



California Regulatory Notice Register

REGISTER 2013, NO. 20-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 17, 2013

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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.

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

PROPOSED ACTION ON REGULATIONS

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TITLE 2. CITIZENS REDISTRICTING COMMISSION

NOTICE OF INTENTION TO ADOPT A CONFLICT-OF-INTEREST CODE OF THE CITIZENS REDISTRICTING COMMISSION

NOTICE IS HEREBY GIVEN that the Citizens Redistricting Commission, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its Conflict-of-Interest Code.

The Citizens Redistricting Commission proposes to adopt 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. A written explanation of why each position was selected and the reasons for the disclosure category is available.

The Citizens Redistricting Commission is responsible for drawing Assembly, Senate, Congressional and Board of Equalization voting districts. Copies of the proposed 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 code by submitting them in writing no later than July 1, 2013, 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 16, 2013, by contacting the Contact Person set forth below.

The Citizens Redistricting Commission has determined that the proposed code:

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.

All inquiries should be directed to:

Citizens Redistricting Commission
 Attn: Christina Shupe
 915 Capitol Mall, Suite 200, Sacramento CA 95814
 (916)709-6303 / christina.shupe@crc.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 20th, 2013**, at the Isaac Newton Senter Auditorium at 70 W. Hedding Street, San Jose, CA 95110, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on June 18, 2013.**

BACKGROUND/OVERVIEW

In 2010, the Commission authorized a task force to gather information regarding updating the Act and its regulations in the digital age. The result, after two informative hearings, hours of testimony, and input from a variety of sources, was the Commission-approved report: *Internet Political Activity and the Political Reform Act*. Timothy Hodsen and Elizabeth Garrett, then-Commissioners, chaired this sub-committee that heard public testimony on two occasions. The resulting report highlighted the need for greater disclosure of online activity as a bulk of campaign activity now occurs digitally.

The report explicitly delineated between bloggers (online commentators who are paid by a campaign) and

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

individuals who blog or otherwise publicize online independently from any campaign. The report made clear the difference between political activity, paid for by a campaign committee, in which the public has an interest in disclosure, and activities of individuals not compensated by a campaign but simply expressing their own political views online. The proposed regulation addresses only the former.

Currently, the Act's expenditure reporting provisions in Section 84211(k) require that committees disclose expenditures over \$100 made during a campaign period. In addition, the subvendor reporting provisions of the Act state that the person who provides consideration for a payment of \$500 or more, whether or not that person is the payee, must be reported. (Sections 84211(k)(6) and 84303; Regulation 18431.) Regulation 18401 provides committees guidance in recordkeeping for reporting purposes, and Regulation 18401(a)(4) instructs that a campaign maintain records for expenditures of \$25 or more, including the payee as well as the underlying vendor providing the goods or services.

A committee that files a Form 460 must enter the name and address of the payee, the person providing services if applicable, and enter a code, if applicable, and a description if no code applies. Currently, there is no code for the type of activity encompassed in this regulation. Staff has been informed that the Secretary of State's office, responsible for maintaining and receiving the Form 460, cannot make any changes in the expenditure coding at present because of the precarious state of the Cal-Access system. For this reason, all reporting of this type would also include a description of the payment in the field the form provides.

As the subcommittee recommended, proposed Regulation 18421.5 requires that a committee report the following information on its Form 460: name of recipient of payment, name of person providing services, and name of websites or web addresses on which the communications (whether, blog, tweet, social media site, etc.) appear. The disclosure would apply to all paid communications for Internet Activities and would be reported in the aggregate to a particular payee or service-provider. By requiring the committee to report the payee and the service-provider, the regulation intends for committees to disclose those people they pay who are actually providing content for an Internet forum and the specific website URL where the content appears.

As in Regulation 18215.2, proposed Regulation 18421.5 only applies to *compensated* Internet activities for which a political committee pays. As the Federal Election Commission observed in its final rules addressing political Internet activity, "[A] communication through one's own website is analogous to a communication made from a soapbox in a public square." Thus, when an uncompensated individual simply links to a

political website or communication, this activity is not sufficient to create coordination with a campaign or to trigger regulation under the PRA.

Additionally, Regulation 18421.5 applies to recipient committees, as defined in Section 82013(a), that would already be required to disclose expenditures and file a Form 460. Staff does not intend to create a reporting requirement on any individual, especially those who are unpaid Internet participants. This regulation addresses those recipient committees that pay bloggers or others who engage in Internet activity with no explicit disclosure. The people have the right and the desire to know if the opinions they are absorbing generate from a payment and from whom.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18421.5:

Proposed Regulation 18421.5 addresses an aspect of the Commission's focus on updating the Act for the new millennium. Currently, by reading expenditure reports, one cannot see expenditures made to support services related to Internet web logs ("blogs"), newsletters, or social media. A "blog" (short-form for "web log") is typically a space on the Internet where a person expresses his or her thoughts, promotes ideas, products, services, or any other topic one can imagine. This regulation would require greater transparency in such paid online communications.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 84211.

CONTACT

Any inquiries should be made to Heather M. Rowan Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 10. DEPARTMENT OF REAL ESTATE

**CITATION & FINE IMPLEMENTATION
BUSINESS & PROFESSIONS CODE
SECTION 10080.9**

NOTICE IS HEREBY GIVEN

The Commissioner (“Commissioner”) of the Department of Real Estate (“Department”) proposes to adopt the proposed regulations below after considering all comments, objections, and recommendations regarding the proposed action.

AUTHORITY AND REFERENCE

Section 10080 of the Business and Professions Code (“the Code”) authorizes the Commissioner to adopt regulations that are reasonably necessary for the enforcement of the provisions of the Real Estate Law (Code Sections 10000 et. seq.). This proposal is designed to implement, interpret, and make specific Code Section 10080.9, which went into effect on January 1, 2012. The proposed regulatory sections also reference Code Sections 10106, 10130, 10166.02, 10167.2, and 10177; and Government Code Sections 8311 and 11505.

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 Commissioner addressed as follows:

Regular Mail

Department of Real Estate
Attn: Daniel E. Kehew, Sacramento Legal Office
2201 Broadway
Sacramento, CA 95818

Electronic Mail

DRERegulations@dre.ca.gov

Facsimile

(916) 227-9458

Comments may be submitted until 5:00 p.m., Monday, July 1, 2013.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

**ISSUES COMMON TO THE
ENTIRE PROPOSAL**

These sections address the need to implement, interpret, and make specific the provisions of Section 10080.9 of the Code. That statutory section authorizes the Department to issue Citations and Fines as part of its disciplinary spectrum. The Commissioner proposes to add Sections 2907.1, 2907.2, 2907.3, and 2907.4 within Chapter 6, Title 10 of the California Code of Regulations (“Regulations”).

**DETERMINATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING STATE REGULATIONS**

The Commissioner has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commissioner has concluded that these are the only regulations relating to issuance of citations and associated fines to real estate licensees in California.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

ADOPTION OF SECTION 2907.1

This section addresses the need to implement and make specific the provisions of Section 10080.9 of the Code. That statutory section does not describe (1) de-

tails regarding citation processing from issuance through correction of the violation(s) and (2) the specific requirements imposed upon a person or entity cited that, if not met, may result in further disciplinary action.

**PURPOSE, BENEFITS, AND GOALS
OF SECTION 2907.1**

This section is designed to describe, in chronological order, the basic process for issuance of a citation and correction of the violations described in a given citation. The regulation promotes fairness of process through provision of a “roadmap” to a licensee or non-licensee subject to a citation regarding the standard for the process and his/her/its responsibility to respond to a citation. The regulation also provides a standard for use by the Department and administrative law judges when gauging whether a respondent has responded adequately to issuance of a citation.

By subdivision, the section sets out:

- (a) The scope of discipline.
- (b) The range of entities that may be subject to such discipline.
- (c) The nature of a citation document itself and the information it must provide to the respondent.
- (d) The minimum standard for service of a citation.
- (e) The time allowed to comply with a citation’s order.
- (f) An allowance for extension of the time to comply for good cause.

NECESSITY OF SECTION 2907.1

This section offers the basic rules regarding citations that render any disciplinary matter enforceable — the “who, what, when, where, and how,” without which a person or entity subject to discipline may attempt to challenge the Department’s action as unfair or arbitrarily enforced.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

ADOPTION OF SECTION 2907.2

This section addresses the need to implement and make specific the provisions of Section 10080.9 of the Code. In particular, that statutory section does not describe considerations involved in application of this level of discipline or setting the amount of an administrative fine for the violation(s) described in a citation. Although the statute describes a maximum amount to be assessed in a given fine, that language does not clear-

ly address the possible compounding of fines. Department staff understand that such compounding was not the author’s intent with regard to licensee discipline (as opposed to citations issued to unlicensed persons), and the proposed regulation addresses that issue.

**PURPOSE, BENEFITS, AND GOALS
OF SECTION 2907.2**

Subdivision by subdivision, this section is designed to:

- (a) Set out the factors involved in gauging the seriousness of the licensee’s violation or violations that may result in application of citation and the setting of a fine, dependent on the facts and circumstances of the violation.
- (b) Clarify that where there are multiple violations involved in the same Departmental investigation of a licensee, yet the totality of the offenses does not warrant more substantive disciplinary action (specifically, filing of an Accusation), only a single citation shall issue with a maximum of \$2,500 assessed.
- (c) Set out the additional factors involved when an unlicensed person or entity engages in activity requiring a license that may result in the increase of a fine above the minimum amount, depending on the facts and circumstances of the violation.

NECESSITY OF SECTION 2907.2

Functioning much like the “Criteria for Rehabilitation” that appear in Section 2911 and 2912 of the Regulations, this section offers guidance regarding those factors that will be considered when establishing the relative seriousness, and therefore cost to the violator, of the offenses subject to citation. Absent such a set of criteria, a person (or entity) subject to this level of discipline may attempt to challenge the Department’s action as unfair or arbitrarily enforced. However, such criteria allow needed flexibility (within the very limited confines of a \$0 to \$2,500 penalty range) to deal with the wide variety of facts and circumstances that may occur in any particular violation.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

ADOPTION OF SECTION 2907.3

This section addresses the need to implement and make specific the provisions of Section 10080.9 of the Code. In particular, that statutory section does not describe the appeal process that a person or entity may fol-

low to challenge the issued citation or level of fine assessed. Although a hearing process under the Government Code is referenced by the statute and does function as the standard “due process” for challenges to Department actions, that process carries expenses to both the Department and respondent that are disproportionate to the level of discipline and fine amounts described in Section 10080.9 of the Code.

PURPOSE, BENEFITS, AND GOALS
OF SECTION 2907.3

The section sets out the aspects of a citation that are subject to challenge via this process. This section also describes, in chronological order, the due process for appeal of a citation and/or fine. In doing so, the regulation provides two opportunities to challenge the discipline. The first is an informal conference with a person designated by the Commissioner for this role, designed to keep the appeal process for this low level of discipline economically efficient for both the respondent and the Department. The second is the formal hearing process applicable to all discipline matters.

NECESSITY OF SECTION 2907.3

Respondents must have a means to challenge governmental decisions, such as the issuance of a citation or imposition of a certain level of fine; this is basic, Constitutional “due process.” The formal hearing needed to resolve a disputed Accusation, however, is an expensive proposition. See the cost analysis describing the formal hearing process, provided with the Economic and Fiscal Impact Statement (“STD. 399”) relating to Section 2907.3, enclosed with this regulations package.

Up to 2012, the Department absorbed the cost of such disciplinary actions. With the adoption of Section 10106 of the Code, the Department now has the ability to request reimbursement from a respondent for some of the Department’s expenses in preparing for a hearing. Yet other Departmental costs, such as the expenses charged to the Department by the Office of Administrative Hearings, are not reimbursable. On the other side of the disciplinary dispute, even where such a reimbursement request is not made, the respondent licensee or unlicensed person faces costs in terms of preparation, legal representation, and lost work time when attending a formal hearing.

Where the dispute between the respondent and Department regards a fine of \$2,500 or less, such an expensive “due process” option should be a last resort, rather than a first resort, for the sake of both the respondent and the Department.

INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW

ADOPTION OF SECTION 2907.4

This section addresses the need to implement and make specific the provisions of Section 10080.9 of the Code. In particular, that statutory section does not describe the time frame for completion of payment for an assessed fine.

PURPOSE, BENEFITS, AND GOALS
OF SECTION 2907.4

This section sets out the time frame for payment of an administrative fine, depending (as appropriate) upon whether a citation and/or fine is subject to appeal and the length of the appeal process. This section also reinforces the statute’s requirement regarding a person (or corporate entity) who fails to pay an assessed fine or otherwise fails to comply with the terms of a citation.

NECESSITY OF SECTION 2907.4

Section 10080.9 of the Code is silent regarding standards for timing of compliance with the penalties assessed via citation. This section sets out a reasonable, justifiable, and enforceable standard for compliance regarding payment of fines.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF
REASONS, TEXT OF PROPOSED
REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from the Sacramento offices of the Department. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact per-

son designated below. These documents are also available at the Department's website at www.dre.ca.gov. As required by the Administrative Procedure Act, the Department's Sacramento Legal Office maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Real Estate, 2201 Broadway, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

CONSIDERATION OF ALTERNATIVES

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

(Pursuant to Government Code Section 11346.3(b))

The Department has conducted an Economic Impact Assessment, and that document is relied upon in reaching these results:

- The proposal does not significantly affect the creation or elimination of jobs within the State of California.
- The proposal does not significantly affect the creation of new businesses or the elimination of existing businesses within the State of California.
- The proposal does not significantly affect the expansion of businesses currently doing business within the State of California.
- The proposal will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. By implementing, interpreting, and clarifying this new level of discipline within the spectrum of disciplinary actions available to the Department, the proposal will benefit the general welfare of California

residents by ensuring that licensees and unlicensed persons abide by the Real Estate Law and the protections that law affords the public.

INITIAL DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- There may be a cost savings to the Department of Real Estate. (Statement of Determination required by Government Code section 11346.5(a)(6).)
- Does not create a cost nor impose a mandate (nondiscretionary cost or savings) on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. (Statements of Determination required by Government Code section 11346.5(a)(6).)
- Does not create a cost or savings regarding federal funding to the state. (Statement of Determination required by Government Code section 11346.5(a)(6).)
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department has determined that there may be a modest cost savings, when compared to the expense of full license discipline process, to individuals (including corporate licensees) who have committed minor or technical violations of the Real Estate Law.

EFFECT ON SMALL BUSINESS

The Department has determined that there may be a modest cost savings, when compared to the expense of full license discipline process, to individuals (including small businesses) who have committed minor or technical violations of the Real Estate Law.

CONTACT PERSON

Inquiries concerning this action may be directed to Daniel Kehew at (916) 227-0425, or via email at DRERegulations@dre.ca.gov. The backup contact person is Mary Clarke at (916) 227-0780.

**TITLE 14. BOARD OF FORESTRY AND
FIRE PROTECTION**

NOTICE OF PROPOSED RULEMAKING

[Notice Published May 17, 2013]

**“Northern Spotted Owl Protection Measures
Amendments, 2013”**

**Title 14 of the California Code of Regulations
(14 CCR):**

Division 1.5, Chapter 4, Subchapters 4, 5, and 6,

Article 9 — Wildlife Protection Practices

Amend:

**§ 919.9, § 939.9 — Northern Spotted Owl [Coast,
Northern Forest Districts]**

**§ 919.9(g), § 939.9(g) — Northern Spotted Owl
[Coast, Northern Forest Districts]**

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to amend existing Forest Practice Rules pertaining to the protection of Northern Spotted Owls (NSO). The proposed amendments are in response to a petition for rulemaking brought before the Board by the Environmental Protection Information Center (EPIC) pursuant to Government Code Section 11340.6.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, July 10, 2013, starting at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regula-

tory action to the Board. The written comment period ends at 5:00 p.m., on Tuesday, July 2, 2013.

The Board will consider only written comments received at the Board office by that time and those written comments received in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416^{9th} Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Public Resources Code Sections 4511, 4551 and 4551.5. Reference: Public Resources Code Sections 4512, 4513, 4553, and 4582; and Government Code Section 11340.6.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Pursuant to the Z’berg-Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands. Public Resources Code Section 4551 requires, among other things, that the Board adopt rules to “protect the soil, air, fish and wildlife, and water resources.” The Board may also receive petitions for forest practice rulemaking from independent parties in accordance with Government Code Section 11340.6.

At its March 6, 2013 meeting, the Board considered a petition for rulemaking from the Environmental Protection Information Center (EPIC).

The petitioners sought to delete a portion of the Forest Practice Rules for the protection of Northern Spotted Owl. The Board accepted the petition and directed staff to produce a 45-day Notice of Rulemaking for the deletion of 14 CCR 919.9 [939.9] subsection (g).

In support of their petition, representatives of EPIC described the benefits of deleting the rule section as achieving consistency with the best available science on the species; relieving the Board and the Department of Forestry and Fire Protection (*CAL FIRE*) of the responsibility for NSO take determinations for which the agencies lack statutory authority; streamlining agency review of timber harvesting plans through reduction of the necessity for evaluation of timber harvesting plan provisions for NSO; and elevating the standards for NSO protection such that “older, healthier” forests are created and retained.

Whether or not adoption of the proposed regulation to delete 14 CCR 919.9 [939.9] subsection (g) will have an effect on the level of environmental protection is unclear. The petitioners have attempted to demonstrate a linkage between subsection (g) and unlawful “take” of NSO. However, the data provided with the petition to support the contention is not conclusive. The petitioner, EPIC also claims that deletion of subsection (g) will have little practical effect because it is only used by a small number of timber producers. Testimony from *CAL FIRE* representatives and timber producers seems to indicate that most timber harvesting plans rely upon other available NSO protection options (subsections (d) and (e)) in Section 919.9 [939.9]. A much smaller number of producers utilize subsection (g), but augment it with additional protections based upon guidance from the United States Fish and Wildlife Service (USFWS). Based upon this limited testimony, it is possible deletion of subsection (g) would not create significant impacts to timber producers as postulated by EPIC. More exhaustive testimony from a wider segment of timber producers of varying scales will be necessary for a more complete determination of the proposed rulemaking’s practical effects.

The proposed regulation is not expected to have an effect upon public health and safety, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed regulation expected to result in an increase in the openness and transparency in business and government. The proposed regulation is consistent and compatible with existing Forest Practice Rules for the protection of wildlife.

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

- The results of the economic impact assessment prepared pursuant to GC § 11346.5(a)(10) for this proposed regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies.
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- While it may be speculated that the proposed regulation could benefit the environment, it is not expected to affect the health and welfare of California residents or improve worker safety.
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on 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. The cost of timber harvest planning and operational mitigations are not likely to be significantly affected by the proposed regulation.
- Effect on small business: No effect to small business is anticipated as the process for Northern Spotted Owl protection is expected to remain consistent regardless of the disposition of this rule amendment proposal.
- Mandate on local agencies and school districts: None.
- Costs or savings to any State agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the State: None.
- Significant effect on housing costs: None.
- The proposed rules do not conflict with, or duplicate Federal regulations. The Northern Spotted Owl (NSO) is a federally listed species.

The State Forest Practice Rules for owl protection rely heavily upon consultation with the United States Fish and Wildlife Service. The Forest Practice Rule provisions for NSO are intended to be complementary to the USFWS guidelines for NSO “take avoidance.”

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5 (a)(13), the Board must determine that no reasonable alternative it considers 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 provision of law.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
 Attn: Eric Huff
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244-2460
 Telephone: (916) 653-9633

The designated backup person in the event Mr. Huff is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection. Mr. Gentry may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been

prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address.

All of the above referenced information is also available on the Board web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Wildlife, proposes to amend Section 820.01 in Subdivision 4, Chapter 3, Subchapter 3 of Title 14 of the California Code of Regulations. This subchapter per-

tains to Drills and Exercise Requirements for Oil Spill Contingency Plans.

PUBLIC HEARINGS

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

July 9, 2013

Port of Long Beach
Administration Building
925 Harbor Plaza
Long Beach, CA
Sixth Floor Board Room
10:00 a.m.

July 11, 2013

Bay Model Visitor's Center
2100 Bridgeway
Sausalito, CA
10:00 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on July 11, 2013**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

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

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or

oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.10 grants the Administrator of OSPR the authority to carry out announced and unannounced drills and exercise to test the elements of an oil spill contingency plan. Government Code Sections 8670.28 and 8670.29 outline the requirements for an oil spill contingency plan. Accordingly, the proposed regulations implement, interpret and make specific government Code Sections 8670.10, 8670.28 and 8670.29.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

The Act mandates that all vessel and marine facility owner/operators shall be prohibited from entering or operating in marine waters without first obtaining an Oil Spill Contingency plan. The Administrator has the authority to require Plan Holders to carry out announced and unannounced drills and exercise to test the elements of an oil spill contingency plan. Pursuant to the authority in the Act, OSPR currently has regulations (Title 14, CCR Section 820.01) which establish procedures for conducting drills and exercises of a Plan Holders' oil spill contingency plan.

This proposal would amend the regulations as follows:

○ A requirement has been added for tank vessels and nontank vessels to test all exercise objectives, as described, once every 3 years in California. The exercise scenario shall include an oil spill of sufficient size to adequately test all of the objectives, taking into account the Reasonable Worst Case Spill Volume of the facility and vessel.

○ Drill/exercise scheduling has been clarified and limitations have been added. This is to ensure that the Administrator is given the opportunity to help design, attend and evaluate all required table-top exercises and equipment deployment drills.

○ The drill/exercise objectives have been rewritten to be more performance-based and measurable. The old "California-specific" objectives are no longer identified separately. Additionally, the objectives are organized according to the Incident Command Structure as outlined in the U.S. Coast Guard Incident Management Handbook.

○ Separate objectives have been added for Small Marine Fueling Facilities, Mobile Transfer Units, and Vessels Carrying Oil as Secondary Cargo; and Equipment Deployment Drills.

○ Drill/exercise documentation has been simplified.

○ A Reconsideration and Hearing process has been added, for a Plan Holder to request reconsideration of OSPR's drill/exercise report and any noted deficiencies.

○ Clarifications have been made to potential substitutions for required drills/exercises.

○ Numerous formatting and non-substantive changes have been made.

○ Several forms have been Incorporated by Reference, to more consistently and efficiently gather the needed information for drill/exercise notification, evaluation and credit.

POLICY STATEMENT OVERVIEW

Both the current and new proposed regulations specify that at least once every three years a Spill Management Team (SMT) exercise must be conducted in California. Currently, in addition to the objectives that are modeled on the U.S. Coast Guard National Preparedness for Response Exercise Program (NPREP), OSPR has requirements for California-specific objectives. These California-specific objectives can only be met during a exercise held in California, or they can be met during an out-of-state exercise when a scenario based in California is used and an approved Independent Drill Monitor (IDM) provides the evaluation. Because once every three years a SMT exercise has to be held in California anyhow, the Plan Holders take the opportunity to conduct large California-based exercises to meet not only the California-specific objectives, but all the required objectives. Therefore, for the large majority of plans holders who have been conducting a comprehensive exercise one every three years in California, these new requirements would not result in any additional costs.

If these new requirements did result in an additional large exercise, the costs could be in the range of \$70,000 to \$125,000 depending on the size and scope of the exercise. Smaller scale exercises would result in significantly less costs. And these costs would potentially be incurred only once every three years. Additionally, many plan holders use these exercises to meet other requirements imposed by their own company or other agencies.

The proposed regulations will provide benefits to the health and welfare of California residents, worker safe-

ty, and the state's environment, by ensuring that facilities and vessels are adequately trained and prepared to respond to an oil spill in California marine waters, which could potentially eliminate or mitigate the impacts of the spill on the environment.

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

SMALL BUSINESS IMPACT STATEMENT

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

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

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

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

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

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

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

Cost impacts on representative private persons or businesses: Many, if not most vessel Plan Holders already do large exercises in California that would meet the requirements of these regulation amendments. If these new requirements did result in an additional large exercise, the costs could be in the range of \$70,000 to \$125,000 depending on the size and scope of the drill. Smaller scale exercises would result in significantly less costs. And these costs would potentially be incurred only once every three years. Additionally, many Plan Holders use these exercises to meet other requirements imposed by their own company or other agencies.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

OSPR has made an initial determination that the proposed amendments will not have a significant statewide

adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations:

- Will not result in the creation or elimination of jobs within the State of California;
- Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;
- Will not result in the expansion of businesses currently doing business within the State of California.
- Will provide benefits to the health and welfare of California residents, worker safety, and the state’s environment, by ensuring that marine facilities and vessels are adequately trained and prepared to respond to an oil spill in California marine waters, which could potentially eliminate or mitigate impacts of the spill on the environment.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

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

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

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

[http://www.dfg.ca.gov/ospr/Law/
regs_under_review.asp](http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp)

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin–Jones ((916) 327–0910), or Barbara Foster ((916) 327–9406).

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter “Board”) is proposing to add regulations described in the Informative Digest below. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board of Chiropractic Examiners at its office no later than 5:00 p.m. on July 1, 2013.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 15 days before the close of the written comment period.

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

Authority and Reference: Pursuant to the authority vested by sections 1000–4(b) and 100010 of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii); and to implement, interpret or make specific sections 1000–4(b), 1000–7 and 1000–10 of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii); the board is considering changes to Title 16, Division 4, Article 2 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Chiropractic Initiative Act Section 1000–4(b) authorizes the board to adopt regulations as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public.

This proposal would establish a standard of care or procedures under which Extracorporeal Shock Wave Therapy involving the use of anesthesia or anesthetic may be performed by chiropractors and establish enforcement authority for the Board to discipline licensees who fail to comply with this proposal. This proposal will promote consumer protection by clearly defining the scope of the health care practitioners' role during this therapy and limiting the type of technology which may be used.

The Board is proposing to make the following changes:

1. Add Section 318.2(a)

This proposal would add section 318.2(a) to define the type of facility in which ECSW therapy involving anesthesia or anesthetic may be performed at a hospital that is licensed by the California Department of Public Health, Licensing and Certification Program or an ambulatory surgery center that is licensed by the California Department of Public Health, Licensing and Certification Program, operating pursuant to section 1248.1 of the Health and Safety Code or accredited by an agency approved by the Medical Board of California pursuant to Chapter 1.3 of Division 2 of the Health and Safety Code (commencing with section 1248).

2. Add section 318.2(b).

This proposal would add section 318.2(b) to prohibit the provision of ECSW therapy involving anesthesia or anesthetic in a mobile van as defined in subdivision (h) of section 1248.1 of the Health and Safety Code.

3. Add section 318.2(c).

This proposal would add section 318.2(c) identify and authorize physicians and surgeons or other California licensed health care providers authorized under California law to administer anesthesia as the only person who shall administer anesthesia to patients during ECSW therapy under anesthesia.

4. Add Section 318.2(d).

This proposal would add section 318.2(d) to require a patient to undergo an examination by a California licensed physician and surgeon prior to receiving ECSW therapy involving the use of anesthesia or anesthetic from a chiropractor.

5. Add Section 318.2(e).

This proposal would add section 318.2(e) to prohibit a chiropractor from directing, instructing, interfering, or making orders to the physician and surgeon or other health care provider who is administering and maintaining the anesthesia.

6. Add Section 318.2(f).

This proposal would add section 318.2(f) to clarify that ECSW therapy involving the use of anesthesia or anesthetic shall be performed by a licensed and competent doctor of chiropractic who shall formulate the ECSW therapy treatment plan and be responsible for performing the ECSW therapy for that procedure. This section would further clarify that ECSW therapy is limited to ultrasound technologies within the scope of practice of a chiropractor.

7. Add Section 318.2(g).

This section would add section 318.2(g) to prohibit the chiropractor from being involved in or interfering with the physician and surgeon or other health care provider in the discharge of the patient following the ECSW therapy procedure.

8. Add Section 318.2(h).

This section would add section 318.2(h) to establish a failure by the chiropractor to follow the standard of care contained in this proposal when performing ECSW therapy involving the use of anesthesia or anesthetic as unprofessional conduct.

9. Add Section 318.2(i).

This section would add section 318.2(i) to define ECSW involving the use of anesthesia or anesthetic as an ultrasound based technology used to break up fibrotic scar tissues or calcifications within musculoskeletal soft tissues of a patient who is sedated by the administration of anesthesia by a physician and surgeon or other health care provider who is legally authorized to administer anesthesia.

10. Add Section 318.2(j).

This section would add section 318.2(j) to clarify that nothing in this proposal shall be construed to authorize a licensed doctor of chiropractic to perform an ablative procedure.

POLICY STATEMENT
OVERVIEW/ANTICIPATED BENEFITS
OF PROPOSAL

The health and safety of chiropractic patients will be strengthened through this proposal by setting a standard of care for the ECSW therapy involving the use of anesthesia or anesthetic to ensure that the health care practitioners providing the therapy and anesthesia are providing treatment within their scope of practice and for which they have been properly trained. Additionally,

this proposal will enhance the Board's enforcement authority to discipline licensees who fail to comply with this proposal.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for which Government Code Sections 17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial 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.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

Effect on Small Business:

The Board has determined that this regulatory proposal would not have an adverse effect on small businesses. Although chiropractic offices are considered a small business, this proposal will not impose any fiscal effect upon them. This proposal would simply set a standard of care for chiropractors who offer ECSW therapy under anesthesia for the safety of their patients.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing

businesses or the expansion of businesses in the State of California.

Benefits of Regulations:

The health and safety of chiropractic patients will be strengthened through a standard of care for the provision of ECSW therapy involving the use of anesthesia or anesthetic through a clear definition of the roles in which the licensed doctor of chiropractic and physician and surgeon or other health care provider legally authorized to administer anesthesia must adhere to when providing this therapy. This proposal will also define the technologies which are appropriate for this therapy, which would prohibit a licensed doctor of chiropractic from using technology outside of the chiropractic scope of practice.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements in writing relevant to the above determinations to the address provided above.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all the information, upon which the proposal is based, may be obtained upon written request from:

Dixie Van Allen, Program Analyst
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
(916) 263-5329
Fax (916) 263-5369
dixie.vanallen@CHIRO.ca.gov

AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, www.chiro.ca.gov.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Dixie Van Allen, Program Analyst
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, California 95833
Telephone: (916) 263-5329
Fax: (916) 263-5369
E-mail: dixie.vanallen@CHIRO.ca.gov

The backup contact person is:

Name: Robert Puleo
Address: 2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
Telephone: (916) 263-5355
Fax: (916) 263-5369
E-mail: chiro.info@chiro.ca.gov

Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.

**TITLE 21. DEPARTMENT OF
TRANSPORTATION**

Division 2. PUBLIC WORKS

NOTICE OF PROPOSED RULEMAKING

The Department of Transportation (Caltrans) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Caltrans will hold public hearings at the time and place listed below. At the hearing, any person may present statements orally or in writing relevant to the proposed action described in the Informative Digest.

Monday, July 1, 2013, 4:00–6:00 p.m.
Caltrans Headquarters
Auditorium, Basement Level
1120 N Street
Sacramento, CA 95814

Wednesday, July 3, 2013, 4:00–6:30 p.m.
Garcia Room
Caltrans District 11 Office
4050 Taylor Street
San Diego, CA 92110

Tuesday, July 9, 2013, 5:30–7:30 p.m.
El Sereno Library
5226 S. Huntington Drive
Los Angeles, CA 90032

Wednesday, July 10, 2013, 5:00–8:00 p.m.
Pasadena Convention Center
Conference Center, Lower Level, Rm. 211
300 East Green Street
Pasadena, CA 91101

WRITTEN COMMENT PERIOD

Any interested persons, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to Caltrans before the close of the written comment period which is July 10, 2013. Please submit comments to:

DeeDee Dodds
Senior Legal Analyst, Caltrans Legal Division
California Department of Transportation
1120 N Street, MS-57
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 654-6128, to the attention of DeeDee Dodds, or by email to deedee_dodds@dot.ca.gov. The written comment period closes at 5:00 p.m. on July 10, 2013. Caltrans will consider only comments received by that time.

AUTHORITY AND REFERENCE

Section 65580 of the Government Code requires Caltrans to use the powers vested in it to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Section 104.6 of the Streets and Highways Code allows Caltrans to lease the property that it holds on such terms and conditions as it may deem necessary to secure rent therefrom.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The California Legislature has declared that the availability of affordable housing is of vital statewide

importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order. State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provisions for the housing needs of all economic segments of the community. (Gov. Code § 65580.)

Caltrans acquires real property necessary for state highway purposes, and must, by law, maintain and lease the property that it holds pending future use for highway needs. (Sts. & Hy. Code § 104.6). Since 1979, Caltrans has made a portion of its residential properties available to qualifying low- to moderate-income tenants at reduced rental rates pursuant to the terms and conditions detailed in Caltrans' Right-of-Way Manual. The program is known as the Affordable Rent Program.

In August 2012, the State Auditor determined the procedures for the Affordable Rent Program in the Right-of-Way Manual may not meet the definition of a regulation used in the Administrative Procedures Act (APA) and, therefore, may be unenforceable because they have not been adopted as regulations pursuant to the APA. (See California State Auditor Report 2011-120, August 2012, available at www.bsa.ca.gov)

Accordingly, Caltrans adopted regulations on an emergency basis to implement provisions of Streets and Highways Code section 104.6, which allow Caltrans to lease property it holds on such terms and conditions necessary to secure rent therefrom, and in a manner that accommodates the housing needs of all economic levels. This was done to ensure that the current Affordable Rent Program would not be compromised in a way that would create a hardship on tenants renting under the program. The emergency regulations became effective on December 24, 2012, and will remain in effect for a period of 180 days. The purpose of this rulemaking action is to adopt the emergency regulations on a permanent basis as set forth in the regulatory text.

Because there are no changes to the emergency regulations in place, there are no indicated changes to the proposed regulations demonstrated by strikeouts or underlining.

This rulemaking action proposes to put into regulation Caltrans' procedures for administering the Affordable Rent Program by adopting the emergency regulations found in the California Code of Regulations, Title 21, sections 2653 through 2658.

The proposed regulations incorporate by reference existing state and federal law as described in sections 2654 and 2655. The proposed regulations are not inconsistent or incompatible with existing state regulations or statutes, and the proposed regulations do not conflict with existing comparable federal regulations or statutes.

Section 2653 — defines the purpose and scope of the proposed regulations.

Section 2654 — specifies the definition of terms used in the proposed regulations. The term "RAP" incorporates by reference the Relocation Assistance Program as set forth in the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, Title 49 of the Code of Federal Regulations, Part 24 (2005).

Section 2655 — defines the tenant affordability standards that Caltrans has adopted and incorporates by reference the Department of Housing and Community Development's annual publication of official State Income Limits, adjusted for size of household, published annually by the Office of Administrative Law pursuant to California Code of Regulations, Title 25, section 6932 and Health and Safety Code section 50093.

Section 2656 — sets forth the income standards used to measure affordability.

Section 2657 — sets forth the criteria controlling rent increase.

Section 2658 — sets forth an annual affordability review requirement.

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

These regulations will allow Caltrans to continue the Affordable Rent Program without the risk of undue hardship to low- and moderate-income tenants, as well as allow Caltrans to adjust its statewide residential program to ensure that non-Affordable Rent Program properties are being rented at fair market value statewide. The regulations will provide a monetary benefit to qualified renters by setting forth the standards used to calculate appropriate rental rates to fulfill the State's mission of providing affordable rent to all Californians. The Affordable Rent Program regulations provide the public with guidelines to determine the annual income levels used to qualify for the program which in turn promotes fairness and social equity to the renting public. The regulations will provide a non-monetary benefit by setting the guidelines and timelines applicable which promotes openness and transparency in business and government.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not affect the following:

- 1) The creation or elimination of jobs within the State of California.
- 2) The creation of new businesses or elimination of existing businesses within the State of California.

- 3) The expansion of businesses currently doing business within the State of California.
- 4) Worker safety and the state's environment.
The proposed regulations will benefit the health and welfare of California residents by providing affordable rent to low- and moderate-income households.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
Other non-discretionary costs or savings imposed on local agencies: None.
Costs or savings in federal funding to the State: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Caltrans 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 BUSINESSES

The Affordable Rent Program is limited in scope to Caltrans-owned residential properties that are inhabited by economically disadvantaged tenants. The program does not compete with the private sector; hence, the program does not affect businesses. However, were the program eliminated, it is believed there could be an impact on businesses because the subject Caltrans-owned properties would be made available at fair market rents in direct competition with the local residential property rental market.

Caltrans has determined that the proposed regulatory action will not affect small businesses. The proposed regulations only apply to certain residential properties owned and managed by Caltrans.

Caltrans has made the initial determination that the action will not have a significant, statewide adverse economic impact directly affecting business or the ability of California businesses to compete with businesses in other states.

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 regulations.

COST OR SAVINGS TO ANY STATE AGENCY

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

CONSIDERATION OF ALTERNATIVES

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

Caltrans invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period and during any of the four scheduled hearings.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Michael J. Rodrigues
Office Chief, Real Property Services
Division of Right of Way and Land Surveys
California Department of Transportation
1120 N. Street, MS 37
Sacramento, CA 95814
916-654-3536 (office)
209-481-4602 (cell)
michael.rodrigues@dot.ca.gov

Alternate contact person:

Chuck Crosby
Senior Right of Way Agent
Right of Way Real Property Services Branch
California Department of Transportation
1120 N Street, MS-37
Sacramento, CA 95814
Telephone: (916) 654-4018
chuck.crosby@dot.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Mr. Rodrigues at the above address.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

Caltrans will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. 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 Mr. Rodrigues at the address or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all written comments received timely, as well as comments received at the scheduled public hearings, Caltrans may adopt the proposed regulations as described in this notice. If Caltrans makes substantive modifications that 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 Caltrans adopts the regulations as revised. Copies of any modified regulations may be obtained by contacting Mr. Rodrigues at the address or phone number listed above. Caltrans will accept written comments on any 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 Mr. Rodrigues at the above address or by visiting Caltrans's web site listed below.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the Regulations in underline and strikeout if applicable can be accessed through Caltrans' website at: <http://www.dot.ca.gov/regulations.htm>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

Department of Fish and Wildlife
Public Interest Notice
For Publication on May 17, 2013
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring California Least Tern Nesting Colonies

The Department of Fish and Wildlife ("Department") received a proposal on February 14, 2013, from Joelle J. Fournier, on behalf of the Institute for Conservation Research (ICR), San Diego Zoo Global, San Diego, California, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for research purposes, consistent with the protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

The ICR is planning to conduct new research on the tern at Naval Base Coronado and Marine Corps Base Camp Pendleton, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (under a current Recovery Permit).

The ongoing research activities include: a) monitoring reproductive output of terns using passive survey techniques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey and monitor nests and determine age class of individuals; b) handling and banding terns as part of a monitoring program to obtain growth and survival rates of the different age classes; and c) salvaging dropped feathers and hatched eggshell/membranes for donation to a scientific institution for chemical analysis.

The following new research activities are proposed: a) use cameras on tern nests at Naval Base Coronado; b) capture, radio tag (all bands, auxiliary markers, radio transmitters, and attachment materials not to exceed 3% total body weight and radio tag will only be attached to the pin feathers), hold for no more than 20 minutes, and release up to 50 tern chicks at each of the following locations: Naval Base Coronado and Marine Corps Base Camp Pendleton; c) install and remove sub-sampling fences at Naval Base Coronado and Marine Corps Base Camp Pendleton; and d) use audio playback with decoys.

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after a 30 day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 17, 2013, for an initial and renewable term of three years. Contact: Nancy Frost, Nancy.Frost@wildlife.ca.gov, Phone (858) 467-4208.

DEPARTMENT OF MOTOR VEHICLES

Invitation to Pre-notice Public Discussions on Proposed Regulations Autonomous Vehicles

Pursuant to Government Code section 11346.45, the Department of Motor Vehicles (department) has set the time and place for the public to participate in discussions to facilitate the development of proposed regulations related to the operation of Autonomous Vehicles.

The department will hold the workshop beginning at 10:00 A.M. on Tuesday, June 18, 2013, at the department's headquarters office at 2415 First Avenue, Sacramento, California. The workshop will be held in the Assembly Room, which is accessible to persons with disabilities. The Assembly Room is located in a secure area of the building so please check-in at the security station. Parking near the headquarters complex is limited so please plan accordingly.

Senate Bill 1298 (Chapter 570; Statutes of 2012) requires the department to adopt regulations establishing insurance, surety bond or self-insurance requirements and requirements for the submission of an application to operate an autonomous vehicle, including any testing, equipment, performance standards, or safety standards. This public workshop is being held to address the topics being implemented with the first regulatory action related to insurance requirements, bond requirements, vehicle identification/registration and limited testing requirements.

For purposes of ensuring public participation, the department requests that you send notice to the email provided at the bottom of this notice, indicating that you will be participating in the workshop. At the workshop, any interested person may present statements, arguments, or contentions (orally, in writing, or both) that are relevant to the development of the regulations as required by SB 1298. A full agenda will be provided prior to the workshop and will be available on the Department's web site. Those planning to attend and participate in the workshop should notify the Department of their attendance and specify the areas in which they will be providing comment (insurance requirements, bond requirements, vehicle identification/registration and limited testing requirements) at the contact e-mail listed below by June 7, 2013.

Participation in the workshop will be in addition to, and not in substitution for, any participation in the formal rulemaking process. This invitation does not constitute Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with the workshop will not be included in the formal rulemaking file. Similarly, the department is not required to respond to comments received in connection with the workshop. Therefore, if you wish to have comments included in the rulemaking file, or to require the department to respond to them as part of the process by which it adopts the regulations, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at the time that document is issued, regardless of whether the comments have been made in connection with the workshop.

If you have any questions, please contact Brian Soulet at (916) 657-6469 or by e-mail at LRegulations@dmv.ca.gov.

DISAPPROVAL DECISION

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

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

STRUCTURAL PEST CONTROL BOARD

CONCLUSION

**State of California
Office of Administrative Law**

OAL disapproved this proposed regulatory action for the reason set forth above.

Date: May 8, 2013

Richard L. Smith
Senior Counsel
FOR: DEBRAM. CORNEZ
Director

**In re:
Structural Pest Control Board**

**Regulatory Action: Title 16
California Code of Regulations**

Original: Kelli Okuma
Copy: Ronni O'Flaherty

**Adopt sections:
Amend sections: 1920, 1937.11
Repeal sections:**

**DECISION OF DISAPPROVAL
OF REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2013-0322-01 S

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

SUMMARY OF REGULATORY ACTION

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.

The Structural Pest Control Board (Board) submitted this proposed action to amend sections 1920 and 1937.11 of title 16 of the California Code of Regulations, and to amend its manual of disciplinary guidelines, the *Manual of Disciplinary Guidelines and Model Disciplinary Orders*, which is incorporated by reference in section 1937.11. The amendments to section 1920 remove criteria that must be met for the Board to impose fines in excess of 52,500. The amendments to the manual of disciplinary guidelines remove references to three University of California Berkeley Extension correspondence courses, as the courses are no longer offered, replace these courses with continuing education courses approved by the Board, and make other nonsubstantive changes.

File# 2013-0412-01
BOARD OF PSYCHOLOGY
Change of Address

The Board of Psychology is amending section 1380.1 of title 16 of the California Code of Regulations as a change without regulatory effect in order to update the address of its principal office.

Title 16
California Code of Regulations
AMEND: 1380.1
Filed 05/08/2013
Effective
Agency Contact: Linda Kassis (916) 263-0712

DECISION

On March 22, 2013, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On May 6, 2013, OAL notified the Board that OAL disapproved the proposed action because the Board failed to follow a required APA procedure. Specifically, the Board failed to follow the procedure required by Government Code section 11346.3(b)(1) to prepare an economic impact assessment, as specified therein.

File# 2013-0322-07
BUREAU OF AUTOMOTIVE REPAIR
Smog Check Inspection Procedures

This rulemaking by the Bureau of Automotive Repair (BAR) adopts sections 3340.17.1, and 3340.17.2 and amends sections 3340.1, 3340.16, 3340.16.4, 3340.16.5, 3340.17, 3340.18, 3340.42, 3340.42.2, 3340.45, and 3394.5, in Title 16, Division 33, Chapter 1, Article 5.5, regarding smog check inspection procedures.

Title 16
 California Code of Regulations
 ADOPT: 3340.17.1, 3340.17.2, AMEND: 3340.1,
 3340.16, 3340.16.4, 3340.16.5, 3340.17, 3340.18,
 3340.42, 3340.42.2, 3340.45, 3394.5
 Filed 05/02/2013
 Effective 07/01/2013
 Agency Contact: Vince Somma (916) 403-0159

File# 2013-0321-03
CALIFORNIA HORSE RACING BOARD
 Classification of Drug Substances

This regulatory action revises the California Horse Racing Board (CHRB) Penalty Categories Listing by adding and reclassifying specified drug substances to reflect changes to the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances.

Title 4
 California Code of Regulations
 AMEND: 1843.2
 Filed 05/03/2013
 Effective 07/01/2013
 Agency Contact: Erica Ward (916) 263-6025

File# 2013-0321-02
CALIFORNIA HORSE RACING BOARD
 Vesting of Title to Claimed Horse

This rulemaking action by the California Horse Racing Board amends section 1658 of title 4 of the California Code of Regulations to state that title to a claimed horse, ordinarily vested in the successful claimant after the claiming race, shall be voided by the stewards if the horse suffers a fatality during the running of the race or is found by the racing or official veterinarian to be physically unfit for racing following the race.

Title 4
 California Code of Regulations
 AMEND: 1658
 Filed 05/02/2013
 Effective 05/02/2013
 Agency Contact: Erica Ward (916) 263-6025

File# 2013-0319-01
COMMISSION ON TEACHER CREDENTIALING
 Administrative Services Credential

This rulemaking action by the Commission on Teacher Credentialing (CTC) amends section 80054 in title 5 of the California Code of Regulations. Specifically, this rulemaking seeks to amend provisions of section 80054 to reflect changes in the Education Code pertaining to the requirements for candidates seeking Administrative Services Credentials in California. The amendments

also incorporate by reference Standards of Quality and Effectiveness for Administrative Services Credentials (rev. 9/2011).

Title 5
 California Code of Regulations
 AMEND: 80054
 Filed 05/01/2013
 Effective 07/01/2013
 Agency Contact:
 Tammy A. Duggan (916) 323-5354

File# 2013-0426-02
DEPARTMENT OF DEVELOPMENTAL SERVICES
 Regional Center Conflict of Interest Standards and Procedures

The Department of Developmental Services (Department) submitted this emergency readoption action to continue the emergency regulations adopted in OAL File Nos. 2012-0806-01E and 2013-0128-02EE. The emergency action made substantial amendments to title 17 conflict-of-interest regulations applicable to regional centers that provide services to the public under the Lanterman Developmental Disabilities Services Act. These regional centers are nonprofit entities that have both a statutory and contractual relationship with the Department under the act. The regulations establish criteria that constitute conflicts of interest, and standard reporting and monitoring requirements that pertain to regional center board members, employees, and others acting on behalf of a regional center, as specified, that have decisionmaking or policymaking authority or authority to obligate a regional center's resources. The action implements recent changes in the Welfare and Institutions Code made in SB 74 (Stats. 2011, ch. 9), and is intended to assure those that are subject to the regulations make decisions with respect to regional center transactions that are in the best interests of a regional center's consumers and families.

Title 17
 California Code of Regulations
 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
 Filed 05/06/2013
 Effective 05/06/2013
 Agency Contact: Eric Gelber (916) 654-1844

File# 2013-0322-04
DEPARTMENT OF FOOD AND AGRICULTURE
 Shell Egg Food Safety

The Department of Food and Agriculture (CDFA) is adopting section 1350 and amending section 1354 of

title 3 of the California Code of Regulations (CCR). The purpose of adding section 1350 to the CCR is to require egg producers and egg handlers to comply with food safety requirements in order to reduce the risk of Salmonella contamination in shell eggs sold for human consumption in California. Further, the purpose of amending section 1354 of the CCR is to require a labeling statement that identifies who produced or distributed the shell eggs and specifies whether the shell eggs are compliant with the specific requirements stated in the above-mentioned section 1350 of the CCR.

Title 3
California Code of Regulations
ADOPT: 1350 AMEND: 1354
Filed 05/06/2013
Effective 07/01/2013
Agency Contact: Nancy Grillo (916) 900-5033

File# 2013-0426-04
DEPARTMENT OF INDUSTRIAL RELATIONS
Conflict-of-Interest Code Amendments

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only. OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Title 8
California Code of Regulations
AMEND: 17000 Appendix
Filed 05/07/2013
Effective 06/06/2013
Agency Contact:
John Cumming (510) 286-3805

File# 2013-0410-01
DEPARTMENT OF MOTOR VEHICLES
Administrative Fee for Tax Delinquency

The Department of Motor Vehicles (Department) submitted this timely certificate of compliance action to make permanent the emergency regulation adopted in OAL File Nos. 2012-0723-02E and 2013-0117-02EE. The emergency actions adopted section 426.00 to title 13 of the California Code of Regulations. This regulation implements Business and Professions Code section 494.5(l) by establishing administrative fees charged to Department licensees whose licenses have been suspended pursuant to Business and Professions Code section 494.5. Business and Professions Code section 494.5 was enacted by AB 1424 (Stats. 2011, ch. 455), which, among other things, requires the Depart-

ment to suspend any motor carrier permit, driver's license, or occupational license held by an individual whose name is included in either of two certified lists of the 500 largest tax delinquencies. The certified lists are issued by the State Board of Equalization or the Franchise Tax Board pursuant to Revenue and Taxation Code section 7063 or 19195, as applicable.

Title 13
California Code of Regulations
ADOPT: 426.00
Filed 05/07/2013
Effective 05/07/2013
Agency Contact: Randi Calkins (916) 657-8898

File# 2013-0322-06
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Globally Harmonized System Update to Hazard Communication — Health

The Occupational Safety and Health Standards Board submitted this file and print action pursuant to Labor Code section 142.3(a)(4) to amend 29 sections from title 8 of the California Code of Regulations, and to amend the appendixes to many of these sections, to conform them to recent amendments in federal standards that address updates to the Hazard Communication Standard (HCS) and related sections. The amendments update requirements for hazard communication that are at least as effective as the federal standards for HCS programs, which include warning labels, signs, and safety data sheets, and employee training to inform workers and other downstream users of manufactured and imported chemical products, and are intended to be consistent with the United Nations Globally Harmonized System Classification and Labeling of Chemicals (GHS), Revision 3.

Title 8
California Code of Regulations
AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
Filed 05/06/2013
Effective 05/06/2013
Agency Contact: Marley Hart (916) 274-5721

File# 2013-0419-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Crane or Derrick Suspended Personnel Platforms

This action without regulatory effect corrects a grammatical error in title 8, section 5004.

Title 8
 California Code of Regulations
 AMEND: 5004(d)(2)
 Filed 05/08/2013
 Effective
 Agency Contact: Marley Hart (916) 274-5721

1896.80, 1896.90, 1896.99.100,
 1896.99.120 REPEAL: 1896.63,
 1896.64, 1896.85, 1896.98
 01/31/13 AMEND: 649.28
 01/09/13 ADOPT: 18756
 01/08/13 AMEND: 18723, 18730
 01/07/13 AMEND: 18545, 18703.4, 18940.2
 01/07/13 AMEND: 18705.5
 01/02/13 AMEND: 22500, 22501, 22502, 22503,
 22505, 22506, 22508, 22509 REPEAL:
 22504, 22507, 22510, 22511, 22512,
 22513, 22514, 22515, 22516, 22517,
 22518, 22519
 12/31/12 ADOPT: 1859.97 AMEND: 1859.2,
 1859.90.2
 12/28/12 AMEND: 18410, 18425, 18435,
 18465.1, 18550 REPEAL: 18539
 12/27/12 AMEND: 649.7
 12/26/12 ADOPT: 7294.0, 7294.2 AMEND:
 7293.5, 7293.6, 7293.7, 7293.8, 7293.9,
 7294.0 (renumbered to 7294.1),
 7294.1(renumbered to 7294.3), 7294.2
 (renumbered to 7294.4)
 12/24/12 REPEAL: 60020, 60025, 60030, 60040,
 60045, 60050, 60055, 60100, 60110,
 60200

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 12, 2012 TO
 May 8, 2013**

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

Title 2

04/16/13 AMEND: 23000
 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13,
 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8,
 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1,
 58.2, 59.1, 59.3, 60.1, 60.3
 03/29/13 REPEAL: 26100
 03/26/13 ADOPT: 20202, 20203, 20208, 20212,
 20217, 20220.5, 20249.5 AMEND:
 20200, 20201, 20203, 20204, 20205,
 20206, 20207, 20208, 20209, 20210,
 20211, 20212, 20213, 20214, 20215,
 20216, 20220, 20221, 20222, 20223,
 20224, 20225, 20226, 20227, 20230,
 20235, 20236, 20245, 20247, 20249,
 20250, 20251, 20252, 20253, 20254,
 20255, 20256, 20257, 20258, 20259,
 20260, 20261, 20262, 20265, 20266,
 20267 REPEAL: 20237, 20238
 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2,
 1859.51, 1859.61, 1859.90.2, 1859.90.4,
 1859.104, 1859.164.2, 1859.184.1
 03/20/13 AMEND: 1897
 03/12/13 AMEND: 1859.2, 1859.77.3
 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2,
 1859.95
 02/21/13 AMEND: 599.506
 02/14/13 ADOPT: 1896.71, 1896.76, 1896.77,
 1896.78, 1896.81, 1896.82, 1896.83,
 1896.84, 1896.88, 1896.91, 1896.92,
 1896.95, 1896.96, 1896.97 AMEND:
 1896.60, 1896.61, 1896.62, 1896.70,
 1896.72, 1896.73, 1896.74, 1896.75,

Title 3

05/06/13 ADOPT: 1350 AMEND: 1354
 04/16/13 AMEND: 3435(b)
 04/04/13 AMEND: 3435(b)
 04/02/13 AMEND: 3435(b)
 02/28/13 AMEND: 3437(b)
 02/27/13 AMEND: 3435(b)
 02/25/13 ADOPT: 1180.24 AMEND: 1180.1,
 1180.3.2, 1180.20 REPEAL: 1180.24

Title 4

05/03/13 AMEND: 1843.2
 05/02/13 AMEND: 1658
 04/23/13 AMEND: 8035(e)
 04/08/13 ADOPT: 8035.5
 04/02/13 AMEND: 10032, 10033, 10034, 10035
 03/21/13 AMEND: 10178, 10179, 10181, 10182,
 10185, 10188
 03/20/13 AMEND: 1462
 03/19/13 AMEND: 10302, 10315, 10322, 10323,
 10325, 10326, 10327, 10337
 03/12/13 AMEND: 5000, 5052
 02/11/13 AMEND: 10325
 02/11/13 AMEND: 8072
 02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104,
 7105, 7106, 7107, 7108, 7109, 7110,
 7111, 7112
 02/04/13 AMEND: 8070, 8071, 8072, 8078,
 8078.2

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 20-Z

01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
01/08/13 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
12/21/12 ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348
12/13/12 AMEND: 12391(a)(2)

Title 5

05/01/13 AMEND: 80054
04/03/13 ADOPT: 41906.6
03/13/13 AMEND: 20135, 20136, 20140
REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
02/12/13 AMEND: 19816, 19816.1, 19839
02/11/13 AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508
02/07/13 ADOPT: 40203
02/07/13 ADOPT: 42740
02/06/13 ADOPT: 9517.3
01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053
01/14/13 ADOPT: 80048.3.2 AMEND: 80048.3.1
12/27/12 AMEND: 58108
12/27/12 AMEND: 55000, 55023, 55040, 55041, 55043, 58161, 58162, 58166 REPEAL: 55030
12/24/12 ADOPT: 18224.6, 18227, 18227.1 AMEND: 18078, 18409, 18411, 18424, 18426
12/18/12 AMEND: 76120
12/13/12 AMEND: 40601

Title 8

05/08/13 AMEND: 5004(d)(2)
05/07/13 AMEND: 17000 Appendix
05/06/13 AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
04/24/13 AMEND: 2940.8
04/15/13 AMEND: 354, 371.2, 373, 376.1, 386
03/29/13 AMEND: 9789.31, 9789.34, 9789.35, 9789.39

03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300
03/18/13 ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813
03/18/13 AMEND: 344, 344.1
03/14/13 AMEND: 3381
03/13/13 AMEND: 9789.23, 9789.24, 9789.25
02/28/13 AMEND: 4309
01/28/13 ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001
01/24/13 AMEND: 3210, 3900
12/31/12 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
12/31/12 ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497
12/31/12 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
12/31/12 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160
12/31/12 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12
12/27/12 ADOPT: 9789.25 AMEND: 9789.20, 9789.21, 9789.22
12/27/12 ADOPT: 9789.39 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.36, 9789.37, 9789.38
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03/05/13 AMEND: 7141.5, 7143, 7227, 7350,
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01/17/13 AMEND: 7141.5, 7143, 7227, 7350,
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03/29/13 REPEAL: 2690.5
03/29/13 REPEAL: 2690.6
03/29/13 REPEAL: 2690.4
03/29/13 ADOPT: 6426
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03/13/13 AMEND: 2318.6, 2353.1, 2354
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03/11/13 AMEND: 2318.6, 2353.1, 2354
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01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440,
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12/31/12 AMEND: 2695.8(f), 2695.8(g)
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03/27/13 AMEND: 80.3
12/12/12 AMEND: 1081

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05/07/13 ADOPT: 426.00
04/18/13 AMEND: 1956.8
03/07/13 AMEND: 125.12, 125.16, 126.00,
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02/07/13 AMEND: 2193
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01/24/13 AMEND: 425.01
01/07/13 AMEND: 553.70
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04/12/13 AMEND: 1.74, 701
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03/25/13 AMEND: 27.80

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

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

03/06/13 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,
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03/05/13 AMEND: 265, 365, 366, 478, 708.12,
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02/27/13 AMEND: 670.7 (e) & (f)

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5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90,
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12/20/12 ADOPT: 3079, 3079.1 AMEND: 3000,
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04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153

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

01/22/13 AMEND: 1399.15

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

01/14/13 AMEND: 1566.1

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04/25/13 AMEND: 94508, 94509

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

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

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

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

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12/19/12 ADOPT: 95158 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95119, 95120, 95121, 95122, 95123, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157, 95202, 95802

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