Service's most recent Desert Tortoise Field Manual. The surveys will consist of at least two surveys covering 100 percent of the enclosed area. Clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling, and other procedures will be consistent with those described in the Service's Desert Tortoise Field Manual or more current guidance provided by the Service and CDFW.
- Before ground-disturbance, the Project site will be demarcated with security and desert tortoise exclusion fencing, including desert tortoise exclusion gates at access points. Work areas will be delineated with fencing or staking to identify the limits of construction. All disturbances, vehicles, and equipment will be confined to the fenced/flagged areas. Fencing/staking will remain in place for the duration of construction. The AB and BMs will monitor all fencing installation to ensure that no desert tortoises are harmed. Permanent fencing will be inspected monthly and within 24 hours after all major rainfall events. Any desert tortoise found inside fenced areas will be relocated or translocated. Desert tortoises that are determined to be sick or injured may be relocated to an appropriate facility within the State of California only with CDFW's prior written consent, and the Applicant will adhere to procedures set forth by CDFW.
- If a desert tortoise is observed, it will be left to move on its own. If it does not move within 15 minutes, an AB or BM under AB's supervision may relocate the animal to a safe location if temperatures are within the range described in the Service's Desert Tortoise Field Manual.
- Parking and staging areas will be enclosed by desert tortoise exclusion fencing to the fullest extent. No vehicles or construction equipment will be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. Vehicular traffic will be confined to existing designated routes of travel, and cross-country vehicle and equipment use outside designated work areas will be prohibited. The speed limit will not exceed 15 miles per hour within any part of the Project area.
- All vehicles and equipment will be maintained in proper working condition to minimize the potential for fugitive emissions of hazardous materials. Hazardous spills will be immediately cleaned up and the contaminated soil properly disposed at a licensed facility. Fueling and servicing of construction equipment will take place only at a designated area. Soil bonding and wetting agents used on unpaved surfaces will be non-toxic to wildlife and plants.
- Any areas of temporary disturbance will be revegetated according to the BLM-approved Vegetation Resources Management Plan. Construction activities will preferably implement a drive and crush method rather than grading. Spoils and topsoil will be stockpiled in areas already disturbed or to be disturbed by construction. Disturbance of shrubs and surface soils due to stockpiling will be minimized to the fullest extent.
- All access roads will be constructed such that berms along road edges do not interfere with desert tortoise movement or trap tortoises on the roadbed. To avoid building up tall berms that may inhibit desert tortoise movement, the Applicant will minimize lowering of the roadbed while grading.
- Any construction pipe, culvert, or similar structure with a diameter greater than three inches, stored less than eight inches above ground for one or more nights, will be inspected for desert tortoises before the material is moved, buried, or capped. Alternatively, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks.
- At the end of each work day, the AB will ensure that all potential wildlife pitfalls have been backfilled. If backfilling is not feasible, all trenches, bores, temporary detention basins, and other excavations will be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise exclusion fencing. If a desert tortoise becomes trapped, the AB will move it out of harm's way.
- A minimal amount of water will be applied to dirt roads and trenches or spoil piles in order to prevent formation of puddles that could attract desert

tortoises and common ravens. All trash and food-related waste will be placed in self-closing raven-proof containers and removed regularly from the Project site to prevent overflow and to reduce the attractiveness of the area to scavengers. No pets or firearms will be allowed on the Project site during construction, O&M, or decommissioning.

- The Applicant will immediately cease all Project activities in the vicinity if a desert tortoise is injured or killed. The Agencies will be notified within one workday in accordance with the “Disposition of Sick, Injured, or Dead Specimens” section of the BO. The Applicant will ensure that an injured desert tortoise receives prompt veterinary care by a qualified veterinarian. If an injured animal recovers, the Agencies will determine the final disposition of the animal. However, if efforts to keep the injured animal separate from other tortoises and turtles are successful during the desert tortoise’s treatment, then it is recommended that the desert tortoise be released at or near its capture point to continue to contribute to the persistence of the local desert tortoise population. If a desert tortoise is fatally injured or killed, the Applicant will submit it for necropsy.
- The Applicant will compensate for impacts through purchase and conservation of desert tortoise habitat in a manner consistent with BLM’s Northern and Eastern Colorado Desert Coordinated Management (NECO) Plan, and CDFW’s fully mitigated standard under section 2080.1 of the Fish and Game Code. All lands within the Chuckwalla Desert Wildlife Management Area (DWMA) will be replaced at a ratio of 5:1 and all lands outside the DWMA will be replaced at 1:1. Impacts to desert dry wash woodland will be mitigated at 3:1. The Applicant will compensate the acreage of the entire Project footprint at a 1:1 ratio within the Desert Tortoise Connectivity Corridor.
- The Applicant will provide for permanent protection and management of the compensation lands for desert tortoise, and enhancement actions such as habitat restoration, invasive plant control, road closures or road fencing, and controlling ravens and other predators. The total land acquisition will be an estimated 2050.4 acres. The final land acquisition acreage, which will reflect any deviations in Project disturbance, according to final design, and deviations in the as-built Project footprint, will be determined in coordination with and approved by the Agencies. The Applicant will

acquire and protect compensation lands, or provide financial assurance acceptable to CDFW and BLM sufficient to carry out the habitat acquisition and management, at least 30 days prior to initiation of ground disturbance.

- Compensation lands selected for acquisition will provide desert tortoise habitat value that is equal to or better than the quality and function of the habitat impacted, to be determined by the Agencies, taking into consideration soils, vegetation, topography, human-related disturbance, wildlife movement opportunity, proximity to other protected lands, management feasibility, and other habitat values. Compensation lands for impacts to desert tortoise must: (a) be within the Colorado Desert Tortoise Recovery Unit; (b) be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term; (c) not have a history of intensive recreational use or other disturbance that might cause erosion or habitat damage; (d) not be characterized by high densities of invasive species; (e) not contain hazardous wastes that cannot be removed to the extent that the Project site could not provide suitable habitat; (f) provide desert tortoise movement value equal to that on the Project site; (g) have water and mineral rights included as part of the acquisition, unless agreed otherwise in writing by the Agencies; (h) be contiguous and biologically connected to lands currently occupied by desert tortoise, ideally with populations that are stable, recovering, or likely to recover; and (i) contribute to desert tortoise movement and population connectivity of value equal to that on the Project site, and build linkages between lands allocated for conservation.

Monitoring and Reporting Measures

- BLM will provide an annual report by February 1 of each year during construction of each phase. Specifically, these reports must include information on any instances of desert tortoise death, injury, or handling; the circumstances of such incidents; and any actions undertaken to prevent similar incidents from reoccurring. All reports will be digital and include all monitoring-associated geospatial data. BLM will also provide copies of any Monthly and Annual Compliance Reports as required under the conservation measures described in the proposed action section of the BO.
- If the non-compliance or halt of construction or O&M conservation measure relates to desert tortoises, the Applicant will notify the Service and the regional office of CDFW in Ontario,

California, at the same time. The Applicant will notify BLM of the circumstances and actions being taken to resolve the non-compliance. BLM, in coordination with the Service and CDFW, will review any corrective action taken by the Applicant to determine success or failure, or if additional time is required to evaluate the circumstances.

- The Applicant will immediately notify the Service Palm Springs Office and CDFW Ontario Office if any desert tortoises are found sick, injured, or dead in the action area. Immediate notification means verbal (if possible) and written notice within one workday, and must include the date, time, and location of the carcass, and any other pertinent information. Care will be taken in handling sick or injured individuals to ensure effective treatment and care can be administered, and in handling dead specimens to preserve biological material in the best possible state.
- Throughout the construction and decommissioning phases of the project, a monthly compliance report will be provided to the Agencies. Upon completion of construction and decommissioning phases, a final monitoring report on each phase will also be furnished. During the O&M phase, annual reports will be submitted.

Financial Assurances

- The Applicant will provide to the Agencies, no fewer than 30 days prior to commencing ground-disturbing activities, an irrevocable letter of credit or another form of security (fiscal security) provided for review by the Service and BLM and approval by CDFW. The security will allow CDFW to draw on the principal sum, if CDFW, in its sole discretion, determines that the Applicant has failed to comply with the conditions set forth in the BO. The security will be in the amount of six million five hundred sixty-one thousand two hundred eighty dollars (\$6,561,280.00) for 2050.4 acres of land based on the following estimated costs of implementing the conservation measures: land acquisition costs for impacts to habitat, calculated at \$1,500/acre (\$3,075,600.00); costs of enhancing acquisition lands, calculated at \$250/acre (\$512,600.00); and long-term maintenance and management, calculated at \$1,450.00/acre (\$2,973,080.00). Notwithstanding the posting of security, the Applicant will complete the acquisition, protection, and transfer of all lands and record the required conservation easements, deed restriction, or other protection measures no later than 18 months after the start of ground-disturbing

activities. The security may vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a Property Analysis Record or equivalent analysis.

Land acquisition will be accomplished by the Applicant in one of three ways:

- 1) Providing funds to implement the above measures into the Renewable Energy Action Team account established with the National Fish and Wildlife Foundation (NFWF): If funds are provided to NFWF, the funds must: (1) be provided no later than 30 days prior to ground disturbance; (2) acquire lands no later than 18 months after ground-disturbing activity for the Project; and (3) conserve lands in perpetuity by a legal mechanism agreed to by the Agencies. The Applicant will independently establish a management fund for the entity that owns and manages the acquired lands. The management fund will consist of an interest-bearing account, with the amount of capital commensurate to generate sufficient interest to fund all monitoring, management, and protection of the acquired lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and other actions designed to protect or improve the habitat values of the acquired lands. A Property Analysis Record, or comparable method, will be conducted by the Applicant independently and reviewed by the Service and CDFW to determine the management needs and costs described above, which then will be used to calculate the amount of capital needed for the management fund. This management fund will be held and managed by an entity approved by the Agencies as appropriate.
- 2) The responsibility for acquisitions may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Agencies. If conservation lands are acquired by an agency-approved entity, they must meet CESA's fully mitigated standard. Agreements to delegate land acquisition to an approved third party, or to manage compensation lands, will be executed and implemented within 18 months of BLM and

County of Riverside’s certification of the Project.

- 3) The Applicant may choose to compensate for impacts to state-listed endangered species pursuant to Section 2081 of the Fish and Game Code using the “advance mitigation” mechanism set forth in California Fish and Game Code section 2069. Lands acquired through Section 2069 may in whole or in part satisfy the habitat requirements set forth in this mitigation measure, only to the extent that they do in fact provide habitat values for significant impacts to the species and biological resources identified above, and are consistent with the selection criteria described above.
- 4) If the Applicant directly acquires conservation lands independently, it must meet CESA’s fully mitigated standard. Lands purchased will be transferred in fee title to CDFW or another entity or individual qualified pursuant to California Government Code sections 65965–65968, as amended, with either a conservation easement, deed restriction, or other protective measures (as approved by CDFW) over those lands. If the Applicant transfers lands to CDFW, the Applicant will reimburse CDFW for reasonable expenses incurred during title and documentation review, expenses incurred from other State agency reviews, and overhead related to transfer of the lands. If the Applicant transfers lands via donation to BLM, similar transfer fees may be incurred.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of desert tortoise, 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 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 and ITS, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

By: \_\_\_\_\_/s/  
 Sandra Morey, Deputy Director  
 Ecosystem Conservation Division  
 California Department of Fish and  
 Wildlife

**OAL REGULATORY  
 DETERMINATION**

**DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION**

Date: April 4, 2013  
 To: Cory Pepper  
 From: Chapter Two Compliance Unit  
 Subject: **2013 OAL DETERMINATION NO. 3 (S)  
 (CTU2013–0206–01)**  
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))  
 Petition challenging as an underground regulation a memo titled “Inmate Religious Personal Property and Religious Grounds” issued by the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Institutions (DAI)

On February 6, 2013, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether an Inmate Religious Personal Property and Religious Grounds memo issued by CDCR (DAI) constitutes an underground regulation. Specifically, you challenge whether the Religious Property Matrix was duly adopted pursuant to the Administrative Procedure Act (APA). The memo was signed by Kathleen L. Dickinson, Director of DAI, on October 19, 2012. It is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant to the APA. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

<sup>1</sup>“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

- (a) "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

On February 6, 2013, California Department of Corrections and Rehabilitation submitted an emergency by operational necessity rulemaking (Penal Code section 5058.3) to OAL. The submission included the Religious Property Matrix (12/1/2012), incorporated by reference into section 3190(b) of title 15 (OAL file number 2013-0206-01EON). This emergency rulemaking, OAL file number 2013-0206-01 EON, was approved by the OAL and filed with the Secretary of State on February 21, 2013. It is attached as Exhibit B. The rulemaking was effective on filing with the Secretary of State. Therefore, the Religious Property Matrix (12/1/2012) was duly adopted pursuant to the APA.

For the reasons discussed above, we find that the rule challenged by your petition is not an underground regulation.<sup>2</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

\_\_\_\_\_  
/s/  
Debra M. Cornez  
Director

<sup>2</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

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

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

(A) The challenged rule has been superseded.

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

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

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

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

\_\_\_\_\_  
/s/  
Elizabeth A. Heidig  
Senior Counsel

Copy: Dr. Jeffrey Beard  
Timothy Lockwood

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2013-0314-03  
BOARD OF ACCOUNTANCY  
Peer Review Reporting

The Board of Accountancy amended sections 40, 43, and 45 of title 16 of the California Code of Regulations, which implement the board's statutorily required peer review program under Business and Professions Code section 5076. The amendments provide the timelines within which specified accounting firms (licensees) must undergo peer review and timelines for submitting related reporting to the Board on a form, the PR-1 form. The amendments retain the three-year timeline for licensees to undergo peer review but change the deadline that licensees must submit the PR-1 form, also being amended in this action, to the Board from a pre-scheduled July 1st date based on a licensee's license number to the biennial renewal date of a licensee, beginning January 1, 2014. Additionally, the amendments make it grounds for disciplinary action if a licensee makes any false, fraudulent, or misleading statement as part of their peer review reporting, and grounds for disciplinary action or non-renewal for failure to submit a completed PR-1 form.

Title 16  
California Code of Regulations  
AMEND: 40, 43, 45  
Filed 04/08/2013  
Effective 04/08/2013  
Agency Contact: Matthew Stanley (916) 561-1792

File# 2013-0315-01  
CALIFORNIA ARCHITECTS BOARD  
Examination Transition Plan

The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination (LARE) to the Landscape Architects Technical Committee. In September of 2012, CLARB implemented structural changes to the LARE to better align the content with current practice changing the LARE from a five-section exam to a four-section computerized exam. The California Architects Board (CAB) amended section 2614 of title 16 of the California Code of Regulations to provide a transition plan for candidates who were not successful in passing all sections under the prior LARE and who are required to transition to the new LARE.

Title 16  
California Code of Regulations  
AMEND: 2614  
Filed 04/08/2013  
Effective 04/08/2013  
Agency Contact: John Keidel (916) 575-7233

File# 2013-0329-01  
CALIFORNIA POLLUTION CONTROL  
FINANCING AUTHORITY  
CPCFA Bond Financing Program — Equipment Only  
Financing Program

This emergency rulemaking by the California Pollution Control Financing Authority (CPCFA) adopts section 8035.5, title 4, of the California Code of Regulations (CCR) relating to the Equipment Only Bond Financing Program (program). Pursuant to its own terms the previous section 8035.5 expired by operation of law on March 7, 2013. This emergency rulemaking extends the program expiration date to December 31, 2014. Pursuant to California Health and Safety Code section 44520(b), the amendments are deemed an emergency by the legislature as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

Title 4  
California Code of Regulations  
ADOPT: 8035.5  
Filed 04/08/2013  
Effective 04/08/2013  
Agency Contact: Deanna Hamelin (916) 657-4337

File# 2013-0325-01  
CALIFORNIA STATE UNIVERSITY  
Nonresident Tuition Exemption for Crime Victims

The Board of Trustees of the California State University is adopting a regulation to provide a nonresident tuition exemption to students who have been the victim of certain crimes and under specific circumstances. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 41906.6  
Filed 04/03/2013  
Effective 04/03/2013  
Agency Contact: Stephen M. Silver (562) 951-4500

File# 2013-0311-01  
DENTAL HYGIENE COMMITTEE OF  
CALIFORNIA  
Sponsored Free Health Care Events

This rulemaking by the Dental Hygiene Committee of California (DHCC) adopts regulations to implement Business and Professions Code section 901 as enacted by Stats. 2010, chapter 270 (A.B. 2699). Specifically, this rulemaking adopts regulations governing the requirements and procedures for dental hygienists with valid, current, and active licenses to practice dental hygiene in states other than California to participate in sponsored free health care events in California. In furtherance of these procedures, the DHCC is incorporating by reference two forms, including Registration of Sponsoring Entity Under Business and Professions Code Section 901, Form 901-A (DCA/2011) and Request for Authorization to Practice Without a License at a Registered Free Health Care Event, Form DHCC-901-B (07/2012). These regulations also establish an \$86.00 application fee associated with newly adopted form DHCC-901-B (07/2012).

Title 16  
California Code of Regulations  
ADOPT: 1149, 1150, 1151, 1152, 1153  
Filed 04/10/2013  
Effective 04/10/2013  
Agency Contact: Lori Hubble (916) 263-1978

File# 2013-0326-05  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This regulatory action expands the quarantine area for Asian Citrus Psyllid (ACP) to include all of Santa Barbara County. The effect of this amendment will provide authority for the State to perform quarantine activities against ACP within this additional area and existing regulated areas.

Title 3  
 California Code of Regulations  
 AMEND: 3435(b)  
 Filed 04/04/2013  
 Effective 04/04/2013  
 Agency Contact: Stephen S. Brown (916) 654-1017

File# 2013-0228-05  
 DEPARTMENT OF MANAGED HEALTH CARE  
 Pervasive Developmental Disorder and Autism  
 Coverage

This regulatory action adopts new section 1300.74.73 in title 28 to ensure uniform and timely application of the Knox-Keene Act related to health plan coverage for medically necessary mental health services, which include diagnosis and medically necessary behavioral health and applied behavioral analysis treatment, for health plan enrollees with pervasive developmental disorder (PDD) or autism.

Title 28  
 California Code of Regulations  
 ADOPT: 1300.74.73  
 Filed 04/08/2013  
 Effective 04/08/2013  
 Agency Contact: Jennifer Willis (916) 324-9014

File# 2013-0228-01  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Specific Regulatory Levels: Chemicals Causing  
 Reproductive Toxicity

In this rulemaking action, the Office of Environmental Health Hazard Assessment (OEHHA) is adding another chemical to the list of chemicals in title 27, California Code of Regulations, section 25805(b). More specifically, OEHHA is adding methanol at dosages of 47,000 micrograms per day by inhalation exposure and 23,000 micrograms per day by oral exposure. For chemicals known to the state to cause reproductive toxicity under Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986), section 25805 provides safe harbor exemptions from the Proposition 65 warning requirements and discharge prohibitions, provided the chemical exposure falls within the specific regulatory levels of the maximum allowable dose level (MADL) listed in section 25805.

Title 27  
 California Code of Regulations  
 AMEND: 25805  
 Filed 04/10/2013  
 Effective 07/01/2013  
 Agency Contact: Susan Luong (916) 327-3015

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN November 14, 2012 TO  
 April 10, 2013**

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

**Title 2**

- 03/29/13 REPEAL: 26100
- 03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238
- 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
- 03/20/13 AMEND: 1897
- 03/12/13 AMEND: 1859.2, 1859.77.3
- 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
- 02/21/13 AMEND: 599.506
- 02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100, 1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98
- 01/31/13 AMEND: 649.28
- 01/09/13 ADOPT: 18756
- 01/08/13 AMEND: 18723, 18730
- 01/07/13 AMEND: 18545, 18703.4, 18940.2
- 01/07/13 AMEND: 18705.5
- 01/02/13 AMEND: 22500, 22501, 22502, 22503, 22505, 22506, 22508, 22509 REPEAL: 22504, 22507, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519

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12/31/12 ADOPT: 1859.97 AMEND: 1859.2, 1859.90.2  
12/28/12 AMEND: 18410, 18425, 18435, 18465.1, 18550 REPEAL: 18539  
12/27/12 AMEND: 649.7  
12/26/12 ADOPT: 7294.0, 7294.2 AMEND: 7293.5, 7293.6, 7293.7, 7293.8, 7293.9, 7294.0 (renumbered to 7294.1), 7294.1(renumbered to 7294.3), 7294.2 (renumbered to 7294.4)  
12/24/12 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200  
12/11/12 AMEND: 649.15  
12/06/12 AMEND: 1859.2, 1859.90.2  
11/30/12 ADOPT: 7291.4, 7291.7, 7291.14, 7291.18 AMEND: 7291.2, 7291.3, 7291.4 and renumber 7291.5, 7291.5 and renumber 7291.6, 7291.6 and renumber 7291.8, 7291.7 and renumber 7291.9, 7291.9 and renumber 7291.10, 7291.10 and renumber 7291.17, 7291.11, 7291.12, 7291.13, 7291.15, 7291.16 REPEAL: 7291.8, 7291.14  
11/29/12 ADOPT: 558.1  
11/28/12 AMEND: 54100

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04/04/13 AMEND: 3435(b)  
04/02/13 AMEND: 3435(b)  
02/28/13 AMEND: 3437(b)  
02/27/13 AMEND: 3435(b)  
02/25/13 ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24  
11/15/12 AMEND: 3435(b)

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04/08/13 ADOPT: 8035.5  
04/02/13 AMEND: 10032, 10033, 10034, 10035  
03/21/13 AMEND: 10178, 10179, 10181, 10182, 10185, 10188  
03/20/13 AMEND: 1462  
03/19/13 AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337  
03/12/13 AMEND: 5000, 5052  
02/11/13 AMEND: 10325  
02/11/13 AMEND: 8072  
02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112  
02/04/13 AMEND: 8070, 8071, 8072, 8078, 8078.2  
01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060

01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580  
01/08/13 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133  
12/21/12 ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348  
12/13/12 AMEND: 12391(a)(2)  
12/03/12 AMEND: 10032, 10033, 10034, 10035  
11/27/12 ADOPT: 4305, 4309 AMEND: 4300, 4302, 4304, 4306, 4307, 4308

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04/03/13 ADOPT: 41906.6  
03/13/13 AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332  
02/12/13 AMEND: 19816, 19816.1, 19839  
02/11/13 AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508  
02/07/13 ADOPT: 40203  
02/07/13 ADOPT: 42740  
02/06/13 ADOPT: 9517.3  
01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053  
01/14/13 ADOPT: 80048.3.2 AMEND: 80048.3.1  
12/27/12 AMEND: 58108  
12/27/12 AMEND: 55000, 55023, 55040, 55041, 55043, 58161, 58162, 58166 REPEAL: 55030  
12/24/12 ADOPT: 18224.6, 18227, 18227.1 AMEND: 18078, 18409, 18411, 18424, 18426  
12/18/12 AMEND: 76120  
12/13/12 AMEND: 40601

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03/29/13 AMEND: 9789.31, 9789.34, 9789.35, 9789.39  
03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300

03/18/13 ADOPT: 32091, 61215, 61255, 61275  
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 32169, 32305, 32320, 32450, 32455,  
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 61210, 61220, 61240, 61250, 61260,  
 61270 REPEAL: 32613, 32810, 32811,  
 32812, 32813

03/18/13 AMEND: 344, 344.1

03/14/13 AMEND: 3381

03/13/13 AMEND: 9789.23, 9789.24, 9789.25

02/28/13 AMEND: 4309

01/28/13 ADOPT: 4993.1 AMEND: 1610.3,  
 1616.3, 4885, 4999, 5001

01/24/13 AMEND: 3210, 3900

12/31/12 ADOPT: 10206, 10206.1, 10206.2,  
 10206.3, 10206.4, 10206.5, 10206.14,  
 10206.15, 10207, 10208 AMEND:  
 10205, 10205.12

12/31/12 ADOPT: 15209 AMEND: 15201, 15210,  
 15210.1, 15475, 15477, 15481, 15484,  
 15496, 15497

12/31/12 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6,  
 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10,  
 9792.5.11, 9792.5.12, 9792.5.13,  
 9792.5.14, 9792.5.15 AMEND:  
 9792.5.1, 9792.5.3, 9793, 9794, 9795

12/31/12 ADOPT: 37, 10159 AMEND: 1, 11, 11.5,  
 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38,  
 100, 105, 106, 10160

12/31/12 ADOPT: 9785.5, 9792.6.1, 9792.9.1,  
 9792.10.1, 9792.10.2, 9792.10.3,  
 9792.10.4, 9792.10.5, 9792.10.6,  
 9792.10.7, 9792.10.8, 9792.10.9  
 AMEND: 9785, 9792.6, 9792.9,  
 9792.10, 9792.12

12/27/12 ADOPT: 9789.25 AMEND: 9789.20,  
 9789.21, 9789.22

12/27/12 ADOPT: 9789.39 AMEND: 9789.30,  
 9789.31, 9789.32, 9789.33, 9789.36,  
 9789.37, 9789.38

12/27/12 AMEND: 9795.1, 9795.3

12/20/12 ADOPT: 10133.31, 10133.32, 10133.33,  
 10133.34, 10133.35, 10133.36 AMEND:  
 9813.1, 10116.9, 10117, 10118,  
 10133.53, 10133.55, 10133.57,  
 10133.58, 10133.60 REPEAL:  
 10133.51, 10133.52

12/10/12 AMEND: 10210, 10211, 10212, 10214,  
 10215, 10216, 10217, 10218, 10222,  
 10223, 10225, 10228, 10229, 10232,  
 10232.1, 10232.2, 10245, 10250.1,  
 10252.1, 10253.1, 10270, 10271, 10273,  
 10290, 10291, 10293, 10294.5, 10297

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03/13/13 AMEND: 7071.2, 7017.5, 7021, 7051,  
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03/05/13 AMEND: 7141.5, 7143, 7227, 7350,  
 7351, 7353.6, 7354, 7355, 7356, 7357,  
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01/17/13 AMEND: 7141.5, 7143, 7227, 7350,  
 7351, 7353.6, 7354, 7355, 7356, 7357,  
 7358

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03/29/13 REPEAL: 2690.65

03/29/13 REPEAL: 2690.5

03/29/13 REPEAL: 2690.6

03/29/13 REPEAL: 2690.4

03/29/13 ADOPT: 6426

03/29/13 ADOPT: 6446

03/13/13 AMEND: 2318.6, 2353.1, 2354

03/11/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

03/11/13 AMEND: 2318.6, 2353.1, 2354

03/04/13 AMEND: 2690, 2690.1, 2690.2

01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440,  
 6442, 6444

01/11/13 AMEND: 2498.4.9, 2498.5, 2498.6

12/31/12 AMEND: 2695.8(f), 2695.8(g)

12/19/12 ADOPT: 2523, 2523.1, 2523.2, 2523.3,  
 2523.4, 2523.5, 2523.6

12/17/12 AMEND: 2248.14

12/11/12 AMEND: 3780

11/19/12 AMEND: 2698.401

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03/27/13 AMEND: 80.3

12/12/12 AMEND: 1081

11/26/12 AMEND: 1001, 1003, 1004, 1005, 1006,  
 1007, 1008, 1009, 1010, 1011, 1012,  
 1013, 1014, 1015, 1016, 1018, 1019,  
 1051, 1052, 1053, 1054, 1055, 1056,  
 1057, 1058, 1060, 1070, 1071,  
 1080, 1081, 1082, 1083, 1084, 1950,  
 1951, 1952, 1953, 1954, 1955, 1956,  
 1957, 1958, 1959, 1960

11/15/12 AMEND: 1005, 1007, 1008

11/15/12 AMEND: 1005

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03/07/13 AMEND: 125.12, 125.16, 126.00,  
 126.02, 127.00, 127.08

02/07/13 AMEND: 2193

01/28/13 ADOPT: 426.00

01/24/13 AMEND: 425.01

01/07/13 AMEND: 553.70

12/31/12 AMEND: 1900, 1956.8, 1960.1, 1961,  
 1961.2, 1961.3, 1962.1, 1962.2, 1976

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12/11/12 AMEND: 2403, 2404, 2407, 2412, 2421, 2423, 2424, 2425, 2425.1, 2426, 2427, 2433, 2447, 2783, 2784

12/10/12 AMEND: 423.00

**Title 14**

03/27/13 ADOPT: 132.1, 132.2, 132.3, 132.4, 132.5

03/25/13 AMEND: 27.80

03/25/13 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6

03/06/13 ADOPT: 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated therein by reference, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, 1299.05 REPEAL: 1299

03/06/13 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8

03/05/13 AMEND: 265, 365, 366, 478, 708.12, 708.16

02/27/13 AMEND: 670.7 (e) & (f)

02/25/13 AMEND: 670.5

02/14/13 ADOPT: 15183.3, Appendix M, Appendix N

02/14/13 AMEND: 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, 28.58

01/31/13 AMEND: 1270, 1270.02, 1270.03, 1270.04, 1270.05, 1270.06, 1270.07, 1270.08, 1270.09

01/08/13 AMEND: 27.65, 28.30

12/27/12 ADOPT: 1.45, 5.91 AMEND: 1.77, 2.25, 2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90, 27.91, 28.90, 28.95, 701

12/20/12 AMEND: 703

11/19/12 AMEND: 632

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03/11/13 AMEND: 3000, 3002, 3021, 3041, 3041.2, 3045.3, 3075.1, 3075.2, 3082, 3103, 3144, 3172.2, 3177, 3230, 3270, 3275, 3278, 3288, 3324, 3338, 3367, 3368, 3369, 3371.1, 3376, 3379, 3380, 3401.5, 3404, 3415 and CDC 345 (Rev. 5/95)

03/04/13 REPEAL: 3999.10

02/25/13 ADOPT: 3375.6 AMEND: 3000, 3375

02/25/13 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323

02/21/13 AMEND: 3000, 3190, 3213, 3334

02/12/13 ADOPT: 8004, 8004.1, 8004.2, 8004.3, 8004.4 AMEND: 8000

01/17/13 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2

01/15/13 AMEND: 3999.14

12/20/12 ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3

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04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153

04/08/13 AMEND: 2614

04/08/13 AMEND: 40, 43, 45

04/02/13 AMEND: 1888

03/25/13 ADOPT: 1823, 1888.1 AMEND: 1803, 1845, 1858, 1881

03/14/13 ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156

03/13/13 AMEND: 1746

02/27/13 AMEND: 3340.29

02/27/13 AMEND: 1575

02/13/13 ADOPT: 4187 AMEND: 4184

02/07/13 AMEND: 1495.2

02/06/13 AMEND: 1735.1, 1735.2, 1735.3, 1751.2

01/22/13 AMEND: 1399.15

01/15/13 ADOPT: 1399.99.1, 1399.99.2, 1399.99.3, 1399.99.4

01/14/13 AMEND: 1566.1

01/10/13 AMEND: 1399.536

01/09/13 AMEND: 1811, 1870, 1887.3

12/18/12 ADOPT: 37.5

12/13/12 AMEND: 2615, 2620

11/29/12 AMEND: 2524, 2579.10

11/27/12 ADOPT: 1495, 1495.1, 1495.2, 1495.3, 1495.4

11/14/12 ADOPT: 1139, 1140, 1141, 1142, 1143, 1144

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04/02/13 ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370

03/21/13 AMEND: 100303, 100403, 100603

03/11/13 ADOPT: 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543

02/25/13 AMEND: 94010, 94011, 94016, 94150, 94168

02/11/13 ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3

02/07/13 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534,

	54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525		75018, 75020, 75054, 75081, 75301, 75305, 75307, 75341, 76003, 76013, 76043, 76049, 76051, 76089, 76109, 76111, 76117, 76119, 76121, 76123, 76130, 76131, 76141, 76149, 76151, 76800, 76808, 76809, 76825, 76832, 76894, 76896, 76916, 78033, 78037, 78057, 78067, 78071, 78077, 78081, 78083, 78089, 78091, 78097, 78103, 78347, 79001, 79023, 79070, 79073, 79215, 79311, 79347, 79501, 79519, 79523, 79539, 79541, 79543, 79551, 79559, 79563, 79565, 79573, 79803
01/22/13	AMEND: 60201, 60210		
01/03/13	AMEND: 2641.56		
12/19/12	ADOPT: 95158 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95119, 95120, 95121, 95122, 95123, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157, 95202, 95802		
12/06/12	AMEND: 95920		
11/26/12	ADOPT: 95480.2, 95480.3, 95480.4, 95480.5 AMEND: 95480.1, 95481, 95482, 95484, 95485, 95486, 95488, 95490	02/19/13	ADOPT: 70438.2
		02/11/13	ADOPT: 100144 AMEND: 100135, 100136, 100137, 100139, 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150, 100151, 100152, 100153, 100154, 100155, 100156, 100157, 100158, 100159, 100160, 100161, 100162, 100163, 100164, 100165, 100166, 100167, 100168, 100169, 100170, 100171, 100172, 100173, 100174, 100175
11/14/12	AMEND: 6508		
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03/11/13	AMEND: 1620		
01/14/13	AMEND: 101, 171, 252, 1045		
01/08/13	REPEAL: 2558, 2558.1, 2559, 2559.1, 2559.3, 2559.5		
12/18/12	ADOPT: 19089		
12/04/12	ADOPT: 2000		
<b>Title 19</b>		01/25/13	AMEND: 100058, 100060, 100063, 100066, 100074, 100075, 100078, 100079, 100080, 100081
03/26/13	REPEAL: 2300, 2301, 2302, 2303, 2304, 2305, 2324, 2325, 2325.1, 2326, 2327, 2328, 2329, 2330, 2331, 2350, 2351, 2352	01/09/13	AMEND: 70110, 70215, 70841, 71110, 71645, 72203, 72641, 73208, 73639, 74108, 74669, 76211, 76525, 76555, 76651, 76846, 76915, 78437 REPEAL: 70111, 70114, 71111, 73209, 74109
12/17/12	AMEND: 2570.1, 2570.2, 2571, 2572.1, 2572.2, 2573.1, 2573.2, 2573.3	01/07/13	AMEND: 66260.10, 66264.550, 66264.551, 66264.552, 66264.552.5, 66264.553, 67100.13, 67383.3, 67390.2, 67391.1, 67401.1, 67401.2, 67401.3, 67401.4, 67401.5, 67401.6, 67401.7, 67401.8, 67401.9, 67401.10, 67401.11, 67401.12, 67401.13 REPEAL: 69000, 69000.5, 69001, 69002, 69003, 69004, 69005, 69006, 69007, 69008, 69009, 69010, 69011, 69012, 69013, 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214
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02/07/13	AMEND: 1301, 1310, 1312		
12/24/12	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658	12/10/12	AMEND: 926-3, 926-4, 926-5
<b>Title 22</b>		<b>Title 23</b>	
03/25/13	AMEND: 97232	03/28/13	AMEND: 3930
03/14/13	AMEND: 50273(c)	02/21/13	ADOPT: 3929.9
03/12/13	AMEND: 70055, 70217, 70263, 70275, 70405, 70483, 70485, 70579, 70619, 70706.1, 70707.8, 70747, 71053, 71215, 71245, 71547, 72003, 72013, 72035, 72037, 72057, 72059, 72075, 72083, 72085, 72087, 72089, 72097, 72105, 72107, 72329, 72329.1, 72351, 72361, 72465, 72467, 73009, 73023, 73031, 73057, 73059, 73073, 73075, 73081, 73083, 73085, 73087, 73103, 73109, 73319, 73411, 73483, 74011, 74013, 74023, 74405, 74615, 74617, 74623, 74631, 74633, 74635, 74641, 74643, 74645, 74647, 74653, 74657, 75002, 75006, 75011, 75012, 75015, 75016,	01/28/13	ADOPT: 3677, 3677.1, 3677.2, 3677.3, 3677.4, 3677.5, 3677.6, 3680.1, 3680.2, 3681, 3682, 3682.1, 3682.2, 3682.3, 3682.4, 3682.5, 3682.6, 3683, 3683.1,

3683.2, 3683.3, 3683.4, 3684, 3685, 3686, 3687, 3689, 3700, 3701, 3701.1, 3701.2, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3702.6, 3702.7, 3703, 3709, 3712, 3712.1, 3712.2, 3715, 3716, 3719.6, 3719.8, 3719.10, 3719.11, 3719.14, 3719.15 AMEND: 3670, 3670.1, 3671, 3675, 3676, 3680, 3710, 3711, Renumber 3712 as 3711.1, Renumber 3713 as 3711.2, Renumber 3714 as 3713, Renumber 3715 as 3714, 3717, 3718, 3719, Renumber 3719.10 as 3719.1, Renumber 3719.11 as 3719.2, Renumber 3719.12 as 3719.3, Renumber 3719.13 as 3719.4, Renumber 3719.14 as 3719.5, Renumber 3719.15 as 3719.7, Renumber 3719.16 as 3719.9, Renumber 3719.17 as 3719.12, Renumber 3719.18 as 3719.13, Renumber 3719.19 as 3719.16 REPEAL: 3670.2, 3683, 3684, 3685, 3686, 3700, 3701, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3703, 3704, 3707, 3708, 3709, 3716

12/17/12 ADOPT: 3949.9

12/06/12 ADOPT: 3979.5

11/14/12 AMEND: 1062, 1064, 1068

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03/27/13 ADOPT: 6932 REPEAL: 6932  
 02/19/13 ADOPT: 1142, 1336.4, 2142, 4041.5  
 AMEND: 1002, 1018, 1020.9, 1034, 1038, 1048, 1102, 1180, 1317, 1320, 1333, 1335.5, 1336.2, 1422, 1438, 1462, 1606, 1750, 2002, 2018, 2020.9, 2034, 2038, 2048, 2102, 2112, 2317, 2327, 2328, 2422, 2438, 2496, 2750, 4011, 4040, 4050

**Title 27**

04/10/13 AMEND: 25805  
 03/04/13 AMEND: 27000  
 02/06/13 AMEND: 27001  
 12/17/12 AMEND: 25705  
 11/19/12 AMEND: 25903

**Title 28**

04/08/13 ADOPT: 1300.74.73

**Title MPP**

01/16/13 AMEND: 40-107, 42-301, 42-302, 42-431, 42-712, 42-713, 42-721, 44-133, 44-307, 44-316, 82-833  
 01/14/13 AMEND: 40-105.4(g)(1), 44-111.23, 44-113.2, 44-113.54(QR), 44-315.39(QR), 89-201.513  
 11/29/12 AMEND: 41-440, 42-716, 42-717, 44-207  
 11/19/12 AMEND: 31-003, 31-021, 31-501