



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2015-0414-05 623

Adoption

Multi-County: KIPP Bay Area Schools
North Net Library System
Napa-Lake Workforce Investment Board

Amendment

Multi-County: Antelope Valley-East Kern Water Agency
Schools Excess Liability Fund
School for Integrated Academic and Technologies
Hartnell Community College District
Yuba Community College District

TITLE 2. STATE LANDS COMMISSION

Administrative Hearings — Notice File No. Z2015-0410-03 624

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2015-0410-05 627

TITLE 5. STATE TEACHERS' RETIREMENT SYSTEM

Employer Direct Reporting — Notice File No. Z2015-0409-02 630

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Annual Fee Adjustment (2016) — Notice File No. Z2015-0410-01 633

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Ignition Interlock Device (IID) Program — Notice File No. Z2015-0410-02 636

TITLE 14. FISH AND GAME COMMISSION

Upland Game Bird Hunting Regulations — Notice File No. Z2015-0414-02 639

(Continued on next page)

***Time-
Dated
Material***

TITLE 14. FISH AND GAME COMMISSION	
<i>Waterfowl Regulations — Notice File No. Z2015–0414–03</i>	641
TITLE 20. CALIFORNIA ENERGY COMMISSION	
<i>Updates to Process and Procedure Regulations — Notice File No. Z2015–0409–01</i>	645
TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES	
<i>Drug Medi–Cal Rates (2012–2013) — Notice File No. Z2015–0414–04</i>	649
GENERAL PUBLIC INTEREST	
DEPARTMENT OF FISH AND WILDLIFE	
<i>Monitoring California Least Tern Nesting Colonies — University of California, Santa Barbara Natural Reserve System</i>	653
DEPARTMENT OF FISH AND WILDLIFE	
<i>Research on Morro Bay Kangaroo Rat — Steven C. Chen</i>	653
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Notice of Consent Decree re AAD Distribution Site</i>	654
FISH AND GAME COMMISSION	
<i>Livermore Tarplant Candidacy Notice</i>	656
PROPOSITION 65	
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Notice of Intent to List Chemicals (NOIL) by the Labor Code Mechanism: Aloe Vera</i>	656
RULEMAKING PETITION DECISION	
BOARD OF EQUALIZATION	
<i>Notice of Decision on Petition from Ms. Jenny Lee to Repeal Regulations Pertaining to CCR, Title 18, Section 1585, Cellular Telephones, Pagers, and Other Wireless Telecommunication Devices</i>	657
DISAPPROVAL DECISIONS	
CALIFORNIA HORSE RACING BOARD	
<i>Safety Vest Required</i>	660
DENTAL HYGIENE COMMITTEE OF CALIFORNIA	
<i>Educational Programs</i>	661
SUMMARY OF REGULATORY ACTIONS	
Regulations filed with the Secretary of State	661
Sections Filed, November 12, 2014 to April 15, 2015	663

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: KIPP Bay Area Schools
NorthNet Library System
Napa-Lake Workforce
Investment Board

AMENDMENT

MULTI-COUNTY: Antelope Valley-East Kern
Water Agency
Schools Excess Liability Fund
School for Integrated
Academics & Technologies
Hartnell Community College
District
Yuba Community College
District

A written comment period has been established commencing on April 24, 2015, and closing on **June 8, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 her review, unless any interested person or his/her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is re-

quested, the proposed code(s) will be submitted to the Commission for review.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 8, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

TITLE 2. STATE LANDS COMMISSION

Notice is hereby given that the California State Lands Commission (Commission) proposes to add Article 14, Sections 3000 through 3016 to Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). These sections implement administrative hearings under Public Resources Code section 6224.3 and following. At an informal administrative hearing, the Commission will determine whether a person has built or maintains a structure on state-owned land under the Commission's jurisdiction without authorization. Violators may be subject to fines and an order to remove the structures. For the purposes of these regulations, structures include any manmade construction, but exclude boats and vessels.

PUBLIC HEARING

The Commission will hold a public hearing starting at 1:00 p.m. on June 8, 2015, in the main conference room at the Sacramento offices of the California State Lands Commission, located at 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The facilities are wheelchair accessible. At the hearing, any person may present statements or arguments relevant to the proposed action described in the Informative Digest. Statements may be given orally or in writing. The Commission requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will continue until all testimony is completed. Although timely submitted comments will be addressed in the Final Statement of Reasons, Commission staff will not respond to comments at the public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or an authorized representative, may submit written comments addressing the proposed regulatory action to the Commission. All written comments must be received by the Commission staff no later than 5:00 p.m. on June 9, 2015, in order to be considered. Written comments may be submitted by mail, fax, or email as follows:

Warren Crunk, Staff Attorney
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825
Fax: (916) 574-1855
Email: CSLC.Regulations@slc.ca.gov

AUTHORITY AND REFERENCE

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

Public Resources Code section 6108 authorizes the Commission to make and enforce all reasonable and proper rules and regulations consistent with law for the purpose of carrying out the duties of the Commission.

Public Resources Code sections 6224.3, 6224.4, and 6224.5 (Trespass Statute) prohibit unauthorized structures on land owned by California and under the Commission's jurisdiction; authorize the Commission to hold administrative hearings to determine whether a violation has occurred; authorize the Commission to impose penalties and issue injunctions if a violation has occurred; and authorize the Commission to adopt regulations to implement these sections. The regulations proposed in this rulemaking are intended to implement these sections.

Public Resources Code section 6301 grants the Commission exclusive jurisdiction over the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, straits, and tidelands not granted in trust to local municipalities.

Public Resources Code section 8705 grants the Commission exclusive jurisdiction to administer the lands granted to California for support of the public school system. This section is also known as the School Land Bank Act.

Government Code section 11445.20(c) authorizes an agency to adopt informal hearing procedures by regulatory action.

INFORMATIVE DIGEST

Existing Law requires Commission authorization for structures on land owned by California and under the Commission's jurisdiction (State Lands). Since the Commission was established in 1938, the Commission's sole remedy for unauthorized use of State Lands was to file a civil action for trespass and ejectment. Public Resources Code sections 6224.3, 6224.4, and 6224.5 (collectively "Trespass Statute") were added in 2012, and authorize the Commission to hold administrative hearings to determine whether a person is maintaining a structure on State Lands without authorization. These sections also authorize the Commission to impose fines and issue injunctions against a person found to have unauthorized structures on State Lands. Persons suspected

of violating the Trespass Statute will be referred to as “Respondents” herein. The proposed rulemaking will implement this administrative process.

The proposed Section 3000 sets forth the authority and purpose for the proposed rulemaking. Section 3001 defines a number of terms for clarity and convenience. Section 3002 clarifies the conduct prohibited under Public Resources Code section 6224.3. Unauthorized expansion of structures, or structures for which authorization is expired are also prohibited. Section 3003 specifies that staff may initiate investigation of a suspected violation. Section 3004 details what a Notice of Violation must contain and how it may be served on Respondents. Section 3005 allows Respondents to reduce the duration of a hearing, or resolve an entire matter by stipulating to facts not in dispute. Section 3006 provides that notice of a pending enforcement matter will be distributed to the public through the Commission’s meeting agenda. Section 3007 prohibits communications by either Respondents or Commission staff to the Commissioners without notice and opportunity to participate by the opposing side. Communications between Respondents and Commission staff are encouraged in order to resolve a matter. Section 3008 allows the Presiding Officer to exclude persons from an enforcement hearing if they are disruptive or obstructive. Section 3009 specifies that the Commission’s Executive Officer, or the Commission’s Assistant Executive Officer, will prepare a proposed decision and order. The recommended decision will function much like a tentative ruling in that it will provide an analysis of the known facts and law for both the Commissioners and Respondents to examine before, and comment on, during the enforcement hearing. This important protection allows Respondents to be fully prepared for their hearing and helps to focus the hearings on contested issues.

Section 3010 allows any type of evidence to be admitted if it is relevant and reasonably trustworthy. This standard of admissibility favors common sense over legal formalities in order to help Respondents present evidence at the hearing. Section 3011 specifies that the Commissioners may issue a ruling and impose a penalty if Respondents or witnesses fail to attend a properly noticed hearing after being served. Under the Administrative Procedures Act (“APA”), Respondents have a right to an opportunity to be heard and may waive this right by failing to attend. Section 3012 sets forth the enforcement hearing procedure. Section 3013 details how the Presiding Officer’s decision and order is produced and adopted by the Commission as final. Section 3014 describes how the penalty will be calculated, when it will be imposed, and under what conditions a penalty may be tolled or waived. Section 3015 specifies the content of the enforcement record. Section 3016 allows the

Commission to designate a decision as precedential if it addresses a significant question that is likely to recur.

COMPATIBILITY WITH OTHER LAWS

The Commission conducted an evaluation for regulations in this area. The proposed regulations are the only regulations to implement administrative hearings under the Trespass Statute. Therefore, these regulations are neither inconsistent nor incompatible with existing state regulations. The Commission carefully reviewed Government Code Title 2, Division 3, Part 1, Chapter 4.5, as this chapter addresses administrative hearings. Article 6 (beginning with section 11425.10) includes basic requirements for all administrative hearings. The proposed regulations comply with all the requirements of this Article. The remainder of Chapter 4.5 provides some guidance as to informal agency adjudication. The proposed regulations meet or exceed all requirements of Chapter 4.5. Chapter 5 (commencing with section 11500) of Title 2, Division 3, Part 1 of the Government Code is not applicable to the proposed regulations.

POLICY STATEMENT

The proposed regulations will benefit members of the public by specifying and clarifying the administrative hearing process. The Commission is aware of many structures on State Lands that currently exist without authorization. Disputes over the Commission’s jurisdiction or authority to require a lease are costly and time consuming for both the state and private parties when the only available forum is civil courts. The Trespass Statute provides a forum where evidence will be considered and evaluated in an informal setting. Disputes can be settled in as little as 45 days, at a fraction of the cost to both the state and private parties.

The proposed regulations clarify the process, and set forth a number of important procedural safeguards. The proposed regulations provide a person accused of maintaining unauthorized structures on State Lands with a clear statement of the relevant law and facts at least forty-five (45) days prior to the hearing. Documents relied on by Commission staff will be made available to Respondents. At least ten (10) days prior to the hearing, Respondents will receive a proposed written decision which states the Commission’s position with analysis of any information the Respondents have timely submitted to the Commission in their defense. Finally, the proposed regulations allow for a public hearing on the matter where Respondents may present evidence and argument in their defense. At the conclusion of this hearing a written decision will be available which Respondents may appeal to the civil court system if they so desire.

The proposed process reduces the Commission's position to a clear statement of law and fact, allows Respondents to address the allegations, and provides a decision on the matter in an informal setting with minimal cost and delay. The overall objective is to resolve whether a lease is required and achieve compliance in an efficient manner. Even where a penalty has been imposed, there are many provisions in the proposed regulations that allow the Commission to toll, modify, or waive some or all of the penalty if Respondents diligently work to remedy the violation.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost or Savings to Any State Agency: The proposed regulations will not inflict any new costs on state agencies or school districts. The proposed regulations simply specify the procedure for hearings under the Trespass Statute. The administrative hearing and some of the procedural requirements were already set forth in the Trespass Statute. The proposed regulations further specify how the enforcement actions shall proceed. The initial cost and benefit analysis of holding the administrative hearings was assessed in the Trespass Statute. The proposed regulations will not create any additional fiscal impacts on state agencies.

Cost to Any Local Agency or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 Through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

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

Cost Impacts on a Representative Private Person or Businesses: The proposed regulations specify the administrative hearing process. No additional burden is created. The proposed regulations contain multiple provisions to reduce or eliminate penalties that would otherwise be imposed under the Trespass Statute by complying with existing law. Staff anticipates completing a hearing in a single meeting, so Respondents may only be required to attend a single day.

Results of the Economic Impact Assessment/Analysis: The Commission concludes that the proposed rulemaking: (1) does not create or eliminate California jobs; (2) does not create or eliminate California businesses; (3) has no effect on the expansion of existing California businesses.

Benefits of the Proposed Action: The primary benefits of the proposed action are clarity and transparency in the administrative process. The proposed regulations specify how notice may be served, how Respondents may access the Commission's records, what information is included in the Notice of Violation, and how the written decision is produced. Additionally, the proposed regulations include multiple provisions to mitigate, toll, or waive penalties on prompt compliance with already existing law.

Significant, Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: None.

Significant Effect on Housing Costs: None.

Small Business Determination: The Commission has determined that the proposed regulations do not affect small businesses. The proposed regulations will not have a significant, statewide, adverse economic impact on California businesses. The regulations only implement the Trespass Statute, thereby providing efficient means to enforce already existing California law. The proposed regulations provide options to toll, reduce, or waive penalties where Respondents promptly remedy violations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to 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 the 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. The Commission invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Warren Crunk, Staff Attorney
California State Lands Commission
100 Howe Ave., Suite 100-South
Sacramento, CA 95825-8202
Telephone: (916) 574-1935
CSLC.Regulations@slc.ca.gov

The backup contact person for these inquiries is:

Nicholas Lavoie, Public Land Manager
California State Lands Commission
100 Howe Ave., Suite 100–South
Sacramento, CA 95825–8202
Telephone: (916) 574–0452

Copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based will be available on the Commission's website at www.slc.ca.gov. You may also contact Warren Crunk at the above address to obtain copies.

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

The Commission will have the entire rulemaking file available for inspection and photocopying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations including two exhibits, and the Initial Statement of Reasons. Copies may be obtained on the Commission's website at www.slc.ca.gov. You may also contact Warren Crunk at the above address to obtain copies.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the Commission adopts the regulations as revised. Copies of any modified regulations may be obtained on the Commission's website at www.slc.ca.gov. You may also contact Warren Crunk at the above address to obtain copies. The Commission will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained on the Commission's website at www.slc.ca.gov. You may also contact Warren Crunk at the above address to obtain copies.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at www.slc.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on March 2, 2015. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 31, 2015.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on June 8, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Sara.Khalid@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP into Fresno County by approximately 50 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 51,332 square miles.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscre-

tionary costs or savings to local agencies or school districts.

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There is one citrus production nursery in the affected area that will be impacted. There are no retail nurseries in the affected area. There are 233 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and are required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There is one citrus packing house located within this quarantine area.

Based on the preceding above information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 proposal described in this Notice.

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 5. STATE TEACHERS' RETIREMENT SYSTEM

**Chapter 3. Employer Reporting
Article 1. Employer Direct Reporting**

NOTICE OF PROPOSED RULEMAKING

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt new regulations, in the form of sections 27700 through 27705 in new Article 1 of new Chapter 3, Division 3, Title 5 of the California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Teachers' Retirement Board has delegated the authority to hold a public hearing to the Chief Executive Officer. The CEO will hold a hearing:

Date and Time 10:00 a.m.
June 17, 2015

Please arrive promptly for check in by 10:00 a.m. The hearing will be closed once each speaker has provided his or her testimony.

Location California State Teachers' Retirement System Boardroom 100 Waterfront Place West Sacramento, CA 95605

Purpose To receive written or oral comments about this action. Comments are limited to five minutes each and must not repeat comments already received in written or verbal form.

Accessibility The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the Regulations Specialist.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to CalSTRS. The written comment period closes at **5:00 p.m. on June 8, 2015**. CalSTRS will only consider written comments received at CalSTRS' address as reflected below by that time. Submit comments to:

Ellen Maurizio
Regulations Specialist, Legislative Affairs
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Fax: (916) 414-1993
E-Mail: Regulations@CalSTRS.com

AUTHORITY AND REFERENCE

Section 22207 of the California Education Code authorizes the Teachers' Retirement Board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code sections 22000 through 28101.

Section 22213 of the Education Code provides that the board shall regulate the duties of employers, employing agencies and other public authorities.

Section 22305 of the Education Code provides that any rules and regulations adopted by the board have the force and effect of law.

Section 22458 of the Education Code requires that employers provide CalSTRS with information regarding the compensation to be paid to employees subject to the Defined Benefit Program annually as determined by the board. These regulations specify the provision of these documents by districts as part of an application to become a direct report to the system.

Section 23004 of the Education Code authorizes the board to approve a school district or community college district to submit a report monthly to the system containing information as the board may require in the administration of the plan.

These regulations make the criteria for acceptance by the board under section 23004 specific.

The board approved the proposed regulations on April 1, 2015, and authorized CalSTRS to give public notice and schedule a public hearing before the board.

INFORMATIVE DIGEST

Section 23004 of the Education Code authorizes the board to approve a school district or community college district to submit a report monthly to the system containing information as the board may require in the administration of the plan. The monthly report must be submitted electronically in an encrypted format provided by the system that ensures the security of the transmitted member data.

The regulations proposed in this rulemaking action would make specific section 23004 of the Education Code by defining the criteria the board will use to approve or disapprove a district as a direct report, and the circumstances under which the board may withdraw its approval.

The proposed regulations provide quantifiable standards a district must meet prior to acceptance as a direct report. When met, the standards demonstrate a track record of fiscal stability and independence, adherence to accreditation standards, ability to transmit files in the format required by the Education Code and compliance with key provisions of the Teachers' Retirement Law and related regulations.

These regulations are specific to CalSTRS and there are no comparable federal regulations or statutes. CalSTRS searched other state regulations that related to the topics addressed in these regulations and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

It is the broad intent of these regulations to allow districts to report directly to CalSTRS when the direct reporting relationship is likely to increase efficiency. Allowing school districts and community college districts to report directly to CalSTRS as provided under existing law removes the middleman—the county superintendent—who is otherwise required by law to report to the system on behalf of district-level employers.

Anticipated benefits of these regulations include improved process efficiencies for school districts, county offices and CalSTRS. These regulations set a high bar to ensure the full benefit of this efficiency is realized by allowing only districts that will not require the expenditure of additional staff time or other resources to become direct reports. Allowing districts who have met the standards laid out in these regulations will minimize the likelihood that direct reporting employers will fail to comply with reporting standards and governing laws, will require an undue level of intervention by CalSTRS staff, or will lose their status as accredited, fiscally independent, or fiscally accountable institutions.

Districts who meet the standards of these proposed regulations are independent, have the tools to report directly to CalSTRS, and possess the relevant understanding of the Teachers' Retirement Law to report directly.

No other nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, are anticipated.

The regulations proposed in this rulemaking action make specific the Education Code as it relates to the board's authority to approve school districts or community college districts to report directly to CalSTRS. CalSTRS evaluated whether the proposed regulations were inconsistent or incompatible with existing state regulations and found that there are no overlapping provisions with other state regulations. Thus, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:
None.
2. COST OR SAVINGS TO ANY STATE AGENCY:
None.

3. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE (“GC”) SECTIONS 17500 THROUGH 17630:

None.

4. OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED ON LOCAL AGENCIES:

None.

5. COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:

None.

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

None.

7. COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations only affect CalSTRS and CalSTRS-covered employers.

8. RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California;
- Affect the expansion of businesses currently doing business within California.
- Affect worker safety or the state’s environment.

These regulations will not affect the health and welfare of California residents, except to the extent that they provide improved process efficiencies for school districts, county offices and CalSTRS. These regulations set a high bar to ensure the full benefit of this efficiency is realized by allowing only districts that will not require the expenditure of additional staff time or other resources to become direct reports.

9. SIGNIFICANT EFFECT ON HOUSING COSTS: None.

10. SMALL BUSINESS DETERMINATION:

The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected by the statute that these regulations are clarifying.

CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of section 11346.5, Government Code, CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost effective to affected private persons and equally effective in implementing the statutory policy.

CalSTRS weighed the option of continuing to approve district-level employers as direct reports on a case-by-case basis. CalSTRS determined that well-defined standards for acceptance and removal, established through regulation, would allow for a streamlined and clear application process, allowing CalSTRS to more effectively implement its authority to allow district-level employers to directly report and enabling employers to understand prior to application what is required to become a direct reporting entity.

CalSTRS and the board invite interested persons to present any statements or arguments that would support an alternative to the proposed regulations in the form of written comments or by providing testimony at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ellen Maurizio
Regulations Specialist, Legislative Affairs
California State Teachers’ Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Telephone: (916) 414-1994
Fax: (916) 414-1993
E-Mail: Regulations@CalSTRS.com

The backup contact person for these inquiries is:

Joycelyn Martinez–Wade
Manager, Legislative Affairs
California State Teachers' Retirement System
P.O. Box 15275, MS–14
Sacramento, CA 95851–0275
Telephone: (916) 414–1994
Fax: (916) 414–1993
E–Mail: Regulations@CalSTRS.com

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the Regulations Specialist using the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CalSTRS will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its offices at the address listed above. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statement (STD 399).

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting the Regulations Specialist using the contact information listed above.

In addition, each of the above documents is available for viewing on the CalSTRS website at www.CalSTRS.com/regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please refer to www.CalSTRS.com/regulations or contact Ellen Maurizio using the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its offices at the address listed above. In addition, the Final Statement of Reasons will be posted on the CalSTRS website at www.CalSTRS.com.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout are posted on the CalSTRS website at www.CalSTRS.com/regulations.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13 in the California Code of Regulations to identify the annual adjustment of specified fees for 2016.

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 8, 2015**, 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 the proposed action under the authority granted by Vehicle Code sections 1651 and 1678, in order to implement, interpret or make specific Vehicle Code sections 1678, 14900, 14900.1, 14902, 15255.1, and 15255.2.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Since January 1, 2005, Vehicle Code sections 1678 and 1685 require the department to annually review and adjust a variety of department fees. The fees are to be adjusted in an amount equal to the increase in the California Consumer Price Index (CPI) for the prior year as calculated by the Department of Finance and will only be increased when the calculated amount equals or is greater than \$0.50 rounded to the next highest whole dollar. All of the fee adjustments provided in this proposed action are authorized under Vehicle Code section 1678.

The department proposes to amend Section 423.00 to identify the Vehicle Code sections for which the corre-

sponding fee is being increased. These fees will be effective January 1, 2016. This proposed amendment is neither inconsistent nor incompatible with existing law.

Calculations for determining fee adjustments

In determining whether or not a fee will be adjusted, the department uses the Department of Finance CPI forecast and compares that to the CPI when the baseline of the fee was determined per the statute. That percentage increase is multiplied to the base fee to determine if the fee needs to be increased. These fees were selected for the annual adjustment because they are the only fees that increased by \$0.50 or greater and allowed us to round up to the next dollar.

The following charts list all fee changes effective January 1, 2016.

Statute	Service or Transaction	Current Fee	Adjusted Fee
Vehicle Code			
14900(a)	Driver License Application for Original Class C or M	\$33	\$34
14900.1(a)	Driver License fee – Renewal or Change of Class	\$33	\$34
14902(a)	Identification Card Regular	\$28	\$29
15255.1(a)	Commercial – Original	\$71	\$73
15255.1(b) and (c)	Commercial – Renewal	\$42	\$43
15255.1(d)	Commercial – Drive Skills Test	\$32	\$34
15255.2	Commercial – Duplicate	\$31	\$32

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The department is tasked with collecting fees and dispersing them to both state and local agencies that use the fees to fund programs. If the fees are not adjusted according to the consumer price index, agencies that rely on these collections may not be able to adequately fund the programs.

ANTICIPATED BENEFITS

The adjusted fees will allow the department to continue offering licensing and registration services needed in California residents. To ensure residents are aware of the adjusted fees, the department established fees in regulation.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department is the only agency tasked with collecting these transportation-based fees; therefore, there are no comparable federal or state regulations.

CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS

The department has conducted an evaluation for any regulations related to the annual adjustment of fees specified in the Vehicle Code. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents to be incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- 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: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The department is required by statute to adjust specific fees based on the California Consumer Price Index for the prior year, as calculated by the Department of Finance. Seven fees are proposed to be increased by one dollar (\$1) or two dollars (\$2).
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of Government Code Section 17500 et seq.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Small Business Impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting small businesses, including the ability of California small businesses to compete with small businesses in other states because these fees are paid by individuals. If a fee is paid by a business, the department does not anticipate an impact as the fee is adjusted by such a small amount.
- Significant Statewide Adverse Economic Impact Directly Affecting Businesses: None.
- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment: The general welfare of California benefits because the increase of \$1.00 – 2.00 will allow the department to continue offering licensing and registration services needed by California residents. The proposed regulatory action has no impact on health and welfare of workers and worker safety, nor the state's environment.

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 Analyst
 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) 657-6243
 E-Mail: LRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
 Telephone: (916) 657-6469

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Government Code section 11346.3(b):

- Creation or Elimination of Jobs Within the State of California: This proposed regulation will neither create nor eliminate jobs within the State of California.
- Creation or Elimination of Existing Businesses Within the State of California: The proposed regulation will neither create new businesses nor eliminate existing businesses within the State of California.
- Expansion of Businesses Currently Doing Business Within the State of California: This regulation will not expand businesses currently doing business within the State of California.

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 strikeout 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, and Express Terms) may be accessed at <http://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 13. DEPARTMENT OF
MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 125.00, 125.02, 125.12, 125.15, 125.16, 125.20, 126.00, 127.00 and 127.08, and to repeal Section 126.02 in Article 2.55 in Chapter 1, Division 1, Article 2.0 of Title 13, California Code of Regulations, relating to the California Ignition Interlock Device (IID) 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 8, 2015**, 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 the proposed action under the authority granted by Vehicle Code sections 1651, 23575, and 23700, in order to implement, interpret or make specific Vehicle Code sections 13353.3, 13386, 23573, and 23575.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Assembly Bill 2639 (Ch. 1237; Statutes of 1994) enacted Vehicle Code section 23235, later renumbered to Vehicle Code section 13386, requiring the department to certify or cause to be certified ignition interlock devices and to prohibit the certification of a device that fails to meet the accuracy requirements and specifications provided in guidelines adopted by the National Highway Traffic Safety Administration (NHTSA).

After most states had some sort of IID certification requirement in statute, they began to look to the NHTSA for guidance on what requirements to test for when certifying a device. In response, the NHTSA issued a Notice in the Federal Register (Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774–11787) entitled “Model Specifications for Breath Alcohol Ignition Interlock Devices.” This Notice established accuracy requirements, model specifications, and testing methodologies used by independent laboratories responsible for analyzing a device. Once the laboratory verified the device met the criteria, a manufacturer could apply to the state to certify the device for use. Not only did the provisions established in the Federal Register provide states with clear guidelines, it also ensured that manufacturers were not burdened with having to meet different requirements established by each state.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS

Article 2.55, in Title 13 of the California Code of Regulations, establishes requirements for manufacturers looking to have their IID certified for use in California.

For an IID to be certified for use in California, a manufacturer must, among other things, provide data and certifications from an independent laboratory that the device was tested in accordance with federal regulations and was found to satisfy the requirements of the model specifications for IIDs as published in the Federal Register identified above.

In 2013, NHTSA updated the performance criteria and testing methods in the Federal Register (Vol. 78, No. 89, Wednesday, May 8, 2013, on pages 26849–26867). As the department will continue to follow the federal criteria and guidelines when certifying devices for use in California, it has become necessary for the department to amend the Certification of IID regulations to ensure interested parties are aware of the requirements a device must meet prior to being certified for use in California.

Anticipated Benefits to this action (Government Code section 11346.5(a)(3)(C)):

The department does not anticipate any quantifiable benefits related to this proposed regulatory amendment, however, the amendments will ensure that the IID certification process is consistent with other states and federal guidelines, allowing IID manufacturers to continue offering their devices for use in California.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department has conducted a review of both federal and state regulations related to the IID certification process and the IID program, and has determined that there are no comparable federal or state regulations.

CONSISTENCY EVALUATION

The department is the primary agency responsible for administering the IID certification process and is the only agency responsible for ensuring IID compliance. Therefore, the department has determined that this regulatory action is consistent and compatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Laboratory Report, form DL 28 (Rev. 3/2014)

- Verification of Installation, form DL 920 (Rev. 6/2014)
- Notice of Non-Compliance Ignition Interlock, form DL 921 (Rev. 8/2013)
- Ignition Interlock Notice of Removal, form DL 922 (Rev. 4/2012)

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

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- 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: The department is not aware of any cost impacts that a representative private person or business as part of compliance with these regulations. IID manufacturers will not bear any additional costs of certification. This update will ensure that IIDs are being certified in a manner consistent with federal guidelines. In fact, the department currently has 13 manufacturers and 15 devices authorized for use in California. All devices meet the 2013 federal specifications.
- Effects on Housing Costs: None.
- Cost to any Local Agency or School District that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: 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 is unlikely to impact small businesses as the regulations establish IID certification processes and procedures. If a small business is responsible for the certification of an IID, it has already begun certifying in accordance with the new procedures.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states: None.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**
(Government Code Section 11346.3(b))

The department has determined that the proposed regulatory action will impact none of the following:

- 1) Creation or Elimination of Jobs Within the State of California
- 2) Creation or Elimination of Existing Business Within the State of California
- 3) Expansion of Business Currently Doing Business Within the State of California
- 4) Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment

The proposed action only ensures that devices being certified for use in California are being evaluated in a manner consistent with the federal guidelines. The department does not anticipate that the updated review process will have any impact on jobs or businesses within California. Additionally, the department does not anticipate any quantifiable benefits to the health and welfare of residents, worker safety or the State's environment.

**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 it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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.

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
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: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
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, 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. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, and 355 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 215, 220, 355, and 356 of said Code, proposes to amend Sections 300 and 310.5, Title 14, California Code of Regulations, relating to Upland Game Birds.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Title 14, California Code of Regulations (CCR), provide general hunting seasons for taking resident and migratory upland game birds under Section 300. Current regulations in Title 14, CCR, under Section 310.5 establish shooting times for all upland game birds. The Department of Fish and Wildlife (Department) is recommending two regulation changes under these sections as follows:

1. Adjust annual number of sage grouse hunting permits by zone.

Current regulations under subsection 300(a)(1)(D)4. provide a number of permits for the general sage grouse season in each of four zones. At this time the Department has proposed a range of permits specific for all four hunt zones. The final permit numbers will be proposed in June after spring lek counts are completed and annual population data are analyzed. Permit ranges for sage grouse hunting in 2015 are recommended as follows:

- a. East Lassen: [0–50] (two–bird) permits
- b. Central Lassen: [0–50] (two–bird) permits
- c. North Mono: [0–100] (one–bird) permits
- d. South Mono: [0–100] (one–bird) permits

Increase shooting time provided for spring turkey hunters under Section 310.5 by one hour; shooting time would end at 5:00 p.m. instead of at 4:00 p.m. as provided under current regulation.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game to ensure their continued existence.

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202, and 203, has the sole authority to regulate upland game bird hunting in California. Commission staff has searched the Califor-

nia Code of Regulations and has found the proposed changes pertaining to hunting of resident game birds are consistent with Sections 550–553, 630, 703 and 4501 of Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to adopt upland game bird hunting regulations in California.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mountainside Conference Center, in Mammoth Lakes, California, on Thursday, June 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, in Fortuna, California, on Thursday, August 5, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 23, 2015, at the address given below, or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on July 31, 2015. All comments must be received no later than August 5, 2015, at the hearing in Fortuna, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Scott Gardner, Department of Fish and Wildlife, phone 916–445–5545, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the

control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the regulations propose only minor changes to bag limits and shooting hours.

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

The Commission does not anticipate any impacts the proposed action would have on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California because the regulations propose only minor changes to bag limits and shooting hours. The Commission does not anticipate benefits to worker safety because the regulations do not address working conditions.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

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

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

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

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200 and 355 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 355, and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to Waterfowl regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl. Item 1 provides notice that other framework regulations regarding duck season lengths and bag limits may change in 2015 when current biological information becomes available. Item 2 requires Flyway Council and Service approval to establish the season length for brant, pursuant to the process described below.

The Service will consider recommendations from the Flyway Council at their meeting in late July 2015. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service has not established federal regulation “frameworks” which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public.

The Department’s proposals are as follows:

1. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in

all zones. In addition, an increase in the bag limit for geese in the Colorado River Zone is proposed to match waterfowl regulations in neighboring Arizona. Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. See the table below for season and bag limit ranges.

2. Provide a range of brant season lengths in the Northern Brant and Balance of State Brant special management areas to allow for a possible increase in season length.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

Benefits of the regulations

The benefits of the proposed regulations are concurrence with federal law and the sustainable management of the State’s waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2015–16.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, and Dark and White Geese</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 38 & 105 days	
	Geese	105 days	25/day, which may include: 15 white geese, 10 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	25/ day, which may include: 15 white geese, 10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	100 days	18/day, which may include: 15 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 101 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 101 days	
	Geese	101 days	14/day, up to 10 white geese, up to 4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<i>and Dark and White Geese.</i>	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (Whitefronts and white geese)	25/day, which may include: 15 white geese, 10 dark geese. Possession limit triple the daily bag.
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Between 30 and 45 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	Between 30 and 45 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	15/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 107 days	

Benefits of the Proposed Regulations

Adoption of sustainable waterfowl hunting seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game to ensure their continued existence.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources. The Com-

mission anticipates benefits to the State’s environment by the sustainable management of California’s waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mountainside Conference Center, in Mammoth Lakes, California, on

Thursday, June 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, in Fortuna, California, on Thursday, August 5, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 23, 2015, at the address given below, or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on July 31, 2015. All comments must be received no later than August 5, 2015, at the hearing in Fortuna, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Department of Fish and Wildlife, phone 916-445-3717, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a

copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

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

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2015-16 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the proposed regulations for the waterfowl hunting season in 2015-16. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably

manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

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

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

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

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

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

Consideration of Alternatives

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

in implementing the statutory policy or other provision of law.

TITLE 20. CALIFORNIA ENERGY COMMISSION

Proposed Amendments to Title 20 Commission Process and Procedure Regulations

California Energy Commission
Docket No. 15-OIR-01
April 7, 2015

The California Energy Commission (commission) proposes to update its siting and process and procedure regulations, located in the 1000, 1100, 1200, 1600, 1700 and 2000 sections of Title 20 of the California Code of Regulations. The updates address issues raised by stakeholders regarding the commission's licensing procedures and general process issues. The rulemaking proceeding is being conducted under the authority of Public Resources Code sections 25210, 25213, and 25218(e), and of Title 20, California Code of Regulations section 1222(a).

PUBLIC HEARING
(Gov. Code 11346.5(a)(1))

The commission will hold a public hearing for consideration and possible adoption of the 45-Day Language on the following date and time unless the commission decides to modify the Express Terms through issuance of 15-Day Language.

Date: June 10, 2015
10 a.m.
California Energy Commission
1516 Ninth Street
First Floor, Art Rosenfeld Room
(Hearing Room A)
Sacramento, California
(Wheelchair accessible)

Audio for the June 10, 2015, adoption hearing will be broadcast over the internet. Information on agendas and how to use the commission's web system can be found at <http://www.energy.ca.gov/business meetings/>.

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654-5146 or Lou.Quiroz@energy.ca.gov at least 5 days in advance.

At this hearing, any person may present oral or written statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

WRITTEN COMMENTS
(Gov. Code 11346.5(a)(15))

Written comments should be submitted by 4:00 p.m. on June 8, 2015. If you wish to provide comments on the draft regulatory language, please submit comments to the commission using the commission’s e-commenting feature by going to the commission’s TITLE 20 2014 UPDATES, webpage <http://www.energy.ca.gov/title20/2015-OIR-01/> and click on the “Submit eComment” link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the “Agree & Submit Your Comment” button to submit the comment to the commission Dockets Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 15-OIR-01
1516 9th Street, MS-4
Sacramento, CA 95814

Or e-mail them to: DOCKET@energy.ca.gov

PUBLIC ADVISER

The commission’s Public Adviser’s Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser’s Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228, or send an email to pao@energy.ca.gov.

STATUTORY AUTHORITY AND REFERENCE
(Gov. Code 11346.5(a)(2))

The commission proposes to update its process and procedure regulations under the authority of Public Resources Code sections 25210, 25213, and 25218(e), and of Title 20, California Code of Regulations section 1222(a). The proposed regulations would implement, interpret, or make specific provisions of the following laws:

- Public Resources Code sections 21061.1, 21081, 25205, 25210, 25211, 25213, 25214, 25216.5, 25217, 25218, 25223, 25321, 25362, 25502, 25505, 25506, 25506.5, 25507, 25509, 25519, 25520, 25521, 25522, 25523, 25525, 25526, 25527, 25529, 25539, 25540, 25540.1, 25540.2, 25540.3, 25541, 25541.5, 25900, 25967, 25983
- Government Code sections 11020, 11104.5, 11180, 11445.10, 11455.60, 11513
- Code of Civil Procedure section 10, and
- Public Utilities Code section 399.30.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW
(Gov. Code 11346.5(a)(2))

The 1000, 1100, 1200, and 1700 sections of Title 20 of the California Code of Regulations govern the commission’s power plant licensing processes and general commission-wide process and procedures. The proposed language changes resulted from a multifaceted effort by commission staff to understand barriers to efficient process and effective public engagement. In response to stakeholder comments, commission staff performed a comprehensive review of the sections and developed language that addresses identified issues. The language makes the following changes to the regulations:

- Centralizes and alphabetizes definitions,
- Clarifies the authority of the Chair to manage proceedings,
- Centralizes the role of the Docket Unit in document management,
- Updates document filing and service to reflect document management technology,
- Establishes a general centralized process for noticing public events,
- Consolidates and clarifies rules applicable to adjudicative proceedings,
- Clarifies that motions are the method by which a person asks the commission to take or refrain from taking an action,
- Clarifies the rights of parties, hearing record content, and basis for decisions in adjudicative proceedings,
- Establishes a defined comment period on the Staff Assessment and establishes a clear mechanism for commission staff to respond to comments on significant environmental issues,
- Consolidates elements of the Presiding Members Proposed Decision into one section,
- Creates a new *request for investigation* and *complaint* process that better reflects the role of the public and agency in enforcement, and,

- Makes other changes designed to streamline and clarify the commission’s internal procedures.

Proposed changes to Title 20, section 1240 covering the commission’s Renewable Portfolio Standard program are conforming updates that parallel the edits proposed in the 14–RPS–01 proceeding. See Modification of Regulations Establishing Enforcement Procedures for Renewable Portfolio Standard for Local Publicly Owned Electric Utilities, Docket Number 14–RPS–01 at http://www.energy.ca.gov/dockets/docket_redesign.php?docketNo=14–RPS–01.html.

Those interested in changes related to the Renewable Portfolio Standard should participate in the 14–RPS–01 rulemaking. The changes identified to section 1240(d)(1) and (g) may need to be modified to comport to the final version of section 1240 pending the completion of the 14–RPS–01 proceeding and adoption of the language.

The proposed revisions only involve updates to existing processes and procedures. The commission has conducted a search of any similar regulations on this topic and has concluded that these regulations are not inconsistent or incompatible with existing state regulations.

The objective and anticipated benefits of the language changes is to achieve procedures that are functional, efficient and fair for both those who have regular business with the commission and for those who only infrequently engage the commission. The use of electronic document management and automatic service should reduce the requirements for hard copies and mass mailings. This will save processing time for filers and commission staff. Changes in the structure of the regulations, such as grouping adjunctive proceedings in one section and centralizing and alphabetizing definitions will result in clearer and more functional regulations.

**DOCUMENTS INCORPORATED
BY REFERENCE**
(1 CCR 20(c)(3))

There are no documents incorporated by Reference.

FEDERAL LAW
(Gov. Code 11346.2(c); 11346.9)

The proposed revisions are not mandated by federal law, and do not conflict with any federal law or other statutory requirements.

LOCAL MANDATE DETERMINATION
(Gov. Code 11346.5(a)(5))

The proposed regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACTS
(Gov. Code 11346.5(a)(6))

- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.

Staff is unaware of any cost impacts that a local agency or school district would incur in compliance with the proposed action, as the changes are process and procedural in nature and are specific to commission activities and proceedings. No school district or local agency has informed the commission of any costs associated with the proposed regulatory language changes.

- Cost or savings to any state agency.

Staff is unaware of any cost impacts that a state agency would incur in compliance with changes to the process and procedure regulations. The proposed regulations do not change any existing requirement or impose a new requirement on any state agency. No state agency has informed the commission of any costs associated with the proposed regulatory language changes.

- Other non–discretionary cost or savings imposed upon local agencies.

Staff is unaware of any cost impacts that a local agency would incur in compliance with changes to the process and procedure regulations. The proposed regulations do not change any existing requirement or impose a new requirement on any local agency. No local agency has informed the commission of any costs associated with the proposed regulatory language changes.

- Cost or savings in federal funding to the state.

Staff is unaware of any cost or savings impacts on federal funding that would result from changes to its process and procedure regulations.

HOUSING COSTS
(Gov. Code 11346.5(a)(12))

Staff is unaware of any cost impacts to housing from the proposed regulations which have no relation to the permitting, building or repair of housing.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**
(Gov. Code 11346.3(a), 11346.5(a)(7) and
11346.5(a)(8))

Staff has made an initial determination that the revised 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.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT
(Gov. Code 11346.5(a)(10) and 11346.3(b))

Based on the procedural and clarifying nature of the proposed changes, no additional costs or economic impacts have been identified or are anticipated. The proposed changes improve internal process and reorganize the structure of the commission's process and procedure provisions but do not change any obligations on those conducting business with the commission.

(A) The creation or elimination of jobs within the state.

There is no information in the record and staff is unaware of any reason why the proposed changes would have any impact on jobs in California. The changes are process and procedural in nature, and are specific to commission activities and proceedings.

(B) The creation of new businesses or the elimination of existing businesses within the state.

There is no information in the record and staff is unaware of any reason why the proposed changes would have any impact on the creation or elimination of businesses in California.

(C) The expansion of businesses currently doing business within the state.

There is no information in the record and staff is unaware of any reason why the proposed changes would have any impact on the expansion of businesses in California.

(D) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposed changes to the regulations attempt to improve the functionality of the regulations and improve the ability for public participation. The proposed changes do not impact the health and welfare or worker safety of California residents or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON
OR BUSINESS
(Gov. Code 11346.5(a)(9))

Staff is unaware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

BUSINESS REPORT
(Gov. Code 11346.5(a)(11) and 11346.3(d))

The proposed changes would not require a report to be made or create new reporting requirements.

SMALL BUSINESS IMPACTS
(1 CCR 4(a) and (b))

The proposed regulations do not affect small businesses for the same reasons the proposed regulations do not impose economic impacts on any businesses, school districts, local agencies and other state agencies. The proposed changes are process and procedure in nature designed to improve agency functionality and procedural understanding by the public, especially those who do not normally conduct business before the commission. Headings have been added to the regulations and related provisions have been grouped together to improve organization of the regulations.

ALTERNATIVES STATEMENT
(Gov. Code 11346.5(a)(13))

Prior to adopting the revised regulations, the commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be: more effective in carrying out the purpose for which the revisions are proposed, as effective and less burdensome to affected private persons than the proposed revisions, or more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The commission developed the proposed language in conjunction with stakeholder and public input which resulted in the incorporation of alternative or modified language. The proposed language achieves the clarity, functionality and fairness that underline the reason for updating the regulations. The proposed language does not impose any additional obligations or costs on private persons.

CONTACT PERSON
(Gov. Code 11346.5(a)(14))

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations, should be directed to: Jared Babula at (916) 651-1462 or jared.babula@energy.ca.gov.

The designated backup contact person is: Angelique Juarez-Garcia who may be contacted at (916) 654-4048 or angelique.juarez-garcia@energy.ca.gov.

AVAILABILITY OF THE PROPOSED
REGULATIONS, INITIAL STATEMENT OF
REASONS, AND INFORMATION UPON WHICH
THE PROPOSAL IS BASED
(Gov. Code 11346.5(a)(16))

In order to obtain the proposed regulations (express terms), the commission's Initial Statement of Reasons for the proposed changes, and all documents relied upon by the commission, please visit the commission's website at: <http://www.energy.ca.gov/title20/2015->

OIR-01/ or contact Angelique Juarez-Garcia at (916) 654-4048 or by e-mail at angelique.juarez-garcia@energy.ca.gov.

In addition, the commission's Docket Office has all information upon which the proposed regulations are based. To obtain copies, please contact:

Docket Unit
California Energy Commission
Docket No. 15-OIR-01
1516 9th Street, MS-4
Sacramento, CA 95814
(916) 654-5076
DOCKET@energy.ca.gov

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from commissioners. Changes may also be considered if they improve the clarity or effectiveness of the regulations. If the commission considers changes to the proposed regulations, a full copy of the text will be available for review at least 15 days prior to the date on which the commission adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS
(Gov. Code 11346.5(a)(19))

The commission will prepare a Final Statement of Reasons for the revisions, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available at: http://www.energy.ca.gov/title20/2015-OIR-01/, and may also be obtained from Angelique Juarez-Garcia at (916) 654-4048 or by email at angelique.juarez-garcia@energy.ca.gov.

INTERNET ACCESS
(Gov. Code 11346.4(a)(6) and 11346.5(a)(20))

The commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, have been posted at: http://www.energy.ca.gov/title20/2015-OIR-01/.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION
SUBJECT: Drug Medi-Cal Rates (2012-2013), DHCS-12-007E

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) has adopted the regulations in California Code of Regulations (CCR), Title 22, Division 3, Subdivision 1, Chapter 3, Article 7, Section 51516.1 on an emergency basis. These emergency regulations became effective on April 7, 2015, and will remain in effect for a period of 180 days. The purpose of this rulemaking is to adopt the emergency regulations on a permanent basis.

WRITTEN COMMENT PERIOD

Any interested person or his or her duly authorized representative may submit written comments to the Department relevant to the regulatory action described in this notice.

Please label any comments as pertaining to Drug Medi-Cal Rates (2012-2013), DHCS-12-007E and submit using any of the following methods:

- Mail Delivery: Department of Health Care Services
Office of Regulations, MS 0015
P.O. Box 997413
Sacramento, CA 95899-7413
- Hand Delivery: Department of Health Care Services
Office of Regulations
1501 Capitol Avenue, Suite 5084
Sacramento, CA 95814
- FAX: (916) 440-5748
- Email: regulations@dhcs.ca.gov

The written comment period closes at **5:00 p.m., on June 11, 2015**. Any written comments, regardless of the method of transmittal must be received by the Office of Regulations by **5:00 p.m.** on this date, for consideration.

Written comments should include the author's contact information so the Department can provide notification of any further changes to the regulation proposal.

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person or his or her duly authorized representative, no later than 15 days prior to the close of

the written comment period, pursuant to Government Code Section 11346.8.

The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Welfare and Institutions Code (WIC) Sections 10725, 14021.5, 14021.6, 14021.30, 14105 and 14124.5; and Health and Safety Code (HSC) Section 20.

These regulations implement, interpret, or make specific the following:

WIC Sections 14021.5, 14021.51, 14021.6, 14021.9, 14021.30, 14121.24 and 14132.90; and HSC Section 11818.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory action amends Title 22, CCR, Section 51516.1, by updating Medi-Cal reimbursement rates for Drug Medi-Cal (DMC) substance use disorder services for Fiscal Year (FY) 2012–2013. This action implements, interprets, and makes specific the provisions of WIC Sections 14021.5, 14021.51, 14021.6, 14021.9, and 14124.24. These provisions require the Department to establish rates for DMC substance use disorder services, and establish a per capita uniform statewide reimbursement (USR) rate for ancillary services.

Assembly Bill 106 (Chapter 32, Statutes of 2011) transferred California’s DMC substance use disorder program from the Department of Alcohol and Drug Programs (ADP) to the Department, effective July 1, 2012. Senate Bill 1014 (Chapter 36, Statutes of 2012) facilitated the transfer by providing the statutory authority necessary for the Department to administer the program.

Anticipated Benefits or Goals of the Regulations

This regulatory action benefits DMC substance use disorder service providers through the provision of the recent FY 2012–2013 reimbursement rates, which in turn facilitates the continued delivery of these services. These regulations not only meet the goals of the authorizing statutes, as specified above, but the regulations ensure the proper and efficient administration of the Medi-Cal Program, in accordance with the federal and state laws that govern the program’s rules of participation and funding.

Consistency and Compatibility with Existing State Regulations

The Department has conducted an evaluation of the related existing state regulations in CCR, Title 22, Division 3 and Title 9, Division 4 and has determined that the regulations are consistent and compatible with those regulations. An automated search of Title 22, Division 3 and Title 9, Division 4 using the following keywords “Drug Medi-Cal”, “Substance Use Disorder Services”, and “rates” was conducted via Westlaw and yielded no conflicting state regulations.

This regulatory action is necessary to implement WIC Sections 14021.5, 14021.51, 14021.6, 14021.9 and 14124.24, as specified below.

- WIC Section 14021.5(e) specifies that rates for DMC substance use disorder services shall be effective July 1 through June 30 of the fiscal year in which the rates are established.
- WIC Sections 14021.51 and 14021.6 specify how the Department shall determine rates for DMC substance use disorder services.
- WIC Section 14021.51 requires the Department to establish rates for the use of the narcotic replacement drugs Methadone and LAAM.
- WIC Section 14124.24(a) specifies DMC substance use disorder services that are reimbursable through the Medi-Cal program.
- WIC Section 14021.9(c) states that for FY 2012–2013 and each fiscal year thereafter, rates for DMC substance use disorder services shall be the lower of the following:
 1. The rates developed pursuant to WIC Sections 14021.35, 14021.51, and 14021.6; or
 2. The rates applicable in FY 2009–2010 pursuant to subdivision (a), adjusted for the cumulative growth in the Implicit Price Deflator for the Costs of Goods and Services to Governmental Agencies, as reported by the Department of Finance.

Regulatory Sections

Proposed changes to Section 51516.1 include the following:

Throughout the regulation text “ADP” references are changed to “Department,” meaning the Department of Health Care Services.

Subsection (a)(2):

- Revised to update the reference to HSC Section 11818, which is the accurate citation.

Subsection (a)(3):

- Revised to update the WIC Section 14021.9(b) reference to the accurate citation, which is 14021.9(c); and to add the statewide maximum

allowances (SMAs) for DMC substance use disorder services for FY 2012–2013. The specific methodology used to calculate the SMAs is described in the document entitled “Drug Medi-Cal Rate Setting Methodology for Non-Narcotic Treatment Programs for Fiscal Year 2012–2013.” This document is included in the rulemaking file, which is maintained by the Department’s Office of Regulations.

Subsection (b)(2):

- A non-substantive change to be consistent with use of the term in Subsection (a)(1).

Subsection (g):

- Revised to include the per capita USR rates for narcotic treatment program services for FY 2012–2013. The specific methodology used to calculate these rates is described in the document entitled “Drug Medi-Cal — Narcotic Treatment Program — Uniform Statewide Reimbursement Rates and Methodology, Fiscal Year (FY) 2012–2013.” This document is included in the rulemaking file, which is maintained by the Department’s Office of Regulations.

Subsection (h):

- A non-substantive change in Paragraphs (1) and (2) to update cross references.

DISCLOSURES REGARDING THE RULEMAKING

The Department has made the following initial determinations:

Fiscal Impact Statement

- A. Costs to any Local Agency or School District that is not reimbursable by the State: The fiscal impact of updating DMC rates to fiscal year 2012–2013 has no current impact. The costs related to this regulation update were funded in the May 2012 Medi-Cal Estimate.
- Costs to any Local Agency or School District that is required to be reimbursed Under Part 7 (commencing with Section 17500), Division 4 of the Government Code: The fiscal impact of updating DMC rates to fiscal year 2012–2013 has no current impact. The costs related to this regulation update were funded in the May 2012 Medi-Cal Estimate.
- B. Costs or Savings to any State Agency: None.

- C. Costs or Savings in Federal Funding to the State: The fiscal impact of updating DMC rates to fiscal year 2012–2013 has no current impact. The costs related to this regulation update were funded in the May 2012 Medi-Cal Estimate.
- D. Other Nondiscretionary Costs or Savings Including Revenue Changes Imposed on State or Local Governments: None.
- E. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Mandates on Local Agencies or School Districts

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Significant Statewide Adverse Economic Impact Affecting Businesses

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Medi-Cal reimbursement rates for DMC substance use disorder services for FY 2012–2013 are slightly higher than the rates from the prior fiscal year, so there is a benefit for DMC substance use disorder service providers from the increase in payment.

Results of the Economic Impact Assessment (Analysis)

In accordance with Government Code Section 11346.3(b)(1), the Department has made the following assessments and has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs in California.
- (2) The creation or elimination of businesses in California.
- (3) The expansion of businesses currently doing business in California.

Impact on Jobs and Businesses

These regulations affect DMC substance use disorder service providers and beneficiaries who receive these services through Medi-Cal. There is a benefit for providers from the increased rates for FY 2012–13. However, it is not anticipated that this rate increase would

have an impact on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

Benefits of the Proposed Regulation

The Department has determined that the regulations would not affect worker safety or the state's environment. However, the regulations will benefit the health and welfare of California residents by maintaining the continuity of substance use disorder services in the DMC Program and implementing the FY 2012–2013 reimbursement rates for these services. Furthermore, these regulations ensure the proper and efficient administration of the Medi-Cal Program, in accordance with the federal and state laws that govern the Program's rules of participation and funding.

Effect on Small Businesses

The Department has determined that the regulations would only affect small businesses that choose to provide DMC services.

Housing Costs Determination

The Department has determined that the regulations would have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department is required, pursuant to WIC Section 14021.5, to establish reimbursement rates for substance use disorder services under the Medi-Cal Program. Including these reimbursement rates in regulation is not only necessary for statutory compliance, but it provides DMC service providers with convenient access to these rates of reimbursement.

ASSISTIVE SERVICES

For individuals with disabilities, the Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takers, reading or writing assistance. To request these assistive services, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email — regulations@dhcs.ca.gov,

or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

The Department shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired. Providing this description may require extending the period of public comment for the proposed action pursuant to Government Code Section 11346.6.

CONTACT PERSONS

Inquiries regarding the regulations described in this notice may be directed to Robert Maus of the Substance Use Disorder Prevention, Treatment and Recovery Services Division at (916) 327-2749.

All other inquiries concerning the regulatory action described in this notice may be directed to Lori Manieri of the Office of Regulations, at (916) 650-6825, or to the designated backup contact person, Kenneisha Moore, at (916) 440-7755.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Department has prepared and has available for public review an initial statement of reasons for the regulations, all the information upon which the regulations are based, and the text of the regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Materials regarding the regulatory action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) are posted to the Department's Internet site at: <http://www.dhcs.ca.gov/formsandpubs/laws/Pages/ProposedRegulations.aspx>.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email

regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies

The Department of Fish and Wildlife (Department) received a proposal on March 30, 2015, from Cristina P. Sandoval, on behalf of the University of California, Santa Barbara Natural Reserve System, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for scientific research purposes, consistent with the protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Dr. Sandoval is planning to conduct research on the tern at the University of California Natural Reserve System in Santa Barbara County, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (Service) under a current Recovery Permit. The purpose of the research is to quantify and enhance nesting success and assess the populations that utilize nesting sites in Santa Barbara County. The proposed research activities include monitoring reproductive output and predation of terns using binoculars and spotting scopes, passive survey techniques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests and determine age class of individuals. In addition, audio playback with decoys will be used to encourage nesting and increase the colony size. Tern carcasses (or parts thereof) found during research and nest monitoring activities will be salvaged and donated to a public scientific institution as designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Dr. Sandoval as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the

tern, and a scientific collecting permit (SCP) to take other terrestrial 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 25, 2015, for an initial and renewable term of up to, but not to exceed four years. Contact: Nancy Frost, Nancy.Frost@wildlife.ca.gov, (858) 467-4208.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Research on the Morro Bay Kangaroo Rat

The Department of Fish and Wildlife (Department) received a proposal on January 21, 2015 from Steven C. Chen, independent contractor, requesting authorization to take the Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*) (kangaroo rat), a Fully Protected mammal, for scientific research purposes consistent with conservation and recovery of the species. The kangaroo rat is listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Chen is planning to conduct surveys throughout the range of the kangaroo rat in California, in accordance with a standard protocol approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research activities include capturing, or attempting to capture the kangaroo rat using live traps to determine the distribution and status of local populations. If any kangaroo rats are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department and the Service. No adverse effects on individual kangaroo rats or kangaroo rat 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. Chen as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal recovery permit for the kangaroo rat, and a Scientific Collecting Permit (SCP) to incidentally take other mammal species in California.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take

of Fully Protected mammal 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 4700 for take of Fully Protected mammals, it would issue the authorization on or after May 25, 2015, for an initial and renewable term of up to, but not to exceed four years. Contact: Dr. Scott Osborn, Scott.Osborn@wildlife.ca.gov, (916) 324-3564.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

AAD DISTRIBUTION AND DRY CLEANING SERVICES, INC. PROPOSED CONSENT DECREE (SETTLEMENT AGREEMENT)

30-Day Public Comment Period:
April 24 through May 25, 2015

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control ("DTSC") invites the public to review and comment on a Third Settlement and [Proposed] Consent Decree ("proposed Consent Decree") regarding the former AAD Distribution and Dry Cleaning Services, Inc. ("AAD") facility located at 2306 East 38th Street in Vernon, California ("Site") as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 et seq. On March 27, 2015, DTSC lodged the proposed Consent Decree in *California Department of Toxic Substances Control v. Allen's Formal Wear, Inc., et al.*, Case No. CV13-05069-GHK (JCGx), with the United States District Court for the Central District of California. The proposed Consent Decree resolves claims against Clean Harbors Wilmington, LLC; H&K Imperial Cleaners, Inc.; London Cleaners; Marvi Enterprises, Inc.; Royal Cleaners; Splendid Cleaners; and Sua, Inc. for their contributions to contamination at the Site as a result of sending hazardous waste to the AAD facility.

Investigations conducted at the Site have detected the presence of perchloroethylene ("PCE") in the soil beneath the Site. The Site remains contaminated with hazardous substances, including PCE, and remains the source of threatened releases of hazardous substances into the environment. Although DTSC has not selected a final remedy for the Site, the PCE contamination at, beneath, and/or from the Site requires further action by DTSC.

WHERE DO I GET MORE INFORMATION: Copies of the proposed Consent Decree and other Site-related documents are available by contacting the DTSC Project Manager listed below; online at the DISC EnviroStor website: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19000031 on the Activities tab; or at the DTSC Regional Records Office, File Room, 9211 Oakdale Avenue, Chatsworth, CA 91311, Phone: Glenn Castillo (818) 717-6522.

WHERE TO SEND COMMENTS: Comments concerning the proposed Consent Decree should include "AAD Third CD Comment" in the subject line of your e-mail or letter. All comments must be post-marked or e-mailed by May 25, 2015, and submitted to:

Lori Parnass
DTSC Project Manager
9211 Oakdale Avenue
Chatsworth, California 91311-6505
Lori.Parnass@dtsc.ca.gov
(818) 717-6597

For more information, contact:
Mary Sue Maurer
Public Participation Specialist
Mary.Maurer@dtsc.ca.gov
(818) 717-6566

For media inquiries, contact:
Sandy Nax
Public Information Officer
Sandy.Nax@dtsc.ca.gov
(916) 327-6114

Departamento de Control de Sustancias Tóxicas

abril de 2015

Aviso Público

La misión del DTSC (por sus siglas en inglés) es proteger a las personas y el medio ambiente de California contra los efectos dañinos de las sustancias tóxicas a través de la restauración de los recursos contaminados, aplicación, regulación y prevención de la contaminación.

DECRETO DE CONSENTIMIENTO PROPUESTO (ACUERDO DE SOLUCIÓN) PARA AAD DISTRIBUTION AND DRY CLEANING SERVICES, INC.

Periodo de Comentarios Públicos de 30 Días:
del 24 de abril al 25 de mayo de 2015

QUÉ SE ESTÁ PROPONIÉNDO: El Departamento de Control de Sustancias Tóxicas de California ("DTSC"), por sus siglas en inglés) invita al público a revisar y comentar en relación con el Tercer Acuerdo y Decreto de Consentimiento [Propuesto] ("Decreto de Consentimiento propuesto") relativo a la antigua instalación AAD Distribution and Dry Cleaning Services, Inc. ("AAD") la dirección es 2306 de East 38th Street en Vernon, California ("Sitio") como lo autoriza la Ley Integral de Responsabilidad, Compensación y Recuperación Ambiental ("CERCLA", por sus siglas en inglés), 42 U.S.C. § 9601 y siguientes. El 27 de marzo de 2015, el DTSC presentó el Decreto de Consentimiento propuesto en *California Department of Toxic Substances Control v. Allen's Formal Wear, Inc., et al.*, Caso No. CV13-05069-GHK (JCGx), ante la Corte de Distrito de Los Estados Unidos para el Distrito Central de California. El Decreto de Consentimiento propuesto resuelve demandas en contra de Clean Harbors Wilmington, LLC; H&K Imperial Cleaners, Inc.; London Cleaners; Marvi Enterprises, Inc.; Royal Cleaners; Splendid Cleaners; y Sua, Inc. por sus contribuciones a la contaminación del Sitio como resultado de enviar residuos peligrosos a la instalación AAD.

Las investigaciones realizadas en el Sitio han detectado la presencia de percloroetileno ("PCE", por sus siglas en inglés) en el suelo debajo del Sitio. El Sitio permanece contaminado con sustancias peligrosas incluyendo PCE y continúa siendo una fuente de amenaza de emisión de sustancias peligrosas al medio ambiente. A pesar de que el DTSC no ha seleccionado un remedio final para el Sitio, la contaminación con PCE en, debajo y/o desde el Sitio requiere de mayor acción por parte del DTSC.

DÓNDE PUEDO OBTENER MAYOR INFORMACIÓN: Copias del Decreto de Consentimiento propuesto y otros documentos relativos al Sitio se encuentran disponibles contactando al Gerente de Proyecto del DTSC mencionado a continuación; en línea en el sitio web EnviroStor del DTSC: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19000031 en la pestaña Activities; o en la Oficina Regional de Registros del DTSC, Sala de Archivos, 9211 de Oakdale Avenue, Chatsworth, CA 91311, Teléfono: Glenn Castillo (818) 717-6522.

A DÓNDE ENVIAR COMENTARIOS: Los comentarios relativos al Decreto de Consentimiento propuesto deberán incluir "AAD Third CD Comment" en la línea de asunto de su correo electrónico o carta. Todos los comentarios deberán tener sello postal o ser enviados por correo electrónico a más tardar el 25 de mayo del 2015, y estar dirigidos a:

Lori Parnass
Gerente de Proyecto del DTSC
9211 de Oakdale Avenue
Chatsworth, California 91311-6505
Lori.Parnass@dtsc.ca.gov
(818) 717-6597

Para mayor información contacte a:
Mary Sue Maurer
Especialista en Participación Pública
Mary.Maurer@dtsc.ca.gov
(818) 717-6566

Para preguntas de los medios de comunicación contacte a:
Sandy Nax
Jefe de Información Pública
Sandy.Nax@dtsc.ca.gov
(916) 327-6114

AVISO A PERSONAS CON DISCAPACIDAD AUDITIVA: Los usuarios de TTY pueden utilizar el Servicio de Retransmisión de California al 711 o 1-800-855-7100. También puede comunicarse con el especialista de participación pública llamar a 818-717-6569 con Marina Perez



FISH AND GAME COMMISSION

Fish and Game Commission

Sonke Mastrup
Executive Director
April 14, 2015

NOTICE OF FINDINGS

Livermore Tarplant
(*Deinandra baccigalupii*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its April 9, 2015, meeting in Santa Rosa, California, accepted for consideration the petition submitted to list the Livermore tarplant as an endangered species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the April 9, 2015, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO LIST CHEMICALS
BY THE LABOR CODE MECHANISM:
ALOE VERA, WHOLE LEAF EXTRACT AND
GOLDENSEAL ROOT POWDER
APRIL 24, 2015**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list *Aloe vera, whole leaf extract* and *Goldenseal root powder* as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). This action is being proposed pursuant to the “Labor Code” listing mechanism². OEHHA has determined that these chemicals meet the criteria for listing by this mechanism.

Chemical	CAS No.	Endpoint	References
<i>Aloe vera</i> , whole leaf extract ^a	---	Cancer	IARC (2015); Grosse <i>et al.</i> (2013)
Goldenseal root powder ^b	---	Cancer	IARC (2015); Grosse <i>et al.</i> (2013)

^a *Aloe vera*, whole leaf extract consists of the liquid portion of the *Aloe vera* leaf and is a natural constituent³ of the *Aloe barbadensis* Miller plant.

^b Goldenseal root powder is a natural constituent⁴ of the goldenseal plant (*Hydrastis Canadensis*)

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporates California Labor Code section 6382(b)(1) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether a chemical’s listing is required by Proposition 65.

OEHHA’s determination: *Aloe vera, whole leaf extract*, and *goldenseal root powder* each meet the re-

quirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC has published on its website a list entitled “Agents classified by the IARC Monographs, Volumes 1–112” (IARC, 2015). IARC concludes that *Aloe vera, whole leaf extract*, and *goldenseal root powder* are each classified in Group 2B (the agent is “possibly carcinogenic to humans”), and that there is “sufficient evidence of carcinogenicity in experimental animals” for each

¹ Health and Safety Code section 25249.5 *et seq.*

² Health and Safety Code section 25249.8(a).

³ Title 27, Cal. Code of Regs., section 25501(a)(1).

⁴ Title 27, Cal. Code of Regs., section 25501(a)(1).

(Grosse *et al.*, 2013). Therefore both substances qualify for listing via Labor Code section 6382(b)(1).

An explanation of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international working groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf>.

Identity of chemicals: *Aloe vera*, also known as *Aloe barbadensis* Miller, is one of approximately 420 species of Aloe plants. Other common names of *Aloe vera* are Barbados aloe, Mediterranean aloe, True aloe, and Curaçao aloe. Whole leaf extract of *Aloe vera* is commonly referred to as whole leaf *Aloe vera* juice or Aloe juice. Whole leaf extract of *Aloe vera* is the liquid portion of the *Aloe vera* leaf (e.g., what remains after removal of fibrous material, such as lignified plant fibers), and is a natural constituent of the *Aloe barbadensis* Miller plant. *Aloe vera* whole leaf extract is not the same as *Aloe vera* decolorized whole leaf extract, *Aloe vera* gel, *Aloe vera* gel extract, or *Aloe vera* latex, which would not be covered by this proposed listing.

Goldenseal is also known as *Hydrastis Canadensis*, orangeroot, Indian turmeric, and curcuma, but it should not be confused with turmeric (*Curcuma longa* Linn.). Goldenseal root powder is the powdered dried roots and underground stems of goldenseal plants. Goldenseal root powder is a natural constituent of the goldenseal plant.

Opportunity for comment: OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a) and Labor Code section 6382(b)(1). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted.

OEHHA must receive comments by 5:00 p.m. on Tuesday, May 26, 2015. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov, and should include "NOIL" and the chemical name in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing

Address: Ms. Esther Barajas–Ochoa
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS–19B
Sacramento, California
95812–4010

Fax: (916) 323–2265

Street

Address: 1001 I Street
Sacramento, California 95814

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

If you have any questions, please contact Esther Barajas–Ochoa at Esther.Barajas-ochoa@oehha.ca.gov or at (916) 445–6900.

References

Grosse Y, Loomis D, Lauby–Secretan B, El Ghissassi F, Bouvard V, Benbrahim–Tallaa L, Guha N, Baan R, Mattock H, Straif K, on behalf of the International Agency for Research on Cancer Monograph Working Group. (2013). Carcinogenicity of some drugs and herbal products. *The Lancet Oncology*. Published online July 5, 2013, doi: 10.1016/S1470–2045(13)70329–2. [URL: <http://www.thelancet.com/journals/lanonc/article/PIIS1470–2045%2813%2970329–2/fulltext>].

International Agency for Research on Cancer (IARC, 2015). Agents Classified by the *IARC Monographs*, Volumes 1–112. Last update: March 23, 2015. Available at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf> [Accessed April 1, 2015].

**RULEMAKING PETITION
DECISION**

BOARD OF EQUALIZATION

**NOTICE OF DECISION REQUIRED BY
GOVERNMENT CODE SECTION 11340.7**

On Monday, February 23, 2015, the State Board of Equalization (Board) received a petition dated February 18, 2015, from Ms. Jenny Lee (petitioner), pursuant to Government Code section 11340.6, requesting that the Board repeal California Code of Regulations, title

18, section (Regulation or Reg.) 1585, *Cellular Telephones, Pagers, and Other Wireless Telecommunication Devices*, or, alternatively, that the Board repeal subdivisions (a)(3) and (4), (b)(3) through (6), and (c) of Regulation 1585. The petition requested that the Board repeal the regulation or the portions of the regulation clarifying the measure of tax with regard to sales of wireless telecommunications devices in “bundled” transactions because petitioner asserted that the regulation is inconsistent with the statutory definition of “gross receipts” in Revenue and Taxation Code (RTC) section 6012.

RTC section 7051 authorizes the Board to prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of the Sales and Use Tax Law (RTC, § 6001 et seq.), and the Board adopted Regulation 1585 pursuant to that authority.

The Board’s Legal Department reviewed the petition and prepared a Chief Counsel Memorandum dated March 12, 2015, which recommended that the Board deny the petition in its entirety because Regulation 1585’s provisions clarifying the measure of tax with regard to sales of wireless telecommunications devices in bundled transactions are consistent with the definition of “gross receipts” in RTC section 6012 and judicial precedent interpreting that definition. The memorandum explained that:

California imposes sales tax on retailers for the privilege of selling tangible personal property at retail. (RTC, § 6051.) Unless an exemption or exclusion applies, the tax is measured by a retailer’s gross receipts from the retail sale of tangible personal property in California. (RTC, § 6051.) Although sales tax is imposed on retailers, retailers may collect sales tax reimbursement from their customers if their contracts of sale so provide. (Civ. Code, § 1656.1; Reg. 1700, subd. (a)(1).) If a retailer collects sales tax reimbursement that is computed on an amount that is not taxable or on an amount in excess of the taxable amount, the retailer is required to return the excess amount paid to the customer. (RTC, § 6901.5; Reg. 1700, subd. (b).)

When sales tax does not apply, use tax is imposed, measured by the sales price of property purchased from a retailer for storage, use, or other consumption in California. (RTC, §§ 6201, 6401.) The use tax is imposed on the person actually storing, using, or otherwise consuming the property. (RTC, § 6202.) Every retailer “engaged in business” in California that makes sales subject to California use tax is required to collect the use tax from its customers and remit it to the Board, and such retailers are liable for California use tax

that they fail to collect from their customers and remit to the Board. (RTC, § 6203; Reg. 1684.) However, a consumer remains liable for reporting and paying use tax to the Board when the use tax is not paid to a retailer that is registered to collect the tax. (Reg. 1685, subd. (a).) In addition, RTC section 6901 expressly provides for the Board to refund overpaid use tax to a consumer that reported and paid the use tax to the Board, and for the Board to refund directly to a consumer “[a]ny overpayment of the use tax by [the consumer] to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor.” (RTC, § 6901; Reg. 1685, subd. (a).)

RTC sections 6011 and 6012 similarly define the terms “sales price” and “gross receipts” so that the measure of tax is substantially the same with respect to sales and use tax transactions. In relevant part, RTC section 6012, subdivisions (a)(1) and (2), and (b)(1) through (3), expressly provide that:

(a) “Gross receipts” mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of . . . (1) The cost of the property sold. . . [or] (2) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(b) The total amount of the sale or lease or rental price includes all of the following:

- (1) Any services that are a part of the sale.
- (2) All receipts, cash, credits and property of any kind.
- (3) Any amount for which credit is allowed by the seller to the purchaser.

As relevant here, the Board’s long-standing interpretation of RTC section 6012 is that “[s]ervices that are a part of the sale’ include any the seller must perform in order to produce and sell the property, or for which the purchaser must pay as a condition of the purchase and/or functional use of the property, even where such services might not appear to directly relate to production or sale costs.” (See, e.g., Sales and Use Tax Annotation [footnote omitted] 295.1690 (8/16/78).) Also, the California court’s and the Board’s long-standing interpretations of RTC section 6012 are that a retailer’s gross receipts include all of the retailer’s receipts from the sale of tangible personal property, not solely amounts that the retailer actually received directly from a consumer. (See, e.g., *Anders v. State Board of*

Equalization (1947) 82 Cal.App.2d 88 [gross receipts included non-mandatory tips paid to retailer's waitresses for serving food to the extent waitresses agreed to credit the tips against retailer's obligation to pay minimum wage]; Sales and Use Tax Annotation 295.0430 (5/9/73) [amount received from a manufacturer as reimbursement for accepting the manufacturer's coupon from the customer is included in gross receipts.] In addition, retailers may collect sales tax reimbursement from their customers on the full amount of their gross receipts from the sale of tangible personal property, including amounts received from third parties, if their contracts of sale so provide. (Sales and Use Tax Annotation 295.1045 (3/11/93).)

[¶]...[¶]

It is a common practice in the wireless telecommunication industry for a retailer to offer to sell a wireless telecommunication device for a fair retail price (cost plus a mark-up) and for the retailer to offer to sell the same device for a discounted price if the sale of the device is coupled (or bundled) with the purchase of wireless telecommunication service because the wireless service provider will indirectly reimburse the retailer for giving the consumer a discount on the device, similar to the manner in which a manufacturer may reimburse a retailer for accepting the manufacturer's coupon. However, this practice first started to become prevalent after the California Public Utilities Commission reversed the long-standing ban against "bundling" in 1995. Board staff worked closely with retailers of wireless telecommunication devices and wireless telecommunications service providers to provide clear and administratively efficient guidance regarding the application of the Sales and Use Tax Law to sales of wireless telecommunications devices in bundled transactions when the practice was new. Thus, the provisions ultimately included in Regulation 1585, which the Board adopted on October 15, 1998, are the result of a collaborative effort between retailers of wireless telecommunication devices, wireless telecommunications service providers, and the Board.

[¶]...[¶]

As relevant here, the current provisions of subdivision (a)(4) of Regulation 1585 define the unbundled sales price of a wireless telecommunication device as the actual "price at which the retailer has sold [such] specific wireless telecommunication devices to customers who are

not required to activate or contract for utility service with the retailer or with an independent wireless telecommunications service provider for utility service as a condition of that sale." The current provisions of subdivision (a)(3) of Regulation 1585 clarify for retailers that a bundled transaction is an agreement for the sale of a wireless telecommunication device that "contractually requires the retailer's customer to activate or contract with a wireless telecommunications service provider for utility service for a period greater than one month as a condition of that sale." The current provisions of subdivision (b)(3) of Regulation 1585 also clarify for retailers that, in bundled transactions where the customers are paying the retailers a discounted sales price for a wireless telecommunication device and wireless telecommunications service providers are paying the retailers rebates or commissions for selling the devices at discounted prices with the required services, the retailers' gross receipts from the sale of the devices are limited to the unbundled sales prices of the devices as determined from actual sales, and do not include any amounts in excess of the unbundled sales prices. In addition, the current provisions of subdivision (a)(4) of Regulation 1585 provide an objective and administratively efficient way of reporting tax for retailers who cannot establish the unbundled sales price of a wireless telecommunication device by looking at an actual unbundled sale of the device. Subdivision (a)(4) provides that these retailers shall report and pay tax on the fair retail selling price of the device, which is equal to the cost of the device plus a markup on cost of at least 18 percent.

The Board scheduled a hearing on the petition for March 26, 2015, and made the petition and the March 12, 2015, Chief Counsel Memorandum available to the public as an attachment to the Board's public agenda notice for its March 25 and 26, 2015, meeting.

Prior to the March meeting, the Board received a letter from Mr. Jai Sookprasert, Assistant Director of Governmental Relations for the California School Employees Association (CSEA), which is a member of the AFL-CIO. In the letter, Mr. Sookprasert stated that the CSEA and AFL-CIO join Board "staff's opposition to the petition." Mr. Sookprasert agrees with Board staff that Regulation 1585 "is consistent with case law holding that a retailer's gross receipts include all of the retailer's receipts from the sale of tangible personal property, not solely amounts that the retailer actually received directly from a consumer." Mr. Sookprasert also expresses the CSEA's and AFL-CIO's opinion that Regulation 1585 "is important because it guides the

state to not permit companies to escape paying taxes by artificially transforming a clearly taxable transaction (sale of a phone) to another, possibly more lucrative transaction (in this case, the extended phone contract), and then also to claim an exemption from taxes.”

During the hearing on March 26, 2015, the Board considered the petition. The Board heard comments from Mr. Ed Howard, from the California Tax Reform Association (CTRA), who said that the CTRA opposes the petition. The Board heard comments from Mr. Daniel Hattis, petitioner’s attorney, in support of the petition and the petitioner’s request that the Board repeal Regulation 1585. The Board also heard comments from Board staff, which explained why the Board’s Legal Department concluded that Regulation 1585 is consistent with RTC section 6012. At the conclusion of the hearing, the Board Members unanimously voted to deny the petition because the Board agreed that Regulation 1585 is consistent with RTC section 6012 for the reasons set forth in the March 12, 2015, Chief Counsel Memorandum.

Interested persons have the right to obtain a copy of the petition from the Board and may do so by contacting 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. A copy of the petition is also available on the Board’s website at www.boe.ca.gov.

Questions regarding this matter should be directed to Mr. Bradley 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 Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

DISAPPROVAL DECISIONS

DECISION OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of the 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.

CALIFORNIA HORSE RACING BOARD

**State of California
Office of Administrative Law**

**In re:
CALIFORNIA HORSE RACING BOARD**

**REGULATORY ACTION:
Title 4, California Code of Regulations**

AMEND SECTION 1689.1

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

(Gov. Code, sec. 11349.3)

OAL File No. 2015-0305-01S

SUMMARY OF REGULATORY ACTION

The California Horse Racing Board (Board) proposed to amend section 1689.1, Safety Vest Required, of title 4 of the California Code of Regulations. The proposed amendment would provide that no pony rider shall pony or lead a horse or be mounted on a horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest. On March 5, 2015, the Board submitted the proposed amendment to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On April 7, 2015, OAL sent a Notice of Disapproval of the proposed regulatory action. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

DECISION

OAL disapproved the above referenced regulatory action for failure to comply with the “clarity” standard of Government Code section 11349.1.

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, 2015

Craig Tarpenning

CRAIG S. TARPENNING
Assistant Chief Counsel
For: **DEBRA M. CORNEZ**
Director

Original: Rick Baedeker
cc: Nicole Lopes-Gravely

**DENTAL HYGIENE COMMITTEE
OF CALIFORNIA**

**State of California
Office of Administrative Law**

**In re:
Dental Hygiene Committee of California
Regulatory Action: Title 16 California Code of
Regulations
Adopt sections: 1103, 1105, 1105.1, 1105.2, 1105.3,
1105.4, 1106
DECISION OF DISAPPROVAL OF
REGULATORY ACTION
Government Code Section 11349.3
OAL File No. 2015-0224-02S**

SUMMARY OF REGULATORY ACTION

On February 24, 2015, the Dental Hygiene Committee of California (Committee) submitted to the Office of Administrative Law (OAL) its proposed regulatory action to adopt various sections in title 16, division 11 of the California Code of Regulations (CCR). The proposed adoptions would establish educational program requirements for dental hygienists. The regulation also describes the appeals process to contest the Committee's denial or withdrawal of its approval of a program and the process for changes to an existing approved program.

On April 8, 2015, OAL notified the Committee that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the above-referenced regulatory action for the following reasons:

1. The proposed regulations failed to comply with the consistency standard of Government Code section 11349.1, subdivision (a)(4); and
2. The proposed regulations failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3).

All APA issues must be resolved prior to OAL's approval of any resubmission.

CONCLUSION

For the reasons stated above, OAL disapproved this regulatory action proposed by the Committee. If you have any questions, please contact me at (916) 323-6824.

Date: April 15, 2015

Thanh Huynh
Senior Attorney
for: DEBRA M. CORNEZ
Director
Original: Lori Hubble
Copy: Donna Kantner

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2015-0226-02
AIR RESOURCES BOARD
Enhanced Fleet Modernization Program

This rulemaking action amends sections in Title 13 of the California Code of Regulations to change the Enhanced Fleet Modernization Program (EFMP). The amendments eliminate participation in the statewide "retirement-only" program by persons who earn more than 225% of the federal poverty level. It will also change the EFMP targeted vehicle voucher program into a Pilot Retire and Replace program which will provide Retire and Replace incentives of varying amounts to persons who meet varying income criteria for the retirement and replacement of their vehicles with more efficient vehicles or with use of public transportation.

Title 13
California Code of Regulations
AMEND: 2620, 2621, 2622, 2623, 2624, 2625,
2626, 2627, 2628, 2629
Filed 04/09/2015
Effective 04/09/2015
Agency Contact: Trini Balcazar (916) 445-9564

File# 2015-0226-01
BOARD OF OCCUPATIONAL THERAPY
Continuing Competency

This rulemaking action by the Board of Occupational Therapy amends section 4161 of title 16 of the California Code of Regulations to update continuing education requirements.

Title 16
California Code of Regulations
AMEND: 4161
Filed 04/09/2015
Effective 07/01/2015
Agency Contact: Heather Martin (916) 263-2294

File# 2015-0409-03
BOARD OF PHARMACY
Protocol for Pharmacists Furnishing Naloxone Hydrochloride

The Board of Pharmacy submitted this action for the emergency adoption of title 16, California Code of Regulations, section 1746.3 pursuant to Business and Professions Code section 4052.01(e). Section 1746.3 pertains to the protocol for pharmacists furnishing naloxone hydrochloride. Naloxone hydrochloride is an opioid antagonist that reverses the effects of opioid medications and drugs, including oxycodone, oxymorphone, Vicodin, Percocet, methadone, and heroin. Increasing public access to will prevent drug overdose deaths.

Title 16
California Code of Regulations
ADOPT: 1746.3
Filed 04/10/2015
Effective 04/10/2015
Agency Contact: Karen Halbo (916) 574-7948

File# 2015-0303-06
BUREAU OF AUTOMOTIVE REPAIR
BAR Licensing Application Updates

In this section 100 action the Bureau of Automotive Repair (BAR) is updating outdated forms. The amendments update references to the Governor of California, Agency, name and BAR contact information. Additionally BAR is splitting the applications into two forms.

Title 16
California Code of Regulations
AMEND: 3306, 3310, 3340.10, 3351.1
Filed 04/08/2015
Agency Contact: Nina Tantraphol (916) 403-8560

File# 2015-0401-01
CALIFORNIA FILM COMMISSION
California Film & Television Tax Credit Program

This action adopts implementation of the California Film & Tax Credit Program, including the definitions, application process, eligibility determination, qualified expenditures, tax credit allocation, approved applicant responsibility, credit certificate issuance, applicant ranking, and promotional requirements.

Title 10
California Code of Regulations
ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
Filed 04/13/2015
Effective 04/13/2015
Agency Contact: Terri Toohey (916) 768-5638

File# 2015-0324-03
CALIFORNIA HIGH SPEED RAIL AUTHORITY
Conflict-of-Interest Code

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

Title 2
California Code of Regulations
AMEND: 57400
Filed 04/09/2015
Effective 05/09/2015
Agency Contact: Mark Shaltes (916) 669-6610

File# 2015-0226-07
CALIFORNIA SCHOOL FINANCE AUTHORITY
State Charter School Facilities Incentive Grants Program

This action amends the terms and conditions of the State Charter School Facilities Incentive Grant Program, allocating funds from the U.S. Department of Education via grant application and evaluation process, including provisions governing definitions, eligibility, eligible costs, grant maximums, application submission, application content, evaluation criteria, award methodology, and grant agreements.

Title 4
California Code of Regulations
AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
Filed 04/09/2015
Effective 04/09/2015
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2015-0319-01
DEPARTMENT OF FOOD AND AGRICULTURE
Section 3435 Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance by the Department of Food and Agriculture (DFA) makes permanent the prior emergency regulatory action (OAL file no. 2014-0924-03E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 3,968 square miles in Tulare County. The amendment provided authority for the state to perform quarantine activities against ACP within this addi-

tional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern, Tulare, and San Luis Obispo counties that are already under quarantine for the ACP, totaling approximately 50,783 square miles.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 04/09/2015
Effective 04/09/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0309-01
DEPARTMENT OF FOOD AND AGRICULTURE
Section 3435 Asian Citrus Psyllid Interior Quarantine

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2014-0915-02E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 113 square miles in Kern County in the Bakersfield area. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern and Tulare counties that are already under quarantine for the ACP, totaling approximately 46,815 square miles.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 04/08/2015
Effective 04/08/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0305-04
DEPARTMENT OF PESTICIDE REGULATION
Personal Protective Equipment

This action by the Department of Pesticide Regulation (DPR), adopts, amends, and repeals sections in Title 3, California Code of Regulations relating to pesticide worker safety. As required by the Food and Agriculture Code, DPR mutually developed the changes to the regulations with the Office of Environmental Health Hazard Assessment. This action clarifies the personal protective equipment requirements, and updates requirements for protective eyewear and hand protection.

Title 3
California Code of Regulations
ADOPT: 6738.1, 6738.2, 6738.3, 6738.4 AMEND:
6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771,
6793, 6795 REPEAL: 6486.7, 6736
Filed 04/15/2015
Effective 07/01/2015
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2015-0225-03
RESPIRATORY CARE BOARD
Continuing Education, Military and Out-Of-State
Practitioner Exemptions, Fees

This action by the Respiratory Care Board of California, adopts and amends sections in Title 16, California Code of Regulations relating to continuing education, military and out of state practitioner exemptions, and fees.

Title 16
California Code of Regulations
ADOPT: 1399.326, 1399.329, 1399.343, 1399.344,
1399.345, 1399.346 AMEND: 1399.301, 1399.350,
1399.351, 1399.352, 1399.395
Filed 04/09/2015
Effective 07/01/2015
Agency Contact: Christine Molina (916) 323-9983

File# 2015-0224-03
STATE PERSONNEL BOARD
Rule 100 Change

This action by the State Personnel Board makes changes without regulatory effect to section 212, title 2 of the California Code of Regulations. These changes include grammatical and other technical changes relating to use of out-of-class experience in meeting minimum qualifications for an examination.

Title 2
California Code of Regulations
AMEND: 212
Filed 04/08/2015
Agency Contact: Jeanne Wolfe (916) 651-1043

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 12, 2014 TO
April 15, 2015**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For fur-

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 17-Z

ther 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

04/09/15 AMEND: 57400
 04/08/15 AMEND: 212
 04/07/15 ADOPT: 59780
 04/02/15 AMEND: 18215
 04/02/15 AMEND: 18530.4, 18530.45
 03/24/15 AMEND: 1900
 03/23/15 AMEND: 1189.10
 03/23/15 AMEND: 59740
 03/17/15 AMEND: 549
 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
 02/09/15 AMEND: 1859.76
 02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
 02/02/15 AMEND: 18450.11
 02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300
 12/31/14 ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6
 12/18/14 ADOPT: 1859.167.1, 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.77.4, 1859.106.1, 1859.160, 1859.161,

1859.162, 1859.163, 1859.163.1, 1859.163.4, 1859.163.5, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.167.2 (renumbered as 1859.167.4), 1859.167.3 (renumbered as 1859.167.5), 1859.168, 1859.171, 1859.172
 12/16/14 ADOPT: 557
 12/15/14 AMEND: 18545, 18703.4, 18730, 18940.2
 12/15/14 AMEND: 18704.1, 18705.1
 12/15/14 AMEND: 18704
 12/10/14 ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707
 12/03/14 AMEND: 51.7
 11/24/14 AMEND: 18942
 11/24/14 AMEND: 18705.2
 11/20/14 AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82

Title 3

04/15/15 ADOPT: 6738.1, 6738.2, 6738.3, 6738.4 AMEND: 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, 6795 REPEAL: 6486.7, 6736
 04/09/15 AMEND: 3435(b)
 04/08/15 AMEND: 3435(b)
 04/06/15 AMEND: 3
 03/20/15 AMEND: 3435(b)
 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
 03/02/15 AMEND: 3435(b)
 02/25/15 AMEND: 2
 02/18/15 AMEND: 4500
 02/12/15 AMEND: 3435(b)
 02/02/15 AMEND: 1392.8.1
 01/27/15 AMEND: 3591.13(a)
 01/26/15 AMEND: 3435(b)
 01/21/15 AMEND: 300, 301
 01/16/15 AMEND: 3435
 01/02/15 AMEND: 3435(b)
 12/23/14 AMEND: 1380.19, 1442.7
 12/01/14 AMEND: 1310, 1310.1
 11/19/14 AMEND: 3435(b)

Title 4

04/09/15 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
 04/07/15 AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
 04/06/15 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
 04/06/15 AMEND: 278
 03/30/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 17-Z

03/13/15	AMEND: 5205, 5230	02/12/15	AMEND: 333, 336
03/10/15	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24	02/04/15	AMEND: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, 9790
03/09/15	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15	12/04/14	AMEND: 9789.39
03/04/15	AMEND: 1866	12/02/14	AMEND: 5620, 6165, 6180, 6181, 6182, 6183, 6184
03/02/15	AMEND: 1688	12/01/14	AMEND: 1514, 3380
02/26/15	ADOPT: 24465-3	11/26/14	AMEND: 5155
02/02/15	ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410	Title 9	
01/30/15	AMEND: 10085	03/09/15	AMEND: 4210
01/13/15	ADOPT: 5600, 5610, 5620, 5630, 5640 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370	Title 10	
01/13/15	AMEND: 1858	04/13/15	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
12/24/14	AMEND: 106(d)	03/25/15	AMEND: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
12/15/14	AMEND: 10080, 10081, 10082, 10083, 10084, 10085, 10086	03/18/15	ADOPT: 6432
12/05/14	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087	03/16/15	ADOPT: 6426, 6434
11/19/14	ADOPT: 12006, 12012, 12035, 12052, 12054, 12056, 12058, 12060, 12062, 12064, 12066, 12068 AMEND: 12002, 12015, (Renumbered 12047), 12017, (Renumbered 12048), 12050 REPEAL: 12218.5, 12234	02/19/15	ADOPT: 6432
Title 5		02/05/15	ADOPT: 8000, 8010, 8020, 8030, 8040
03/12/15	AMEND: 19810	02/05/15	ADOPT: 6428, 6430
02/18/15	ADOPT: 58621 AMEND: 58601, 58612, 58620	02/02/15	AMEND: 3528
01/30/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150	01/30/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
01/20/15	ADOPT: 80693, 80694	01/20/15	AMEND: 2695.85
01/08/15	ADOPT: 15494, 15495, 15496, 15497, 15497.5	01/08/15	AMEND: 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2507.1, 2507.2, 2508, 2509
12/04/14	AMEND: 76120	01/02/15	AMEND: 2698.95
12/04/14	AMEND: 30040, 30042.5	12/12/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
12/01/14	AMEND: 1514, 3380	12/12/14	ADOPT: 6657, 6658, 6660, 6664, 6670
11/18/14	ADOPT: 27200, 27201, 27300, 27301, 27400, 27401, 27500, 27501, 27502, 27600, 27601, 27602	12/10/14	AMEND: 2498.4.9
Title 8		12/08/14	AMEND: 2498.6
04/06/15	AMEND: 9701, 9702	12/04/14	AMEND: 2717
04/06/15	ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310	11/25/14	ADOPT: 2548.7, 2548.8 AMEND: 2548.2, 2548.4, 2548.5, 2548.7 (renumbered to 2548.9), 2548.9 (renumbered to 2548.10), 2548.10 (renumbered to 2548.11), 2548.11 (renumbered to 2548.12), 2548.12 (renumbered to 2548.13), 2548.13 (renumbered to 2548.14), 2548.14
04/03/15	AMEND: 3395		
02/25/15	AMEND: 9789.25		

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 17-Z

	(renumbered to 2548.15), 2548.15	01/29/15	AMEND: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
	(renumbered to 2548.16), 2548.16		
	(renumbered to 2548.17), 2548.17	01/28/15	AMEND: 4351.1 (renumbered as 4351), 4360 REPEAL: 4351
	(renumbered to 2548.18), 2548.18		
	(renumbered to 2548.19), 2548.19	12/30/14	ADOPT: 1751, 1761, 1777.4, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1784, 1784.1, 1784.2, 1785, 1785.1, 1786, 1787, 1788, 1789
	(renumbered to 2548.20), 2548.20		
	(renumbered to 2548.21), 2548.21	12/29/14	AMEND: 1665.7
	(renumbered to 2548.22), 2548.22	12/29/14	AMEND: 670.5
	(renumbered to 2548.23), 2548.23		
	(renumbered to 2548.24), 2548.24	12/16/14	AMEND: 790, 791.6, 791.7, 795
	(renumbered to 2548.25), 2548.25	12/10/14	AMEND: 895.1, 1038, 1039.1, 1041, 1092.01, 1092.28 REPEAL: 1038
	(renumbered to 2548.26), 2548.26		
	(renumbered to 2548.27), 2548.27	11/26/14	AMEND: 923.2 [943.2, 963.2], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9]
	(renumbered to 2548.28), 2548.28		
	(renumbered to 2548.29), 2548.29	11/25/14	AMEND: 1038, 1038.2
	(renumbered to 2548.30), 2548.30	11/24/14	AMEND: 917.2, 937.2, 957.2
	(renumbered to 2548.31), and 2548.31	11/17/14	AMEND: 1051(a)
	(renumbered to 2548.32) REPEAL: 2548.8	11/14/14	AMEND: 790, 817.02, 819.02, 819.03, 819.04, 820.01
11/17/14	ADOPT: 6460		
11/17/14	ADOPT: 8000, 8010, 8020, 8030, 8040	11/13/14	AMEND: 895.1, 929.1, 949.1, 969.1, 1052
Title 11			
03/09/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259	Title 15	
Title 13		03/17/15	ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
04/09/15	AMEND: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629	03/16/15	ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
01/23/15	AMEND: 553.70		
01/21/15	AMEND: 1159	03/12/15	REPEAL: 3999.13
12/31/14	AMEND: 2025	02/11/15	REPEAL: 3999.11
12/17/14	ADOPT: 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4	02/09/15	ADOPT: 8121
12/17/14	ADOPT: 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4	01/28/15	ADOPT: 3364.1, 3364.2 AMEND: 3351, 3364
12/01/14	ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14	12/22/14	ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625
Title 13, 17		12/04/14	AMEND: Renumber 8125 to 8199
01/23/15	AMEND: 553.70	12/03/14	AMEND: Renumber Section 8002 to 8901
01/21/15	AMEND: 1159		
12/05/14	AMEND: Title 13: 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, 2147, 2485; Title 17: 95300, 95301, 95302, 95303, 95305	12/01/14	AMEND: 4604, 4605
Title 14		11/26/14	REPEAL: 2600, 2603, 2604, 2605, 2606, 2615, 2616, 2617, 2618, 2619, 2620, 2635, 2635.1, 2636, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2646.1, 2647, 2647.1, 2648, 2649, 2710, 2711, 2712, 2714
04/06/15	AMEND: 15411		
04/01/15	AMEND: Heading of Division 7	Title 16	
04/01/15	AMEND: 1.73, 27.75, 27.80	04/10/15	ADOPT: 1746.3
03/30/15	ADOPT: 3550.17		
03/10/15	AMEND: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 58.56, 28.58, 28.90		
02/23/15	AMEND: 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, 27.90		
01/30/15	AMEND: 465, 472		

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 17-Z

04/09/15	ADOPT: 1399.326, 1399.329, 1399.343, 1399.344, 1399.345, 1399.346 AMEND: 1399.301, 1399.350, 1399.351, 1399.352, 1399.395	30336.1, 30336.5, 30346, 30346.2, 30348.1, 30350 REPEAL: 30192, 30210.2, 30237
04/09/15	AMEND: 4161	12/10/14 AMEND: 94014, 94016
04/08/15	AMEND: 3306, 3310, 3340.10, 3351.1	12/05/14 ADOPT: 95660, 95661, 95662, 95663, 95664
04/01/15	ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2	
03/26/15	ADOPT: 977, 980.4 AMEND: 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994	
03/26/15	AMEND: 3373	
03/25/15	ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361	
03/18/15	AMEND: 2649	
03/06/15	REPEAL: 950.8, 950.9	
01/21/15	AMEND: 1387	
01/12/15	AMEND: 601.3, 601.5, 620, 621, 622, 628, 631, 631.1	
01/08/15	AMEND: 1707.5	
12/30/14	ADOPT: 832.22, 833	
12/23/14	AMEND: 116	
12/22/14	AMEND: 1948	
12/17/14	AMEND: 109	
12/17/14	AMEND: 1399.541	
12/03/14	AMEND: 2610	
11/19/14	AMEND: 950.2, 950.9	
11/13/14	AMEND: 3003	
Title 17		
02/27/15	AMEND: 13675, 13676	
02/11/15	AMEND: 2643.5, 2643.10, 2643.15	
02/05/15	AMEND: 6540	
01/21/15	ADOPT: 6550, 6551, 6553, 6553.1, 6555, 6557, 6557.1, 6557.2, 6557.3	
12/31/14	AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990	
12/31/14	AMEND: 95201, 95202, 95203, 95204	
12/31/14	AMEND: 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157	
12/30/14	ADOPT: 30180.1, 30180.2, 30180.3, 30180.4, 30180.5, 30180.6, 30180.7, 30181, 30192.7, 30195.4, 30196, 30237, 30332.9 AMEND: 30180, 30190, 30192.1, 30194, 30195, 30195.2, 30195.3, 30235, 30253, 30254, 30257, 30330, 30332, 30332.5, 30332.6, 30332.8, 30333, 30333.1, 30334, 30336,	
		11/18/14 AMEND: 97240, 97241, 97246
		Title 23
		03/30/15 ADOPT: 877, 878, 878.1, 878.2, 879, 879.1, 879.2
		Title 18
		03/19/15 AMEND: 472, 902, 904
		03/04/15 AMEND: 6001
		02/09/15 AMEND: 1588
		01/28/15 AMEND: 140.1
		12/09/14 AMEND: 18662-0, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8
		Title 20
		03/12/15 AMEND: 3103
		03/04/15 AMEND: 1682(c)
		Title 21
		02/12/15 ADOPT: 1469, 1470, 1471
		Title 22
		04/07/15 AMEND: 51516.1
		02/09/15 AMEND: 97177.15, 97244
		02/05/15 ADOPT: 100018, 100020, 100025, 100026, 100027, 100028, 100029, 100030 AMEND: 100005, 100007, 100009, 100014, 100015, 100016, 100017, 100018, 100020, 100021, 100025, 100026, 100027 REPEAL: 100013, 100019, 100022, 100023, 100024, 100028
		12/31/14 AMEND: 97174
		12/17/14 AMEND: 51341.1
		12/01/14 REPEAL: 63000.10, 63000.13, 63000.16, 63000.17, 63000.19, 63000.25, 63000.28, 63000.31, 63000.34, 63000.35, 63000.37, 63000.40, 63000.43, 63000.46, 63000.47, 63000.48, 63000.49, 63000.62, 63000.65, 63000.66, 63000.67, 63000.68, 63000.70, 63000.71, 63000.74, 63000.77, 63000.80, 63000.81, 63000.83, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63000.89, 63000.90, 63000.92, 63000.95, 63010, 63011, 63012, 63013, 63014, 63015, 63020, 63021, 63025, 63026, 63027, 63028, 63029, 63030, 63040, 63050, 63051, 63052, 63055, 63056, 63057, 63058

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 17-Z

03/27/15	AMEND: 879(c)	01/22/15	ADOPT: 42-708, 42-709	AMEND:
03/27/15	ADOPT: 863, 864, 865		42-302, 42-701, 42-711, 42-712,	
03/18/15	AMEND: 3939.10		42-714, 42-716, 42-720, 42-721,	
03/17/15	ADOPT: 3919.15		42-722, 42-802, 42-1009, 42-1010,	
02/17/15	ADOPT: 3919.14		44-111	
01/23/15	ADOPT: 3939.37	12/12/14	ADOPT: 40-039	AMEND: 22-071,
01/05/15	ADOPT: 3946(b), 3946(c), 3946(d)		22-072, 22-305, 40-103, 40-105,	
	AMEND: 3946(a)		40-107, 40-119, 40-125, 40-128,	
11/25/14	AMEND: 2050, 2050.5, 2051		40-173, 40-181, 40-188, 40-190,	
Title 25			41-405, 42-209, 42-213, 42-221,	
03/03/15	AMEND: 4514		42-406, 42-407, 42-716, 42-721,	
Title 27			42-751, 42-769, 44-101, 44-102,	
11/19/14	AMEND: Appendix A of 25903		44-111, 44-113, 44-115, 44-133,	
Title 28			44-205, 44-207, 44-211, 44-304,	
12/22/14	ADOPT: 1300.65.2, 1300.89.21		44-305, 44-313, 44-315, 44-316,	
	AMEND: 1300.65, 1300.65.1		44-318, 44-325, 44-327, 44-340,	
Title MPP			44-350, 44-352, 48-001, 80-301,	
01/23/15	AMEND: 11-403		80-310, 82-612, 82-812, 82-820,	
		11/13/14	82-824, 82-832, 89-110, 89-201	
			AMEND: 30-763	