EDMUND G. BROWN, JR., GOVERNOR

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (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 **July 12, 2012**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **July 10, 2012**.

BACKGROUND/OVERVIEW

In 2005, the Commission made several changes to the gift regulations, including those involving the valuation method used for invitation–only events attended by officials and their guests. In particular, the Commission added subdivision (e) to Regulation 18946.2, commonly known as the "drop–in" rule, where an official merely appears at an event for a brief period of time and does not stay for the meal or entertainment. In that case, the value of the gift received was limited to the actual value of the food and beverages consumed by the official and his or her guest, and the value of any specific item received at the event. (See former Regulation 18946.2(e).)

At the same time, the Commission added Regulation 18640, which restated the same gift valuation where an official makes a "drop–in" visit to an event sponsored by a lobbyist or lobbying firm.[2]

More recently, the Commission amended Regulation 18946.2, subdivision (e), providing that where only minimal appetizers and drinks are consumed, the value to the official is the value of anything provided to the official and his or her guest other than the appetizers and beverages:

> (e) Drop–In Visit. Except as provided in subdivision (f) of this regulation, if an official attends an invitation–only event and does not consume any meal or stay for any entertainment and consumes only minimal appetizers and drinks, the value of the gift received is the value of any specific item, other than food, presented to the official and guest accompanying the official at the event.

The "drop–in" gift valuation contained in Regulation 18640(b), however, was not similarly amended to reflect this change, and it does not cross–reference Regulation 18946.2(e). In order to provide consistency among the Regulations, the Commission will therefore consider amending the lobbyist "drop–in" rule under Regulation 18640 so that it conforms to the new gift "drop–in" rule under Regulation 18946.2(e).

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18640:

For the reasons provided above, the Commission will consider changing the valuation used for a "drop–in" visit by an official attending an invitation–only event sponsored by a lobbyist under Regulation 18640 to conform with the recently amended "drop–in" valuation used for an invitation–only event under Regulation 18946.2(e).

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.

[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.

[2] Both Regulations became operative on March 2, 2005.

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 Sections 86112 and 86112.5.

CONTACT

Any inquiries should be made to Jack Woodside, 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 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT–OF–INTEREST CODES

AMENDMENT

MULTI–COUNTY: College of the Desert

A written comment period has been established commencing on June 8, 2012, and closing on July 23, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict–of–interest code(s). Any written comments must be received no later than July 23, 2012. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict–of–interest code(s) should be made to Adrienne Tackley,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

AVAILABILITY OF PROPOSED CONFLICT–OF–INTEREST CODES

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

TITLE 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 **July 12, 2012,** at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **July 10, 2012**.

BACKGROUND/OVERVIEW

Government Code Section 87100 provides that "no public official at any level of state or local government shall make, participate in making or in any way attempt to use his [or her] official position to influence a governmental decision in which he [or she] knows or has reason to know he has a financial interest." Section 87103 provides that an official has a financial interest in a decision "if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of [certain enumerated economic interests.]"

The Commission has developed an eight–step analytical process to determine if a conflict of interest exists in any given governmental decision. Step Six of that process involves determining if it is "reasonably foreseeable" that the governmental decision will have a material financial effect on an official's economic interest. Regulation 18706(a) is supposed to provide guidance for determining when an outcome is reasonably foreseeable. It states:

> "(a) A material financial effect on an economic interest is reasonably foreseeable, within the meaning of Government Code section 87103, if it is substantially likely that one or more of the materiality standards (citations omitted) applicable to that economic interest will be met as a result of the governmental decision."
>
> This language has been interpreted each of two ways:
>
> (1) If something is highly probable, it is predictable; or
>
> (2) Something must be highly probable to be predictable.

Over the next several months, Commission staff will present proposed amendments to improve, update, clarify, and simplify the Act's conflict–of–interest regulations. The first part of this process is to propose regulatory language regarding the meaning and application of what is considered "reasonably foreseeable" under Step Six of the conflicts analysis. At the July Commission meeting, staff will present proposed language to accomplish this goal.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18706:

For the reasons provided above, the Commission will consider amending the language contained in Regulation 18706 to provide useful and accurate guidelines for making a determination of reasonable foreseeability in analyzing a conflict of interest in governmental decisionmaking.

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.

[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.

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 Sections 87100 and 87103.

CONTACT

Any inquiries should be made to Bill Lenkeit, 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 2. STATE CONTROLLER'S OFFICE

The State Controller proposes to adopt the proposed amendments described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The State Controller has not scheduled a public hearing on this proposed action. However, the State Controller will hold a hearing if a written request for a public hearing is received 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 State Controller's Office. Comments may also be submitted by facsimile at (916) 322–1220 or by email to dbrownfield@sco.ca.gov. The written comment period closes at 5:00 p.m. on July 23, 2012. The State Controller will only consider comments received at the State Controller's Office by that time. Submit comments to:

Dave Brownfield
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Code of Civil Procedure section 1580 authorizes the State Controller to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 1530 and 1532 of the Code of Civil Procedure.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Code of Civil Procedure sections 1530 and 1532 set forth general requirements for reporting and remitting unclaimed property to the State Controller. California Code of Regulations, title 2, sections 1155.250 and 1155.350 set forth specific procedures for the reporting and remitting of unclaimed property pursuant to Code of Civil Procedure sections 1530 and 1532. This rulemaking action will amend California Code of Regulations, title 2, sections 1155.250 and 1155.350 by updating forms incorporated by reference, and by removing language for which statutory authority has been repealed. These amendments are intended to improve the efficiency in processing, and accuracy in reporting annual reports of unclaimed property. In addition, the amendments to Section 1155.250 are necessary to maintain consistency with the State Controller's statutory authority. These amendments are not inconsistent or incompatible with existing state regulations.

As currently adopted, California Code of Regulations, title 2, section 1155.250 incorporates two forms by reference: SCO EFT–1 (03/98) and SCO EFT–3 (01/98). This rulemaking action will amend Section 1155.250 by updating the two forms incorporated by reference to SCO EFT–1 (01/11) and SCO EFT–3 (01/11). The revised forms accommodate changes in statutory requirements, administrative needs, and technological changes. The proposed amendment to Section 1155.250 will also delete the language requiring prior approval to remit funds by Fedwire.

As currently adopted, California Code of Regulations, title 2, section 1155.350 incorporates two forms by reference: UFS–1 (02/98) and Form UP 27 (2/98). This rulemaking action will replace UFS–1 (02/98) with UFS–1 (05/12), and it will delete the reference to Form UP 27 (02/98).

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Controller has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Adoption of these amended regulations will not:

(1) create or eliminate jobs within California;

(2) create new businesses or eliminate existing businesses within California;

(3) affect the expansion of businesses currently doing business within California; or

(4) affect the health or welfare of California residents, worker safety, or the state's environment.

Significant effect on housing costs: None.

Small Business Determination

The State Controller's Office has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the State Controller must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the State Controller 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.

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Dave Brownfield, Staff Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 322–7535
Email: dbrownfield@sco.ca.gov

The backup contact person for these inquiries is:

Rick Chivaro, Chief Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 445–2636
Email: rchivaro@sco.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Dave Brownfield at the above address.

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

The State Controller will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulations, and the initial statement of reasons. Copies may be obtained by contacting Dave Brownfield at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: http://www.sco.ca.gov/upd_ rptg_notice. html.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning June 8, 2012 and ending at 5 p.m., July 23, 2012. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, 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 407, 19227, 19315, 19380, 19381, 19382, 19383, 19384 and 19385 of the Food and Agricultural Code, and to implement, interpret or make specific sections 19227, 19228, 19240, 19260, 19280, 19300, 19300.5, 19303, 19310, 19310.5, 19312, 19313.1, 19315, 19316.5, 19320, 19321 and 19360 of said Code, the Department proposes to amend section 1180.1 of Article 37, amend section 1180.3.2 of Article 37.1, amend section 1180.20, and repeal and adopt section 1180.24 of Article 42, Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW/BENEFITS

This proposal is necessary to clarify the requirements for transporters of inedible kitchen grease pursuant to sections 19310 and 19316.5 of the Food and Agricultural Code. Inedible kitchen grease is defined in Food and Agricultural Code section 19216 as meaning any fat or used cooking greases and oils obtained from any source. This proposal will establish a new manifest tracking system and procedure; designate the authorized facilities that may receive interceptor grease; set forth reporting time frames, establish records retention requirements and make technical changes as specified.

Existing law, Food and Agricultural Code section 19305 authorizes the Department of Food and Agriculture (Department) to inspect and investigate shipments and transactions of renderers, collection centers and transporters of inedible kitchen grease.

Food and Agricultural Code sections 19310 through 19317 sets forth the requirements for transporters of inedible kitchen grease that transport grease from restaurants and any food preparation, processing or handling establishment or facility.

Existing regulations specify the licensing and registration requirements for transporters of inedible kitchen grease; however, no regulations exist to establish a tracking system in accordance with Food and Agricultural Code section 19316.5. This proposal amends those requirements and establishes a new manifest tracking system under Articles 37, 37.1, and 42 of Subchapter 2, Chapter 4, Division 2 of Title 3 of the California Code of Regulations, and makes other technical changes as specified.

Based on an initial evaluation, the Department does not believe the proposed regulations are inconsistent or incompatible with existing state or federal regulations.

The benefit of this proposal is that it is intended to enhance consumer protection by instituting a tracking system to record the proper and legal removal, transport and disposal of inedible kitchen grease. Inedible kitchen grease, if not properly disposed or recycled can cause blockages in public sewer systems or streams that could adversely affect human health, worker safety, and the environment.

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 17500 et seq. Require Reimbursement: None.

Business Impact: The Department of Food and Agriculture (Department) has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not require the use of the Department's form to track the transport of grease waste. Transporters may use their own forms, or an electronic version providing it includes the same information as the Department's form. The intent of the form and procedures specified in this proposal is to track the transport of inedible kitchen grease and ensure proper and legal disposal of grease waste to avoid hazards to human health and the environment.

- There are approximately 393 registered transporters of inedible kitchen grease.
- Paperwork requirement: The Department is establishing a new form, MPES Form 79–120 (Est. 03/12) Manifest — Inedible Kitchen Grease (IKG) Transport. The transporter of inedible kitchen grease may generate a form for their use, or an electronic version, as long as all the required information is included. The form requires verification of the content of the load when it is delivered to the receiver of the grease waste. This can be a weight or volume determined at the receiving facility or a weighmaster certificate from a scale.
- Record–keeping requirement: Persons engaged in the rendering industry, including businesses that are registered to transport inedible kitchen grease are required to keep certain records as specified in existing statutes and regulations. This proposal requires the MPES Form 79–120 (Est. 03/12) or the transporter–generated form to be kept for at least two years. The Department believes this requirement does not adversely affect businesses or small businesses engaged in transporting inedible kitchen grease in California because the two–year requirement is consistent with Food and Agricultural Code section 19303. This requirement is not anticipated to incur increased costs to businesses as record–keeping is a standard business practice for persons engaged in the grease waste and/or rendering industry in California. The maintenance of records will assist the Department in ensuring the legal, safe, sanitary disposal of grease waste in California.
- Reporting requirement: None. However, State investigators and law enforcement officials may review completed manifests and records in the course of investigations or periodic audits. Food and Agricultural Code sections 19303 and 19313.1 provide authority for IKG transporters, collection centers, and renderer record–keeping requirements.

Estimated costs for a business to comply with specified provisions of this proposal		
If the IKG transporter uses the Department's manifest form	$.50/form(printing/ handlingshipping)/ 21–stop route requires 7 forms per day 35 forms per week @ $.50	$17.50
If the IKG transporter mails receipts to the generator (e.g., restaurant/food facility)	U.S. First Class postage rate @ $0.45 21 receipts x 5 days per week = 105 receipts	$47.25
Office clerical support to file the receipts	$15.00 @ 2 hours per week	$30.00
	Total estimated cost per week:	$94.75

Note:
Transporters may not incur costs each week depending upon their business practices. Transporters may use their own form or an electronic form providing it contains the same information as the Department's form as specified in this proposal. The transporter may leave the receipt with the generator at the time of removal of the grease waste or mail the receipt to the generator.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Cost Impacts on Representative Private Persons or Businesses: The Department of Food and Agriculture is aware of the cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The anticipated compliance requirements are as follows:

- There are approximately 393 registered transporters of inedible kitchen grease.
- Paperwork requirement: The Department is establishing a new form, MPES Form 79–120 (Est. 03/12) Manifest — Inedible Kitchen Grease Transport. The transporter of inedible kitchen grease may generate a form for their use, or an electronic version, as long as all the required information is included. The form requires verification of the content of the load when it is delivered to the receiver of the grease waste. This can be a weight or volume determined at the receiving facility or a weighmaster certificate from a scale.
- Record–keeping requirement: Persons engaged in the rendering industry, including businesses that are registered to transport inedible kitchen grease are required to keep certain records as specified in existing statutes and regulations. This proposal requires the MPES Form 79–120 (Est. 03/12) or the transporter–generated form to be kept for at least two years. The Department believes this requirement does not adversely affect businesses or small businesses engaged in transporting inedible kitchen grease in California because the two–year requirement is consistent with Food and Agricultural Code section 19303. This requirement is not anticipated to incur increased costs to businesses as record–keeping is a standard business practice for persons engaged in the grease waste and/or rendering industry in California. The maintenance of records will assist the Department in ensuring the legal, safe, sanitary disposal of grease waste in California.
- Reporting requirement: None. However, State investigators and law enforcement officials may review completed manifests and records in the course of investigations or periodic audits. Food and Agricultural Code sections 19303 and 19313.1 provide authority for IKG transporters, collection centers, and renderer record–keeping requirements.

Estimated costs for a business to comply with specified provisions of this proposal		
If the IKG transporter uses the Department's manifest form	$.50/form(printing/ handlingshipping)/ 21–stop route requires 7 forms per day 35 forms per week @ $.50	$17.50
If the IKG transporter mails receipts to the generator (e.g., restaurant/food facility)	U.S. First Class postage rate @ $0.45 21 receipts x 5 days per week = 105 receipts	$47.25
Office clerical support to file the receipts	$15.00 @ 2 hours per week	$30.00
	Total estimated cost per week:	$94.75

Note:
Transporters may not incur costs each week depending upon their business practices. Transporters may use their own form or an electronic form providing it contains the same information as the Department's form as specified in this proposal. The transporter may leave the receipt with the generator at the time of removal of the grease waste or mail the receipt to the generator.

In making these determinations the Department has not considered alternatives that would lessen any adverse economic impact on businesses and invites the public to submit such proposals during the written comment period. Submissions may include the following considerations:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- The consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Effect on Housing Costs: None

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department of Food and Agriculture (Department) has prepared an economic impact assessment that is included in this filing. The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not require the use of the Department's form to track the transport of grease waste. Transporters may use their own forms, or an electronic version providing it includes the same information as the Department's form. The intent of the form and procedures specified in this proposal is to track the transport of inedible kitchen grease and ensure proper and legal disposal of grease waste to avoid hazards to human health and the environment.

As part of its economic impact assessment, the Department has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. The Department's proposal does not impact multiple industries.

Small Businesses: This proposal may affect small businesses.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will have no significant impact on the creation of new or elimination of existing jobs, businesses or the expansion of businesses in the State.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory proposal will impact registered transporters of inedible kitchen grease. There are approximately 393 registered transporters of IKG.

Business Reporting Requirement: The regulation does not require a report, which shall apply to businesses. However, State investigators and law enforcement officials may review completed manifests and records in the course of investigations or periodic audits. Food and Agricultural Code sections 19303 and 19313.1 provide authority for transporters of inedible kitchen grease, collection centers, and renderer record–keeping requirements.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations.

Document(s) Incorporated by Reference: MPES Form 79–120 (Est. 03/12) Manifest — Inedible Kitchen Grease Transport.

Documents Relied Upon in Preparing Regulations:

1. "Notice of an upcoming Interested Persons Meeting" held on March 29, 2011, in Sacramento, California, related to transporters of inedible kitchen grease, published in the *California Regulatory Notice Register*, March 25, 2011 (Register 2011, No. 12–Z).
2. "Inedible Kitchen Grease Workshop" agenda, California Department of Food and Agriculture, March 29, 2011.
3. "What's gooey, smelly and very, very valuable?" *Capitol Weekly*, August 25, 2011 [www.capitolweekly.net].
4. "CDFA Teams with law enforcement to stop thefts of inedible kitchen grease" *San Diego Newscape*, October 27, 2011 [www.sandiegonewscape.com].
5. "Grease Theft Battle Continues in the Golden State" *Render Magazine*, April 2012 [rendermagazine.com].
6. Proposed new form, MPES Form 79–120 (Est. 03/12) Manifest — Inedible Kitchen Grease Transport
7. Informational diagram showing interceptor and grease traps
8. "Collecting Recycled Cooking Oils or Greases for Biofuels" *National Renderers Association*, October 2008 [informational document].
9. "Survey Says: A Snapshot of Rendering" *Render Magazine*, April 2011, Tech Topics [informational document].
10. Informational document showing fats, oils, and grease removed from a food service establishment, *City of Roseville*, California [www.roseville.ca.us].
11. Economic Impact Assessment

CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture (Department) must determine that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department 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.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department of Food and Agriculture has prepared an initial statement of 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 and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

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, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Written comments concerning this proposal are to be addressed to the following:

Dr. Douglas Hepper, Branch Chief
Department of Food and Agriculture
Meat, Poultry, and Egg Safety Branch
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900–5004
E–Mail: douglas.hepper@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900–5033
E–Mail: nancy.grillo@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: http://www.cdfa.ca.gov/ahfss/regulations.html.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

Minimum Reserves for Credit Life and Credit Disability Insurance

Date: May 24, 2012
Regulation File: REG–2007–00051

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that a public hearing will be held regarding the adoption of amendments to Title 10, Chapter 5, Subchapter 2, Article 6.7, Section 2248.14 of the California Code of Regulations ("CCR") (All citations to the CCR in this Notice are to sections in Title 10).

California Insurance Code Section 779.9 gives the Insurance Commissioner authority to review schedules of premium rates for credit life and credit disability products and to disapprove them if the benefits provided in the product are not reasonable in relation to the premium charge. Provisions for reserves are a necessary component of the premium rates for credit life and credit disability insurance. The proposed amendments implement, interpret, and make specific the provisions of Insurance Code Section 779.9 by regulating insurers' reserves for credit life insurance and credit disability insurance. In general, the proposed amendments to Section 2248.14 are derived from and based upon relevant portions of the National Association of Insurance Commissioners' ("NAIC") Model law titled "Determining Reserve Liabilities for Credit Life Insurance Model Regulation" ("NAIC Model # 818") and relevant portions of the NAIC Model law titled "Health Insurance Reserves Model Regulation" ("NAIC Model # 10"), with the addition of language drafted by the Commissioner.[1] Language in existing Section 2248.14 has been deleted when necessary to accommodate these amendments.

[1]The NAIC is an organization comprised of the chief insurance regulatory officials from all 50 states, the District of Columbia, and five U.S. territories. One of the NAIC's many activities is to assist regulators with financial and market conduct regulation by fostering the development of NAIC model regulations. Individual states incorporate provisions of NAIC model regulations into their own laws to promote uniformity between the states and to incorporate new developments in insurance industry regulation into their own regulations.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of amendments to California Code of Regulations Title 10, Chapter 5, Subchapter 2, Article 6.7, Section 2248.14 pursuant to the authority vested in him by Insurance Code Section 779.21. The proposed amendments will implement, interpret and make specific the provisions of Insurance Code Section 779.9.

HEARING DATE AND LOCATION

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed amendments, as follows:

Date and time: **July 31, 2012 10:00 a.m.**

Location: **Department of Insurance**
Administrative Hearing Bureau
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco CA 94105

The hearing will continue on the date noted above until all testimony has been submitted or 5:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed amendments during the public comment period. **The public comment period will end at 5:00 p.m. on July 31, 2012.** Please direct all written comments to the following contact person:

Nancy Hom
Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538–4144

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Ahmad Kamil
Senior Life Actuary
California Department of Insurance
300 South Spring Street, 14th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6147

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, **no later than 5:00 p.m. on July 31, 2012.** Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E–MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e–mail provided they are sent to the following e–mail address: Homn@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Nancy Hom and sent to the following facsimile number: (415) 904–5729. **Comments sent to other e–mail addresses or other facsimile numbers will not be accepted. Comments sent by email or facsimile are subject to the deadline set forth above for written comments.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

INFORMATIVE DIGEST

Policy Statement Overview

Existing Insurance Code Section 779.9 gives the Commissioner authority to review schedules of premium rates for credit life and credit disability products and to disapprove them if the benefits provided in the product are not reasonable in relation to the premium charge. Provisions for reserves are a necessary component of the premium rates for credit life and credit disability insurance.

Existing California Insurance Code Section 779.21 gives the Commissioner rulemaking authority to implement, interpret, and make specific the provisions of Insurance Code Division 1, Part 2, Chapter 1, Article 5.9, of which Section 779.9 is a part.

Existing Section 2248.14 implements, interprets, and makes Insurance Code Section 779.9 specific by setting forth rules governing the minimum reserves for credit life & disability insurance that insurers must maintain to cover both individual and group policies, in particular the assumptions for mortality, morbidity and interest rate bases. The standards established by Section 2248.14 are necessary to ensure that insurers have

enough money in their reserves to pay claims and to ensure that insurers are subject to uniform reserving standards when they make their premium rates.

Section 2248.14 was last amended in 1994. The problem with existing Section 2248.14 is that it requires insurers to determine reserves using less–than–current information, standards, and data, such as mortality tables from 1958, 1960, and 1964.

To address this problem, the Commissioner now proposes to amend Section 2248.14 to implement, interpret, and make specific the requirements of Insurance Code Section 779.9. The amendments to Section 2248.14 generally follow parts of NAIC Model # 818 and NAIC Model # 10 which are relevant to existing Section 2248.14. The Commissioner proposes to adopt the portions of NAIC Model # 818 that, in his judgment, pertain to updating Section 2248.14 with regard to credit life insurance, and the portions of NAIC Model # 10 that, in his judgment, pertain to updating Section 2248.14 with regard to credit disability insurance. To the extent the Commissioner has changed language taken from the Models or added additional language of his own, the changes and additions are noted below. In addition, the Commissioner has added language of his own to existing Section 2248.14 when he has determined that it is necessary to address an issue left unaddressed by the Models or the existing regulation or when it is necessary to clarify the meaning of the regulation as amended.

The broad objective of the proposed amendments to Section 2248.14 is to implement, interpret, and make specific the requirements of Insurance Code Section 779.9 by updating the way in which the minimum reserves for credit life insurance and credit disability insurance must be calculated and maintained. California's requirements for calculating credit life insurance reserves and credit disability insurance reserves must be updated from time to time to reflect changed conditions and the impact of more recent data, both of which must be considered by insurers in calculating the reserves necessary to pay claims. The proposed amendments to Section 2248.14 update these actuarial bases (e.g., morbidity and interest bases) so that they reflect current economic conditions and recent experience data.

By incorporating recent changes to NAIC Model # 10 and NAIC Model # 818 into Section 2248.14, the proposed amendments incorporate information on changed conditions, more recent experience data (historical data regarding losses) and updated actuarial bases (such as mortality and morbidity) into the requirements set forth in Section 2248.14. In addition, the incorporation of new language drafted by the Commissioner provides the industry with more complete guidance on establishing reserves that the Commissioner will find acceptable for credit life and credit disability products. The Commissioner's changes tailor the requirements of Section 2248.14 more precisely to credit life and credit disability insurance and make the meaning of Section 2248.14 as amended clearer. The amendments as a whole make the calculation of reserves for credit life and credit disability insurance policies under Section 2248.14 more current, which benefits both the industry and consumers. The proposed amendments to Section 2248.14 are reasonably necessary to update and clarify the regulation's reserving requirements.

In addition to the obvious benefits of incorporating more recent information, experience data, and actuarial bases into the requirements set forth in Section 2248.14, the Commissioner anticipates that the benefit of the proposed action will be to promote uniformity of standards among different states. Versions of the relevant portions of NAIC Model # 10 and NAIC Model # 818 have been adopted by several other states. California's adoption of the proposed amendments may encourage even more states to update their reserve requirements, and in general this would reduce the regulatory burden on insurers by making the standards of various states more uniform. The proposed amended regulations ensure that California's regulatory requirements in this area are as consistent with those of other states as is possible under California law. Everyone stands to benefit when insurers, operating in compliance with California law, are able to devote additional resources — resources which would otherwise be expended satisfying multiple, inconsistent regulatory regimes — to improving their financial stability or providing better products to consumers. Both insurers and consumers benefit when administrative costs related to compliance with multiple, inconsistent regulatory requirements imposed by different states are reduced. The proposed regulations are reasonably necessary to the degree to which they help to achieve this goal.

In brief, the Commissioner anticipates that adoption of the proposed amendments to Section 2248.14 will have the following benefits: (1) the reserving requirements set forth in Section 2248.14 will generate more up–to–date reserves because the requirements of the regulation will be based on more recent information and data than the current regulation; (2) insurers' reserve calculations for credit life and credit disability insurance will be more consistent with calculations under NAIC Model # 10 and NAIC Model # 818, and thus more consistent with calculations made for other states that have standards based on these models, all of which promotes uniformity; (3) the amendments will increase openness and transparency in government because some of the amendments will make regulatory standards clearer; and (4) the reserve calculations made under Section 2248.14 will promote fairness. Outdated re-

serving requirements can be unfair to both insurers and consumers because outdated standards can require insurers to reserve either more or less than is necessary in order to pay claims.

Summary of Existing Law; Effect of Proposed Action

Section 2248.14 Minimum Statement Reserves.

The heading of existing Section 2248.14 is "Minimum Financial Statement Reserves." The Commissioner proposes to delete the word "Financial" from the heading to eliminate an inconsistency between the heading and current terminology in the insurance industry. When regulators first required insurers to file "financial statements" in the 19th century the statements were purely financial in nature. These "financial statements" have since evolved to include information on a broad range of non–financial aspects of insurers' operations that also concern regulators. Thus, they have come to be referred to in the insurance industry as "statements" rather than as "financial statements." (For example, see Insurance Code Section 900, which references this type of document but refers to them as "statements" rather than as "financial statements.")

The heading of existing Section 2248.14 does not reflect current terminology. The effect of amending the heading to delete the word "Financial" will be to clarify that the section applies to what is understood in the industry as a "statement" and not to some other type of "financial" statement. The Commissioner anticipates that it will be beneficial to clarify the heading so that it is better understood.

Subsection 2248.1.4(a) Definitions.

Existing Section 2248.14 provides outdated direction to the industry with regard to minimum reserve requirements that apply to both credit life insurance and credit disability insurance. In order to update the section, the Commissioner has added new language and has defined some of the terms used in the new language so that their meaning is clear. Existing law does not define these terms.

The Commissioner proposes to add a new subsection (a) to existing Section 2248.14. The effect of new subsection (a) is to define certain documents incorporated by reference in the amended regulation and to define the term "policy" as used in the amended regulation. This subsection is reasonably necessary to eliminate any confusion as to what documents are referenced in the amended regulation and what is meant by use of the word "policy" in the regulation, so that Insurance Code Section 779.9 can be implemented, interpreted, and made specific in a manner that is clear, uniform, and understandable. Proposed Subsection 2248.14(a) addresses the specificity, uniformity, and clarity problems that would arise if these terms were left undefined and subject to varying interpretations. The Commissioner anticipates that proposed Subsection 2248.14(a) will be beneficial because it will clarify the language of the amended regulation so that it can be understood and implemented in a uniform manner.

Subsection 2248.14(b)(1) Minimum reserve standards for credit insurance policies.

Existing Section 2248.14 provides outdated direction to the industry with regard to minimum reserve requirements that apply to both credit life insurance and credit disability insurance. The effect of proposed Subsection 2248.14(b)(1) is to set forth updated minimum reserve standards that apply to both credit life insurance policies and credit disability insurance policies and to clarify exactly what standards apply to these types of policies. Existing Subsection 2248.14(a) as amended adds the language in Subsections 2248.14(b)(1)(A), (B), (C), and (E). Subsection (D) contains edited language from existing Subsection 2248.14(b).

These amendments provide more complete and more current standards than are set forth in existing law. In addition, because the amendments are based in part on NAIC Models, they promote uniformity of standards with other states to the extent other states have adopted provisions from those Models.

The Commissioner anticipates that proposed Subsection 2248.14(b) will be beneficial in general because it will update and clarify the law that applies to credit life and credit disability products while making that law more uniform with NAIC Models and with the law of other states that have adopted provisions of the Models.

The Commissioner has re–lettered existing Subsection 2248.14(a) as Subsection 2248.14(b) so that definitions can be added to the regulation as the new Subsection 2248.14(a). To improve sentence structure and to be more consistent with the language of the Models being followed, the Commissioner has substituted the word "for" for "on" in what is now proposed Subsection 2248.14(b). The Commissioner corrected a typo, changing "roup" to "group." In addition, to clarify the provisions being added to existing Section 2248.14, the Commissioner has added a subtitle, "General Requirements for Credit Life and Credit Disability Policies," as Subsection 2748.14(b)(1).

Subsection 2248.14(b)(1)(A). Article 12.3 provides standards for the valuation of life insurance plans with "nonlevel premiums or benefits" and life insurance plans with "secondary guarantees." Article 12.3 was designed to apply to certain complex and sophisticated life insurance products that attempt to provide higher life insurance values in changing economic conditions than are guaranteed in traditional whole life insurance policies. It does not apply to credit life insurance, which is generally simple decreasing term life coverage.

Although it might be apparent to some that Article 12.3 is so ill–suited to credit life insurance that it does not apply, this is not expressly stated in existing law. The effect of Subsection 2248.14(b)(1)(A) is to clarify that California Code of Regulations, Title 10, Chapter 5, Subchapter 3, Article 12.3 entitled "Valuation of Life Insurance Policies" ("Article 12.3") does not apply to credit life insurance. Subsection 2248.14(b)(1)(A) is reasonably necessary to carry out this purpose, address this problem, and confirm that Article 12.3 does not apply to credit life insurance. The anticipated benefit is greater clarity in the law.

The language of Subsection 2248.14(b)(1)(A) follows the language of Section 6.A. of NAIC Model # 818, with the addition of a citation to California–specific legal authority. It is reasonably necessary to promote uniformity of standards with other states to the extent other states have adopted Section 6.A. of NAIC Model # 818.

Subsection 2248.14(b)(1)(B). Existing law does not set forth any interest rates to be used specifically for determining the minimum reserves for credit life or credit disability policies. As a result, it is unclear whether the interest rates are governed by the general provisions of Insurance Code Section 10489.4 or whether other interest rates may be used. The effect of Subsection 2248.14(b)(1)(B) is to clarify that the interest rates used in determining the minimum reserves required for credit life and credit disability insurance policies must follow the calendar year statutory valuation interest rates as defined in Insurance Code Section 10489.4.

Subsection 2248.14(b)(1)(C). Existing law does not specify what method must be used to determine the minimum standard for credit life insurance and credit disability insurance. As a result, it is unclear whether a general provision of existing law applies or whether some other method may be used. The effect of Subsection 2248.14(b)(1)(C) is to clarify that the method that insurers must use to determine the minimum standard for valuation of credit life insurance and credit disability insurance shall be the Commissioner's reserve method as defined in Insurance Code Section 10489.5.

Subsection 2248.14(b)(1)(D). Unlike other types of life and disability products, credit insurance policies very often provide both credit life insurance coverage and credit disability insurance coverage in one product. Insurers have occasionally proposed combining the loss experience results of the different coverages in these products for rating purposes, but this is not permitted by existing California requirements. The Commissioner is concerned that insurers might be tempted to combine loss experience results for reserving purposes as well. This would be a problem because the mechanisms set forth in California law for determining reserves for credit life and for credit disability differ substantially. The reserves for credit life coverage and for credit disability coverage must be established separately to accurately reflect the different risk of loss presented by each coverage. The effect of Subsection 2248.14(b)(1)(D) is to clarify that reserves must be established separately for credit life insurance benefits and for credit disability insurance benefits when these coverages are provided under the same policy. Subsection 2248.14(b)(1)(D) is reasonably necessary to carry out this purpose, address the problem of combining loss experience results for reserving purposes, and to remove uncertainty about how reserves should be calculated.

Subsection 2248.14(b)(1)(D) is the same as existing Subsection 2248.14(h) except for two changes. First, for increased clarity, the word "insurance" has been added after the word "disability" so that the subsection refers to "disability insurance benefits" rather than to "disability benefits." Second, the last sentence of existing Subsection 2248.14(b) has been deleted as unnecessary. The requirement that insurers include credit disability reserves in their Life and Accident and Health Annual Statements is set forth elsewhere in existing law, in Insurance Code Section 10489.15. These changes are reasonably necessary to carry out the purpose of making the subsection clearer and not duplicative of existing law, and to address the problem of language that is either not specific enough or redundant.

Subsection 2248.14(b)(1)(E). The California Insurance Code contains general requirements that govern an insurer's calculation of company–wide claim reserves. However, those general requirements can be ill–suited to insurers that have small blocks of credit insurance business because small blocks of business lack sufficient credibility to be used to predict future losses accurately. Furthermore, those claims tend to be small because of the small amounts insured, as compared to most other life and disability products. If the insurer's block of credit insurance is also small, it may not have enough loss experience to generate credible data for the purpose of calculating claim reserves. Existing law does not expressly address this issue.

The effect of Subsection 2248.14(b)(1)(E) is to allow credit life and credit disability insurers to estimate claim liabilities using actuarial reserving methods that are generally accepted within the actuarial profession for credit life insurance or credit disability insurance. This subsection allows credit insurers to use reserving methods that are appropriate for their products. The Commissioner anticipates that Subsection 2248.14(b)(1)(E) will be beneficial because it will establish and clarify appropriate legal standards for estimating credit life and credit disability claim reserves.

Subsection 2248.14(b)(2) Credit Life Insurance.

Under existing Subsection 2248.14(a)(1)(A) and (B), the minimum reserve standards for individual credit life policies are to be calculated using "the Commissioner's 1958 Standard Ordinary Mortality Table at 4 percent annual interest," and the minimum reserve standards for group credit life policies are to be calculated using "the Commissioner's 1960 Standard Group Mortality Table at 4 percent annual interest." These standards are out–of–date. Over time, standards for mortality data change after committees of the Society of Actuaries investigate and generate newer and more relevant data.

The effect of Subsection 2248.14(b)(2) is to set forth updated minimum reserve standards that apply to credit life insurance policies as set forth more specifically below. The proposed regulations renumber existing "Credit Life Insurance" Subsection 2248.14(a)(1) as Subsection 2248.14(b)(2). The proposed regulations add Subsection (A), titled, "Minimum Reserve Standards for Single Premium Credit Life Insurance Policies," which is comprised of two subsections, (1) and (2).

The effect of proposed Subsections 2248.14(b)(2)(A)(1) and (2) is to replace the outdated standards in existing Section 2248.14(a)(1) with updated minimum standards for mortality for single premium credit life insurance taken from Section 5 of NAIC Model # 818. Model # 818 uses the 2001 CSO Male Composite Ultimate Mortality Table as the basis for its minimum reserve standards as opposed to the 1958 and 1960 mortality tables used in existing Section 2248.14(a)(1)(A) and (B). In addition, Subsections 2248.14(b)(2)(A)(1) and (2) group credit life insurance policies differently from the existing regulation because the mortality bases for valuation of policies reflect changed conditions and more recent experience data. By conforming to the language of Section 5 A and B of NAIC Model # 818, the language of Subsections 2248.14(b)(2)(A)(1) and (2) promotes uniformity of standards among states that have adopted those provisions of the Model.

The proposed amendments address the problem presented by the out–of–date standards set forth in existing Subsection 2248.14(a)(1) by deleting the existing standards set forth in Subsection 2248.14(a)(1)(A) and (B) and amending the Subsection to incorporate current standards taken from NAIC Model # 818. The amendments are reasonably necessary to carry out this purpose and address the problem.

Subsection 2248.14(b)(3) Credit Disability Insurance.

The Commissioner has renumbered existing Subsection 2248.14(a)(2) as Subsection 2248.14(b)(3)(A), titled, "Minimum Reserve Standards for Single Premium Credit Disability Insurance Policies," which is a more accurate and specific title than the current "Credit Disability Insurance."

The effect of proposed Subsection 2248.14(b)(3)(A)(1) is to establish updated minimum standards for morbidity in determining credit disability reserves. Under existing Section 2248.14(a)(2), reserves are calculated using "the 1964 Commissioner's Disability Table at 4 percent annual interest." This standard is out–of–date. Over time, standards for morbidity data change after committees of the Society of Actuaries investigate and generate newer and more relevant data.

Proposed Subsection 2248.14(b)(3)(A)(1), titled, "Policy Reserves: Morbidity," contains Subsection A, which governs policies issued on or after the effective date of the 2012 amendments to Section 2248.14, and Subsection B, which governs policies issued prior to the effective date of the 2012 amendments to Section 2248.14.

Subsection A uses the 1985 Commissioner's Individual Disability Table A to establish the minimum standards for individual and group single premium credit disability insurance rather than the 1964 table in the current regulation. Subsection 2248.14(b)(3)(A)(1)A subparts (i) and (ii) then refine the standard further, by differentiating between plans having elimination periods of less than 30 days and those having elimination periods of 30 days or more, to allow for more precise calculations. The Commissioner has determined that Subsection A is more equitable and appropriate than the standard set forth in the existing Section 2248.14 because it uses a more recent table, it allows for more precise calculations, and it bases the minimum reserve standards on the present value of future disability claims rather than the more general standard of the refund value of unearned premium.

Proposed Subsection 2248.14(b)(3)(A)(1) Subsection B gives insurers a choice of morbidity standards for credit disability insurance policies issued prior to the effective date of the proposed amendments. Under Subsection 2248.14(b)(3)(A)(1)B, the insurer may choose to calculate its reserves using the minimum morbidity standard in effect as of the date the policy was issued, or it may choose to use the more recent minimum morbidity standards set forth in Subsection 2248.14(b)(3)(A)(1)A. This allows the insurer to use the morbidity standard best suited for the policies in question and it allows the new standards to be phased in. If the insurer elects to use the more recent standards, all future valuations for the policies must be on that basis to promote consistency. Existing law has no comparable provision.

The effect of Subsection 2248.14(b)(3)(A)(1) and its subsections A and B is to replace the outdated standards in existing Section 2248.14(a)(2) with updated minimum reserve standards for morbidity. The morbidity bases for valuation of policies under the Department of Insurance's minimum reserve standards must be updated from time to time to reflect changing conditions and more recent experience data. Subsection 2248.14(b)(3)(A)(1) addresses this by amending the existing regulation so that it requires the use of more recent data in a manner that promotes consistency and fairness.

Subsection 2248.14(b)(3)(A)(1) is based upon the language of Appendix A.I.B.(2) of NAIC Model Regulation No. 10, with some re–wording for clarification purposes. Use of the NAIC language is beneficial to promote uniformity of standards with other states to the extent other states have adopted Section 6.A. of NAIC Model # 10.

The effect of Subsection 2248.14(b)(3)(A)(2) is to clarify that no separate mortality shall be assumed for single premium disability insurance policies using the 85CIDA table. The Commissioner drafted and added this subsection because it would be duplicative and inappropriate to add additional and separate mortality in determining policy reserves when the 85CIDA already includes a mortality discount. Therefore no separate mortality is permitted. Subsection 2248.14(b)(3)(A)(2) is reasonably necessary to carry out this purpose and address the problem of uncertainty on this issue if Subsection 2248. l 4(b)(3)(A)(2) is not included as part of the amendments to Section 2248.14. Existing law does not address this issue at all.

Except for the provisions of existing Section 2248.14 that have been retained and incorporated into amended Section 2248.14 as described above, the Commissioner proposes to delete the remaining text of existing Section 2248.14 so that the provisions described above can be incorporated into the section. If these existing standards are not deleted, the amended regulation will be a combination of old and new standards that will contradict each other and simply create confusion. The goal of requiring insurers to use more current, complete, and uniform standards tailored to credit life and credit disability insurance would not be met. Therefore it is reasonably necessary to delete the remaining provisions of existing Section 2248.14 to carry out the purpose of the proposed changes and address the problem that would be created if these remaining provisions were retained.

Documents Incorporated by Reference

The proposed amendments incorporate the following documents by reference: (1) the "2001 CSO Mortality Table," which is included in the *Proceedings of the NAIC* (2nd Quarter 2002); and (2) the "1985 Commissioners Individual Disability Table A," also called the "Basic Valuation Table" or "85CIDA," which is set forth in T*ransactions of the Society of Actuaries* (1986), Volume XXXVII at pages 449–460.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed amendments to Section 2248.14.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The proposed amendments implement, interpret, and make specific the provisions of Insurance Code Section 779.9 by amending Section 2248.14. The proposed amendments are not inconsistent or incompatible with any existing state regulations.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed amendments do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed amendments will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that there is a very low probability that the proposed amendments may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurance companies.

The proposed amendments require insurers subject to Insurance Code Section 779.9 to comply with new actuarial requirements in calculating reserves for credit life and credit disability insurance. A small number of insurers may incur increased administrative or actuarial costs as a result of complying with the requirements of the proposed amendments. However, the proposed amendments may create efficiencies not possible under existing law, which is not as up–to–date and is not as specific as Section 2248.14 as amended. In addition, although the changes effected by the amendments to Section 2248.14 incorporate more recent mortality and morbidity trends, the changes are not large enough to change insurers' reserves or capital rates in any significant way. The Commissioner has considered proposed alternatives that would lessen any adverse economic impact on business and he invites you to submit proposals. Submissions may include the following considerations:

(i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.

(ii) Consolidation or simplification of compliance and reporting requirements for businesses.

(iii) The use of performance standards rather than prescriptive standards.

(iv) Exemption or partial exemption from the regulatory requirements for businesses.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Commissioner is required to assess any impact the proposed amendments may have on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, and the benefits of the proposed amendments to the health and welfare of California residents, worker safety, and the state's environment.

The Commissioner has determined that the proposed amendments will have no effect on possible changes in employment (the creation or elimination of jobs within the State of California), the creation of new businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, or changes in personal income, or gross state product that could result from this action.

Also, the Commissioner has evaluated whether the proposed amendments impair the ability of California businesses to compete with businesses in other states, whether the regulations impact insurers or other businesses or industries and whether they affect the ability of California insurers to compete with insurers in other states. The Commissioner has concluded that the proposed amendments will not have an economic impact for the reasons set forth in the Actuarial Data section of the Economic Impact Assessment. Neither the proposed amendments nor the two alternatives discussed in the Economic Impact Assessment will materially affect the cost of credit life or credit disability insurance.

The Commissioner has determined that the proposed amendments will be beneficial to the welfare of California residents (Government Code Section 11346.3(b)(1)(D)). While there are no expected monetary benefits or explicit costs, there are some important non–monetary benefits. The proposed amendments modernize California law and promote uniformity with the laws of other states that have already adopted NAIC Model legislation. Also, they give insurers more clarity in how to apply mortality to reserves calculations. The proposed amendments will not have an impact on the potential for fraud, error, and/or costly investigations. Furthermore, CDI has determined that the proposed amendments will not impact the health of California residents, worker safety, or the state's environment.

The Commissioner is required to consider proposed alternatives to the proposed amendments. The Commissioner has considered two such alternatives. Under Alternative #1 the Commissioner would not adopt any changes to existing Section 2248.14. Under Alternative #2 the Commissioner would eliminate the use of mortality and morbidity tables in the reserving standards and replace them with a requirement that credit insurers hold a portion of their then–current refund liability as the reserve to pay obligations on credit insurance policies. The Commissioner has determined that neither of these two alternatives, which are discussed in the Economic Impact Assessment, would be more effective in carrying out the purpose for which the proposed amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy of Insurance Code Section 779.9.

The full text of the Commissioner's assessment is set forth in the Economic Impact Assessment, a copy of which is included in the rulemaking record.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulation as amended apply to businesses.

IMPACT ON HOUSING COSTS

The proposed amendments will have no significant effect on housing costs.

ALTERNATIVES

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

IMPACT ON SMALL BUSINESS

The Commissioner has identified no reasonable alternatives to the presently proposed amendments, nor have any such alternatives otherwise been identified and brought to the attention of the Department, that would lessen any adverse impact on small businesses.

The Commissioner has determined that the proposed amendments will affect insurance companies. Insurance companies are not small businesses pursuant to California Government Code section 11342.610(b)(2).

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

The Department of Insurance has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests for the Final Statement of Reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed amendments, the Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest, which contains the general substance of the proposed amendments, as well as a copy of the text of the proposed amended regulation, will automatically be sent to all persons on the Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department of Insurance's website. To access them, go to http://www.insurance.ca.gov. Find at the right side of the page the heading "QUICK LINKS." The third item in this column under this heading is "For Insurers"; on the drop–down menu for this item, select "Legal Information." When the "INSURERS: LEGAL INFORMATION" screen appears, click the third item in the list of bulleted items near the top of the page: "Proposed Regulations." The "INSURERS: PROPOSED REGULATIONS" screen will be displayed. Select the only available link: "Search for Proposed Regulations." Then, when the next screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG–2007–00051" (the Department of Insurance's regulation file number for this amended regulation) in the search field. Alternatively, search by using a keyword phrase ("minimum reserves," for example, or "credit disability insurance"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Currently Proposed Regulations" button near the top of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Minimum Reserves for Credit Life and Credit Disability Insurance" link, and click it. Links to the documents associated with the proposed amended regulation will then be displayed.

MODIFIED LANGUAGE

If the amendments to Section 2248.14 adopted by the Department of Insurance differ from those that have originally been made available but are sufficiently related to the action proposed, the full text of the amendments will be available to the public for at least 15 days

prior to the date of adoption. Interested persons should request a copy of these amendments prior to adoption from the contact person listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203.1, 205(c), 219, 220, 240, 1590, 1591, 2860, 2861, and 6750 of the Fish and Game Code and sections 36725(a) and 36725(e) of the Public Resources Code, and to implement, interpret or make specific sections 200, 202, 203.1, 205(c), 219, 220, 240, 1580, 1583, 2861, 5521, 6653, 8420(e), and 8500 of the Fish and Game Code and sections 36700(e), 36710(e), 36725(a), and 36725(e) of the Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to Blue Cavern State Marine Conservation Area.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The existing regulation provides area boundaries, take restrictions, and anchoring and mooring restrictions within the Blue Cavern State Marine Conservation Area (SMCA). For public health, safety, and general welfare, the proposed regulation re–opens Blue Cavern SMCA to anchoring and mooring, except within the Catalina Marine Science Center Marine Life Refuge (Refuge). The proposed regulation clarifies that the authority of the director of the Refuge to allow anchoring, mooring or scientific take extends only within the Refuge, not the entire SMCA.

Anchoring and mooring are restricted in the Refuge to protect ongoing scientific studies and the integrity of study sites. The director of the Refuge can authorize anchoring and mooring or take of marine life for scientific purposes, under the conditions prescribed in a scientific collecting permit issued by the Department of Fish and Game (Sections 10655 and 10502.8, Fish and Game Code). These provisions were unintentionally applied to the entire Blue Cavern SMCA in rulemaking file 2011–1101–04SR. During the Marine Life Protection Act planning phase, the South Coast Regional Stakeholder Group (SCRSG) developed Marine Protected Area (MPA) proposals for the South Coast Study Region. Based on a review of MPA planning records, and confirmed through follow–up discussions with SCRSG members, no documentation specifies intent to expand the no–anchoring and mooring provision or the authority of the director of the Refuge to allow anchoring, mooring or scientific take beyond the existing Refuge.

Blue Cavern SMCA is commonly used by experienced and inexperienced divers. Under the current regulation, the live–boating technique is now the only option for dive vessels. This technique involves deploying divers from a vessel into the water while keeping the motor running to remain within sight and easy access of the divers. Because the vessel may need to move constantly, the location of deployed divers can be very difficult for other vessel operators on site to determine, especially with multiple vessels in the same area.

A regulation change is needed to protect the public health, safety, and general welfare while preserving the intended purpose of the SMCA designation. This proposed regulation allows anchoring and mooring within the Blue Cavern SMCA except within the Refuge and clarifies that the authority the Refuge director to allow anchoring, mooring, or take of marine life for scientific purposes applies only within the Refuge. All other existing take restrictions remain in effect throughout the SMCA. The proposed regulation makes permanent the emergency regulation that expires on October 30, 2012.

The proposed regulation will provide benefits to public health and safety by minimizing risk for divers in the Blue Cavern SMCA. Minor benefits to air quality may be realized in the implementation of the proposed regulation; however, the Commission does not anticipate any significant benefits to the environment.

The proposed regulation is neither inconsistent nor incompatible with existing state regulations. No other entity has authority to promulgate regulations concerning these activities within Commission–established State marine conservation areas.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crown Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, California, on Wednesday, August 8, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted to the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on August 3, 2012. All comments must be received no later August 8, 2012, at the hearing in Ventura, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone

(916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Department of Fish and Game's Marine Region, telephone (805) 568–1246 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The proposed regulation pertains only to the Blue Cavern State Marine Conservation Area offshore of Catalina Island in Los Angeles County.

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

The agency is not aware of any impacts the proposed action would have on creation, expansion, or elimination of jobs or businesses in California.

The Commission anticipates benefits to the health and welfare of California residents by minimizing risks to divers in the Blue Cavern SMCA, while preserving the intended purpose of the Blue Cavern SMCA.

The Commission does not anticipate any non–monetary benefits to worker safety.

Existing regulation benefits the environment by protecting habitat and biodiversity in the Blue Cavern SMCA. Minor benefits to air quality may be realized in the implementation of the proposed regulation; however, the Commission does not anticipate any significant benefits to the environment.

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

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

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

Some unknown level of cost savings will be realized by not having to invest as much time in enforcement of potentially dangerous regulations.

(e) Nondiscretionary Costs/Savings to Local Agencies:

Some unknown level of cost savings will be realized by not having to invest as much time in enforcement of potentially dangerous regulations.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, and 220 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203.1, 205, 207, 210, 215, 219, 220, 240, 5508, and 5509 of said Code, proposes to amend sections 27.65 and 28.30, Title 14, California Code of Regulations, relating to kelp bass, barred sand bass and spotted sand bass.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current regulations, Section 27.65(b)(1), Title 14, CCR, specifies a minimum fillet length for kelp bass, barred sand bass, spotted sand bass, and ocean whitefish. Section 28.30 specifies a minimum size (total length and alternate length) and bag limit for kelp bass, barred sand bass, and spotted sand bass.

The three proposed regulatory options are intended to work together to favor population increases of the three bass species by reducing take. The options include an increase in the minimum size limit for all three species (with a corresponding increase in fillet length and alternate length), a reduction in the bag limit for all three species, and a spawning season closure for barred sand bass only. Each proposed option includes a range of sub–options yielding different reductions in catch depending on the species. The following summarizes the options for regulatory change in Title 14, Sections 27.65(b)(1) and 28.30:

Option 1: The proposed regulation would increase the minimum size limit for bass to either 13, 14, or 15 inches total length. An increase in the minimum size limit to 13, 14, or 15 inches will require a corresponding increase in the fillet length size to 7, 7.5, or 8 inches, respectively and a corresponding increase in the alternate length size to 9.25, 10, or 10.75 inches, respectively. Ocean whitefish fillets would retain the 6.5 inches minimum length and require the entire skin be attached.

Option 2: Current regulations specify a limit of 10 fish (bass) in any combination of species. The proposed regulation would retain the 10 fish upper limit in aggregate stipulation, but provide for a reduction in the individual species limit within the range of 10 to 0.

Option 3: Current regulations do not specify any seasonal closure of barred sand bass fishing. The proposed regulation would close barred sand bass fishing from 1 week to 3 months during the spawning season (June 1–August 31).

The benefits of the proposed regulations are sustainable management of the bass resources to protect bass populations while continuing to provide recreational fishing opportunities.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crown Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, California, on Wednesday, August 8, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Hotel–LAX, 6225 West Century Blvd., Los Angeles, California, on Wednesday, November 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted to the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on November 2, 2012. All comments must be received no later than November 7, 2012 at the hearing in Los Angeles, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Department of Fish and Game's Marine Region, telephone (805)**

568–1246 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

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

Some impacts to southern California businesses catering to bass fishing may be realized; however, these impacts are not expected to be significant or statewide. The bass fishery is only a southern California fishery, and businesses from other states do not compete with southern California businesses for this resource.

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

An increase in the minimum size limit (Option 1) will result in fewer bass taken, but it is unlikely to result in the creation or elimination of jobs or businesses. The minimum size increase is not expected to reduce the number of anglers aboard CPFVs and rental boats to the same extent that a reduction in the bag limit would because the opportunity to catch larger fish still exists.

Due to some of the recreational fishing community having support for a reduction in the bag limit (Option 2), it is unknown whether a moderate reduction in the bag limit would deter a significant portion of anglers from fishing. However, a severe reduction in the bag limit (e.g., zero take) would most likely result in the loss of jobs and the elimination of several businesses associated with the industry (see economic impact analysis report).

A barred sand bass season closure (Option 3) could also result in the loss of jobs or businesses, depending on actual customer interest (fishing for barred sand bass versus other species) and revenue lost due to potential impacts to sport fishing landings. Under a partial season closure, it seems likely that landings would choose to continue their regular schedule and fish for other species, resulting in no loss of jobs or businesses. However, under a full season closure, a significant reduction in fishing trips would most likely result in the loss of jobs and the elimination of several businesses associated with the industry (see economic impact analysis report).

For all three options, fewer fish being taken home would result in some lost income to CPFV crew members due to filleting fewer fish.

Despite the possibility of a short–term adverse impact to businesses, the long–term intent of all the proposed actions is to increase sustainability of the bass fisheries and, subsequently, the long–term viability of these same businesses.

The Commission anticipates benefits to the health and welfare of California residents. Currently there are health advisories recommending limited consumption of kelp bass and barred sand bass from certain areas within southern California due to contaminants (see economic impact analysis

report). Limiting take of these fishes through the proposed regulations will help residents comply with these health advisories.

The Commission does not anticipate any non–monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's bass resources.

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

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3019, 3044, 3091 and 3120 in the California Code of Regulations (CCR), Title 15 concerning the elimination of the Inmate Privilege Card.

PUBLIC HEARING

Date and Time:	July 31, 2012 — 10:00 a.m. to 11:00 a.m.
Place:	Department of Corrections and Rehabilitation Kern/Colorado Room 1515 S Street — North Building Sacramento, CA 95811
Purpose:	To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **July 31, 2012, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e–mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283–0001; by fax at (916) 324–6075; or e–mail at *RPMB@cdcr.ca.gov* before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283–0001
Telephone (916) 445–2269

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

S. Pollock
Regulation and Policy Management Branch
Telephone (916) 445–2266

Questions regarding the substance of the proposed regulatory action should be directed to:

Stephanie Winn
Strategic Offender Management System
Telephone (916) 358–2811

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Cost or savings to any state agency: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the State: *None*.

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California, or the health and welfare of California residents, worker safety, or the State's environment.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website http://www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The

Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action:

- Amends California Code of Regulations, Title 15, Division 3, sections 3019, 3044, 3091, and 3120, to remove references to Inmate Privilege Cards, also referred to as CDC Form 130.
- Deletes pictures of the CDC Form 130, currently in Title 15, Division 3, section 3044.
- Will allow CDCR staff to be more efficient; saving time, cost, and paper resources, by not having to create and continually update the Inmate Privilege Card.
- Benefits the State environment by not having to rely on paper resources, and provides up–to–date real time management of offenders through the use of the Strategic Offender Management System.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Tsakopoulos Library Galleria, 828 I Street, Sacramento, CA, 95814, at 12:30 p.m., on July 26, 2012. Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 23, 2012, or must be received by the Board at the hearing. 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 5010, 5076, and 5100 of the Business and Professions Code, and to implement, interpret or make specific Section 5076 of said Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code (B&P) Section 5076 establishes the Board's Peer Review Program which requires that firms providing specific services must undergo a peer review every three years as a condition of renewal. In addition, B&P Section 5076 authorizes the Board to adopt regulations to implement, interpret, and make specific the peer review requirements, including document submission. This proposal will clarify and simplify the document submission process for licensees of the Board. The regulatory proposal is as follows:

1. Amend Section 40 in Title 16 of the California Code of Regulations.

This proposal would amend this section to remove the current references to reporting dates mentioned in Section 45. It also clarifies that any firm that performs specific services for the first time, whether it is newly licensed or simply new to performing those services, must complete a peer review within 18 months of the date it completes those services. Specifically, these changes would:

- Amend the language to specify that all firms performing accounting and auditing services as specified in Section 39(a) have a peer review completed every three years in order to renew their licenses.
- Combine current subsections (b) and (c) to address all firms that begin performing accounting and auditing services since their last renewal date. This means that the new subsection (b) would specify that a firm which performs accounting and auditing services for the first time have a peer review report accepted within 18 months of the date it performs those services.

2. Amend Section 45 in Title 16 of the California Code of Regulations.

This proposal would, commencing January 1, 2014, replace the initial phase–in firm reporting dates of the peer review program with the requirement that a licensee of the Board report specific peer review information required by Form PR–1 (Rev. 1/12) at the time of renewal. This form, which is incorporated by reference in this section, is revised by this proposal as well. The proposal maintains the phase–in reporting dates until January 1, 2014. The proposal deletes a requirement that a firm that performs specific services for the first time, whether it is newly licensed or simply new to performing those services, immediately report specific peer review information to the Board following the completion of its peer review. Finally, the proposal states that failure to submit the required Form PR–1 (Rev. 1/12) or making any false, fraudulent, or misleading statements as a part of, or in support of, the peer review reporting are causes for non–renewal or disciplinary action pursuant to Section 5100(g) of the Accountancy Act.

Anticipated Benefits of the Proposal:

In February 2012, the Board sent out 872 citations to licensees who failed to respond to Board requests to report peer review information. The large number of citations was never anticipated by the Board. Each of the 872 citations issued were for failure to respond to a board inquiry and carried a fine of $250. This represented an unforeseen annual economic impact of $218,000.

This proposal will assist licensees in submitting the proper peer review reporting information. Furthermore, due to the change in reporting dates, it is expected that the number of citations issued for failure to respond to a Board inquiry will decrease by 75% from current levels of 872 to 218 per year. Assuming the fines would be held constant at $250, the economic impact to the CPA profession will decrease by $163,500 per year.

Consistency and Compatibility with Existing State Regulations:

The Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

PR–1 (Rev.1/12)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The fiscal effect of this proposal will decrease unanticipated fine revenues from their current annual level of $218,000 per year to approximately $54,500 annually. The large number of unexpected fines could be attributed to having a reporting date separate from license renewal, which this proposal is designed to eliminate. In addition, it is expected that there will be a decrease of approximately 300 hours of workload associated with the 75% decrease in the number of fines.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 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.

AND

The following studies/relevant data were relied upon in making the above determination:

The proposal changes the due dates of reporting information on already mandated peer reviews. Instead of having the report due every three years depending on the licensee's number, the report will now be due on the licensee's renewal date which occurs once every two years. This means licensees will report information 50% more often than they previously were required to. The entire reporting process, however, should take no more than 5 minutes to complete. At a rate of 5 minutes of time every two years, the cost impact to licensees is considered negligible. In addition, expenses associated with submitting the form may include mailing; these

expenses are minimal and should not have a significant fiscal impact on the licensees.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

The entire reporting process should take no more than 5 minutes to complete. At a rate of 5 minutes of time every two years, the cost impact to licensees is considered negligible. In addition, expenses associated with submitting the form may include mailing; these expenses are minimal and should not have a significant fiscal impact on the licensees.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant 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 Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

Business and Professions Code section 5000.1 states that "protection of the public shall be the highest priority for the California Board of Accountancy in exercising its licensing, regulatory, and disciplinary functions." Peer review is a systematic review of a firm's accounting and auditing services performed by a peer reviewer who is unaffiliated with the firm being reviewed to ensure work performed conforms to professional standards. This regulatory proposal benefits the health and welfare of California residents by helping to ensure that licensees who provide public accounting services to California consumers are monitored by the Board to ensure they are satisfying their requirements for mandatory peer review and are able to easily comply with peer review reporting requirements with a minimum of confusion.

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 proposal described in this Notice, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above–mentioned hearing.

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, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2000 Evergreen St., Ste. 250, Sacramento, California 95815.

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 which 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 website listed below.

CONTACT PERSON

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

Name: Matthew Stanley
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916–561–1792
Fax No.: 916–263–3678
E–Mail Address: mstanley@cba.ca.gov

The backup contact person is:

Name: Kari O'Connor
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916–561–1716
Fax No.: 916–263–3678
E–Mail Address: koconnor@cba.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CALIFORNIA ENDANGERED SPECIES ACT INCONSISTENCY DETERMINATION NO. 2080–2012–009–03

Project: Taxiway C Reconstruction Project and Phase I of General Aviation Apron Reconstruction

Location: Santa Cruz County

Applicant: City of Watsonville

Notifier: Rayvon Williams, Watsonville Municipal Airport Manager

Background

The City of Watsonville (Applicant) proposes to reconstruct Taxiway C and the northwest area of the general aviation apron, Phase I General Aviation Apron Reconstruction. The Taxiway C Reconstruction and Phase I of General Aviation Apron Reconstruction (Project) are needed to improve the safety of airport operations on Taxiway C and to improve operational conditions on the general aviation apron.

The reconstruction of the general aviation apron area covers an area of 5,850 square feet within the existing paved airport footprint and is located in the northwest area of the apron. The existing paved surface of the taxiway is 50 feet wide by 1,350 feet long. Edges of all paved surfaces at the airport, including Taxiway C, have unvegetated and graded shoulders with a 12 foot extent. The width of the reconstructed taxiway would be reduced to 35 feet. This reduction would add an additional 7.5 feet to the 12 foot shoulder resulting in a 15.5 foot shoulder extent for the taxiway. A new 30–inch drainpipe will be installed beneath the paved section of taxiway to replace the existing under–sized drainpipe. The yellow centerline will be repainted onto the taxiway once it has been repaved. Five guidance sign pads will be installed in the extant 12 foot wide taxiway shoulder to meet Federal Aviation Administration (FAA) standards.

The Project activities described above are expected to incidentally take[1] California red–legged frog, (*Rana draytonii*), Santa Cruz long–toed salamander, (*Ambystoma macrodactylum croceum*) and Santa Cruz tarplant (*Holocarpha macradenia*) where those activities take place within close proximity to suitable aquatic habitat and breeding sites and within designated critical habitat for Santa Cruz tarplant. In particular, Santa Cruz tarplant and Santa Cruz long–toed salamander could be incidentally taken as a result of grading, operation of heavy equipment, personnel foot traffic, erosion, dust accumulation, fuel and/or hazardous chemical spills and runoff. Take can be in the form of crushing, poisoning, indirectly exposing animals to additional predation pressures by displacement, and alteration of subsurface hydrologic conditions that results in changes of surface water availability. California red–legged frog and Santa Cruz tarplant are designated as threatened species and Santa Cruz long–toed salamander is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). Santa Cruz long–toed salamander and Santa Cruz tarplant are designated as endangered species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(3)(A) and tit. 14, § 670.2, subd. (a)(4)(K)).

Construction activities, equipment, stockpiles, and haul routes would be restricted to the existing 50–foot–wide paved areas and 12–foot–wide shoulder areas. Equipment to be used includes pulverizers, graders, front–end loaders, track–mounted excavators, concrete pumpers and mixers, end and belly dump trucks, roller–type vibrating compactors, asphalt paving machines, and support trucks. Existing pavement will be pulverized, removed, and stock–piled. During asphalt removal and installations of aggregate sub–base, water tank trucks will follow activities and spray for dust suppres-

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

sion. Stock–piled asphalt will be reused as an aggregate sub–base for taxiway and apron repavement. To meet FAA design and safety standards, the additional 7.5 foot shoulder areas will be tapered and graded to minimize all slopes below a 5 percent gradient. Minor grading and placement of fill will be required in "limited" areas to achieve FAA standards. All grading activities will be limited within the perimeter of the existing 12–foot–wide shoulder.

The FAA and Watsonville airport do not anticipate the project will affect the adjacent grassland. Pavement surrounds the portion of general aviation apron proposed for reconstruction. No equipment or personnel will be allowed beyond paved areas during the apron reconstruction. Minimization measures including erosion control, limiting construction to the dry season to the greatest extent feasible, restricting all construction equipment, stockpiles and staging areas to paved surfaces, and measures to avoid impacting sensitive species on airport property will be implemented.

Santa Cruz Tarplant

The Watsonville airport supports the largest remaining population of Santa Cruz tarplant and is within designated critical habitat Unit I (Watsonville). Because of the well–documented presence of Santa Cruz tarplant, the United States Fish & Wildlife Service (Service) determined that Santa Cruz tarplant occurs within the Project site and that Project activities are expected to result in the incidental take of Santa Cruz tarplant.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the FAA consulted with the Service as required by the ESA. On March 28, 2012, the Service issued a biological opinion (Service file No. 81440–2011–F–0416) (BO) to the FAA. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

There are no measures in the BO addressing avoidance or minimization of project impacts to Santa Cruz tarplant.

On April 23, 2012 the Director of the Department of Fish and Game (DFG) received a notice from Rayvon Williams on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and Santa Cruz long–toed salamander and Santa Cruz tarplant. (Cal. Reg. Notice Register 2012, No. 18–Z, p. 599.)

Determination

After review and consideration of the BO, including the ITS, DFG has determined that there is substantial evidence to conclude the BO and ITS are **not consistent** with CESA because the required measures do not meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA–listed species. This determination is based on the following considerations:

1. Plant species are not prohibited from being taken under the federal ESA; therefore, BOs do not authorize incidental take of plants. Because of this, DFG cannot legally issue a Consistency Determination for the incidental take of state–listed plants, in this case, Santa Cruz tarplant.
2. DFG does not have the authority to issue a consistency determination for the California red–legged frog, as it is not a state–listed species.
3. DFG cannot permit the take of Santa Cruz long–toed salamander, a species designated as fully protected by the State (Fish and Game Code Section 5050 (b)(3)).
4. DFG cannot issue a consistency determination for one species covered under the BO and not for another. This is due to the coverage allowed under "otherwise lawful activity" under CESA (Fish and Game Code 2081(b)(1)).
5. The BO does not provide DFG with any authority to approve various conditional take minimization and mitigation measures, nor does it require the applicant to provide notification to DFG for issues related to conditions in the BO, including: notification of take occurrences, approval of biological monitors, approval of biologists, documentation of training, project implementation reports, notification of project suspension, post–encounter coordination, and post–construction implementation and compliance reporting. Since the BO does not provide DFG with such approval authority or notification, DFG cannot ensure that take minimization and mitigation measures will be properly implemented. Thus, DFG cannot find that the impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).
6. The BO does not require mitigation property for impacts to Santa Cruz tarplant or provide for a conservation easement to be placed over existing on site populations to ensure maintenance in perpetuity. The BO does not describe the requirement for management funding (endowment) of the property. For these reasons, the BO does not meet the requirements of Fish and Game Code section 2081, subdivisions (b)(2) and (b)(4) to minimize and fully mitigate impacts and ensure adequate funding to carry out all required mitigation.

For the reasons described above, DFG has determined there is substantial evidence that the BO, including its ITS, is not consistent with CESA as it pertains to incidental take by the Applicant during implementation of the Project because DFG does not have authority to permit the take of fully protected species, cannot find that the impacts have been minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2), and cannot find that the applicant has ensured adequate funding as required by Fish and Game Code section 2081, subdivision (b)(4). Pursuant to Fish and Game Code section 2080.1, subdivision (c), with this determination the incidental take of Santa Cruz tarplant resulting from implementation of the Project may only be authorized by DFG pursuant to Fish and Game Code section 2081, subdivision (b).

DECISION NOT TO PROCEED

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board (Board) of the State of California decided not to proceed with Title 8, Division 1, Construction Safety Orders, Chapter 4, Subchapter 4, Article 16, Section 1621, Ladderway Openings, (Notice File No. Z2011–1220–06, published December 30, 2011, in the California Notice Register 2011, No. 52–Z, page 2076), based on Board staff consideration and therefore, withdraws this proposed action for further consideration.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2012–0524–01
CALIFORNIA STATE UNIVERSITY
Auxiliary Organizations: Dissolution

The Board of Trustees of the California State Universities is amending a regulation concerning the filing of articles of incorporation or a constitution for Auxiliary Organizations. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
AMEND: 42600
Filed 05/29/2012
Effective 05/29/2012
Agency Contact: Jason T. Taylor (562) 951–4500

File# 2012–0501–01
FISH AND GAME COMMISSION
Mammal Regulations for 2012–2013

The Fish and Game Commission amended sections 360, 361, 362, 363, 364, 365, and 708.12 of title 14 of the California Code of Regulations pertaining to the hunting of deer, Nelson bighorn sheep, pronghorn antelope, elk, and bear.

Title 14
California Code of Regulations
AMEND: 360, 361, 362, 363, 364, 365, 708.12
Filed 05/29/2012
Effective 07/01/2012
Agency Contact: Jon Snellstrom (916) 654–9868

File#2012–0426–01
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
Decrease Special Fees

The Office of Statewide Health Planning and Development (OSHPD) is amending section 90417 of Title 22 of the California Code of Regulations to reduce the special fee rate that is annually assessed health facilities. Health and Safety Code section 127280 authorizes OSHPD to charge a fee sufficient to produce revenues equal to the appropriation in the Budget Act to pay for the required collection, processing, and dissemination of health facility financial and utilization data, and hospital patient–level data. Section 127280 also allows a reduction in the fee if there is a surplus. OSHPD has determined that the California Health Data and Planning Fund has a surplus and therefore they are reducing the special fee charged to hospitals from 0.034% of gross operating costs to 0.027% of gross operating costs. Additionally OSHPD is reducing the special fee charged to long–term care facilities from 0.034% of gross operating costs to 0.025% of gross operating costs.

Title 22
California Code of Regulations
AMEND: 90417
Filed 05/24/2012
Effective 05/24/2012
Agency Contact: Lexie Bloyd (916) 326–3833

File# 2012–0413–01
RESPIRATORY CARE BOARD
Disciplinary Guidelines Citation & Fine, Fees, & Various Regulatory Revisions

This regulatory action makes revisions to requirements for education waivers, continuing education, scope of practice, disciplinary guidelines, citations and fines, fees, and review and appeal procedures. It also adds a cease–practice probation for certain violations.

Title 16
California Code of Regulations
ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340, 1399.381, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391
Filed 05/25/2012
Effective 06/24/2012
Agency Contact: Stephanie Nunez (916) 323–9983

File#2012–0503–01
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
San Francisco Bay Plan and San Francisco Waterfront Special Area Plan

This regulatory action by the San Francisco Bay Conservation and Development Commission contains amendments to the San Francisco Waterfront Special Area Plan (SAP) and Special Area Plan Map 5 that were adopted under Resolution 12–05 on April 5, 2012. These amendments to the SAP, an element of the San Francisco Bay Plan, were requested by the Port of San Francisco and the America's Cup Event Authority to provide for the temporary berthing of vessels associated with the 2012 and 2013 America's Cup events.

Specifically, the SAP was amended to add the temporary use of the open water basins at Brannan Street Wharf, Rincon Point, Broadway, and Northeast Wharf, add findings and policies to identify parameters for temporary use of the basins and require that all fill be removed by March 2014, and include a variety of public benefits, including improved Bay views and public access.

Title 14
California Code of Regulations
AMEND: 11960
Filed 05/30/2012
Effective 05/30/2012
Agency Contact: Lindy L. Lowe (415) 352–3642

File# 2012–0525–04
SECRETARY OF STATE
Recounts

The Secretary of State amended section 20811 of title 2 of the California Code of Regulations to limit the term "Interested Party" to the requestor and those persons identified in Elections Code section 15628 for purposes of recounts.

Title 2
California Code of Regulations
AMEND: 20811(c)
Filed 05/29/2012
Effective 05/29/2012
Agency Contact: Susan Lapsley (916) 651–7837

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN January 4, 2012 TO May 30, 2012

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

Title 2

05/29/12	AMEND: 20811(c)
05/15/12	AMEND: 1859.2
05/10/12	AMEND: 1859.2, 1859.82
05/08/12	ADOPT: 559.1
04/30/12	ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
04/26/12	AMEND: 554.4
04/23/12	AMEND: 18705.5
04/23/12	AMEND: 554.3
04/19/12	ADOPT: 18412 AMEND: 18215, 18413
04/10/12	ADOPT: 18215.3
04/09/12	ADOPT: 59710
03/26/12	AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
03/13/12	AMEND: 1859.2, 1859.82
03/06/12	ADOPT: 589.11
03/06/12	AMEND: 1189.10
03/02/12	AMEND: 560
02/16/12	AMEND: 18401.1
02/13/12	AMEND: 18943
01/31/12	ADOPT 260.1, 261.1 AMEND 258, 260, 262

01/31/12 AMEND 640
01/26/12 AMEND 37000
01/23/12 ADOPT: 1880
01/23/12 ADOPT: 18940.1, 18942.2, 18942.3 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
01/10/12 AMEND: 18423, 18539, 18550
01/05/12 ADOPT: 18404.2
01/05/12 ADOPT: 18227.5, 18247.5 REPEAL: 18247.5

Title 3

05/17/12 AMEND: 4603(i)
05/01/12 AMEND: 3423(b)
04/16/12 AMEND: 3591.19
04/16/12 AMEND: 3439
04/12/12 AMEND: 3591.21(b)
04/12/12 ADOPT: 3435(c)
04/12/12 AMEND: 3434(b)&(c)
04/03/12 ADOPT: 3639
04/03/12 ADOPT: 3439
04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1
03/20/12 AMEND: 1430.5, 1430.6, 1430.35, 1430.36, 1430.37, 1430.38
03/09/12 AMEND: 3436(b)
03/08/12 AMEND: 3437(b)
03/07/12 ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39 AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41 REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30
02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323 AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321
02/23/12 AMEND: 3700(c)
02/13/12 AMEND: 3591.2(a)
02/06/12 AMEND: 3435(b)
02/02/12 AMEND: 3423(b)
01/23/12 ADOPT: 588
01/18/12 ADOPT: 3591.25
01/06/12 AMEND: 3591.2(a)

Title 4

05/15/12 REPEAL: 61.3
05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
04/30/12 ADOPT: 511 AMEND: 399
04/26/12 AMEND: 2066
04/19/12 ADOPT: 10192, 10193,10194, 10195, 10196, 10197, 10198, 10199
04/17/12 AMEND: 53
04/12/12 AMEND: 10317, 10325
04/11/12 AMEND: 10302, 10310, 10315, 10317, 10322, 10325, 10327, 10328
04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540
03/29/12 AMEND: 12008, 12335, 12342, 12345, 12357, 12359
03/21/12 AMEND: 12200, 12200.9, 12200.10A, 12200.11, 12200.13, 12220, 12220.13, 12342, 12464
03/08/12 AMEND: 10032, 10033, 10034, 10035
03/08/12 AMEND: 60, 60.5
03/06/12 ADOPT: 4075
03/05/12 AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162 REPEAL: 10156, 10158, 10164
03/02/12 AMEND: 8070
02/29/12 AMEND: 8070, 8072, 8073, 8074
02/22/12 AMEND: 10176, 10177, 10178, 10182, 10188
02/16/12 AMEND: 12572
02/14/12 AMEND: 1844
02/14/12 AMEND: 1843.3
02/08/12 AMEND: 66
02/03/12 AMEND: 5000, 5052

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05/29/12 AMEND: 42600
04/25/12 AMEND: 80028, 80301, 80442
04/20/12 AMEND: 18013, 18054, 18111 REPEAL: 18006, 18200, 18201, 18202, 18203, 18205, 18206, 18207
04/11/12 AMEND: 19816, 19816.1, 19845.2

04/02/12 ADOPT: 27000, 27001, 27002, 27003, 27004, 27005, 27006, 27007, 27008, 27009
04/02/12 ADOPT: 1039.2, 1039.3
03/26/12 AMEND: 1216.1
03/26/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
03/12/12 AMEND: 41000
03/06/12 AMEND: 18600
03/01/12 ADOPT: 30001.5
02/27/12 AMEND: 42397.2, 42397.6
02/09/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
02/09/12 ADOPT: 27100, 27101, 27102, 27103
01/10/12 AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600

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05/21/12 ADOPT: 10582.5, 10770.1 AMEND: 10770
05/07/12 AMEND: 477
05/07/12 AMEND: 2340.22
05/02/12 AMEND: 20363, 20365, 20393, 20400, 20402
05/01/12 AMEND: 1533, 1541, 8403
03/14/12 AMEND: 32602, 32603, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 61360(a)
02/23/12 AMEND: 1905
02/16/12 AMEND: 5155
02/08/12 AMEND: 1675, 3276, 3278
02/08/12 ADOPT: 374.2 AMEND: 350.1, 371, 371.1, 376
02/01/12 AMEND 1504, 1591, 1597
01/24/12 AMEND: 5155
01/19/12 ADOPT: 9708.1, 9708.2, 9708.3, 9708.4, 9708.5, 9708.6
01/18/12 ADOPT: 1615.3 AMEND: 1532.1, 3361, 5042, 5044, 5045, 5047, 5049, 5144, 5191, 5198, 5209, 8355
01/05/12 AMEND: 4188

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

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05/09/12 AMEND: 2698.208
04/23/12 AMEND: 2355.1, 2355.2
04/10/12 AMEND: 260.204.9
04/09/12 ADOPT: 6400
03/15/12 AMEND: 2690
02/16/12 AMEND: 2498.6
02/13/12 AMEND: 2202
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02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8. 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
01/11/12 AMEND: 260.204.9
01/09/12 AMEND: 2699.6707

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05/09/12 ADOPT: 1019 REPEAL: 9020
05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
03/14/12 AMEND: 1005, 1007, 1008
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04/19/12 ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26
04/10/12 ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
02/29/12 AMEND: 553
02/13/12 REPEAL: 158.00

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05/29/12 AMEND: 360, 361, 362, 363, 364, 365, 708.12
05/30/12 AMEND: 11960
05/21/12 AMEND: 703
05/21/12 AMEND: 7.50
05/21/12 AMEND: 705
05/17/12 AMEND: 7.50

05/07/12 ADOPT: 18835, 18836, 18837, 18838, 18839
05/01/12 AMEND: 27.80
05/01/12 ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877
05/01/12 AMEND: 791.7, 870.17
04/30/12 AMEND: 632
04/27/12 AMEND: 228, 228.5
04/05/12 AMEND: 28.29, 52.10, 150.16
04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796
03/28/12 AMEND: 11900, 11945
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03/22/12 AMEND: 27.80
02/24/12 AMEND: 29.15
02/13/12 AMEND: 29.17, 127
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01/31/12 AMEND 29.15
01/26/12 ADOPT 18940, 18941, 18942, 18943, 18944, 18945, 18945.1, 18945.2, 18945.3, 18946, 18947, 18948
01/25/12 AMEND: 18419
01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
01/09/12 AMEND: 7.00, 7.50(b)(68)
01/05/12 ADOPT: 749.7
01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18

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05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375
04/11/12 AMEND: 3187, 3188
04/09/12 AMEND: 3172.2
04/05/12 AMEND: 3341.5, 3375.2, 3377.1
04/02/12 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
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03/08/12 ADOPT: 8006
03/08/12 AMEND: 3315, 3323
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01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
01/11/12 REPEAL: 3999.8
01/05/12 AMEND: 3140

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05/25/12 ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340, 1399.381, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391
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05/14/12 AMEND: 932
05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568, 2576.8, 2579.11 AMEND: 2503, 2524.1 (renumber to 2524.5), 2563, 2579.11 (renumber to 2579.20)
04/27/12 AMEND: 407, 428
04/26/12 AMEND: 3605
04/23/12 AMEND: 3005
04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3 AMEND: 2252, 2275, 2284
03/30/12 AMEND: 3340.43, 3394.3, 3394.4, 3394.5, 3394.6, 3394.7
03/29/12 AMEND: 109, 116, 117, 121
03/19/12 AMEND: 4155
03/08/12 AMEND: 318
03/07/12 AMEND: 2615, 2620
03/07/12 AMEND: 1889.2 REPEAL: 1832.5
03/07/12 AMEND: 2615, 2620
03/07/12 AMEND: 1889.2 REPEAL: 1832.5
02/27/12 AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2
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02/09/12 AMEND: 28 REPEAL: 30
02/08/12 ADOPT: 1018.05 AMEND: 1020
02/01/12 ADOPT 3340.16.4 AMEND 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1 3340.16.4 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28,

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01/11/12 AMEND: 109, 117, 121
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03/28/12 AMEND: 100080
03/15/12 ADOPT: 58883
03/15/12 AMEND: 6020, 6035, 6051, 6065, 6070, 6075
03/12/12 AMEND: 95307
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02/15/12 AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943
01/26/12 AMEND 6540
01/17/12 AMEND: 50602, 50604, 50607, 50612, 54326

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05/01/12 AMEND: 1685.5
03/26/12 ADOPT: 25137–8.2 AMEND: 25137–8 (re–numbered to 25137–8.1)
02/27/12 ADOPT: 25136–2
02/07/12 AMEND: 1807, 1828
01/11/12 AMEND: 1616
01/09/12 AMEND: 1532, 1533.1, 1534, 1535

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

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05/24/12 AMEND: 90417
05/22/12 ADOPT: 60098, 64400.05, 64400.29, 64400.36, 64400.41, 64400.66, 64400.90, 64402.30, 64400.46 AMEND: 60001, 60003, 63790, 63835, 64001, 64211, 64212, 64213, 64252, 64254, 64256, 64257, 64258, 64259, 64400.45, 64415, 64463.1, 64463.4, 64470, 64481, 64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2 REPEAL: 60430, 64002, 64439, 64468.5
05/17/12 AMEND: 51240, 51305, 51476
05/04/12 AMEND: 123000
04/11/12 AMEND: 97174
03/15/12 ADOPT: 123000 and Appendices REPEAL: 123000 and Appendices
02/21/12 AMEND: 51003
02/21/12 AMEND: 66261.21(a)(3), 66261.21(a)(4)
02/08/12 AMEND: 66261.33, 66268.40
02/06/12 AMEND: 80001, 80075, 83000, 83001, 84001, 84061, 86001, 88001
01/31/12 ADOPT 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090
01/26/12 AMEND 50273

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04/23/12 ADOPT: 3979.4
04/10/12 AMEND: 2631
04/09/12 ADOPT: 3969.1
04/05/12 AMEND: 645
03/21/12 ADOPT: 3969
03/21/12 ADOPT: 3939.41
03/21/12 ADOPT: 3939.44
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03/12/12 AMEND: 2922
03/09/12 ADOPT: 3919.11
02/29/12 ADOPT: 3939.42
02/27/12 ADOPT: 3919.12
02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27 AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14, 16, 17, 23 (re–numbered to 28), 103, 109, 110, Appendix A REPEAL: 20, 21, 22

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03/13/12 ADOPT: 6932 REPEAL: 6932

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

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