



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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Conflict-of-Interest Code — Notice File No. Z2012-0426-01

Amendment

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2012-0501-03

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Butte County Mosquito and Vector Control District

A written comment period has been established commencing on May 11, 2012, and closing on June 25, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than June 25, 2012. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

Multi-County Agencies: Cachuma Resource
Conservation District
Reclamation District #817
Pacific Charter Institute

A written comment period has been established commencing on **May 11, 2012** and closing on **June 25, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 25, 2012**. If a

public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

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 Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF INTENTION AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendments to its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of Environmental Health Hazard Assessment proposes to amend its conflict-of-interest code to include employee positions that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

These amendments add the positions of Environmental Scientists, Industrial Hygienists, Public Health Medical Officers and members of the Scientific Guidance Panel to the code to reflect the current organizational structure of the Office. Copies of the proposed amendments to the code may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than **June 25, 2012**, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than **June 8, 2012**, by contacting the contact person set forth below.

The Office of Environmental Health Hazard Assessment has prepared a written explanation of the reasons for the proposed amendments and has made it available at the Office of Environmental Health Hazard Assessment Website <http://www.oehha.ca.gov>. Copies of the proposed amendments and the written explanation of the reasons may be obtained by contacting the contact person set forth below.

The Office of Environmental Health Hazard Assessment has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the OEHHA must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective as and less burdensome to affected persons than the proposed amendments.

All inquiries concerning these proposed amendments and any communication required by this notice should be directed to:

Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-25B
Sacramento, California 95812-4010
Phone: (916) 323-2517
Fax: (916) 323-2610
Street Address: 1001 I Street
Sacramento, California 95814
E-mail: monet.vela@oehha.ca.gov

TITLE 4. CALIFORNIA HORSE RACING BOARD

**TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS
NOTICE OF PROPOSAL TO ADD ARTICLE 27.
EXCHANGE WAGERING**

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

PROPOSED REGULATORY ACTION

The Board proposes to adopt Article 27, Exchange Wagering, of the California Code of Regulations (CCR), Title 4, Division 4. The proposed article would add Rules 2086, Definitions; 2086.1, Authorization for Exchange Wagering; 2086.5, Application for License to Operate Exchange Wagering; 2086.6, Operating Plan Required; 2086.7, Exchange Wagering Data; 2086.8,

Monitoring Systems and Notification; 2086.9, Financial and Security Integrity Audits Required; 2087, Suspending Markets; 2087.5, Antepost Market; 2087.6, Cancellation of Matched Wagers; 2088, Declared Entries; 2088.6, Cancellation of Unmatched Wagers; 2089, Errors in Payments of Exchange Wagers; 2089.5, Requirements to Establish an Exchange Wagering Account; 2089.6, Deposits to an Exchange Wagering Account; 2090, Posting Credits for Winnings from Exchange Wagers; 2090.5, Debits to an Exchange Wagering Account; 2090.6, Withdrawals by Account Holder; 2091, Closing an Inactive Exchange Wagering Account; 2091.5, Suspending an Exchange Wagering Account; 2091.6, Powers of the Board to Review and Audit Records; 2092, Exchange Wagers Placed After the Start Of a Race; 2092.5, Prohibitions on Wagers to Lay a Horse to Lose; 2092.6, Suspension of Occupational License; and 2093, Certain Practices Related to Exchange Wagering.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 25, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6397
 Fax: (916) 263-6022
 E-Mail: HaroldC@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority Cited Rules 2086; 2086.1; 2086.7; 2086.8; 2086.9; 2087; 2087.5; 2089; 2089.5; 2089.6; 2090; 2090.5; 2090.6; 2091; 2091.5: Sections 19420, 19440,

19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5, Business and Professions Code.

Authority Cited Rule 2086.5: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code, and section 11523, Government Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5, Business and Professions Code, and section 11523, Government Code.

Authority Cited Rule 2086.6: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(4), Business and Professions Code, and section 6254(k), Government Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(e)(4), Business and Professions Code, and section 6254(k) Government Code.

Authority Cited Rules 2087.6, 2088 and 2092: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(k), Business and Professions Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(k), Business and Professions Code.

Authority Cited Rule 2088.6: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(j), Business and Professions Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(j), Business and Professions Code.

Authority Cited Rule 2091.6: Sections 19420, 19433, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(4), Business and Professions Code. Sections 19420, 19433, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(e)(4), Business and Professions Code.

Authority Cited Rule 2092.5: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(3)(A), Business and Professions Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt

the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(e)(3)(A), Business and Professions Code.

Authority Cited Rule 2092.6: Sections 19420, 19440, 19460, 19461, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19461, 19593 and 19604.5, Business and Professions Code. Sections 19420, 19440, 19460, 19461, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19461, 19593 and 19604.5, Business and Professions Code.

Authority Cited Rule 2093: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(3), Business and Professions Code. Sections 19420, 19440, 19590 and 19604.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19593 and 19604.5(e)(3), Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19433 states the Board may visit, investigate, and place expert accountants and such other persons as it may deem necessary in the office, track, or other place of business of any licensee for the purpose of satisfying itself that its rules and regulations are strictly complied with. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but are not limited to: (1) adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. (2) Administration and enforcement of all laws, rules, and regulations affecting horse racing and pari-mutuel wagering. (3) Adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and pari-mutuel wagering. (4) Licensing of each racing association and all persons, other than the public at large, who participate in a horse racing meeting with pari-mutuel wagering. Business and Professions Code section 19460 states that all licenses granted under this chapter are subject to all rules, regulations, and conditions prescribed by the Board, and shall contain such

conditions as are deemed necessary or desirable by the Board for the best interests of horse racing and the purposes of this chapter. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19590 states the Board shall adopt rules governing, permitting and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Business and Professions Code section 19593 provides that no method of betting, pool making, or wagering other than by the pari-mutuel method shall be permitted or used by any person licensed under this chapter to conduct a horse racing meeting. Business and Professions Code section 19604.5 states notwithstanding any other law, rule, or regulation, exchange wagering by residents of California and residents of jurisdictions outside of California on the results of horse races conducted in California, and by residents of California on the results of horse races conducted outside of California, shall be lawful provided that all of the following apply: (1) Exchange wagering shall only be conducted by an exchange wagering licensee pursuant to a valid exchange wagering license issued by the Board. (2) No exchange wagering license shall accept exchange wagers on races conducted in California from a resident of California or a resident of a jurisdiction outside California, or conducted outside California from a resident of California, unless an exchange wagering agreement exists allowing these wagers. (3) Exchange wagering shall be conducted pursuant to and in compliance with the provisions of the Interstate Horseracing Act of 1978 (15 U.S.C. Sec. 3001 et seq.), as amended, this section, all applicable federal laws, and rules and regulations promulgated by the Board pursuant to this section. Government Code section 6254(k) states that except as provided in sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following: (k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. Government Code section 11523 provides that judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject, however, to the statutes relating to the particular agency. Except as otherwise provided in this section, the petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency.

The Board proposes to add Article 27, Exchange Wagering. Article 27 is comprised of 25 proposed regulations related to the conduct of exchange wagering in California. The proposed addition of Article 27 is necessary to fulfill the provisions of Senate Bill (SB) 1072, Chapter 283, Statutes of 2010, which added Business and Professions Code section 19604.5 to require the Board to establish standards governing exchange wagering in California.

The Board proposes to add Rule 2086, Definitions, to provide definitions of terms related to exchange wagering. The Board has determined it is necessary to define exchange wagering terms, as it is a form of pari-mutuel wagering that is not familiar to California residents. Because exchange wagering terminology is unique, and because the wagering public generally turns to the Board's rules and regulations if there is a question of procedure or meaning, the Board has determined that some of the definitions found in Business and Professions Code section 19604.5 must also be promulgated in Rule 2086. This will provide clarity for persons who may use the Board's regulations to engage in exchange wagering.

The Board proposes to add Rule 2086.1, Authorization for Exchange Wagering, which provides that exchange wagering may be conducted upon approval of the Board, as provided in Article 27, and under the provisions of Business and Professions Code section 19604.5(b)(2) to 19604.5(b)(7), inclusive. This makes it clear that exchange wagering will take place under Article 27, and specified sections of the Business and Professions Code. The Board has determined this is necessary because certain actions allowed under exchange wagering may seem to contradict other rules and regulations of the Board.

The Board proposes to add Rule 2086.5, Application for License to Operate Exchange Wagering. Rule 2086.5 requires an applicant to obtain a license from the Board prior to accepting any exchange wagers in California. This is consistent with Business and Professions Code section 19604.5(b)(1) which states that exchange wagering shall only be conducted by an exchange wagering licensee pursuant to a valid license issued by the Board. This is to ensure that entities offering exchange wagering are vetted and deemed suitable for license. The regulation provides that the applicant must complete an application as specified and as provided by the Board. Rule 2086.5 also sets the application fee, and sets the term of an exchange wagering license at two years from the date the license is issued, unless otherwise determined by the Board. Finally, Rule 2086.5 provides the timeframes which the applicant and the Board must meet to complete the application process. The application for license, CHR-229 (New 05/12) Application for License to Operate Exchange Wager-

ing, is incorporated by reference because it would be cumbersome or otherwise impractical to publish the document in the California Code of Regulations.

The Board proposes to add Rule 2086.6, Operating Plan Required. The proposed regulation requires an applicant for an exchange wagering license, or an applicant for renewal of an exchange wagering license, to submit a detailed operating plan at the time of application. The operating plan must provide a detailed report of the daily operation of the exchange, as well as information regarding the management of customer funds, technology systems information, document retention policies and other items relating to the operation of the exchange, as specified. The operating plan and any subsequent update are exempt from disclosure, as specified. This will inform the Board of how the exchange operator intends to conduct its routine business.

The Board proposes to add Rule 2086.7, Exchange Wagering Data, which requires an exchange provider to furnish the nonprofit horse racing data base designated by the Board with a data interface agreed upon by the nonprofit horse racing data base and the exchange provider. This is consistent with current practice; all California racetracks, simulcast facilities and advance deposit wagering providers participate in such a data interface.

The Board proposes to add Rule 2086.8, Monitoring Systems and Notification, to require that the exchange provider and the Board enter into an agreement for access to the provider's real-time monitoring system, as well as online documentation and training. In addition, Rule 2086.8 requires immediate notification of the Board of unusual wagering patterns and predetermined events, as well as criteria for anti money laundering procedures and monitoring account holders' telephone records.

The Board proposes to add Rule 2086.9, Financial and Security Audits Required, which requires the exchange provider to submit to the Board an annual financial statement for its California operations ninety days after the end of each calendar year. A financial statement is a necessary tool that is used by the Board to verify that the exchange provider is able to meet its financial obligations, and has the assets to maintain its business. In addition, on a calendar year basis the exchange provider shall undergo the Statement on Standards for Attestation Engagements 16 audits: Service Organization Controls (SOC) I and SOC II, which shall be submitted to the Board ninety days after the end of the calendar year.

The Board proposes to add Rule 2087, Suspending Markets, which provides that if the exchange provider has questions about the integrity and fairness of a market, it may suspend the market at any time, including after the race is declared official, but before winning wa-

gers are credited. Exchange providers continually monitor races and exchange wagering in real time to ensure the integrity of the markets. This means the provider is usually the first party to detect unusual wagering patterns. If the provider notices any suspicious activity it must be able to act quickly, so the Board has determined it is necessary to allow the exchange provider to suspend a market at any time. Suspending a market will not affect the pari-mutuel pools conducted by the race-tracks, advance deposit wagering providers or simulcast wagering facilities, as exchange wagering pools are separate. Rule 2087 also requires the exchange provider to immediately notify the Board if it suspends a market, and upon settlement of the market it must provide a written account of its actions, as specified. The account holder who believes a payout was inappropriately disrupted due to the suspension may make an appeal to the Board.

The Board proposes to add Rule 2087.5, Antepost Market. The regulation provides a definition of an antepost market, which is a wager unique to exchange wagering. The antepost (before post) wager is a single wager that includes two outcomes: the selected horse will run the race, and it will finish in the position of win, place or show (first, second or third). The antepost wager may be placed before a race is run.

The Board proposes to add Rule 2087.6, Cancellation of Matched Wagers. Business and Professions Code section 19604.5(k) provides that the Board may prescribe rules governing when an exchange wagering provider may cancel or void a matched wager. The Board has determined that there may be occasions when an exchange provider must cancel a matched wager. Rule 2087.6 allows the exchange provider to cancel matched wagers if required by law, or in its sole discretion and lists the circumstances under which a matched wager may be canceled. The circumstances include technological and human error, or circumstances that include breach of the exchange contract or the integrity or fairness of a market. The regulation also provides for notification of the Board when a matched wager is canceled. Under Rule 2087.6, an account holder may submit a claim to the exchange provider if he or she believes a payout was improperly disrupted due to the cancellation of a matched wager.

The Board proposes to add Rule 2088, Declared Entries. The regulation provides that matched wagers on declared entries shall be voided, except in an antepost market. The declaration of a horse from a race automatically renders most matched wagers irrelevant. However, in the case of an antepost market, the declaration of the horse results in a payout to the account holder who laid the antepost wager. The Board determined it was necessary to add Rule 2088 to clarify this distinction.

The Board proposes to add Rule 2088.6, Cancellation of Unmatched Wagers. Rule 2088.6 states that the exchange provider may cancel an unmatched wager at any time before it is matched to form one or more identically opposing wagers. This is consistent with Business and Professions Code section 19604.5(j), which provides that an exchange wagering licensee may cancel or allow to be canceled any unmatched wagers, without cause, at any time.

The Board proposes to add Rule 2089, Errors in Payments of Exchange Wagers. Rule 2089 states what occurs when an error results in an overpayment, or what steps must be taken when an error results in an underpayment. Rule 2089 provides the timelines for an account holder to make a claim for underpayment, as well as the timelines the exchange provider must follow in responding to such claims. If the exchange provider rejects a claim for underpayment, Rule 2089 provides the procedures and timelines which the account holder must follow to request that the Board determine the validity of the claim.

The Board proposes to add Rule 2089.5, Requirements to Establish An Exchange Wagering Account, which specifies that an exchange wagering account is necessary to place exchange wagers, and that such accounts may be established by residents of California and residents of another jurisdiction if it is not unlawful under federal law or the law of that jurisdiction to place an exchange wager. This is consistent with Business and Professions Code section 19604.5(c). The proposed regulation provides that an exchange wagering account is necessary to place exchange wagers and provides the minimum necessary information the exchange provider must obtain from an individual who wishes to open an account, and requires the exchange provider to verify such information. The regulation allows the provider to refuse to establish an account, or cancel or suspend a previously established account if any of the information is found to be false or incomplete. Rule 2089.5 also provides that the exchange provider shall comply with Internal Revenue Service reporting requirements, as specified; must record and retain all wagering conversations and transaction, as specified; must provide statements to account holders, as specified; and shall not divulge confidential information related to the placing of exchange wagers or the operation of the exchange, except with the consent of the account holder, or as otherwise required under the law.

The Board proposes to add Rule 2089.6, Deposits to an Exchange Wagering Account. The regulation describes how exchange wagering account holders may make deposits to their accounts. Rule 2089.6 requires that the name and billing address for any method of payment through which the account holder funds or trans-

fers from an account shall be the same as the account holder's registered name and address. The rule also provides that an account shall bear no interest to the account holder, and the account holder may be liable for any charges imposed by the transmitting or receiving entity involved in a wire or electronic transfer.

The Board proposes to add Rule 2090, Posting Credits for Winnings from Exchange Wagers which provides that credit for winnings from matched wagers shall be posted to the account by the exchange provider after the race is declared official. This is consistent with Business and Professions Code section 19604.5(i)(1) which states the Board shall require the exchange provider to distribute all money in each pool at the conclusion of the race or races associated with the pool. In addition, it is consistent with current practice under Board Rule 1955, Distribution of Pools, which states that after the results of the race have been declared official, the pari-mutuel pools are subject to distribution to holders of pari-mutuel tickets entitled to share in the respective pools. However, Rule 2090 also allows the exchange provider to post credits for winnings from matched wagers as soon as the outcome of the wagers can be determined with certainty. This allows for payment of winnings for certain exchange wagers, such as antepost wagers.

The Board proposes to add Rule 2090.5, Debits to an Exchange Wagering Account. The proposed regulation describes how an exchange wagering account is debited when an account holder properly places an exchange wager. The exchange provider will determine if there are enough funds in the account to cover the maximum amount the account holder may be liable for. If there are sufficient funds, the account will be debited for the total maximum amount. The regulation provides that wagers may be accepted only during the days and times designated as operating by the exchange provider, and that the exchange provider may declare the system closed for receiving wagers on any race or closed for all exchange wagers.

The Board proposes to add Rule 2090.6, Withdrawals by Account Holder. The proposed regulation states how account holders may make withdrawals from their accounts, including procedures the exchange provider must take if there are not sufficient funds in the account, and how the funds may be transmitted to the account holder. Rule 2090.6 also specifies that the account holder may be liable for any charges imposed by the transmitting or receiving entity involved in a wire or electronic transfer of funds.

The Board proposes to add Rule 2091, Closing an Inactive Exchange Wagering Account. The regulation provides that the exchange wagering provider may close any exchange wagering account that has remained inactive for six months or longer. The six-month period

is permissive, so the exchange provider may keep inactive accounts open well beyond the time allotted under Rule 2091. However, the rule provides clarity for the account holder and the exchange provider. Account holders who do not actively participate in exchange wagering for long periods of time know their accounts may be closed after six months of inactivity, and the exchange provider has the ability to expunge inactive accounts according to its business model. The six-month period is consistent with current advance deposit wagering practice under Rule 2073. If the exchange provider closes an inactive account, the funds remaining in the account must be returned to the account holder at the address of record within five business days of closing the account. This is consistent with current advance deposit wagering practice under Rule 2073.

The Board proposes to add Rule 2091.5, Suspending an Exchange Wagering Account. The proposed regulation allows an exchange provider to suspend an exchange wagering account if the provider has reason to believe the account holder may have committed fraud in connection with exchange wagering or any action which threatens the integrity or fairness of exchange wagering, or is otherwise ineligible to hold the account. Rule 2091.5 requires the exchange provider to immediately notify the Board if it suspends an account due to fraud or actions that threaten the integrity or fairness of any exchange wagering.

The Board proposes to add Rule 2091.6, Powers of the Board to Review and Audit Records. The proposed regulation provides that the Board shall have access for review and audit of all records and financial information of an exchange provider. Rule 2091.6 specifies that the information concerning exchange wagering transactions and account holders shall be considered proprietary and shall not be disclosed, except as required by law.

The Board proposes to add Rule 2092, Exchange Wagers Placed After the Start of a Race, to provide that an exchange provider may accept wagers placed on a market after the start of a live race but before the results are declared official, subject to the approval of the Board and as reflected in the provider's operating plan. This is consistent with Business and Professions Code section 19604.5(k). Under Business and Professions Code section 19604.5(k) the exchange provider must also have the approval of the horsemen's organization responsible for negotiating purse agreements and the racing association or racing fair conducting the races. Such approvals may be obtained while negotiating the agreements required prior to licensing as required under Business and Professions Code sections 19604.5(b)(2) to 19604.5(b)(7), inclusive.

The Board proposes to adopt Rule 2092.5, Prohibitions on Wagers to Lay a Horse to Lose. Exchange wa-

gering allows account holders to place wagers to lay an entrant in a horse race. This translates to wagering against the horse; or that it will lose. Business and Professions Code section 19604.5(3)(A) requires the Board to adopt a regulation that prohibits an owner, authorized agent, trainer, jockey, jockey's agent, driver, or stable employee from placing an exchange wager to lay any entrant in a horse race that is owned in whole or part by that owner or the owner represented by that authorized agent, trained by that trainer or stable employee, ridden by that jockey or the jockey represented by that jockey's agent or driven by that driver. The Board has determined that it is necessary to promulgate a regulation that prohibits additional parties from placing a wager on a horse to lose. This will clarify who may not place such a wager on a horse entered to race, and to ensure the integrity of horseracing.

The Board proposes to add Rule 2092.6, Suspension of Occupational License. The proposed regulation provides that the Board of Stewards may suspend the license of any licensee if it determines there is probable cause to believe the person has committed acts of fraud in connection with exchange wagering or any other action that threatens the integrity or fairness of any exchange wagering. Rule 2092.6 also states that the licensee may make an appeal to the Board, as specified.

The Board proposes to add Rule 2093, Certain Practices Related to Exchange Wagering. Rule 2093 fulfills the requirements of Business and Professions Code section 19604.5(e)(3), which requires the Board to promulgate certain regulations relating to exchange wagering. Rule 2093 requires the exchange provider to provide an account holder with information on the races on which wagering is available, as specified. The rule also requires the exchange provider to have the account holder making an exchange wager select the specific horse and race; prohibits the exchange provider from offering specified aids, such as an automatic quick pick, in the placing of a wager; and prohibits the exchange provider from displaying the results of an exchange wager through the use of specified technology, games or lotto.

EVALUATION OF PROPOSED REGULATIONS' COMPATIBILITY AND CONSISTENCY WITH EXISTING STATE REGULATIONS

The Board has conducted a search and has determined that the proposed addition of Article 27 and the proposed regulations are the only regulations dealing with exchange wagering in California horse racing. Therefore, the proposed regulations are neither incompatible nor inconsistent with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed addition of Article 27, exchange wagering, will implement the provisions of Business and Professions Code section 19604.5, which authorizes exchange wagering in California. The betting exchange is a business model for transacting wagers through an Internet Web site or by telephone. As in traditional pari-mutuel wagering, exchange wagering account holders wager against each other and not the wagering system operator. However, exchange wagering account holders propose their own prices or odds for each wager, which other account holders may accept or choose from other proposals. Once wagers have been matched on the exchange, the price or odds for those wagers are set. This form of pari-mutuel wagering is expected to have the benefit of attracting a new and younger demographic to California's horse racing industry. New horse racing fans that use exchange wagering may create a positive economic benefit for California racing associations in the form of increased commissions, and for California's horsemen in the form of increased purses. Improvements in the economic viability of California's horse racing industry will encourage owners and trainers to keep race horses in California, which will benefit the entire industry. A healthy horseracing industry benefits the communities in which California racetracks are located, and promotes agriculture and breeding of horses in this State. The proposed addition of Article 27 consists of 25 proposed regulations that will govern the conduct of exchange wagering in California. The regulations inform potential exchange wagering providers about the application process, and the Board's requirements for the administration of exchange wagering in California. This promotes openness and transparency for the exchange provider and exchange wagering account holders. The proposed regulations will also promote fairness in that the requirements to operate an exchange and to possess an exchange wagering account will be uniform.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulations will not eliminate jobs within California. An unknown number of jobs may be created in California to the extent that exchange wagering providers are licensed to operate in this State. The adoption of the proposed regulations will not eliminate existing businesses within California. To the extent that exchange providers may operate in California, the regulations may create new businesses. The regulations may have a positive effect on the expansion of certain horse racing related businesses cur-

rently doing business within California. Because the betting exchange is a business model for transacting pari-mutuel wagers through an Internet Web site or by telephone the proposed regulations may have some benefit for the state's environment. Horse racing fans who wager through the betting exchange can wager from the convenience of their home, or anywhere they may connect with the Internet. This means exchange wagering account holders will not be forced to drive to traditional "brick and mortar" satellite wagering facilities or racetracks to place wagers. To the extent that exchange wagering account holders are not using automobiles to drive to "brick and mortar" wagering facilities, the environmental benefit will also have a positive benefit to the health and welfare of California residents.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed Rules 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.

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

Significant effect on housing costs: none.

The adoption of the proposed regulations will not eliminate jobs within California. An unknown number of jobs may be created in California to the extent that exchange wagering providers are licensed to operate in this State. The adoption of the proposed regulations will not eliminate existing businesses within California. To the extent that exchange providers may operate in California, the regulations may create new businesses. The regulations may have a positive effect on the expansion of certain horse racing related businesses currently doing business within California.

Effect on small businesses: none. The proposal to adopt Article 27 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

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

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: HaroldC@chrb.ca.gov

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

Erica Ward, Regulation Analyst
ESWard@chrb.ca.gov
Telephone: (916) 263-6025

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt

the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

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

TITLE 5. CALIFORNIA STUDENT AID COMMISSION

AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING CALIFORNIA NATIONAL GUARD EDUCATION ASSISTANCE AWARD PROGRAM (CNG EAAP) (EDUCATION CODE 69999.10 *et seq.*)

NATURE OF PROCEEDING

Notice is given that the California Student Aid Commission (Commission) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Commission, upon its own

motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days before its adoption from the persons designated in this Notice as contact persons and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

WRITTEN COMMENT PERIOD

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed emergency regulatory action to:

California Student Aid Commission
Attention: Kristen Trimarche
P.O. Box 419029
Rancho Cordova, CA 95741-9029

Comments may also be submitted by facsimile (FAX) at (916) 464-8033 or by e-mail to CNGRegsComment@csac.ca.gov. Comments must be submitted before 5:00 p.m. on June 25, 2012. The Commission will consider only comments received at the Commission by that time.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 69999.22 of the Education Code, and to implement, interpret, or make specific sections 69999.10-69999.30 of the Education Code, the Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations as follows: amend sections 30730-30736 to implement, interpret, and make specific sections 69999.10-69999.30 of the Education Code establishing the California National Guard Education Assistance Award Program (CNG EAAP).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California National Guard performs an essential public purpose in protecting the health, safety, and property of California's citizens, and in order to fulfill its objectives, it is necessary for the California National Guard to have sufficient human resources to deal with a natural or human-caused disasters and emergencies. It is the intent of Legislature to provide an inducement to members of the California National Guard to maintain the required strength in the California National Guard.

The proposed regulations would implement, interpret, and make specific the elements of CNG EAAP. Specifically, the proposal would benefit program participants by:

1. Enhancing existing and include additional definitions;
2. Integrating current regulations to identify qualifying educational institutions;
3. Establishing a new initial application deadline to coordinate with the program administration process;
4. Specifying a renewal application process; and,
5. Incorporating leave of absence and appeal processes.

There are no comparable provisions of federal law related to this proposal.

The proposal is neither inconsistent nor incompatible with existing state regulations.

OTHER STATUTORY REQUIREMENT

The Commission, in consultation with the Military Department developed the proposed regulation text for the CNG EAAP.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations are designed to clarify and streamline provisions of the CNG EAAP for participants and affect only administrative requirements of the program.

The proposal is not expected to have a direct impact on the creation or elimination of jobs or businesses within the State of California and will not affect the expansion of businesses currently doing business with the State of California.

The proposal has no effect on the health and welfare of California residents, worker safety or the state's environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: None.

COSTS OR SAVINGS TO STATE AGENCIES: None.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement

would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

EFFECT ON HOUSING COSTS: None.

BUSINESS IMPACT/SMALL BUSINESSES

The Commission has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by California Government Code Section 11342.610. This proposal would not affect private sector or small business due to the population the program targets which is active members of the California National Guard, State Military Reserve, and Naval Militia.

COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

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.

BUSINESS REPORT

This regulatory proposal does not require a report.

ALTERNATIVES

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

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

CONTACT PERSONS

Inquires concerning the proposed adoption of the regulations and written comments may be directed to:

Kristen Trimarche
California Student Aid Commission
P.O. Box 419029
Rancho Cordova, CA 95741-9029

(916) 464-6439
(916) 464-8033 Facsimile

The back-up contact person for these inquiries is:

Kathleen Stanley
California Student Aid Commission
P.O. Box 419029
Rancho Cordova, CA 95741-9029

(916) 464-7203
(916) 464-8033 Facsimile

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

Copies of the exact language, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained by making a written request to the contact person named above.

These documents may also be viewed and downloaded from the Commission's Web site at www.csac.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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 changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Kristen Trimarche at the above address. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

WEBSITE ACCESS

Materials regarding this proposal can be found at www.csac.ca.gov.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to amend Title 11, Div. 1, Ch. 4, sections 300, 301, 303, 305, 306, 307, 308 and 310 and related forms; and Title 11, Div. 1, Ch. 15, section 999.1. of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before 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 regulatory action to the Department. The written comment period closes at 5:00 p.m. on June 25, 2012. The Department will consider only comments received at the Department of Justice, 1300 I Street, Sacramento, CA, by that time. Submit comments to:

Sandy Blazak, Analyst
California Department of Justice
Charitable Trusts Section
1300 I Street
Sacramento, CA 95814
Fax: (916) 327-2319
Email: sandy.blazak@doj.ca.gov

AUTHORITY AND REFERENCE

The Department is authorized to adopt these regulations pursuant to Government Code section 12586(b) and to implement, interpret, and make specific the provisions of Government Code section 12580 et seq.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments to sections 300, 301, 303, 305, 306, 307, 308 and 310 of Chapter 4 and related forms, except for proposed amendment to section 301,

clarify existing law and make technical changes to text and related forms.

The proposed amendment to section 301 of Chapter 4, and related forms, provides that those organizations required to register and file annual reports with the Department of Justice, Registry of Charitable Trusts (“the Registry”), whose revenue threshold exempts them from filing IRS Form 990, 990-PF or 990-EZ, must file a treasurer’s report with the Registry annually, together with Form RRF-1. The report must account for all assets, including documentation of all revenue and disbursements. The Department has determined that, as a result of the impending increase in the threshold for filing IRS Form 990-EZ to \$50,000, approximately 46% of charitable entities registered in California will no longer be required to publicly account for the charitable assets within their control. As a result, financial information on which donors rely to make giving decisions, and on which the Department relies to effectively assess whether directors, officers and trustees are protecting the charitable assets for which they are the guardians, is unavailable.

The amendment to section 999.1(a) corrects an incorrect citation: in the last paragraph of subsection (a), reference is made to section 999.2(e); the reference should be to section 999.2(f).

The addition of one new question on Forms CT-1 and RRF-1 is proposed in order to allow the Registry to identify charitable entities that serve as fiscal sponsors or fiscal agents or otherwise hold assets in trust for unrelated charitable entities. An entity serving as a fiscal sponsor in California recently failed, leaving no assets with which to reimburse the charities for which it was holding funds. We propose this addition to the Initial Registration Statement and Annual Renewal Report in order to lessen the possibility of another such default. The ability to identify these entities would allow staff to review financial filings in order to assess the financial viability of the entities.

The Department has evaluated the proposal and finds that it is not inconsistent nor incompatible with existing state regulations.

**FORMS INCORPORATED BY REFERENCE —
TITLE 11, DIV. 1, CH. 4, SECTIONS 300–310,
CALIFORNIA CODE OF REGULATIONS**

- CT-1 Initial Registration Form (Rev. 12/2011)
- CT-1CF CFR Registration Form and Instructions thereto (Rev. 12/2011)
- CT-2CF CFR Annual Financial Report and Instructions thereto (Rev. 12/2011)
- CT-2TCF Thrift Store Annual Financial Report and Instructions thereto (Rev. 12/2011)

- CT-2VCF Vehicle Donation Program Annual Financial Report and Instructions thereto (Rev. 12/2011)
- CT-3CF Registration Fundraising Counsel and Instructions thereto (Rev. 12/2011)
- CT-4CF Bond Form and Instructions thereto (Rev. 12/2011)
- CT-5CF Registration Commercial Coventurer and Instructions thereto (Rev. 12/2011)
- CT-6CF Annual Financial Report Commercial Coventurer and Instructions thereto (Rev. 12/2011)
- CT-8CF Deposit by Assignment and Instructions thereto (Rev. 12/2011)
- CT-9CF Receipt for Notice of Assignment Commercial Fundraiser and Instructions thereto (Rev. 12/2011)
- CT-10CF Notice of Intent to Solicit for Charitable Purposes Commercial Fundraiser (Rev. 12/2011)
- CT-11CF Notice of Intent to Provide Services Fundraising Counsel (Rev. 12/2011)
- RRF-1 Annual Registration Renewal Fee Report and Instructions thereto (Rev. 12/2011)

**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: No cost but will allow the Department of Justice to more efficiently make assessments in the initial stage of investigation.

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

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

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

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

Cost impacts on a representative private person or businesses: None. Every charitable entity is required by law to maintain books and records sufficient to account for its assets, including revenue and disbursements. We are not aware of any cost impacts.

Significant effect on housing costs: None.

BUSINESS REPORTING REQUIREMENT

The Department has determined that the proposed amendments will not affect small businesses. The proposed amendment to section 301 would require the fil-

ing of a treasurer's report for certain entities. This requirement does not create any additional burden as statute requires every charitable entity to keep adequate books and records of account. (See California Corporations code section 6320 and section 16063 of the California Probate Code.)

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations will not create or eliminate jobs in California nor will they create, eliminate or affect the expansion of California businesses. The proposed regulations will not impact the health and welfare of California residents, worker safety, nor the State's environment. The proposed amendments will assist DOJ in assuring charitable assets donated by California residents are used for the intended purpose and for the benefit of the California beneficiaries of charity.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

General or substantive comments concerning this proposed rulemaking including requests for copies of documents associated with this action such as the text of the proposed amendments and related forms should be directed to:

Sandy Blazak, Analyst
California Department of Justice
Charitable Trusts Section
1300 I Street
Sacramento, CA 95814
Telephone: (916) 327-7882
Fax: (916) 327-2319
Email: Sandy.Blazak@doj.ca.gov

Back-up:

Kevis Foley, Registrar
California Department of Justice
Registry of Charitable Trusts
1325 J Street
Sacramento, CA 95814
Telephone: (916) 324-5498
Email: Kevis.Foley@doj.ca.gov

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

The Initial Statement of Reasons, text of proposed amendments, as well as the rulemaking file containing all the information upon which the Department is basing this proposal are available for public inspection by contacting the persons named above. Copies of these documents are also available upon request.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sandy Blazak, Contact Person.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed amendments and related forms will be posted and available for downloading on our website: www.ag.ca.gov/charities.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER
AMENDMENTS TO CALIFORNIA CAP ON
GREENHOUSE GAS EMISSIONS AND
MARKET-BASED COMPLIANCE
MECHANISMS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider proposed amendments to California greenhouse gas emissions cap-and-trade program and market-based compliance mechanisms to add security to the market system and help staff implement the cap-and-trade program.

DATE: June 28, 2012

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 28, 2012, and may continue at 8:30 a.m., on June 29, 2012. This item may not be considered until June 29, 2012. Please consult the agenda for the hearing, which will be available at least 10 days before June 28, 2012, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 17, to sections 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, and 95921.

Background:

The California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, Chapter 488) (AB 32) authorizes ARB to implement a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required ARB to develop a scoping plan to reduce GHG emissions in California to 1990 levels by 2020. ARB's adopted Scoping Plan includes a comprehensive set of actions designed to reduce GHG emissions in California, improve the environment, reduce dependence on foreign oil, diversify energy sources, save energy, create new jobs, and enhance public health. Meeting the goals of AB 32 re-

quires a coordinated set of strategies to reduce GHG emissions throughout the economy that work within a comprehensive tracking, reporting, verification and enforcement framework. The Scoping Plan includes a variety of measures to achieve AB 32 goals, including direct regulations, performance-based standards, and market-based mechanisms. Many of the measures in the Scoping Plan complement and reinforce each other.

The Scoping Plan directed ARB staff to develop a cap-and-trade regulation, which is a type of market-based compliance mechanism. The cap-and-trade regulation provides a fixed limit on GHG emissions from the sources responsible for about 85 percent of the state's total GHG emissions. The cap-and-trade regulation reduces GHG emissions by applying a declining aggregate cap on GHG emissions, and creates a flexible compliance system through the use of tradable instruments (allowances and offset credits). The cap-and-trade regulation went into effect January 1, 2012.

From 2009 through 2011, ARB staff developed the overall options for program design and development. ARB staff conducted extensive public consultation, including more than 40 public meetings, to discuss and share ideas with the general public and key stakeholders on the appropriate structure of the cap-and-trade program. Staff also met regularly with individual stakeholders to hear their concerns and recommendations. ARB staff collected public comments during each public workshop, which focused on key topics and program design components.

In developing these proposed cap-and-trade regulation amendments, staff held two workshops and released discussion draft regulation amendments for public comment. ARB received more than 15 written comments on the discussion draft amendments and met regularly with stakeholders to discuss concerns and recommendations.

Description of the Proposed Regulatory Action, Objectives and Benefits

After considering the comments received, ARB staff is proposing amendments to the cap-and-trade regulation to add to the security of the market system and to aid staff in implementing the regulation. The proposed amendments include detailed Know Your Customer (KYC) requirements for information gathering during registration, and rules for a first auction on November 14, 2012 and associated amendments to dates in the current cap-and-trade regulation to implement the November 14, 2012 auction. Staff also included additional amendments to the regulation to implement the allowance and offset registry, market monitoring provisions of the regulation and collection of information necessary for the financial services operator. Details regarding the proposed amendments are included in Chapter

II: Summary of Proposed Action and in Appendix A of the staff report.

Registration and Accounts

Under the proposed amendments, ARB will be responsible for tracking information regarding compliance instrument ownership, including transfers of ownership. The proposed regulation will require entities to register with ARB and provide information to ARB regarding ownership and submittal of compliance instruments. ARB will also require reporting information regarding certain transactions between market participants. Some participants submitting information could be entities that do not have compliance obligations or that are not located within California. All covered entities will be required to register and create an account with ARB or a designated account administrator to comply with the regulation. Voluntarily associated entities will need to register with the tracking system to hold ARB allowances or offsets.

The California registry, Compliance Instrument Tracking System Service (CITSS) will track compliance instrument ownership, submittals and transactions. The primary goal of CITSS is to support ARB in effective implementation of the proposed regulation and to reduce the costs and administrative burden associated with long-term regulation responsibilities. CITSS will also provide information necessary for a secure, liquid, and transparent allowance market.

Know Your Customer (KYC) Requirements

The proposed amendments include detailed Know Your Customer (KYC) requirements for information gathering during registration. The regulation will limit registrants to individuals with a primary residence in the United States to enhance the ability of ARB to enforce the regulation. If an entity's account representative does not have an address in California, the regulation will require an agent for service of process in California. KYC amendments will require registrants to provide notarized copies of valid government issued identification, date of birth, verification of an open bank account, employer contact information and disclosure of felony convictions occurring within the past 5 years. Those with a criminal conviction constituting a felony in the United States within the last 5 years will be excluded from registration.

Consolidated Accounts

A new provision was added to require entities that have a direct corporate association to have a single set of accounts in the CITSS rather than to one set of accounts for each facility. If entities with a direct corporate association want to manage their own compliance obligation at the facility level, there is a provision to opt-out from consolidated accounts.

Number of Individuals Associated with a Set of Accounts

Amendments were made to existing provisions to identify a single individual as a primary account representative who will always receive any information related to the associated entity and its accounts in CITSS. In response to stakeholder concerns, the number of account representatives was increased to five, with the ability to assign several staff with account-viewing rights.

Auction Process

Several amendments were made to the existing provisions to clarify the auction process for auction participants and actions taken by the Executive Officer, or his designee. These provisions include timing for critical steps during the auction process, information requirements for the auction platform, and financial requirements to participate in the actual auction.

Removal of Beneficial Holdings

All provisions related to the concept of beneficial holdings were removed. These provisions allowed one entity to hold compliance instruments on behalf of another and not count those holdings against the holding limit. Staff determined that this feature would be difficult to monitor in the CITSS and could potentially lead to gaming. Due to concerns related to integrity of the program, staff recommends removing the feature in the proposed amendments.

Purchase Limits for All Covered Entities

The existing provision to exempt utilities from a purchase limit was amended to apply a 40 percent auction purchase limit. This ensures that all participants, either covered or voluntary, are subject to a purchase limit. The limit for utilities is set at a level staff believes would allow them to acquire compliance instruments to comply with the regulation with some flexibility to acquire instruments to cover power generation emissions.

Process to Adjust Holding Limit Exemption

New provisions were added to allow a covered entity to apply for an adjustment to its holding limit exemption if the entity could demonstrate that its emissions, and therefore its compliance obligation, would increase by more than 250,000 metric tons carbon dioxide equivalent (MTCO_{2e}). This allows for an adjustment if a new facility comes on line or if a large utility experiences an increase in emissions related to imports from fossil power generation.

Adjustments to Compliance Instrument Transfer

Adjustments were made to the requirements for compliance instrument transfers between two accounts within the CITSS. Staff is proposing that two account representatives approve a transfer request to move compliance instruments from their entity account to another

recipient's account, and that one account representative for the recipient's account confirm the transfer. This process ensures a multiple review and approval process for the movement of compliance instruments in the CITSS. This feature is important to the security of the CITSS.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

Staff does not believe the proposed regulation is inconsistent or incompatible with existing state regulations.

MANDATED BY FEDERAL LAW OR REGULATIONS

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

This regulation is not mandated by federal law or regulations, and there are no comparable federal regulations.

AVAILABILITY OF DOCUMENTS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to The California Cap On Greenhouse Gas Emissions And Market-Based Compliance Mechanisms.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on May 9, 2012.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to Mr. Steve Cliff, Chief of

the Climate Change Program Evaluation Branch, at (916) 322-7194 or Ms. Rajinder Sahota, Manager of the Climate Change Program Monitoring Section at (916) 323-8503.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, at (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, at (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2012/capandtrade12/capandtrade12.htm>

FISCAL IMPACT

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The amendments proposed in this regulation would clarify the existing cap-and-trade regulation to help ARB implement, oversee, and enforce the cap-and-trade regulation. These amendments provide more specificity in the information required to be reported to ARB during registration and for the tracking of transactions, but this information was envisioned by the existing cap-and-trade regulation. The specificity does not add any cost burden to what was already required, and so has no additional economic impact.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulation are presented below.

Costs to State Government and Local Agencies

The Executive Officer has determined that the proposed regulatory action would not create costs or sav-

ings, as defined in Government Code sections 11346.5(a)(5) and 11346.5(a)(6), to State agencies or in federal funding to the State. The proposed regulatory action would not create costs and would impose a mandate on State and local agencies, but would not create costs or impose a mandate on school districts. Because the regulatory requirements apply equally to all covered entities and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies or school districts that is required to be reimbursed pursuant to section 6 of Article XIII B of the California Constitution.

Costs to Businesses and Private Individuals

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has determined that representative private persons and businesses would not be affected by the cost impacts from the proposed regulatory action. Pursuant to Government Code section 11346.5(a)(7)(C), the Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, and little or no impact on the ability of California businesses to compete with businesses in other states.

The proposed regulation would not impose sufficient direct or indirect costs to eliminate businesses in California.

**STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT PREPARED
PURSUANT TO GOVERNMENT CODE
SEC. 11346.3(b)**

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not eliminate existing businesses within the State of California, and would not affect the creation of new businesses or the expansion of existing businesses currently doing business in California. The proposed regulatory action would not eliminate jobs within the State of California, and would not affect the creation of jobs within California.

In general, most small businesses in regulated sectors would not be subject to the proposed regulation because their total GHG emissions are below the GHG reporting threshold, thereby exempting them from compliance obligations under the proposed regulation. In accor-

dance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

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

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

The Executive Officer has made an initial determination that the proposed regulatory action 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, or on representative private persons.

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome 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. Since the proposed amendments do not have a fiscal, economic or environmental impact, no alternatives, other than no regulatory amendments, were considered.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in the Initial Statement of Reasons.

SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 14, 2012. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after May 14, 2012 and received **no later than 12:00 noon on June 27, 2012**, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 38564, 38570, 38571, 38580, 39600 and 39601. This action is proposed to implement, interpret, and make specific sections 38530, 38560.5, 38564, 38565, 38570 and 39600 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonables relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

**TITLE 17. CALIFORNIA AIR
RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER
AMENDMENTS TO CALIFORNIA CAP ON
GREENHOUSE GAS EMISSIONS AND
MARKET-BASED COMPLIANCE
MECHANISMS TO ALLOW FOR THE USE OF
COMPLIANCE INSTRUMENTS ISSUED BY
LINKED JURISDICTIONS**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider proposed amendments to California greenhouse gas emissions cap-and-trade program and market-based compliance mechanisms to allow for the use of compliance instruments issued by linked jurisdictions.

DATE: June 28, 2012

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 28, 2012, and may continue at 8:30 a.m., on June 29, 2012. This item may not be considered until June 29, 2012. Please consult the agenda for the hearing, which will be available at least 10 days before June 28, 2012, to determine the day on which this item will be considered.

**INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW**

Sections Affected: Proposed amendments to California Code of Regulations, title 17, to sections 95802, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95910, 95911, 95912, 95913, 95920, 95921, 95942, 95943, 96010, and 96022.

Background:

The California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, Chapter 488) (AB 32) authorizes ARB to implement a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required ARB to develop a scoping plan to reduce GHG emissions in California to 1990 levels by 2020. ARB's adopted Scoping Plan includes a comprehensive set of actions designed to reduce GHG emissions in California, improve the en-

vironment, reduce dependence on foreign oil, diversify energy sources, save energy, create new jobs, and enhance public health. Meeting the goals of AB 32 requires a coordinated set of strategies to reduce GHG emissions throughout the economy that work within a comprehensive tracking, reporting, verification and enforcement framework. The Scoping Plan includes a variety of measures to achieve AB 32 goals, including direct regulations, performance-based standards, and market-based mechanisms. Many of the measures in the Scoping Plan complement and reinforce each other.

The Scoping Plan directed ARB staff to develop a cap-and-trade regulation, which is a type of market-based compliance mechanism. As envisioned in the Scoping Plan, the cap-and-trade program would eventually be linked with cap-and-trade programs operating in other states and provinces. The cap-and-trade regulation provides a fixed limit on GHG emissions from the sources responsible for about 85 percent of the state's total GHG emissions. The cap-and-trade regulation reduces GHG emissions by applying a declining aggregate cap on GHG emissions, and creates a flexible compliance system through the use of tradable instruments (allowances and offset credits). The regulation is designed to link up with partners in other jurisdictions, beginning with the Western Climate Initiative (WCI). The cap-and-trade regulation went into effect January 1, 2012.

In 2007, California helped establish the Western Climate Initiative, a cooperative effort of seven U.S. states and four Canadian provinces (the "partners") that are collaborating to identify, evaluate, and implement policies to reduce GHG emissions, including the design and implementation of a regional cap-and-trade program. WCI developed two design documents that describe a template for state and jurisdiction cap-and-trade programs that could be linked to form a regional market. WCI consulted extensively with stakeholders in the development of these two documents. Since 2007, WCI has held 130 public discussions via public meeting, teleconference, discussion papers and webinars. The details of WCI's public consultation are included in Appendix B. ARB worked closely with the partners in formulating the cap-and-trade regulation, and anticipated linking to programs promulgated by the partners as they are adopted. California and Québec are currently the two WCI partner jurisdictions with enforceable cap-and-trade regulations.

ARB staff conducted an extensive public process during the development of the California cap-and-trade regulation. From 2009 through 2011, staff developed the overall options for program design and development. ARB staff conducted extensive public consultation, including more than 40 public meetings, to discuss and share ideas with the general public and key

stakeholders on the appropriate structure of the cap-and-trade program. In many of these public meetings, staff discussed the concept of linking California's cap-and-trade program with that of other WCI partner jurisdictions. Staff also met regularly with individual stakeholders to hear their concerns and recommendations. ARB staff collected public comments during each public workshop, which focused on key topics and program design components.

In developing these proposed cap-and-trade regulation amendments, staff held two workshops and released discussion draft regulation amendments for public comment. ARB received more than 15 written comments on the discussion draft amendments and met regularly with stakeholders to discuss concerns and recommendations. In addition, WCI held a public meeting on January 12 to discuss plans to develop a North American greenhouse gas emissions trading program through linkage with partner programs.

Description of the Proposed Regulatory Action, Objectives and Benefits

After considering the comments received, ARB staff is proposing amendments to the cap-and-trade regulation that would establish the details for common allowance auctions between California and Québec and would allow acceptance of Québec compliance instruments for compliance with California's cap-and-trade regulation. These amendments include requirements for a linked compliance instrument registry and associated registration requirements. Details regarding the proposed amendments are included in Chapter II: Summary of Proposed Action and in Appendix A of the staff report.

Linking to Other Cap-and-Trade Programs

The cap-and-trade regulation includes general requirements for linking to other programs. Establishing linkage, as proposed in these amendments, with other programs requires ARB approval under the California Administrative Procedure Act (APA) before allowances and/or offset credits from an external program can be used for compliance with California's regulation. The proposed amendments would establish linking with Québec under the framework included in the existing cap-and-trade regulation. Other WCI Partner jurisdictions will be evaluated for linking as those programs become available for review when new programs are established. Québec's cap-and-trade regulation is being amended to include auction rules in common with California's amendments proposed in this rulemaking and to establish a linkage with California. Although Québec has not yet published any documents on which staff may rely, staff is confident that Québec's amended cap-and-trade regulation will be consistent with the amended California regulation based on ongoing dis-

cussions with Québec officials and the agreed upon WCI process. ARB staff is also confident, based on these discussions, that Québec's offset provisions will follow WCI recommendations regarding offset regulations and offset process, and will be consistent with California's requirements for offsets. Québec is also anticipated to make some minor revisions to their mandatory GHG reporting regulation to address areas related to data quality. Additionally, staff anticipates Québec's amended cap-and-trade and mandatory GHG reporting regulations and new offset provisions will become publicly available during the pendency of this rulemaking. ARB will add these documents to the rulemaking file pursuant to the provisions of the APA and will make these documents available for 15 days for review once these new regulations are available.

Know Your Customer (KYC) Requirements

The proposed regulation will limit registrants to individuals with a primary residence in the United States or Canada to enhance the ability of ARB to enforce the regulation. If an entity's account representative does not have an address in Québec or California, the regulation will require an agent for service of process in either jurisdiction. Canadian entities will be required to register in Québec and US entities will be required to register in California. Those with a criminal conviction constituting a felony in the US or Canada within the last 5 years will be excluded from registration.

Auction Process

New text is proposed to allow a single auction to be conducted simultaneously in two currencies, as would be the case with a linked program between California and Québec. It is important that auction participants in each jurisdiction have equitable access during the bidding process.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

Staff does not believe the proposed regulation is inconsistent or incompatible with existing state regulations

MANDATED BY FEDERAL LAW OR REGULATIONS

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

This regulation is not mandated by federal law or regulations, and there are no comparable federal regulations.

AVAILABILITY OF DOCUMENTS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to The California Cap On Greenhouse Gas Emissions And Market-Based Compliance Mechanisms To Allow For The Use Of Compliance Instruments Issued By Linked Jurisdictions.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on May 9, 2012.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulation may be directed to Mr. Steve Cliff, Chief of the Climate Change Program Evaluation Branch, at (916) 322-7194 or Ms. Rajinder Sahota, Manager of the Climate Change Program Monitoring Section at (916) 323-8503.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, at (916) 322-4011, or Ms. Amy Whiting, Regulations Coordinator, at (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2012/capandtrade12/capandtrade12.htm>.

FISCAL IMPACT

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Linking with other jurisdictions will increase emission reduction opportunities and improve the liquidity of the emissions trading market. Depending on factors such as the size of the California market relative to the other jurisdictions, the stringency of the cap in the other jurisdiction, the cost of reductions in the other jurisdictions, and the availability of offsets in the other jurisdictions, the resulting allowance price may increase or decrease relative to a California-only cap-and-trade program. Linking with other jurisdictions could also provide gains from trade as a result of expanded reduction opportunities — further reducing emissions, facilitating innovative technologies, and creating the jobs to support them.

The analysis investigates the possible economic impacts to California of a cap-and-trade program that links with Québec, Canada. Québec is the first of the Western Climate Initiative partners ready to link with California. This analysis is based on an energy supply and demand model (ENERGY 2020) and E-DRAM, a model ARB uses to estimate the macroeconomic impacts on the California economy. These models are not designed to evaluate potential investment of funds in California from linked jurisdictions and their potential economic benefits, as could occur under linkage with Québec.

The Energy 2020 model was used to estimate the potential GHG emission reductions and the changes in investment and fuel use. The Environmental Dynamic Revenue Analysis Model (E-DRAM) was used to estimate the macroeconomic impacts of the proposed linkage regulation on the statewide economy including impacts on gross state product, personal income, and employment, based in part on outputs from Energy 2020. These analyses are presented in 2007 dollars and focus on the impacts of the proposed regulation in 2020. The analysis builds on the analysis for the 2010 cap-and-trade regulation and examines differences in impact between the proposed regulation and the current California only cap-and-trade regulation.

Under the proposed regulation, projected economic growth would continue virtually on par with current forecasts. The 2010 cap-and-trade economic analysis indicated likely allowances prices of \$15 to \$30 per metric ton CO₂e in 2020. The impact of linkage on

California allowance price in 2020 is estimated to result in no change or a slight increase. Thus, gross state product will remain virtually unchanged relative to the expected impact from a California-only program. Impacts on long-term projected growth rates in personal income and employment are similarly small. The allowance price in the cap-and-trade program creates a price incentive to reduce the consumption of energy. Reductions in the use of energy created by this price incentive may offset some or all of the potential small increases in the cost of electricity, natural gas and gasoline. Linking with other jurisdictions could provide additional gains from trade as a result of expanded reduction opportunities and a more liquid market.

ARB's economic analysis cannot predict the increased growth in sectors that could result because of new opportunities created by imposing a carbon price, such as those that design or manufacture renewable technologies, or predict the creation of so called "green jobs." This analysis can therefore be considered a conservative estimate of the potential statewide impacts from the imposition of a California cap-and-trade program linked with Québec that does not consider the potential statewide benefits from the linked program.

The economic analysis also focuses exclusively on the economic effects in California of linking the California cap-and-trade program with Québec's cap-and-trade program, and does not consider the avoided costs of inaction. The potential effects of climate change that are expected to occur in California, such as increased water scarcity, reduced crop yield, sea level rise, and increased incidence of wildfires, could cause severe economic impacts. While California has developed a Climate Adaptation Strategy to help alleviate these potential costs, the risk of potentially high economic costs from climate change in California remains real.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulation are presented below.

Costs to State Government and Local Agencies

The Executive Officer has determined that the proposed regulatory action would create costs or savings, as defined in Government Code sections 11346.5(a)(5) and 11346.5(a)(6), to State agencies or in federal funding to the State. The proposed regulatory action would create costs and would impose a mandate on some State and local agencies, but would not create costs or impose

a mandate on school districts. At least eight California public universities, several municipal utilities, two correctional facilities and the California Department of Water Resources would have a compliance obligation under the proposed regulation, as they do under the current cap-and-trade program. These entities would be required to surrender allowances or offsets equal to the amount of their GHG emissions during the compliance period. The expected costs to these entities ranges from no impact to slightly greater compared with the expected costs presented in the 2010 cap-and-trade regulation analysis due to the slightly higher expected allowance price with linkage. Because the regulatory requirements apply equally to all covered entities and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies or school districts that is required to be reimbursed pursuant to section 6 of Article XIII B of the California Constitution.

Costs to Businesses and Private Individuals

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has determined that representative private persons and businesses would be affected by the cost impacts from the proposed regulatory action. Representative private persons and businesses that do not exceed the emissions threshold would not be directly regulated under the proposed action, but would be indirectly affected by changes to the cost of using fossil-fuel based energy. Pursuant to Government Code section 11346.5(a)(7)(C), the Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, and little or no impact on the ability of California businesses to compete with businesses in other states.

Regulated businesses may face additional indirect costs due to slightly increased energy and input prices, and some businesses might be impacted based on the compliance path they choose to meet their obligations under the proposed regulation. However, the proposed regulation would not impose sufficient direct or indirect costs to eliminate businesses in California. It is not possible to quantify the number of businesses that will be created in response to additional investment opportunities that arise as a result of the proposed regulation. However, staff believes that startups in emerging sectors such as renewable energy and biofuel production

could represent significant numbers of new, small and medium sized businesses.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT PREPARED
PURSUANT TO GOVERNMENT CODE
SEC. 11346.3(b)

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in Chapter V of the ISOR.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not eliminate existing businesses within the State of California, but would affect the creation of new businesses or the expansion of existing businesses currently doing business in California. The proposed regulatory action would not eliminate jobs within the State of California, but would affect the creation of jobs within California.

ARB estimates that 360 businesses or covered entities would participate in the cap-and-trade program from the year of initial implementation through 2020. These businesses include: electricity generators; electricity importers; industrial facilities including cement plants, cogeneration facilities, hydrogen plants, petroleum refiners, and general stationary combustion facilities; and many fuel providers including wholesalers of gasoline, distillate, propane, and natural gas.

In general, most small businesses in regulated sectors would not be subject to the proposed regulation because their total GHG emissions are below the GHG reporting threshold, thereby exempting them from compliance obligations under the proposed regulation. However, small businesses may experience similar cost impacts as consumers. Cost impacts on consumers would result from no change to a potential slight increase in energy prices. Households and small businesses that consume less energy (directly by reducing their consumption of energy or indirectly by utilizing goods and services that are produced using less energy) will be less affected by higher prices than those that consume more energy. Incentive programs available to small businesses and consumers will provide access to funds for investing in energy efficient technologies, which includes low interest loans, rebates and credits. Energy savings from efficiency improvements are likely to partially offset or fully mitigate the impact of any increase in electricity prices and could mean decreased energy bills. Most California businesses will likely pass along the small cost increases to consumers in the form of slightly higher prices for their products or services.

ARB staff has considered whether any proposed alternatives would lessen potential adverse economic im-

pacts on businesses. The alternatives that staff has considered are described in more detail in Chapter VI of the Initial Statement of Reasons.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

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

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

The Executive Officer has made an initial determination that the proposed regulatory action 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, or on representative private persons.

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome 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. ARB considered four alternatives to the proposed action including: no linkage, waiting to link with additional WCI states or jurisdictions, linkage with no Québec offsets and linkage with restricted Québec offsets. A detailed analysis of alternatives is presented in Chapter VI of the initial statement of reasons.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the poten-

tial for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter IV of the Initial Statement of Reasons.

SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on May 14, 2012. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after May 14, 2012 and received **no later than 12:00 noon on June 27, 2012**, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 38564, 38570, 38571, 38580, 39600 and

39601. This action is proposed to implement, interpret, and make specific sections 38530, 38560.5, 38564, 38565, 38570 and 39600 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10

días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 21. DEPARTMENT OF TRANSPORTATION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Department of Transportation, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Transportation proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment is to add the members of the Seismic Safety Peer Review Panel (SSPRP) to the code and include a tailored disclosure category for these members. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than June 25, 2012, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than May 11, 2012, by contacting the Contact Person set forth below.

The Department of Transportation has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Transportation has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Transportation must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Jeff Brooks
Deputy Attorney
1120 "N" Street, MS 57
916-654-2630
Jeff_D_Brooks @ dot. ca. gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Research on California Least Tern, Light-Footed Clapper Rail, and Yuma Clapper Rail

The Department of Fish and Game (Department) reviewed a proposal on April 26, 2012, from Matthew Brennan Mulrooney and James McMorran, requesting authorization to take the California least tern (*Sternula antillarum browni*) (least tern), the light-footed clapper rail (*Rallus longirostris levipes*), and the Yuma clapper rail (*Rallus longirostris yumanensis*) (both species referred to as rails), Fully Protected birds, for research purposes consistent with protection and recovery of the species, throughout the range of each species.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take pro-

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 11, 2012, for an initial and renewable term of two years. Contact: California Department of Fish and Game, Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF FISH AND GAME

**CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
Tracking Number 2080-2012-005-00**

PROJECT: California State Water Project Delta Facilities
LOCATION: The California Delta and Central Valley
NOTIFIER: California Department of Water Resources

BACKGROUND

The proposed project (Project) by the California Department of Water Resources (DWR) is the continued operation of the State Water Project (SWP) and other water diversion, storage, and transport related actions that are described below and included in the federal *Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project*, June 4, 2009 (Ref. No. 2008/09022) (BO) issued by the National Marine Fisheries Service (NMFS) for the protection of marine species, including

Sacramento River winter-run Chinook salmon and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) (Chinook salmon). Chinook salmon are listed species under both the federal ESA (ESA) (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*). Winter-run Chinook salmon is listed as endangered and spring-run Chinook salmon is listed as threatened under CESA. Flow changes, loss of habitat, and entrainment and impingement caused by Project-related water export and management activities are all known to result in incidental take of Chinook salmon.

On August 5, 2009, Donald Koch, former Director of the California Department of Fish and Game (DFG), received correspondence from Lester A. Snow, former Director of DWR, requesting a determination pursuant to Fish and Game Code Section 2080.1., that the BO, including its incidental take statement, is consistent with CESA such that no further authorization from DFG is necessary for Project-related incidental take of Chinook salmon. On September 3, 2009, DFG found the BO consistent with CESA for the authorization of take of winter-run Chinook salmon and spring-run Chinook salmon by the SWP. That determination provided, in pertinent part, that a new consistency determination request would be required if the RPAs in the BO were amended or replaced.

On May 25, 2010, federal court Judge Oliver Wanger issued a Preliminary injunction enjoining implementation of two Reasonable and Prudent Alternative (RPA) actions in the BO:

1. RPA IV.2.1 (the Inflow-Export Ratio of San Joaquin River flow to combined project Export rate), which would constrain SWP and Central Valley Project (CVP) Delta exports during May 26, 2010 through May 31, 2010 primarily to protect emigrating steelhead; and
2. RPA IV.2.3 (the Old and Middle River (OMR) 5000 cfs calendar based flow) that may constrain operations until June 15, 2010,

On May 25, 2010, John McCamman, former Director of DFG, received correspondence from Mark W. Cowin, Director of DWR, requesting a determination pursuant to Fish and Game Code Section 2080.1, that the BO as enjoined in part by the federal court, including its incidental take statement, is consistent with CESA such that no further authorization from DFG is necessary for Project-related incidental take of Chinook salmon. On May 26, 2010, based on this request from DWR, DFG found the BO consistent with CESA for the authorization of take of winter-run Chinook salmon and spring-run Chinook salmon by the SWP (2010 Consistency Determination).

On January 12, 2012, NMFS agreed to a modification of SWP and CVP operations described in RPA IV.2.1. The modification covers the period April 1, 2012 through May 31, 2012. The modification calls for the installation of a rock barrier at the head of Old River. Upon installation of the barrier, the projects would operate within an adaptive range of Old and Middle River (OMR) flows between -1,250 and -3,500 cubic feet per second (cfs) in April and -1,250 and -5,000 cfs in May. On March 16, 2012 NMFS adopted a real-time operations technical memorandum (March 2012 Technical Memorandum) to assist with adaptively managing OMR flows during the applicable period. OMR management under the March 2012 Technical Memorandum, in combination with the barrier at the head of Old River, is designed to provide protection for salmonids entering the Delta from the San Joaquin River upstream of Vernalis, as well as from the Calaveras and Mokelumne Rivers. In addition, as explained in the March 28 letter from NMFS (NMFS March 28th Letter), NMFS will consider advice from the Delta Operations for Salmonids and Sturgeon (DOSS) technical working group to issue regular determinations regarding operations, such as the determination that the OMR operations in early April will avoid jeopardizing the continued existence of the Central-Valley steelhead.

On March 30, 2012, Charlton H. Bonham, Director of DFG, received correspondence from Mark W. Cowin, Director of DWR, requesting DFG consider a January 12, 2012 joint stipulation (Stipulation) (Document 659-2) regarding CVP and SWP operations. Director Cowin's March 30, 2012 letter included a copy of the Stipulation, the NMFS Technical Memorandum, the NMFS March 28th Letter, and the 2010 Consistency Determination, and asked DFG to determine whether the BO as modified by the injunction and the Stipulation is consistent with CESA such that no further authorization from DFG is necessary for Project-related incidental take of Chinook salmon.

On April 2, 2012, NMFS wrote a letter to Director Mark W. Cowin and Director Charlton H. Bonham acknowledging the Stipulation and providing NMFS' confirmation that the RPA, as modified by that Stipulation, is as protective for all listed fish species under NMFS jurisdiction as the 2009 RPA with 2011 amendments. As mentioned above, Chinook salmon are listed under both ESA and CESA.

The Project consists of the following existing facilities in the Delta: Clifton Court Forebay, John E. Skinner Fish Facility, Harvey O. Banks Pumping Plant (collectively referred to as the Banks Pumping Plant Complex), and the North Bay Aqueduct at Barker Slough (NBA). The Project also includes the following facilities that are operated in coordination with the federal Central Valley Project (CVP): Suisun Marsh Salinity

Control Gates, Roaring River Distribution System, Morrow Island Distribution System, Goodyear Slough Outfall, and the South Delta Temporary Barriers Project (TBP). TBP has four rock barriers across south Delta channels (at Middle River near Victoria Canal, Old River near Tracy, Grant Line Canal near Tracy Boulevard Bridge, and the head of Old River near the confluence of Old River and San Joaquin River) that can be installed and removed during spring and fall.

The Oroville Complex (Oroville Dam and related facilities, including the Feather River Fish Hatchery) is part of the SWP but not part of the Project. DWR's Federal Energy Regulatory Commission (FERC) license for the Oroville Complex expired in 2007. Until a FERC license is issued, DWR will operate the Oroville Complex consistent with the existing FERC license. FERC is currently in consultation with NMFS regarding the effects of relicensing the Oroville Complex for 50 years. Because the effects of the Oroville Complex are considered in a separate and ongoing NMFS consultation, the effects of operation of Oroville Dam on federally listed fish within the Feather River were not considered as part of the BO consultation and thus are not part of the Project. However, the effects of the flows from the Oroville Complex on all listed fish under NMFS jurisdiction in the Sacramento River and Delta were considered in the BO.

The SWP is operated to provide flood control and water for agricultural, municipal, industrial, recreational, and environmental purposes. Water conserved in, and released from, Oroville Reservoir, together with Sacramento-San Joaquin flows, serves three contractors in the Feather River area, two contractors via the NBA, and the remaining 24 contractors in the SWP service areas south of the Delta with deliveries from the Harvey O. Banks Pumping Plant in the south Delta. California State Water Resources Control Board (SWRCB) permits allow SWP facilities to divert water in the Delta and re-divert water that is stored in upstream reservoirs. The U.S. Bureau of Reclamation (USBR) and DWR coordinate the operations of the CVP and SWP to meet water quality, quantity, and operational criteria in the Delta set by the SWRCB and to meet ESA requirements for delta smelt, winter and spring-run Chinook salmon, steelhead and green sturgeon.

Because the proposed action has the potential to take ESA-listed species, the USBR, on behalf of itself and DWR, entered into consultation with NMFS pursuant to ESA Section 7. On June 4, 2009, NMFS transmitted the BO to USBR. The BO describes CVP/SWP operations, including the Project, and sets forth conservation measures to minimize impacts to Chinook salmon and their habitat, and to mitigate the impacts that remain after minimization. The BO includes a "Reasonable and

Prudent Alternative” (RPA), and the USBR and DWR must implement and adhere to the RPA as required by the BO and its related ITS. Section 11.2 of the BO details the RPA actions by Central Valley geographic areas. Those areas are the Sacramento River, American River, East Side (Stanislaus River), and the Delta.

As described in the discussion above, on January 12, 2012 NMFS agreed to a modification of SWP and CVP operations as described in the NMFS RPA IV.2.1 during the period April 1, 2012 through May 31, 2012. Along with the March 2012 Technical Memorandum and the NMFS March 28th Letter implementing the modification, and the NMFS April 2, 2012 Letter, Section 11.3 of the BO provides a species-by-species explanation of: (1) how each measure contributes to avoiding jeopardy or adverse modification of designated critical habitat for that species; and (2) the basis for NMFS’ conclusion that the RPA measures as a whole are likely to avoid jeopardizing the species or adversely modifying its critical habitat. A detailed description of the adaptive process, its framework, and the rationale for each of the RPA components are presented in the context of the full BO.

DETERMINATION

DFG has determined that the BO as modified by both the injunction and the Stipulation and including the incidental take statement, is consistent with CESA because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for DFG to authorize incidental take of CESA listed species. This determination is limited to only those actions specifically identified and analyzed in the BO and as modified by the injunction and Stipulation.

Specifically, DFG finds that Project related take of Chinook salmon will be incidental to an otherwise lawful activity (i.e., SWP operations) and that the measures and RPA actions identified in the BO (as modified by the injunction and Stipulation) to modify flow requirements, control water temperatures, improve passage and access to spawning areas, and restore habitat will minimize and fully mitigate the impacts of the authorized take of Chinook salmon. Furthermore, DFG finds that the Project, with the prescribed measures and RPAs, will not jeopardize the continued existence of the species. The avoidance, minimization, and mitigation measures in the BO include, but are not limited to, the following:

Avoidance, Minimization and Mitigation Measures

● **Near-term Actions:**

- To ensure cooler water temperatures that will improve productivity and survival of Chinook salmon, DWR and USBR shall implement new flow management programs

in the upper Sacramento River, Clear Creek, American River, Stanislaus River and the reservoirs that control the river.

- To improve passage to upstream habitat areas, DWR shall coordinate with USBR on the Red Bluff Diversion Dam gate operations, construction and operation of an alternative pumping plant to supply water to existing users, and by 2012, have the gates open year-round.
- To improve spawning and rearing habitat for Chinook salmon in the Sacramento River basin and Delta, DWR in conjunction with USBR and other agencies shall implement habitat enhancement actions. These actions specifically include ongoing DWR restoration activities in the Yolo Bypass including Liberty Island and the Cache Slough Complex.
- To benefit existing Central Valley spring-run Chinook salmon and to establish a second population of Sacramento River winter-run Chinook salmon, DWR and USBR shall provide for restoration of habitat on Battle Creek.
- To improve juvenile and adult survival for Chinook salmon passing through the Delta and provide for increased aquatic habitat during critical times, DWR and USBR shall:
 - Implement water control gate closures during key times when Chinook salmon are likely to be migrating through the area and implement pumping flow modifications to reduce the number of juveniles vulnerable to entrainment at the water export facilities.
 - Facilitate improvements to the fish screening and salvage operations at the Harvey O. Banks Water Pumping Facility to reduce mortality from entrainment and salvage.
 - Initiate operational changes to reduce negative flows toward the export pumps in Old and Middle rivers to reduce likelihood that Chinook salmon will be diverted from the San Joaquin or Sacramento River into the southern or central Delta.
 - Support activities to increase San Joaquin River flows.
 - Curtail water export based on technical team recommendations.

- To ensure preservation of important habitat areas for Chinook salmon, DWR shall not implement the South Delta Barrier Improvement Program, except for installation of the rock barrier at the head of Old River during the April–May period as required in the Stipulation.
- **Long-term Actions:**
 - DWR and USBR shall implement long-term passage evaluations at Shasta, Folsom, and New Melones Dams to allow re-introduction of Chinook salmon to desirable habitat above the rim-dams. These actions may include increased flow requirements, fixes to control structures, pulse flows for fish attraction or channel maintenance, or changes in the operation of those control structures.
 - DWR and USBR shall implement monitoring actions and new studies of juvenile fish in the San Joaquin and Sacramento Basins to evaluate the effectiveness of the RPA and adaptively manage/refine actions over the life of the project.
 - DWR and USBR shall establish a technical review group to assist in: determining necessary “real-time” operational measures, evaluating effectiveness of actions, and modifying measures when necessary.
- **Reporting and Monitoring Actions:** Conditions of the BO and RPAs require DWR to develop and follow specific monitoring programs to achieve the RPA objectives. Participation, including by DFG, in review and reporting requirements for these processes are all a condition of, and detailed within, the BO and RPAs. The BO describes a monitoring and reporting process for specific actions set forth within RPA “Action Suites” for the design, monitoring, and adaptive management of those actions required to improve Chinook salmon survival and habitat. Monitoring and reporting requirements are described in detail in Section 11.2.1.3 of the BO.
- **Ensured Funding:** All SWP operational actions are a conditional requirement of the BO RPAs. Funding for certain required actions has been allocated through bonds or has been identified in allocations from the American Recovery and Reinvestment Act of 2009. Additionally, DWR has the statutory authority to require reimbursement in the SWP contracts for water and power for any costs DWR incurs for SWP-related fish and wildlife preservation (See Wat. Code §§ 12937, 12938).

Based on this consistency determination, no further authorization from DFG is necessary for Project-related incidental take of Chinook salmon provided DWR implements the Project as described in the BO as modified by the injunction and Stipulation. However, if the Project as described in the BO as modified by the injunction and Stipulation, including mitigation measures, changes after the date of the BO, or if NMFS amends or replaces the BO or any of the RPAs, DWR will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2080).

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# 2012-0420-01
 AGRICULTURAL LABOR RELATIONS BOARD
 Amendments to Implement Senate Bill 126

This rulemaking action amends regulations in title 8 of the California Code of Regulations to implement the provisions of Senate Bill 126, Chapter 697 of 2011. Specifically, this rulemaking action condenses the time allowed for resolution of complaints regarding election irregularities and specifies the expedited procedures necessary to achieving the 21-day period specified by statute. The rulemaking action also implements the provisions of Senate Bill 126 concerning the certification of a collective bargaining unit following employer misconduct in the conduct of an election, where the Agricultural Labor Relations Board finds that a new election would not reflect the free and fair choice of employees.

Title 8
 California Code of Regulations
 AMEND: 20363, 20365, 20393, 20400, 20402
 Filed 05/02/2012
 Effective 05/02/2012
 Agency Contact:
 Joseph A. Wender, Jr. (916) 653-4054

File#2012-0405-02
**BOARD FOR PROFESSIONAL ENGINEERS,
 LAND SURVEYORS AND GEOLOGISTS**
 Fees

This regulatory action revises the application and renewal fees for various types of professional engineer and land surveyor licenses. The examination fee had previously been included in the application fee, but will now be paid separately to the National Council of Examiners for Engineering and Surveying.

Title 16
 California Code of Regulations
 AMEND: 407, 428
 Filed 04/27/2012
 Effective 04/27/2012
 Agency Contact: Jeff Alameida (916) 263-2269

File# 2012-0406-01
BOARD OF EQUALIZATION
 Calculation of Estimated Use Tax — Use Tax Table

This rulemaking action amends section 1685.5 of title 18 of the California Code of Regulations to facilitate the payment by taxpayers of use tax liability by, among other things, clarifying the optional nature of utilization of the use-tax tables, clarifying the safe harbor available through use of the use-tax tables, moving the use tax calculation date from May 1 to June 1 to ensure the availability of certain U.S. Census bureau data, and requiring the Board of Equalization to use the percentage of income spent on taxable purchases to calculate use tax liability for 2012 and beyond.

Title 18
 California Code of Regulations
 AMEND: 1685.5
 Filed 05/01/2012
 Effective 05/31/2012
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2012-0320-04
CALIFORNIA HORSE RACING BOARD
 Application for License to Operate a Minisatellite Wagering Facility

The California Horse Racing Board (CHRB) submits this non-substantive matter to correct the number on the Application for License to Operate a Minisatellite Wagering Facility (CHRB-228 (New 11/08)). In OAL file number 2009-0121-04S, the form was given the number CHRB-88, but it should have been CHRB-228 as form CHRB-88 is a form already in use. It is the Personal History Statement Instructions (Non-Peace Officer). This error was recently discovered and to avoid

confusion, this amendment to the regulation and number on the incorporated form are being made.

Title 4
 California Code of Regulations
 AMEND: 2066
 Filed 04/26/2012
 Agency Contact: Erica Ward (916) 263-6025

File# 2012-0316-05
COMMISSION ON TEACHER CREDENTIALING
 Fingerprint Submissions

This regulatory action requires that individuals re-submit their fingerprints if they have not held a valid credential, certificate, permit, waiver or other type of authorizing document for more than eighteen months. In addition, if fingerprints are submitted prior to filing an application form, the application form must be filed within eighteen months to be valid.

Title 5
 California Code of Regulations
 AMEND: 80028, 80301, 80442
 Filed 04/25/2012
 Effective 05/25/2012
 Agency Contact:
 Tammy A. Duggan (916) 323-5354

File# 2012-0321-01
DEPARTMENT OF CONSUMER AFFAIRS
 Eligibility for Funding

This action corrects a cross reference in section 3605 to a section in the Business and Professions Code. The section cited currently (407.2(g)) does not exist. The intended section to be cross referenced is section 467.2(g) which relates to the subject matter of section 3605.

Title 16
 California Code of Regulations
 AMEND: 3605
 Filed 04/26/2012
 Agency Contact: Rebecca Bon (916) 574-8220

File# 2012-0316-06
DEPARTMENT OF FISH AND GAME
 Suction Dredge Mining Regulation Amendments

The Department of Fish and Game amended its suction dredge mining program, set forth in title 14, California Code of Regulations, sections 228 and 228.5.

Title 14
 California Code of Regulations
 AMEND: 228, 228.5
 Filed 04/27/2012
 Effective 04/27/2012
 Agency Contact: Mark Stopher (530) 225-2275

File# 2012-0410-01
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

The California Department of Food and Agriculture adopted a certificate of compliance for an emergency regulatory action that made revisions to section 3423 of title 3 of the California Code of Regulations, Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28), to establish a new quarantine area of approximately 75 square miles in the Anaheim area in Orange and Los Angeles counties.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 05/01/2012
Effective 05/01/2012
Agency Contact: Lindsay Rains (916) 654-1017

File# 2012-0320-02
DEPARTMENT OF PARKS AND RECREATION
Habitat Conservation Fund Program

This rulemaking action establishes the Department of Parks and Recreation Habitat Conservation Fund (HCF) Program by adopting guides for seven funding categories under the program and an administrative guide. These eight guides are incorporated by reference in eight new sections in title 14 of the California Code of Regulations. The guides establish eligibility, application, grant selection, and grant administration requirements for funding from the HCF Program.

Title 14
California Code of Regulations
ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877
Filed 05/01/2012
Effective 05/31/2012
Agency Contact: Cristelle Taillon (916) 654-8686

File# 2012-0420-02
FISH AND GAME COMMISSION
Blue Cavern State Marine Conservation Area

This emergency regulatory action will remove the "no anchoring" provision from the Blue Cavern State Marine Conservation Area. This will allow anchoring within the Blue Cavern State Marine Conservation Area, except within the Catalina Marine Science Center Marine Life Refuge.

Title 14
California Code of Regulations
AMEND: 632
Filed 04/30/2012
Effective 04/30/2012
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2012-0425-02
FISH AND GAME COMMISSION
Ocean Salmon Sport Fishing — May–November Season

The Fish and Game Commission amended section 27.80 of title 14 of the California Code of Regulations to set the 2012 ocean salmon sport fishing season.

Title 14
California Code of Regulations
AMEND: 27.80
Filed 05/01/2012
Effective 05/01/2012
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2012-0320-05
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Ventilation Inside Shafts, Culverts, and Pipelines

This action amends several sections in the Construction Safety Orders to add ventilation standards governing the use of internal combustion engine-driven equipment when operated inside shafts, culverts or pipelines or other excavations not subject to the ventilation standards contained in the Tunnel Safety Orders. The amendments require ventilation to be provided at a minimum volume and velocity to ensure an effective supply of fresh air to prevent exposures to engine emissions.

Title 8
California Code of Regulations
AMEND: 1533, 1541, 8403
Filed 05/01/2012
Effective 05/31/2012
Agency Contact: Marley Hart (916) 274-5721

File# 2012-0320-03
OFFICE OF SPILL PREVENTION AND RESPONSE
Nontank Vessel FEE/OSPAF Fee

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2011-1115-02E) that increased the fee for each new or renewal nontank vessel application to obtain a certificate of financial responsibility and amended the application form Certificate of Financial Responsibility for Operators or Owners of Nontank Vessels (FG OSPR Form 1972) to reflect the new fee increase. The amount of the fee depends on the barrel carrying capacity of the nontank vessel.

Title 14
 California Code of Regulations
 AMEND: 791.7, 870.17
 Filed 05/01/2012
 Effective 05/01/2012
 Agency Contact:
 Joy D. Lavin-Jones (916) 327-0910

Title 4
 California Code of Regulations
 ADOPT: 511 AMEND: 399
 Filed 04/30/2012
 Effective 05/30/2012
 Agency Contact: Kathi Burns (916) 576-4150

File# 2012-0319-01
PUBLIC EMPLOYEES RETIREMENT SYSTEM
 Submission of Payroll & Contribution Information

The California Public Employment Retirement System adopted section 565.5 and amended sections 565.1, 565.2, and 565.3 of title 2 of the California Code of Regulations to specify the requirements for the submission of payroll and contribution information through the new my/CalPERS platform and for the collecting of interest and administrative costs.

Title 2
 California Code of Regulations
 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
 Filed 04/30/2012
 Effective 05/30/2012
 Agency Contact: Christina Nutley (916) 795-2397

File# 2012-0323-01
PUBLIC EMPLOYEES RETIREMENT SYSTEM
 Increasing Candidate Statement Word Count

This rulemaking action by the California Public Employees Retirement System (CalPERS) amends section 554.4 of title 2 of the California Code of Regulations by increasing the number of words allowed in the CalPERS Board of Administration candidate statement and addendum.

Title 2
 California Code of Regulations
 AMEND: 554.4
 Filed 04/26/2012
 Effective 05/26/2012
 Agency Contact: Christina Nutley (916) 795-2397

File# 2012-0330-01
STATE ATHLETIC COMMISSION
 License Denial/Revocation Procedures and Minimum MMA Rounds

The State Athletic Commission (Commission) amended section 399 and adopted section 511 of title 4 of the California Code of Regulations to specify criteria to be considered by the Commission when considering denial or reinstatement and specify a range for the number of rounds scheduled for martial arts and kickboxing contests.

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 7, 2011 TO
 May 2, 2012**

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

- Title 2**
- 04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
 - 04/26/12 AMEND: 554.4
 - 04/23/12 AMEND: 18705.5
 - 04/23/12 AMEND: 554.3
 - 04/19/12 ADOPT: 18412 AMEND: 18215, 18413
 - 04/10/12 ADOPT: 18215.3
 - 04/09/12 ADOPT: 59710
 - 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
 - 03/13/12 AMEND: 1859.2, 1859.82
 - 03/06/12 ADOPT: 589.11
 - 03/06/12 AMEND: 1189.10
 - 03/02/12 AMEND: 560
 - 02/16/12 AMEND: 18401.1
 - 02/13/12 AMEND: 18943
 - 01/31/12 ADOPT 260.1, 261.1 AMEND 258, 260, 262
 - 01/31/12 AMEND 640
 - 01/26/12 AMEND 37000
 - 01/23/12 ADOPT: 1880
 - 01/23/12 ADOPT: 18940.1, 18942.2, 18942.3 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
 - 01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
 - 01/10/12 AMEND: 18423, 18539, 18550

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01/05/12 ADOPT: 18404.2
 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL:
 18247.5
 12/28/11 AMEND: 1859.76
 12/21/11 AMEND: 1859.90.2, 1859.81
 12/07/11 ADOPT: 18316.6, 18361.11 AMEND:
 18360, 18361, 18361.4

Title 3

05/01/12 AMEND: 3423(b)
 04/16/12 AMEND: 3591.19
 04/16/12 AMEND: 3439
 04/12/12 AMEND: 3591.21(b)
 04/12/12 ADOPT: 3435(c)
 04/12/12 AMEND: 3434(b)&(c)
 04/03/12 ADOPT: 3639
 04/03/12 ADOPT: 3439
 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500,
 501, 576.1, 623, 755.2, 756.2, 760.2, 790,
 790.2, 791, 791.1, 796.2, 797, 799, 820.1,
 821.2, 900, 900.1, 900.2, 901.3, 901.8,
 901.9, 901.11, 902, 902.15, 907.3, 909.3,
 910.4, 910.7, 913, 913.1, 1180, 1180.11,
 1200, 1204, 1205, 1210, 1235, 1242,
 1246, 1246.14, 1247, 1256, 1266, 1268,
 1269, 1271, 1300.1, 1310.1
 03/20/12 AMEND: 1430.5, 1430.6, 1430.35,
 1430.36, 1430.37, 1430.38
 03/09/12 AMEND: 3436(b)
 03/08/12 AMEND: 3437(b)
 03/07/12 ADOPT: 1180, 1180.20, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.27,
 1180.28, 1180.29, 1180.30, 1180.31,
 1180.32, 1180.33, 1180.34, 1180.35,
 1180.36, 1180.37, 1180.38, 1180.39
 AMEND: 1180.1, 1180.2, 1180.3,
 1180.3.1, 1180.3.2, 1180.13, 1180.14,
 1180.15, 1180.16, 1180.17, 1180.18,
 1180.19, 1180.31, 1180.32, 1180.33,
 1180.34, 1180.35, 1180.36, 1180.37,
 1180.38, 1180.39, 1180.40, 1180.41
 REPEAL: 1180, 1180.21, 1180.22,
 1180.23, 1180.24, 1180.25, 1180.26,
 1180.27, 1180.28, 1180.29, 1180.30
 02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1,
 2322.2, 2322.3, 2323 AMEND: 2300,
 2300.1, 2302, 2303, 2320, 2321
 02/23/12 AMEND: 3700(c)
 02/13/12 AMEND: 3591.2(a)
 02/06/12 AMEND: 3435(b)
 02/02/12 AMEND: 3423(b)
 01/23/12 ADOPT: 588
 01/18/12 ADOPT: 3591.25
 01/06/12 AMEND: 3591.2(a)
 12/29/11 AMEND: 3280

12/20/11 AMEND: 3407(e)

Title 4

04/30/12 ADOPT: 511 AMEND: 399
 04/26/12 AMEND: 2066
 04/19/12 ADOPT: 10192, 10193, 10194, 10195,
 10196, 10197, 10198, 10199
 04/17/12 AMEND: 53
 04/12/12 AMEND: 10317, 10325
 04/11/12 AMEND: 10302, 10310, 10315, 10317,
 10322, 10325, 10327, 10328
 04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370,
 5500, 5540
 03/29/12 AMEND: 12008, 12335, 12342, 12345,
 12357, 12359
 03/21/12 AMEND: 12200, 12200.9, 12200.10A,
 12200.11, 12200.13, 12220, 12220.13,
 12342, 12464
 03/08/12 AMEND: 10032, 10033, 10034, 10035
 03/08/12 AMEND: 60, 60.5
 03/06/12 ADOPT: 4075
 03/05/12 AMEND: 10152, 10153, 10154, 10155,
 10157, 10159, 10160, 10161, 10162
 REPEAL: 10156, 10158, 10164
 03/02/12 AMEND: 8070
 02/29/12 AMEND: 8070, 8072, 8073, 8074
 02/22/12 AMEND: 10176, 10177, 10178, 10182,
 10188
 02/16/12 AMEND: 12572
 02/14/12 AMEND: 1844
 02/14/12 AMEND: 1843.3
 02/08/12 AMEND: 66
 02/03/12 AMEND: 5000, 5052
 12/30/11 ADOPT: 4000.1, 4000.2, 4000.3
 12/21/11 ADOPT: 12349
 12/09/11 ADOPT: 5205 AMEND: 5000, 5054,
 5144, 5170, 5190, 5200, 5230, 5350,
 5370 REPEAL: 5133
 12/07/11 AMEND: 1433

Title 5

04/25/12 AMEND: 80028, 80301, 80442
 04/20/12 AMEND: 18013, 18054, 18111
 REPEAL: 18006, 18200, 18201, 18202,
 18203, 18205, 18206, 18207
 04/11/12 AMEND: 19816, 19816.1, 19845.2
 04/02/12 ADOPT: 27000, 27001, 27002, 27003,
 27004, 27005, 27006, 27007, 27008,
 27009
 04/02/12 ADOPT: 1039.2, 1039.3
 03/26/12 AMEND: 1216.1
 03/26/12 ADOPT: 620, 621, 622, 623, 624, 625,
 626, 627
 03/12/12 AMEND: 41000
 03/06/12 AMEND: 18600
 03/01/12 ADOPT: 30001.5

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02/27/12 AMEND: 42397.2, 42397.6
 02/09/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
 02/09/12 ADOPT: 27100, 27101, 27102, 27103
 01/10/12 AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600
 12/19/11 ADOPT: 30001.5
 12/16/11 AMEND: 53309, 53310
 12/14/11 AMEND: 55150, 55151, 55154, 55155
 REPEAL: 55152, 55153

Title 8

05/02/12 AMEND: 20363, 20365, 20393, 20400, 20402
 05/01/12 AMEND: 1533, 1541, 8403
 03/14/12 AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
 02/23/12 AMEND: 1905
 02/16/12 AMEND: 5155
 02/08/12 AMEND: 1675, 3276, 3278
 02/08/12 ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376
 02/01/12 AMEND 1504, 1591, 1597
 01/24/12 AMEND: 5155
 01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6
 01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355
 01/05/12 AMEND: 4188
 12/29/11 AMEND: 3276, 3287
 12/29/11 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
 12/27/11 AMEND: 343
 12/13/11 ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5
 12/12/11 AMEND: 1541.1
 12/07/11 ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433
 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455

Title 9

03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6, 9804, 9812, 9816, 9820, 9822, 9829, 9836, 9838, 9846, 9848, 9849, 9851, 9852, 9854, 9858, 9862, 9866, 9867,

9868, 9874, 9876, 9876.5, 9878, 9879, 9884, 9886

Title 10

04/23/12 AMEND: 2355.1, 2355.2
 04/10/12 AMEND: 260.204.9
 04/09/12 ADOPT: 6400
 03/15/12 AMEND: 2690
 02/16/12 AMEND: 2498.6
 02/13/12 AMEND: 2202
 02/08/12 AMEND: 2222.12
 02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
 01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
 01/11/12 AMEND: 260.204.9
 01/09/12 AMEND: 2699.6707
 12/19/11 AMEND: 2498.5
 12/19/11 AMEND: 2498.4.9
 12/19/11 AMEND: 2498.6
 12/09/11 AMEND: 2698.302
 12/09/11 AMEND: 2699.301

Title 11

04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
 03/14/12 AMEND: 1005, 1007, 1008
 01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 12/28/11 AMEND: 101.1
 12/27/11 AMEND: 4001, 4002, 4003, 4004, 4005, 4006, 4016, 4017, 4018, 4019, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141,

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	4142, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 5455, 5459, 5469, 5470, 5471, 5473, 5480, 5482, 5483, 5484, 5495, 5499 REPEAL: 4020, 4038, 4088, 4089, 4143, 5472, 5481, 5470, 5471	12/20/11	ADOPT: 4970.24.2 AMEND: 4970.00, 4970.01, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.15.1, 4970.15.2, 4970.19, 4970.19.1, 4970.23.1, 4970.23.2, 4970.24, 4970.25.2, 4970.25.3
12/15/11	AMEND: 101.2		
12/08/11	ADOPT: 117.1		
Title 13			
04/19/12	ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26	12/09/11	AMEND: 15062, 15075, 15094, Appendix D and Appendix E
04/10/12	ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72	12/08/11	AMEND: 632
02/29/12	AMEND: 553	12/07/11	AMEND: 870.17, 870.19
02/13/12	REPEAL: 158.00	Title 15	
12/14/11	AMEND: 2025	04/11/12	AMEND: 3187, 3188
12/14/11	AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2 REPEAL: 2449.2	04/09/12	AMEND: 3172.2
Title 14			
05/01/12	AMEND: 27.80	04/05/12	AMEND: 3341.5, 3375.2, 3377.1
05/01/12	ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877	04/02/12	ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
05/01/12	AMEND: 791.7, 870.17	03/28/12	ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
04/30/12	AMEND: 632	03/19/12	ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
04/27/12	AMEND: 228, 228.5	03/12/12	ADOPT: 3999.11
04/05/12	AMEND: 28.29, 52.10, 150.16	03/08/12	ADOPT: 8006
04/03/12	ADOPT: 791.6 AMEND: 791.7, 795, 796	03/08/12	AMEND: 3315, 3323
03/28/12	AMEND: 11900, 11945	02/22/12	AMEND: 173
03/26/12	AMEND: 11960	02/22/12	ADOPT: 4845, 4849, 4853, 4854, 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 4983.5 AMEND: 4846, 4847, 4848, 4848.5, 4850, 4852, 4900, 4925, 4926, 4927, 4928, 4929, 4935, 4936, 4937, 4938, 4939, 4940, 4977, 4978, 4979, 4980, 4981, 4982, 4983
03/22/12	AMEND: 27.80	01/19/12	ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
02/24/12	AMEND: 29.15	01/11/12	REPEAL: 3999.8
02/13/12	AMEND: 29.17, 127	01/05/12	AMEND: 3140
02/08/12	AMEND: 1257	12/22/11	AMEND: 3052, 3062
01/31/12	AMEND 29.15	12/20/11	AMEND: 3040.1, 3043, 3043.6, 3044, 3045.1
01/26/12	ADOPT 18940, 18941, 18942, 18943, 18944, 18945, 18945.1, 18945.2, 18945.3, 18946, 18947, 18948	12/13/11	ADOPT: 3504.1, 3504.2
01/25/12	AMEND: 18419	12/09/11	AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
01/23/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	Title 16	
01/09/12	AMEND: 7.00, 7.50(b)(68)	04/27/12	AMEND: 407, 428
01/05/12	ADOPT: 749.7	04/26/12	AMEND: 3605
01/05/12	AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18	04/23/12	AMEND: 3005
12/20/11	AMEND: 11900	04/16/12	ADOPT: 2295, 2295.1, 2295.2, 2295.3 AMEND: 2252, 2275, 2284
		03/30/12	AMEND: 3340.43, 3394.3, 3394.4, 3394.5, 3394.6, 3394.7
		03/29/12	AMEND: 109, 116, 117, 121

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03/19/12	AMEND: 4155	01/17/12	AMEND: 50602, 50604, 50607, 50612, 54326
03/08/12	AMEND: 318	12/27/11	ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370
03/07/12	AMEND: 2615, 2620	12/15/11	AMEND: 6020, 6035, 6051, 6065, 6070, 6075
03/07/12	AMEND: 1889.2 REPEAL: 1832.5	12/14/11	ADOPT: 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157 AMEND: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95130, 95131, 95132, 95133 REPEAL: 95125
03/07/12	AMEND: 2615, 2620	12/13/11	ADOPT: 95801, 95802, 95810, 95811, 95812, 95813, 95814, 95820, 95821, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95850, 95851, 95852, 95852.1, 95852.1.1, 95852.2, 95853, 95854, 95855, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95940, 95941, 95942, 95970, 95971, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95977.2, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95982, 95983, 95984, 95985, 95986, 95987, 95988, 95990, 95991, 95992, 95993, 95994, 95995, 96010, 96011, 96012, 96013, 96014, 96020, 96021, 96022
02/27/12	AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2	12/12/11	ADOPT: 95312 AMEND: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311
02/16/12	AMEND: 1397.60, 1397.61, 1397.62, 1397.63, 1397.64, 1397.65, 1397.66, 1397.67, 1397.68, 1397.69, 1397.70, 1397.71	Title 18	
02/09/12	AMEND: 28 REPEAL: 30	05/01/12	AMEND: 1685.5
02/08/12	ADOPT: 1018.05 AMEND: 1020	03/26/12	ADOPT: 25137-8.2 AMEND: 25137-8 (re-numbered to 25137-8.1)
02/01/12	ADOPT 3340.16.4 AMEND 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1 3340.16.4 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1	02/27/12	ADOPT: 25136-2
01/19/12	ADOPT: 1379.40, 1379.42, 1379.44, 1379.46, 1379.48, 1379.50, 1379.52, 1379.54, 1379.56, 1379.58, 1379.68, 1379.70, 1379.72, 1379.78	02/07/12	AMEND: 1807, 1828
01/17/12	ADOPT: 1707.6 AMEND: 1707.2	01/11/12	AMEND: 1616
01/11/12	AMEND: 109, 117, 121	01/09/12	AMEND: 1532, 1533.1, 1534, 1535
01/10/12	AMEND: 12, 12.5, 98 REPEAL: 9, 11.5	12/27/11	AMEND: 1570
01/10/12	AMEND: 2328.1	Title 19	
01/06/12	ADOPT: 3340.38	02/16/12	ADOPT: 560.4 AMEND: 557.19, renumber 560.4, 560.5, and 560.6 as 560.5, 560.6, and 560.7, respectively
12/28/11	AMEND: 1399.157, 1399.160, 1399.160.3, 1399.160.6	Title 22	
12/22/11	ADOPT: 601.6, 601.7, 601.8, 601.9, 601.10 AMEND: 600.1	04/11/12	AMEND: 97174
12/12/11	AMEND: 1361	03/15/12	ADOPT: 123000 and Appendices REPEAL: 123000 and Appendices
Title 17		02/21/12	AMEND: 51003
04/18/12	AMEND: 100607, 100608		
03/28/12	AMEND: 100080		
03/15/12	ADOPT: 58883		
03/15/12	AMEND: 6020, 6035, 6051, 6065, 6070, 6075		
03/12/12	AMEND: 95307		
02/21/12	AMEND: 95486		
02/15/12	AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943		
01/26/12	AMEND 6540		

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

Title 23

04/23/12 ADOPT: 3979.4

04/10/12 AMEND: 2631
04/09/12 ADOPT: 3969.1
04/05/12 AMEND: 645
03/21/12 ADOPT: 3969
03/21/12 ADOPT: 3939.41
03/21/12 ADOPT: 3939.44
03/15/12 ADOPT: 3939.43
03/12/12 AMEND: 2922
03/09/12 ADOPT: 3919.11
02/29/12 ADOPT: 3939.42
02/27/12 ADOPT: 3919.12
02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27
AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14,
16, 17, 23 (re-numbered to 28), 103, 109,
110, Appendix A REPEAL: 20, 21, 22
12/29/11 ADOPT: 862
12/20/11 ADOPT: 3929.8
12/19/11 ADOPT: 3939.40

Title 25

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

Title 27

03/26/12 AMEND: 25705
03/15/12 AMEND: 25705
01/25/12 AMEND: 27001
01/09/12 AMEND: 25705

Title MPP

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