EDMUND G. BROWN, JR., GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

# California Regulatory Notice Register

REGISTER 2012, NO. 24–Z PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW JUNE 15, 2012

## PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION
*Conflict–of–Interest Code — Notice File No. Z2012–0605–04* . . . . . 765
Amendment
State: CA Office of Real Estate Appraisers
Adoption
Multi–County: Mission View Public Charter School, Incorporated

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
*Oak Mortality Disease Control — Notice File No. Z2012–0605–02* . . . . . 766

TITLE 4. CALIFORNIA HORSE RACING BOARD
*Errors Which Invalidate Claim — Notice File No. Z2012–0530–01* . . . . . 768

TITLE 4. CALIFORNIA HORSE RACING BOARD
*Prohibition on Entering of Pregnant Mares Beyond 120 Days' Gestation — Notice File No. Z2012–0605–03* . . . . . 772

TITLE 14. FISH AND GAME COMMISSION
*Upland Game Hunting — Notice File No. Z2010–0605–01* . . . . . 774

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY
*CALPIA Inmate Work/Training and Education — Notice File No. Z2012–0517–01* . . . . . 776

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE
*Medical and Ethical Standards — Notice File No. Z2012–0531–01* . . . . . 779

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE
*Conflict–of–Interest Code Amendments — Notice File No. Z2012–0531–02* . . . . . 782

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT
*Family Temporary Disability Insurance Definitions — Notice File No. Z2012–0601–03* . . . . . 784

**(Continued on next page)**

***Time-Dated Material***

TITLE 23. STATE WATER RESOURCES CONTROL BOARD
*Wastewater Treatment Plant Operator Certification — Notice File No. Z2012–0601–01* . . . . . 787

## GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
*Settlement Agreement With the Party Who Owns Space Bank Mini–Storage Facility Site,* aka,
*Former Naval Information Research Foundation Under Sea Center Site, in Pasadena, CA* . . . . . 794

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
*Notice of Extension of Public Comment Period re: Proposed Regulations on Request for*
*Modifications to Patient Data Reporting* . . . . . 795

## DECISION NOT TO PROCEED

BOARD OF BARBERING AND COSMETOLOGY
*Concerning Unregulated Services* . . . . . 796

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State . . . . . 796
Sections Filed, January 11, 2012 to June 6, 2012 . . . . . 799

---

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

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

# PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT–OF–INTEREST CODES

AMENDMENT

STATE: CA Office of Real Estate Appraisers

ADOPTION

MULTI–COUNTY: Mission View Public Charter School, Incorporated

A written comment period has been established commencing on June 15, 2012, and closing on July 30, 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 30, 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 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3700(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Oak Mortality Disease Control (Sudden Oak Death (SOD)) as an emergency action which was effective on March 1, 2012. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than August 21, 2012.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on July 30, 2012. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 22, finds that the planned production of trees shall be considered a branch of the agricultural industry of the state for the purposes of any law which provides for the benefit or protection of the agricultural industry of the state.

Existing law, FAC subsection 23(a), finds that the planned production of bushes, ornamental plants, floricultural crops, and other horticultural crops is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity. Plants and floricultural crops that are being produced by nurseries, whether in open fields or in greenhouses, shall be considered to be "growing agricultural crops" for the purpose of any laws that pertain to the agricultural industry of the state, and those laws shall apply equally to greenhouses and open field nursery operations.

Existing law, FAC section 24, states that as a matter of legislative determination, the provisions of this section are enacted in the exercise of the power of this state for the purpose of protecting and furthering the public health and welfare. It is further declared that the floriculture and nursery industry of this state is affected with a public interest, in that, among other things:

> (a) The production, processing, manufacture, and distribution of floriculture and nursery products constitute a paramount industry of this state which not only provides substantial and required revenues for the state and its political subdivisions by tax revenues and other means, and employment and a means of livelihood for many thousands of its population, but also furnishes substantial employment to related industries that are vital to the public health and welfare.

Existing law, FAC section 24.5, states "Inasmuch as plants growing in native stands or planted for ornamental purposes contribute to the environmental and public health and welfare needs of the people of the state, the Legislature hereby finds and declares that such plants shall be considered as a part of the agricultural industry for the purpose of any law that provides for the protection of the agricultural industry from pests."

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

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

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

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

The non–monetary benefits of this regulation include meeting the Department's various statutory obligations and goals listed above. While the existing law also obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution, it establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is also a mandated statutory goal.

The amendment of this regulation benefits the nursery industry (growers, wholesalers, retailers, exporters) and its consumers, Christmas tree growers and their consumers, firefighters (local, State and federal), local governments, homeowners, indigenous people, the State's forests, the general population of this State and the environment by having a control program to prevent the artificial spread of SOD over long distances. Most all of the larger nursery stock producers are located outside the existing regulated area.

Consumers benefit by having higher quality host material free from the symptoms of SOD available at an overall lower cost. It is assumed that any increases in statewide production costs would ultimately be passed on the consumer.

The amendment of this regulation benefits homeowners who already have host material which is planted as ornamentals in various rural and urban landscapes.

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

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

The Department is the only agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing State regulations.

## AMENDED TEXT

This emergency amendment of subsection 3700(c) established *Cinnamomum camphora* (camphor tree) as a new host and *Ilex cornuta* (Buford holly, Chinese holly, horned holly), *Illicium parviflorum* (yellow anise), *Larix kaempferi* (Japanese larch), *Magnolia denudata* (lily tree), *Mahonia nervosa* (creeping Oregon grape), *Molinadendron sinaloense*, *Trachelospermum jasminoides* (star jasmine, Confederate jasmine) and *Veronica spicata, syn. Pseudolysimachion spicatum* (spiked speedwell) as associated articles under the articles and commodities covered by the regulation. The effect of the changes to the regulation is to provide authority for the Department to regulate movement of these new hosts and "associated hosts" from the regulated area to prevent artificial spread of the pest to non–infested areas to protect California's agricultural industry and the environment.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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 Department is not aware of any costs a representative person or business would incur in reasonable compliance with the proposed action.

*Small Business Determination*

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

Results of the Economic Analysis

Amendment of these regulations will not:

(1) Create or eliminate jobs within California;

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

(3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

The Department believes this amendment of the regulation benefits public safety by preventing additional hazardous trees in uninfested areas, and worker safety by preventing firefighters (local, State and federal) and arborists from being exposed to hazardous trees which are more prone to unpredictable branch and trunk failures due to the SOD pathogen. The Department is not aware of any specific benefits to the health of California residents. The Department believes the amendment of this regulation benefits the welfare and economic well–being of California residents by reducing fire hazards and hazardous breaking trees and protecting property values, heritage trees, cultural traditions, forests, and local, State and national parks, wildlife and the environment from artificial spread of the SOD pathogen.

## ALTERNATIVES CONSIDERED

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

## AUTHORITY

The Department proposes to amend subsection 3700(c) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

## REFERENCE

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

## CONTACT

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

## INTERNET ACCESS

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

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

# TITLE 4. CALIFORNIA HORSE RACING BOARD

## NOTICE OF PROPOSAL TO AMEND RULE 1656, ERRORS WHICH INVALIDATE CLAIM

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

## PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1656, Errors Which Invalidate Claim, to provide that if the name of the new trainer, or the claiming race number or the date of the claiming race are not correctly specified on a claim form, CHRB–11 (REV. 8/00) Agreement to Claim, the claim shall be invalid.

## PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 23, 2012,** or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

## WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m.** on **July 30, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

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

## AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19408.2 and 19562, Business and Professions Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19408.2 states a "claiming race" means a race in which any horse entered therein may be claimed in conformity with the rules established by the Board. Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this state where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to: adopting rules and regulations for the protection of the public and the control of horse racing and pari–mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this state.

A claiming race is a race in which any of the horses entered may be purchased (claimed) out of the race by any person who is eligible to claim a horse at that meeting. Eligible persons are licensed horse owners or persons who hold "horse owner by open claim" certificates. To claim a horse, the interested party must ensure sufficient funds are on deposit with the paymaster of purses at the track where the horse is to be claimed. In addition, the interested party must properly complete the claim form CHRB–11 (REV. 8/00) Agreement to Claim. The properly completed form has to be dropped into the claiming box within a specified time. The moment the gate opens the person who has claimed the horse becomes its owner. However, if the horse wins the race or earns money, the purse goes to the owner who entered it in the race. If more than one person has put in a claim for the same horse, they "shake" for it (draw lots). The person who wins the shake becomes the owner.

Board Rule 1656 lists errors that may be made on a claim form which will invalidate the claim. The list of possible errors covers most of the information required on a claim form, but it leaves out several items. Rule 1656 also gives the stewards the discretion to invalidate a claim if the form is so defective they cannot approve its validity. So, if there is an error on a claim form that is not listed under Rule 1656, the stewards could void the claim, or they could let it stand. The discretion Rule 1656 provides the stewards has resulted in disputed claims, especially when there are multiple claimants, and the stewards decide to ignore an error that is not listed in Rule 1656. Disputed claims must be resolved in formal stewards' hearings. A recent stewards' decision regarding an error on a claim form resulted in the determination by the Board that it is necessary to amend Rule 1656 to make the regulation more specific regarding errors that will invalidate a claim. In January 2012 the

stewards allowed a claim to stand despite the entry of an erroneous date for the claiming race. After a formal hearing was held on the disputed claim, the stewards reversed their decision and awarded the horse to another party who also submitted a claim. To help prevent such disputes, the Board proposes to amend Rule 1656 to specify additional fields that must be properly filled out on the claim form for the claim to be valid. The proposed amendment of Rule 1656 requires that the name of the new trainer, the claiming race number and the date of the claiming race must be correctly entered on the claim form for the claim to remain valid. The name of the new trainer is important because the trainer usually represents the owner at the racetrack and is more likely to be available to the stewards if there are any questions. The correct claiming race number is important, as there is usually more than one claiming race in a program. Although there should be no questions regarding the correct claiming race number, because no horse could be entered in more than one claiming race in a single program, an erroneous entry is enough to cause the claim to be disputed if there is more than one claimant. Finally, the proposed amendment states the date of the claiming race must be correct. This also may cause a dispute if there is more than one claimant. The agreement to claim is not a large form, and it requires only minimal information. Proofreading the claim form would take no more than a minute or two. The correct information regarding the claiming race, including its time and date, is readily available to owners and trainers and is printed in the condition book for the race meeting and in the daily programs. Owners and trainers know that a mistake on the claim form can invalidate a claim. Therefore, there is no valid reason to submit incorrect information. The proposed amendment of Rule 1656 also incorporates by reference the claim form CHRB–11 (REV. 8/00) Agreement to Claim. The same form is used at every California racetrack and it is also available at Board headquarters office. The form is being incorporated by reference so persons who use Rule 1656 will know which form they must use to claim a horse.

## POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari–mutuel wagering. By amending Rule 1656 the Board will provide clarity regarding the claiming process. Persons who claim horses will know that a claim is subject to being declared invalid if they do not ensure the claim form is properly completed prior to its submission. This may result in fewer disputed claims, as there would be no questions about the consequences of an incorrect name, date or race number. This will also have the benefit of providing consistency and fairness for persons who claim horses. By incorporating the form CHRB–11 (REV. 8/00) Agreement to Claim in Rule 1656, the proposed regulation will have the benefit of providing openness in the operation of the Board, as prospective claimants will know what form must be filled out to claim a horse.

Consistency with existing state regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

Other non–discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1656 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 following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1656 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. This regulation will have a positive effect on California's horse racing industry by clarifying the consequences of improperly filling out the form CHRB–11 (REV. 8/00) Agreement to Claim. The proposed regulation will also reduce the number of disputed claims.

Effect on small businesses: none. The proposal to amend Rule 1656 does not affect small businesses because horse racing associations in California are not

classified as small businesses under Government Code Section 11342.610. Rule 1656 states that a claimant must properly complete the form CHRB–11 (REV. 8/00) Agreement to Claim. The regulation also incorporates by reference the form CHRB–11 (REV. 8/00) Agreement to Claim, so that prospective claimants will know which form must be submitted to claim a horse.

## RESULTS OF ECONOMIC IMPACT ANALYSIS

The results of the Board's Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

There will be no 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. However, the proposed regulation will have a positive effect on the economic health of California's horse racing industry by increasing fairness in the claiming process, reducing the number of disputed claims, and by clarifying which form must be submitted to claim a horse. There will be no benefits to the health and welfare of California residents, worker safety, and the state's environment.

## CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSONS

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

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

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

Andrea Ogden, Regulation Analyst
Telephone: (916) 274–6033

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## AVAILABILITY OF FINAL STATEMENT OF REASONS

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

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process

at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

## TITLE 4. CALIFORNIA HORSE RACING BOARD

### NOTICE OF PROPOSAL TO ADD RULE 1581.2, PROHIBITION ON ENTERING OF PREGNANT MARES BEYOND 120 DAYS GESTATION.

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

### PROPOSED REGULATORY ACTION

The proposed addition of Rule 1581.2, Prohibition on Entering of Pregnant Mares Beyond 120 Days Gestation, would prohibit the racing of pregnant mares beyond 120 days of gestation.

### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 23, 2012,** or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Blvd., Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 30, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263–6025
Fax: (916) 263–6022
E–Mail: esward@chrb.ca.gov

### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code. Reference: 19562, Business and Professions Code.

Business and Professions Code sections 19420, 19440, and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California and over all persons or things having to do with such meetings is vested in the California Horse Racing Board (Board). Business and Professions Code section 19440 states responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari–mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California.

The Board proposes the addition of Rule 1581.2 which would prohibit the racing of pregnant mares beyond 120 days of gestation. The Board believes it is necessary to adopt Rule 1581.2 to protect the health and safety of the mare and her foal. Rule 1581.2 is consistent with past Board initiatives aimed at the welfare of the horse such as Rule 1902.5, Animal Welfare, which provides that no person under the jurisdiction of the Board shall alone, or in concert with another person, permit or cause an animal under his control or care to suffer any form of cruelty, mistreatment, neglect or abuse. Rule 1581.2 would put California in line with other international jurisdictions and with the International Group of Specialist Racing Veterinarians (IGSRV) Welfare Guidelines for Horseracing. The IGSRV produced the Welfare Guidelines for Horseracing to assist individual racing jurisdictions in promoting the welfare of horses. One of the IGSRV's principles for the ethical management of horses provides that mares

should not be raced beyond 120 days of pregnancy. Other international jurisdictions' guidelines that share the same principle are the Hong Kong Jockey Club Rule 146 (7), the British Horse Racing Authority, and the Australian Welfare Guidelines. Dr. Rick Arthur, CHRB Equine Medical Director, has reported that the International Federation of Horseracing Authorities (IFHA) is also in the process of adding the same 120–day provision in Article 6 of its animal welfare standards.

## POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1581.2 promotes the protection of horse health and safety. The health and safety of the mare and foal is put in jeopardy if the mare races beyond 120 days' gestation. Race horses are valuable and keeping them healthy protects the economic interest of the owners and ensures that there is adequate racing stock. If the horses' health and safety are protected, the jockeys who ride the horses will in turn have their health and safety protected as well. If the pregnant mares entered to race are not having health issues, the public will have more confidence in California horse racing and see it as a sport that cares, which may result in an increase of attraction to the sport. An increased attraction could result in an increase in wagering which will have a positive economic impact on the industry.

Consistency with Existing State Regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

## DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed addition of Rule 1581.2 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 following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 1581.2 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed addition of Rule 1581.2 will benefit California by protecting horse health and safety. The health and safety of the mare and foal is put in jeopardy if the mare races beyond 120 days' gestation. Race horses are valuable and keeping them healthy protects the economic interest of the owners and ensures that there is adequate racing stock. If the horses' health and safety are protected, the jockeys who ride the horses will in turn have their health and safety protected as well. If the pregnant mares entered to race are not having health issues, the public will have more confidence in California horse racing and see it as a sport that cares, which may result in an increase of attraction to the sport. An increased attraction could result in an increase in wagering which will have a positive economic impact on the industry.

Effect on small businesses: none. The proposal to add Rule 1581.2 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

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

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263–6025
E–Mail: esward@chrb.ca.gov

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

Harold Coburn,
Regulation Analyst
Telephone: (916) 263–6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

## TITLE 14. FISH AND GAME COMMISSION

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations (Section 300(a), Title 14, CCR) provide general hunting seasons for taking resident game birds. The Department is recommending 3 regulation changes, including: 1) A range of permit numbers for the 2012 sage–grouse hunting season, 2) A junior hunting season for quail on the Mojave National Preserve, and 3) an increase in fall season length and season limit for wild turkey.

Current regulations under subsection 300(a)(1)(D)(4) provide a number of permits for the general sage–grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2012 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage–grouse hunting in 2012:

East Lassen: 0–50 (two–bird) permits
Central Lassen: 0–50 (two–bird) permits
North Mono: 0–100 (one–bird) permits
South Mono: 0–100 (one–bird) permits

Current regulations of subsection 300(a)(1)(B) provide for general quail season in Zone Q3 opening the third Saturday in October and extending through the last Sunday in January. This proposal would establish a junior hunting season for quail in the Mojave National Preserve, San Bernardino County, beginning the first Saturday in October an extending for two days, under subsection 300(a)(1)(B)(1)(d). The hunt is recommended only for the Mojave National Preserve at this time because there is already an organized effort for a quail hunt, while additional junior quail hunts are evaluated for other areas of the state.

Current regulations of subsection 300(a) provide for a fall wild turkey hunting season beginning the second Saturday in November, extending for 16 days, with a

season limit of one either–sex bird. Increases in turkey populations and related problems with their overabundance in some areas, suggest that the current fall season is overly restrictive. This proposal would increase the wild turkey fall season length from 16 to 30 days for the general season (300(a)(1)(G)(1)(a)), archery season (300(a)(2)(G)(1)(a)), and falconry season (300(a)(3)(G)(1)(a)), and increase the season limit to 2 turkeys of either sex for the general season (subsection 300(a)(1)(G)(2)), archery season (300(a)(2)(G)(2)), and falconry season (300(a)(3)(G)(2)). Because fall hunting could have an impact to turkey populations on some public lands, an alternative is also presented to increase the season length, thereby providing hunters more time to harvest a bird, but maintain the current season limit of one bird.

Additionally, two alternatives were considered for potential changes to pheasant regulations: 1) restore the 30–day archery–only season by adding 15 days to the end of the season; and, 2) restore the 30–day–archery only season be reducing the general season by 14 days. Existing regulations provide for a 44–day general pheasant season (300(a)(1)(A)(1)) and 60–day archery pheasant season (300(a)(2)(A)(1)). The California Bowmen Hunters (CBH) have requested a 30–day archery–only season for pheasants after the end of the general season. The general pheasant season was increased from 30 days to 44 days in the early 2000s. However, the 60–day archery season was not changed at the same time. The net result was a decrease from 30 days to 15 days of archery–only hunting. Because of significant declines in pheasant populations and harvest, the Department is not recommending any modifications in the pheasant season length at this time. Further evaluation of pheasant populations and habitat conditions is needed before making recommendations to modify the season.

The benefits of the proposed changes are to maintain or increase upland game populations and to ensure their continued existence.

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

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

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Mountainside Conference Center, 1 Minaret Road, Mammoth Lakes, California, on Wednesday, June 20, 2012, at 10:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held in the Crowne Plaza Ventura Beach, Santa Rosa Room, 450 Harbor Boulevard, Ventura, California, on Wednesday, August 8, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 1, 2012, at 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 than 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 Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445–3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

**Availability of Modified Text**

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

Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

**Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

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

There are no economic or business impacts foreseen or associated with the proposed regulation change.

(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 proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2012–2013. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about $659,366,000 on hunting trip–related and equipment expenditures in California in 2006. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long–term intent of the proposed regulations is to maintain or increase upland game populations, and subsequently, the long–term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide additional recreational opportunity to the public.

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 upland game 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.

**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 the affected private persons and equally effective in implementing the statutory policy or other provision of law.

## TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific PC Sections 290, 2053, 2702, 2801, 2805, 2808, and 5071, propose to amend Section 8000 of Article 1, and adopt Sections 8004, 8004.1, 8004.2, 8004.3 and 8004.4 of new Article

3, Chapter 1 of the California Code of Regulations (CCR), Title 15, Division 8 concerning CALPIA Inmate Work/Training and Education.

## PUBLIC HEARING

| | |
|---|---|
| Date and Time: | July 30, 2012 – 10:00 a.m. to 11:00 a.m. |
| Place: | CALPIA Central Office<br>560 East Natoma Street<br>Folsom, CA 95630 |
| Purpose: | To receive comments about this action. |

## PUBLIC COMMENT PERIOD

The public comment period will close July 30, 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 CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358–2732; or by e–mail at *CALPIAregs@calpia.ca.gov* before the close of the comment period.

## CONTACT PERSON

Please direct any inquiries regarding this action or questions on substance of the proposed regulatory action to:

Pam Cantelmi
Staff Counsel
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358–1711

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

Lynn Braydis
Legal Secretary
California Prison Industry Authority
Telephone (916) 358–1711

## LOCAL MANDATES

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

## FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500 through 17630: *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 CALPIA under the authority of the PIB 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 CALPIA under the authority of the PIB 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 because they are not affected by the internal management of state prisons.

## RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CALPIA has determined that the proposed regulation will have no effect 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 CALPIA under the authority of the PIB 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 CALPIA under the authority of the PIB 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 CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, 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 regulatory action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. 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 CALPIA under the authority of the PIB 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 CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website http://www.calpia.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 CALPIA's contact person.

## AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may adopt the proposed regulations substantially as described in this Notice. If the CALPIA under the authority of the PIB 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 PIB 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 CALPIA under the authority of the PIB 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

The California Prison Industry Authority (CALPIA) and the California Prison Industry Board (PIB) propose to amend Section 8000, of Article 1, and adopt Sections 8004, 8004.1, 8004.2, 8004.3 and 8004.4 of new Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Work/Training and Education. The Office of Administrative Law (OAL) has published a Determination regarding CALPIA policies (OAL File No. CTU2008–1014–01), determining that CALPIA job assignments meet the definition of a regulation pursuant to Government Code Section 11342.600. These regulations are meant to address this Determination by adopting regulations pursuant to the Administrative Procedure Act (APA), that specifically address CALPIA's Assignment Practices for Inmate Work and Training. Additionally, these regulations address OAL's Determination (OAL File No. CTU2010–1007–01) which determined that CALPIA GED Requirements meet the definition of a regulation pursuant to Government Code Section 11342.600. With the filing of regulations, CALPIA addresses CALPIA's GED requirement with regards to the hiring process and the educational requirement regarding inmate pay.

The policies of the CALPIA have been vetted through the public process of the PIB, as required in Penal Code (PC) 2808 (h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB approved the filing of these regulations at their Board Meeting on April 27, 2012. The PIB's Record of Vote is filed as an attachment to the Initial Statement of Reasons. The vote of the PIB was unanimous for the approval of the regulations to be filed with OAL.

PC Sections 2801 and 2808 provide CALPIA with implied rulemaking authority. PC Section 2801 establishes that CALPIA is to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills.

The proposed regulatory actions incorporate policy decisions regarding inmate hiring standards. The proposed regulatory actions set forth inmate educational, skill and behavioral requirements necessary for CAL-

PIA work assignments. The proposed regulatory actions will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. The proposed regulatory actions will clarify and standardize the hiring standards for inmate positions with CALPIA.

- **Section 8000 is amended** to add the definitions and merge them alphabetically with those that currently exist in the regulations.
- **New Section 8004 is adopted** to implement, interpret and make specific the provisions of PC 2801, specifically 2801(b). The regulations provide clarity regarding inmate non–eligibility for a CALPIA assignment. They specify that inmates convicted of specific crimes, who are otherwise eligible for a CALPIA assignment, are to be restricted, and lay out factors that shall be taken into consideration when determining, on a case–by–case basis, the assignment or re–assignment of an inmate to a CALPIA program. They specify that CALPIA inmates who are participating in work/training programs and are currently placed on Immigration and Customs Enforcement (ICE) Hold status shall not be issued external accredited certifications.
- **New Section 8004.1 is adopted** to create hiring standards and requirements for inmate workers so that CALPIA is able to fill vacant job/training positions based upon the following standards: (1) Skill level; (2) Behavior and relationships with others; (3) Attitude and adaptability; (4) Work/training habits; (5) Formal education and training; and (6) Ethnic Balance. They establish minimum intake requirements for any CALPIA assignment or apprenticeship/training position. The regulations establish a minimum education requirement for inmates seeking assignment to CALPIA positions.
- **New Section 8004.2 is adopted to make specific** PC Section 2801 regarding inmate recruitment and appointment process for CALPIA positions.
- **New Section 8004.3 is adopted** to make specific PC Section 2801 specifically, creating a condition of participation, such as drug/alcohol testing if there is a reasonable suspicion.
- **Subsection New Section 8004.4 is adopted to make specific** PC Section 2801 specifically, the allocation of the Inmate Workforce.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

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

## TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

### Amendments to Sections 100060 & 100070

**Date:** **June 15, 2012**
**Deadline for Submission of Written Comment:** **July 30, 2012 — 5:00 p.m.**
**Public Hearing Date:** **None Scheduled**

### Subject Matter of Proposed Amendments: Amendments to Medical and Ethical Standards

**Sections Affected:** The proposed regulatory action amends sections 100060 and 100070 of Title 17 of the California Code of Regulations.

**Authority:** Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

**Reference:** Section 125290.30, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in 2005 after the passage in 2004 of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens' Oversight Committee ("ICOC") is the 29–member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non–profit academic and research institutions, patient advocacy groups and the biotechnology industry. The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, CIRM has adopted rules regarding Intellectual Property and specifically a regulation governing publications of CIRM–funded research.

The Scientific and Medical Accountability Standards Working Group ("Standards Working Group" or "SWG") makes recommendations to the ICOC on scientific, medical and ethical standards pertaining to stem cell research the Institute funds. Specifically, California Health and Safety Code section 125290.55 requires the Standards Working Group to: 1) recommend to the ICOC scientific, medical and ethical standards; 2) recommend to the ICOC standards for all medical, socioeconomic, and financial aspects of clinical trials and therapy delivery to patients, including, among others, standards for safe and ethical procedures for obtaining materials and cells for research and clinical efforts for the appropriate treatment of human subjects in medical research consistent with paragraph (2) of subdivision (b) of Section 125290.35, and to ensure compliance with patient privacy laws; 3) recommend to the ICOC modification of the standards described in numbers (1) and (2) as needed; 4) make recommendations to the ICOC on the oversight of funded research to ensure compliance with the standards described in numbers (1) and (2); and, 5) advise the ICOC, the Scientific and Medical Research Funding Working Group, and the Scientific and Medical Research Facilities Working Group on an on–going basis on relevant ethical and regulatory issues.

On April 6, 2012, the SWG met to discuss potential revisions to the standards. As to section 100060, existing stem cell research oversight committees (SCROs) must be comprised of individuals with a variety of expertise. SCROs must also include a non–scientist outside member. Currently, the outside member(s) is the only SCRO participant who cannot receive compensation for their service to the committee. The rationale for this policy was to avoid coercion. However, in the context of IRB and IACUC reviews, where outside members are also present and provided with a meeting stipend, reviews are robust and comprehensive. In fact, committees report that outside members consistently bring thoughtful and challenging insights to the process. Therefore, CIRM proposes to eliminate the prohibition on remuneration for the non–scientist member.

Regarding section 100070, the amendments allow a designated official to be notified in lieu of an SCRO committee for in vitro research involving identifiable cells and tissue. This amendment reflects current practice by many institutions with SCRO committees and provides flexibility to institutions with lesser SCRO committee capacity on a standing basis.

**Specific Benefits:**

The proposed amendments align CIRM regulations with Grantee practice and experience and provide greater flexibility for Grantees to comply with CIRM policies.

**Impact on Existing State Regulations:**

CIRM has determined that the proposed amendments have no effect on existing state regulations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## DISCLOSURES REGARDING THE PROPOSED AMENDMENTS

CIRM has made the following initial determinations:

**Mandate on local agencies and school districts:** None.

**Submittal of Comments:**

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on July 30, 2012. Comments regarding this proposed action may also be transmitted via e–mail to mesomments@cirm.ca.gov or by facsimile transmission to (415) 396–9141.

**Public Hearing:**

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than July 16, 2012.

**Effect on Small Business:**

CIRM has determined that the proposed amendments will have no impact on small businesses. The regulation implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

**Impact on Local Agencies or School Districts:**

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a "new program or higher level of service of an existing program" within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

**Costs or Savings to State Agencies:**

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

**Effect on Federal Funding to the State:**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

**Effect on Housing Costs:**

CIRM has determined that the proposed amendments will have no effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

CIRM has made an initial determination that the proposed amendments 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.

**Cost Impacts on Representative Private Persons or Businesses:**

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

**Results of Economic Impact Analysis:**

The above analysis is based on that fact that the proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals, but implement standards for seeking and using state grant funds for scientific research. In most cases, such grants include funds to cover overhead and other indirect costs of the research, including most compliance activities. CIRM has made an initial determination that it is unlikely the proposed amendments will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currentlydoing business within the State of California, nor directly impact the health and welfare of California residents, worker safety, and the state's environment.

**Consideration of Alternatives:**

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

**Availability of Statement of Reasons and Text of Proposed Regulations:**

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**Availability of Changed or Modified Text:**

After holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

**Agency Contact:**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
Counsel to the Chairman, ICOC
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396–9100

Questions on the substance of the proposed regulatory action may be directed to:

Geoff Lomax, PhD.
California Institute for Regenerative Medicine
(415) 396–9110

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM's website, www.cirm.ca.gov.

**Availability of Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code Section 11346.9, subdivision (a), may be obtained from the contact person named above.

## TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

### Amendments to Conflict–of–Interest Code

**Date:** **June 15, 2012**

**Deadline for Submission of Written Comment:** **July 30, 2012 — 5:00 p.m.**

**Public Hearing Date:** **None Scheduled**

**Subject Matter of Proposed Amendments: Amendments to Conflict–of–Interest Code**

**Sections Affected:** The proposed regulatory action amends section 100000 of Title 17 of the California Code of Regulations, and the document appended thereto.

**Authority:** Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

**Reference:** Section 125290.30, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in 2005 after the passage in 2004 of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens' Oversight Committee ("ICOC") is the 29–member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non–profit academic and research institutions, patient advocacy groups and the biotechnology industry. The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, CIRM has adopted rules regarding Intellectual Property and specifically a regulation governing publications of CIRM–funded research.

Health and Safety Code section 125290.30, subdivision (g), enacted as part of Proposition 71, specifies that the Political Reform Act applies to the CIRM and the ICOC with certain modifications. Section 125290.50, subdivision (e)(3), also enacted with the proposition, states that members of the advisory working groups of the ICOC shall be covered by conflict–of–interest rules based on the standards applicable to scientific review committees of the National Institutes of Health, rather than those of the Political Reform Act. Accordingly, the Institute has promulgated separate regulations governing the working groups for conflicts of interest. The Political Reform Act requires agencies to undergo a biennial review and amendment of their conflict–of–interest codes to update them to reflect the current organization personnel makeup and ensure employees and consultants are making the appropriate financial disclosures. These amendments reflect CIRM's review of its conflict–of–interest code and updates to reflect the makeup of the organization.

**Specific Benefits:**

The proposed amendments ensure CIRM employees are making the appropriate disclosures on their Form 700.

**Impact on Existing State Regulations:**

CIRM has determined that the proposed amendments have no effect on existing state regulations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED AMENDMENTS

CIRM has made the following initial determinations:

**Mandate on local agencies and school districts:** None.

**Submittal of Comments:**

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on July 30, 2012. Comments regarding this proposed action may also be transmitted via e–mail to coicodecoemments@cirm.ca.gov or by facsimile transmission to (415) 396–9141.

**Public Hearing:**

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than July 16, 2012.

**Effect on Small Business:**

CIRM has determined that the proposed amendments will have no impact on small businesses. The regulation implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

**Impact on Local Agencies or School Districts:**

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a "new program or higher level of service of an existing program" within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

**Costs or Savings to State Agencies:**

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

**Effect on Federal Funding to the State:**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

**Effect on Housing Costs:**

CIRM has determined that the proposed amendments will have no effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

CIRM has made an initial determination that the proposed amendments 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.

**Cost Impacts on Representative Private Persons or Businesses:**

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

**Results of Economic Impact Analysis:**

The above analysis is based on the fact that the proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals, but implement standards for seeking and using state grant funds for scientific research. In most cases, such grants include funds to cover overhead and other indirect costs of the research, including most compliance activities. CIRM has made an initial determination that it is unlikely the proposed amendments will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California, nor directly impact the health and welfare of California residents, worker safety, and the state's environment.

**Consideration of Alternatives:**

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

**Availability of Statement of Reasons and Text of Proposed Regulations:**

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**Availability of Changed or Modified Text:**

After holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

**Agency Contact:**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
Counsel to the Chairman, ICOC
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396–9100

Questions on the substance of the proposed regulatory action may be directed to:

Ian Sweedler, Esq.
California Institute for Regenerative Medicine
(415) 396–9110

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM's website, www.cirm.ca.gov.

**Availability of Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code Section 11346.9, subdivision (a), may be obtained from the contact person named above.

## TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

### Amendment of Title 22, California Code of Regulations Section 3302–1

### FAMILY TEMPORARY DISABILITY INSURANCE DEFINITIONS

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), title 22, section 3302–1. The proposed regulation amendment is necessary to establish definitions to clarify terms utilized in the Department's Paid Family Leave (PFL) regulations, mitigate any potential misinterpretations of various terms, and to provide consistency with title 22, sections 2601–1 and 5000 of the CCR as well as relevant Unemployment Insurance (UI) Codes, as the Disability Insurance (DI) Branch implements new technologies to enhance and improve the administration of the State Disability Insurance (SDI) program.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The SDI program was established in 1946 to provide a partial wage replacement benefit to eligible workers in California who were unable to work due to a non–work related illness or injury. Senate Bill 1661 (Chapter 901, Statutes 2002) added the Family Temporary Disability Insurance (FTDI) benefit to the UI Code. The FTDI benefit, otherwise known as PFL, expanded the scope of the SDI program to provide a partial wage replacement benefit to eligible workers who take time off to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new child.

The DI Branch is developing and adopting new business automation processes and protocol through the efforts of the Disability Insurance Automation (DIA) project to simplify and improve various manual claim processes that exist under current business practices. The goal of the DIA project is to improve access to services, improve service delivery, and enhance the DI Branch's ability to detect and prevent fraud and abuse.

The DIA project will develop a method to allow claimants, medical providers, employers, and voluntary plans to submit claim information through a secure electronic environment over the Internet. It will implement scanning/optical character recognition to convert any paper claims to electronic format. The DIA project will adopt new technologies that will provide the DI Branch staff with more efficient tools to perform their duties and supplement current processes related to the administration of SDI benefits. The DIA project will also utilize technology to transmit SDI claim appeals electronically to the California Unemployment Insurance Appeals Board (CUIAB), the state body with the authority to consider appeals of determinations and assessments made by the Department.

In 2009, the Office of Administrative Law approved the Department's proposal to amend title 22, section 2601–1 of the CCR relating to DI definitions, which became effective June 20, 2009. The proposal added definitions for the terms "affidavit," "copy," "electronic means," "form," "mail," "signature," "statement on letterhead" and "writing." At the time, the terms "affidavit," "mail," "signature" and "writing" were already defined in the regulations of the CUIAB, contained in title 22, section 5000 of the CCR. During the written public comment period, the PFL Collaborative requested that the additional definitions be added to the PFL regulations. In response to the comment, the Department agreed to submit a separate rulemaking notice to include the additional definitions to title 22, section 3302–1 of the CCR. This will not only clarify the terms that would otherwise be defined only in the DI regulations, but will avoid any misinterpretation regarding the relationship between the DIA project and PFL program.

Under UI Code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under UI Code sections 2601, 2625, 2706, 2708 and

3300, SDI benefits are payable from the Disability Fund to individuals who file a claim for benefits in accordance with authorized regulations and are eligible to receive such benefit payments.

The DIA project will change the DI Branch's business practices and allow DI and PFL claimants, medical providers, employers, and voluntary plans to submit claims and claim information over the Internet. The DIA project will also utilize technology to transmit SDI claim appeals electronically to the CUIAB. As a result of this anticipated change, the terms "affidavit," "copy," "electronic means," "form," "mail," "signature," "statement on letterhead" and "writing" currently utilized in the Department's regulations relating to DI benefits, contained in title 22 (commencing with section 2601–1) of the CCR, should also be properly defined in title 22, section 3302–1 of the CCR for PFL benefits.

Automation will eliminate the geographical constraints which currently restrict the DI Branch's workload and resource management. By applying comprehensive enhancements in technology, the DIA system will provide the infrastructure required to achieve flexibility, efficiency in service delivery, and improved responsiveness to customers.

The proposed regulation amendment to title 22, section 3302–1 of the CCR is necessary to establish definitions to clarify terms utilized in the Department's PFL regulations, mitigate any potential misinterpretations of various terms, and to provide consistency with title 22, sections 2601–1 and 5000 of the CCR as well as relevant UI Codes, as the DI Branch implements new technologies to enhance and improve the administration of the SDI program.

The proposed regulation amendment will also provide consistency with the current protocol between the Department and the CUIAB for transmitting information related to appeals, petitions and board appeals.

Therefore, the proposed regulation is consistent and compatible with existing state regulations.

**Anticipated Benefits from the Proposed Regulation:**

The anticipated benefits from this proposed regulation would support the administration of the SDI program by providing consistency with the existing regulations for DI and CUIAB definitions and support the Department's implementation of the DIA project, which will improve the delivery of services and SDI benefits to customers.

California residents will benefit from the implementation of the DIA project, which will use information technology to provide electronic options for SDI customers. Claimants will be able to file applications online, and doctors will be able to submit medical certifications electronically. Thus, SDI customers will get faster service and quicker access to their benefits. The DIA project will protect the financial viability and integrity of the SDI program and improve operational processes and workload management for DI staff. The proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety or the State's environment.

**Authority and Reference:**

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Sections 140.5, 1253, 2656, 3300 and 3302, Unemployment Insurance Code.

**Fiscal Impact:**

**Anticipated costs or savings in federal funding to the State:** None.

**Anticipated costs or savings to any State Agency:** None.

**Anticipated costs or savings to any local agency or school district:** None.

**Significant statewide adverse economic impact:** The Department does not anticipate the proposed amendments will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses because the amendments merely clarify existing regulations. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments 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.

The proposed amendments will clarify existing regulatory language by including definitions that properly address the technological enhancements to the SDI program business practices with no adverse impact to individuals, medical providers, employers, or voluntary plans.

**The cost impact on representative 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.

**Anticipated impact on housing costs:** The proposed amendments will have no effect on housing costs.

**Anticipated non–discretionary costs or savings imposed upon local agencies:** None.

**Small Business Impact:**

The Department has determined that the proposed amendments will have no effect on small businesses because it does not impose any new mandates on small businesses. The proposed amendments do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

**Results of the Economic Impact Assessment Pursuant to Government Code Section 11346.3(b):**

The Department has determined that the proposed amendments will not affect 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, or the expansion of businesses currently doing business within the State of California. The proposed regulation will benefit California residents by improving the delivery of services and SDI benefits and support the administration of the SDI program by providing consistency with the existing regulations for DI and CUIAB definitions. The regulation amendments will support the Department's implementation of the DIA project, which will not eliminate jobs within the DI Branch. There are no plans to close DI customer service call centers or field offices as a result of the DIA system.

**Local Mandate Determination:**

The Department has determined that the proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

**Consideration of Alternatives:**

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

**Written Comment Period:**

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Summer Isham via U.S. mail, e–mail, or fax (see U.S. mail and e–mail addresses and fax number indicated below). **E–mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e–mail, or fax, must be received by the Department no later than July 30, 2012 at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Summer Isham, Staff Counsel
Employment Development Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280–0001

(Hand delivery) Summer Isham, Staff Counsel
Employment Development Department
800 Capitol Mall, Room 5040
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654–8410
Fax No.: (916) 654–9069

E–Mail Address: eddlegal@edd.ca.gov

**Note:** In the event Summer is unavailable, inquiries should be directed to the following contact person at the same address as noted above:

Name: Debbie Kunitake, Legal Analyst
Telephone No.: (916) 654–8410

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

Name: Summer Isham, Staff Counsel
Telephone No.: (916) 654–8410

INTERNET WEBSITE ACCESS

The Department has posted on its Internet website http://www.edd.ca.gov materials regarding the proposed regulatory action. Select "Proposed Regulations."

**Public Hearing:**

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on July 30, 2012.** A request for hearing can be made by contacting the persons noted above.

**Modification of Proposed Action:**

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is sched-

uled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

**Final Statement of Reasons:**

After the close of the 45–day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at http://www.edd.ca.gov.

**Further Information:**

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at http://www.edd.ca.gov.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

## TITLE 23. STATE WATER RESOURCES CONTROL BOARD

### STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS

### CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION

***NOTICE IS HEREBY GIVEN*** that the State Water Resources Control Board (State Water Board) proposes to amend, adopt, or repeal the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to amend California Code of Regulations, title 23, division 3, chapter 26 (commencing with section 3670) relating to the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program (Operator Certification Program).

PUBLIC HEARING

The State Water Board will hold a hearing beginning at 9:00 a.m. on Tuesday August 7, 2012 in the Coastal Hearing Room at the Joe Serna Jr./Cal–EPA Headquarters Building, 1001 I Street, Sacramento, California 95814. The Joe Serna Jr./Cal–EPA Headquarters Building is accessible to people with disabilities. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest/Policy Statement Overview. The State Water Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The State Water Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modifications of the proposed regulations. The State Water Board will not accept oral statements subsequent to the public hearing.

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 Water Board. The written comment period closes at 5:00 p.m. on **July 30, 2012**. The State Water Board will only consider comments received by that time at the addresses below.

Please send comment letters to Jeanine Townsend, Clerk to the Board, by email at (commentletters@waterboards.ca.gov) (if 15 megabytes in size or less), (916) 341–5620 (fax), or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812–2000
(by mail)
1001 I Street, 24th Floor, Sacramento, CA 95814
(by hand delivery)

Please also indicate in the subject line, **"Comment Letter — Proposed Operator Certification Regulations."**

Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341–5600.

To be added to the mailing list for this rulemaking and to receive notification of updates to this rulemaking,

you may subscribe to the listserve for public notices regarding the Operator Certification program by going to: www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml. You may also call Ms. Debra Cockrell at (916) 341–5648 or email her at dcockrell@waterboards.ca.gov.

## AUTHORITY AND REFERENCE

Water Code section 1058 and chapter 9 of the Water Code authorize the State Water Board to adopt, amend, or repeal the regulations for the Operator Certification program. The proposed regulations implement, interpret, or make specific chapter 9 of the Water Code, commencing with section 13625. References to specific code sections are identified in the proposed amendments to the regulations.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under chapter 9 of the Water Code, the State Water Board is responsible for the administration of the Operator Certification program.

In order to implement amendments to the Water Code enacted by chapter 422, statutes of 2002, the State Water Board proposes to amend the definition of "wastewater treatment plant" (WWTP) to include privately owned WWTPs. The amended definition of WWTP clarifies that a water recycling treatment plant is included in the definition of WWTP, but it specifically excludes onsite sewage treatment systems.

In accordance with Water Code section 13627.5, which was added by chapter 422, statutes of 2002, operators at privately owned WWTPs will receive qualifying experience credit for a minimum of one year of experience after they pass an examination. The State Water Board also proposes regulations setting forth the procedures and timeframes by which owners of privately owned WWTPs and operators at privately owned WWTPs must comply with the regulations. No later than two years from the effective date of the regulations, all operators at privately owned WWTPs must be certified at the appropriate grade level.

The State Water Board is adding provisions regarding Class I WWTP exemptions to the regulations, including provisions for applying for an exemption, issuing an exemption, and renewing an exemption to implement Water Code section 13625.1, which was added by chapter 422, statutes of 2002. The fee for applying for an exemption will be $800. The fee for renewing an exemption will be $300.

The State Water Board is adding administrative civil liability provisions to the regulations to incorporate changes to the Water Code enacted by chapter 869, statutes of 2001 and chapter 664, statutes 2002.

The State Water Board has determined that it is necessary to amend the regulations to clarify ambiguities in the existing regulations, for consistency with chapter 9 of the Water Code and between different provisions in the regulations, and to address issues previously unforeseen by the State Water Board. This includes adding definitions for several previously undefined terms and defining terms that are added to the regulations. The State Water Board has explained these amendments in detail in the statement of reasons. To the extent that these definitions merely clarify existing regulations or are necessary to implement other proposed amendments discussed in this notice, they are not identified in this notice.

Existing regulations require certain documents to be sent to the State Water Board, the Division of Financial Assistance (Division), or the Division Chief of the Division and postmarked by a certain date in order to be considered timely. The State Water Board proposes to amend all regulations so they specify a date by which the State Water Board, the Deputy Director of the Division, the Director of the Office of Enforcement (OE), or the Office of Operator Certification (OOC) must receive a document in order for it to be considered timely.

As explained in the statement of reasons, the State Water Board has proposed certain changes to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (e.g., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross–references, grammar, punctuation, capitalization, or renumbering or relocating regulatory provisions. Additionally, the titles of articles and sections are amended to reflect the relocation of regulatory provisions and for clarification purposes.

Finally, the proposed amendments incorporate the change in the title of the person formerly referred to as the "Division Chief" of the Division to the "Deputy Director" of the Division and references to the Division are replaced with references to the OOC where appropriate. In many cases the State Water Board has explained these amendments in the statement of reasons to avoid any confusion with the substantive revisions. To the extent that many of these amendments without regulatory effect are non–substantive and their purpose is self–evident or merely editorial, they are not identified in this notice.

The specific benefits anticipated will protect public health and the environment by providing for the effective operation of public and privately–owned WWTPs.

The proposed regulation is consistent with and compatible with other existing state regulations governing WWTPs.

Summary of Proposed Regulations:

The number of applications and the associated costs of the Operator Certification program have increased significantly since the last fee increase in 2003, although the level of effort to review applications remains steady. In order to cover the costs of the Operator Certification program, the State Water Board is increasing operator and operator–in–training (OIT) fees by 78 percent. The State Water Board is also increasing the reinstatement fee, the certificate replacement fee, and the reciprocity fee, which is renamed the examination waiver fee.

The contract operator fees were established on August 29, 1994, and have never been increased. The costs of registering contract operators have increased significantly since 1994 and the fees collected do not cover the costs.

In order to cover the costs of the contract operator program, the State Water Board is increasing the initial contract operator registration fee and annual renewal fee by 250 percent and the fee for employee registration by the contract operator must increase by 200 percent. The State Water Board is also increasing the late fee and the registration replacement fee.

The State Water Board is establishing a provisional operator certificate to help Class I WWTPs train and retain qualified operators when the owner has had difficulty hiring a certified operator to operate the WWTP. The owner of the WWTP will be required to submit a written plan for the provisional operator's operation of the WWTP that meets specific requirements. The provisional operator must submit a copy of the WWTP's monitoring reports to the OOC and cannot supervise operators, other provisional operators, or OITs or appoint a designated operator–in–charge. In addition, the provisional operator must receive training acceptable to the OOC on proper sampling procedures, the WWTP's standard operating procedures, and the WWTP's waste discharge requirements and the WWTP must have procedures for testing the provisional operator's proficiency on each of these subjects. The WWTP must have a written agreement with a certified operator, a registered contract operator, or another WWTP, ensuring that a certified operator will be available to assist the provisional operator when the provisional operator needs direction or if the provisional operator is unable to carry out the responsibilities of the position of "chief plant operator." The fee for an owner to request approval to use a provisional operator will be $1,000. The fee to apply for a provisional operator certificate will be the same as the fee to apply for a Grade I OIT certificate or a Grade I operator certificate.

The definition of "operates" is expanded to require a person to hold an operator certificate in order to take actions or make decisions that control the performance or outcome of one or more wastewater treatment processes, regardless of the person's job title. The definition of "operates" is also expanded to include the supervision of other operators whose actions or decisions control the performance or outcome of one or more wastewater treatment processes. These people, who share in the responsibility of operating a WWTP, must demonstrate their competency by being certified as operators because of the effect that their activities or decisions can have on WWTP operations and compliance with the WWTP's waste discharge requirements. Additionally, the definition of "wastewater treatment process" is added to clarify the use of this term in the definition of "operates," as well as other provisions in the regulations.

Existing regulations use the term "year of experience" to refer to the amount of experience operators or OITs must have to advance to a higher grade level. The existing term "year of experience" is replaced with the term "full–time qualifying experience" and the definitions of "full time" and "qualifying experience" are added to the regulations. In addition, the proposed regulations provide that an operator will acquire qualifying experience on a prorated basis if the operator spends less than full time performing job duties that meet the definition of "qualifying experience."

The proposed definition of "qualifying experience" means experience acquired by an operator or an OIT while operating a WWTP. The term "qualifying experience" may include the performance of some minor maintenance.

Because the State Water Board recognizes that a person may have other experiences that add to the knowledge and skills necessary to operate a WWTP, the OOC may give "qualifying experience credit" for specified activities. Once the OOC awards qualifying experience credit, it is treated the same as qualifying experience acquired while operating a WWTP.

The definition of "water recycling treatment plant" is amended to clarify that a water recycling treatment plant receives and further treats effluent from a WWTP in order to distinguish water recycling treatment plants from other WWTPs.

In existing regulations, the term "pond treatment" means both "modified treatment pond" and "conventional treatment pond." The term "pond treatment" is replaced with the terms "modified treatment pond" and

"conventional treatment pond" and these two types of ponds are classified separately.

Extended aeration is deleted as a criterion for classifying WWTPs because WWTPs using extended aeration are using an activated sludge treatment process and should be classified accordingly.

Sequencing batch reactor technology is a relatively new, advanced technology that uses microprocessor controllers to automatically sequence treatment stages to meet targeted waste discharge requirements. The use of this technology is added as a criterion for classifying WWTPs.

The term "satellite plant" is added to the regulations to describe a WWTP that is so closely related to the main WWTP that both the "satellite plant" and the main WWTP should be classified as a single WWTP.

The terms "shift supervisor" and "supervisor" are deleted from the regulations and replaced with the term "designated operator–in–charge." With the exception of provisional operators, a chief plant operator must appoint a designated operator–in–charge to be responsible for the operation of the WWTP whenever the chief plant operator is unable to carry out the responsibilities of the position of chief plant operator.

In order to ensure that a chief plant operator is aware of his or her duties, the definition of "chief plant operator" is amended for clarification purposes. As amended, the definition incorporates the new provisional operator certificate. With the exception of provisional operators, the amended definition emphasizes the chief plant operator's responsibility for compliance with applicable waste discharge requirements and ensuring that OITs are supervised directly as required by the proposed regulations. Additionally, owners of WWTPs are required to submit a statement signed by the person designated as the chief plant operator accepting the responsibility of a "chief plant operator" as defined in the proposed regulations.

The definition of "direct supervision" in the existing regulations is ambiguous and has led to confusion and misinterpretation within the industry. The definition is amended for clarification purposes and to state the specific intent of the State Water Board. Additionally, to ensure that OITs are properly supervised at all times, this definition is amended to require that the supervising operator be present at the WWTP or otherwise available to consult with, and provide assistance to, the OIT in order to ensure the safe and proper execution of the OIT's duties.

Currently, the chief plant operator of a WWTP may obtain permission for a WWTP to be operated by a lone operator certified at no more than one grade level lower than that required for a shift supervisor. Pursuant to the proposed regulations, the State Water Board will allow any certified operator to operate a WWTP as a lone operator so long as the lone operator is permitted to perform only basic duties that require minimal judgment.

An OIT may not be assigned as a lone operator. The proposed regulations establish the requirements and the procedures for obtaining approval for assigning lone operator shifts.

Chief plant operators currently must verify an applicant's experience on an application for an examination or certification. Applicants will no longer be required to provide information regarding experience on an application for an examination. Therefore, chief plant operators do not need to sign an application for an examination. Additionally, chief plant operators are only required to verify the qualifying experience that the applicant acquired at that WWTP.

Currently, the regulations require operator and OIT certificates to be backdated to the date that OOC receives the application for certification. Additionally, all operator and OIT certificates are given either a June 30 or December 31 expiration date. As amended, the issue date for a certificate will now be the date the OOC actually issues the certificate and the expiration date for a certificate will be two years from the date of issuance.

The provisions regarding OITs currently incorporate by reference many provisions regarding the procedures for applying for and issuing operator certificates and renewal operator certificates. The provisions regarding the procedures for applying for and issuing operator certificates and renewal operator certificates have been made specific to OITs.

Existing regulations allow an OIT to renew an OIT certificate only one time. This means that an OIT has a maximum of four years to obtain experience for certification at that grade level. OITs will now be allowed to renew an OIT certificate repeatedly for additional two–year periods under certain conditions. The OIT must have passed an examination at that grade level or higher and the examination results must not have expired. The chief plant operator also must submit a plan to the OOC for the OIT to gain the experience necessary to become certified at that grade level.

A new provision has been added regarding the invalidation and issuance of a new OIT certificate. An OIT certificate is only valid while the OIT is in training at the WWTP for which the certificate was issued. Chief plant operators will be required to return an invalidated certificate with a statement as to the amount of qualifying experience the OIT acquired before leaving the WWTP. This provision also sets forth the conditions that a person must meet to obtain a new OIT certificate. All time and experience acquired under a previous OIT certificate will be applied to a new certificate.

Under existing regulations, the OOC issues Grades I and II operator certificates by reciprocity to people who hold comparable certifications in other states. To be is-

sued a certificate via reciprocity, the applicant must meet all of the State Water Board's experience and education requirements. The only requirement currently waived is the examination requirement. In order to clarify that no other requirement will be waived, the current reciprocity provision is replaced with an examination waiver. Additionally, the requirements for an examination waiver are not as limited as existing requirements for reciprocity. Finally, the OOC may issue an examination waiver to an applicant at any grade, provided the applicant holds a comparable certification issued by a certifying body. In order to implement this change, the State Water Board has added definitions for "certifying body" and "Indian tribe."

Under the proposed regulations, the OOC may give qualifying experience credit for experience acquired at a facility that treats wastewater in a state other than California, in a territory, or on land within the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of a WWTP operator.

In order to be given qualifying experience credit, the applicant must have held a valid, unexpired certification of the appropriate grade level issued by a certifying body to perform duties comparable to the duties of an operator at a WWTP. The certifying body's certification requirements also must be comparable to the State Water Board's requirements. This requirement ensures that the experience obtained at a facility that treats wastewater but that is not a WWTP is comparable to the experience acquired by operators at WWTPs.

The State Water Board is amending the regulations to emphasize education. The educational requirements for certain paths for certification are increased. As amended, all operators and OITs must have a high school degree or equivalent. Also, educational points can no longer be substituted for uncompleted years of high school. Additional paths for certification are added to allow people with higher levels of education to become certified at one grade level lower than existing regulations allow.

The State Water Board has reviewed the education and experience requirements for each path for certification to ensure consistency. For Grade IV certification, the experience requirement for someone with at least a bachelor's degree is increased from two years to three years to be consistent with other paths.

The regulations make it clear that operators who were issued operator certificates before the effective date of these regulations do not have to meet the new requirements for education and experience in order to renew their certificates. Additionally, operators holding expired certificates do not have to meet the new requirements for education and experience in order to reinstate their certificates. These requirements apply to people applying for a new operator, provisional operator, or OIT certificate, a renewed OIT certificate, or an examination on or after the effective date of these regulations, including operators who request certification at a higher grade.

Operators may currently earn educational points for having taken courses "directly related to wastewater treatment" or "indirectly related to wastewater treatment." For clarification purposes, the term "directly related to wastewater treatment" is replaced with the term "wastewater treatment course," which is defined in the regulations. Also, the term "indirectly related to wastewater treatment" is replaced with the term "management course," which is defined in the regulations.

The term "basic science courses" is replaced with "science course" and is expanded to include courses in engineering. As amended, operators may now earn educational points for taking science courses.

The grounds for disciplinary action against operators, OITs, and contract operators are amended to ensure that the State Water Board may exercise its full disciplinary authority under Water Code sections 13625(e) and 13627.3(c). The regulations will now specify that the State Water Board may discipline an operator, provisional operator, or OIT "upon any reasonable ground," including the acts specified in the regulations. In addition, the regulations will now specify that the State Water Board may take disciplinary action against an operator, provisional operator, OIT, or contract operator who orally provides false or misleading information during an investigation or fails to post a certificate or contract operator credential.

A person who commits an act that is a reasonable ground or good cause for a disciplinary action pursuant to these regulations at any facility that treats wastewater, including facilities operated in another state, in a territory, or on land under the jurisdiction of an Indian tribe, may not possess the technical qualifications, integrity, and respect for the law necessary to operate a WWTP. Therefore, the regulations are amended so that the State Water Board may discipline an operator, provisional operator, OIT, or contract operator for committing any act that is a reasonable ground or good cause for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground or good cause for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

Additionally, an operator, provisional operator, OIT, or contract operator may be disciplined for failing to comply with the new requirement to notify the OOC if a certifying body or court, for any act associated with per-

forming duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline; to impose administrative civil liability; or to impose civil or criminal liability against the operator, provisional operator, OIT, or contract operator.

Under existing regulations, Proposed Disciplinary Action Letters issued by the Director of the OE may be appealed to the Division Chief (to be retitled "Deputy Director") of the Division. The Division Chief may then uphold, overturn, or amend the proposed disciplinary action. Typically, appeals go up through the chain of command in an organization. In this case, however, the Director of the OE is independent of the Deputy Director of the Division and the Director of the OE and the Deputy Director of the Division have comparable levels of authority within the State Water Board. Therefore, the State Water Board has determined that the Deputy Director of the Division should not review appeals of Proposed Disciplinary Action Letters issued by the Director of the OE. Instead, a person to whom a Proposed Disciplinary Action Letter has been issued may request reconsideration by the Director of the OE.

The appeal and petition process is amended to make the appeal and petition process for the Operator Certification program consistent with the process for other State Water Board programs.

Existing regulations state that no person or entity may enter into a contract to operate a WWTP unless that person is a registered contract operator. To establish existing practice in regulation, the regulations are amended to provide that within 30 days after entering into a contract to operate a WWTP, a contract operator must submit an application for contract operator registration with the OOC.

The use of the term "certificate of registration" in existing provisions regarding contract operators is confusing because it is used for both the certificate issued by the OOC upon registering contract operators and for certificates that must be posted at each WWTP operated by the contract operator. Therefore, the certificates that must be posted at each WWTP are renamed "contract operator credentials." Additionally, new provisions are added regarding applying for an additional contract operator credential if the contract operator enters into a new contract after obtaining or renewing the contract operator's certificate of registration. A contract operator must submit an application for an additional contract operator credential within 30 days of entering into a contract to operate another WWTP.

## LOCAL MANDATE

These proposals do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of the Government Code, division 4.

## COSTS OR SAVINGS TO STATE AGENCIES

The State Water Board has determined that this regulation requires approximately $380,000 in additional expenditures to: 1) develop and implement the new provisional operator certificate; 2) bring approximately 434 privately owned WWTPs into the Operator Certification Program, including plant classification, registering contract operators, and processing certificate applications and giving examinations to the additional 468 certified operators, certified provisional operators, or certified OITs; and 3) maintain the current workload of certifying operators and registering contract operators at publicly owned WWTPs.

It is anticipated that the State Water Board will request an increase in the currently authorized budget level for the 2012–13 fiscal year. The increase of authority will be supported by the fee revenue collected by the Operator Certification Program.

## COST OR SAVINGS IMPOSED ON LOCAL AGENCIES

The State Water Board has determined that this regulation imposes additional expenditures on local agencies of approximately $350,258, which are not reimbursable by the State pursuant to section 6 of article XII B of the California Constitution and sections 17500 et seq. of the Government Code because this regulation will be fully financed from the sewer assessments collected by publicly owned WWTPs authorized by section 5470 et seq. of the Health and Safety Code.

## OTHER NONDTSCRETIONARY COSTS OR SAVINGS ON LOCAL AGENCIES

The State Water Board has determined that there are no nondiscretionary costs or savings imposed on local agencies as a result of the proposed regulations.

## COST OR SAVINGS IMPOSED ON SCHOOL DISTRICTS

The State Water Board has determined that there are no costs or savings imposed on school districts as a result of the proposed regulations.

## COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

The State Water Board has determined that there are no costs or savings in federal funding to the state as a result of the proposed regulations.

## BUSINESS IMPACT/SMALL BUSINESSES

Contract operators will pass their increased costs on to the WWTPs in the form of increased service rates.

All private WWTPs are considered small businesses. No initial (capital) costs are required by the regulation.

A privately owned WWTP may comply with the regulation by either employing its own certified operators or contracting for operator services from a registered contract operator. The average annual cost for a small business employing operators is $4,000. The average annual cost for a small business contracting for operator services is $2,967. The average annual cost for a small business employing operators or contracting for operator services is $3,483.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS

*Assessment Regarding Effect on Jobs/Businesses*

There will be minimal impact on both creation and elimination of jobs because uncertified operators at privately owned WWTPs will probably become certified. The State Water Board has determined that the regulation will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

*Benefits of the Regulation for Public Health, Safety, and Welfare*

The State Water Board did not estimate the benefits of the proposed regulation. The proposed regulation will protect public health and the environment by providing for the effective operation of privately owned WWTPs. The regulation also provides additional revenue for operation of the Operator Certification Program.

## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The small business is the typical business therefore the economic impacts estimated in the previous section entitled “Business Impact/Small Businesses” also applies here.

The State Water Board expects that privately owned WWTPs will pay for or reimburse operators, provisional operators, and OITs for their fees and education costs. The State Water Board also expects that half of publicly owned WWTPs will pay or reimburse operators, provisional operators, and OITs for their fees and half of the publicly owned WWTPs will not pay or reimburse operators, provisional operators, and OITs for their fees. No initial (capital) costs are required by the regulation. The average annual cost for operators, provisional operators, and OITs employed at publicly owned WWTPs that will not pay or reimburse operators, provisional operators, and OITs for their fees is $100. The average annual cost for operators, provisional operators, and OITs at privately owned WWTPs and publicly owned WWTPs is $47.

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

There will be no Adverse Economic Impact.

## EFFECT ON HOUSING COSTS

None.

## ALTERNATIVES

The regulation implements chapter 422, statutes 2002 by setting forth the procedures and timeframes by which operators at privately owned WWTPs must obtain operator certificates, owners of privately owned WWTPs must comply with the regulations, and contract operators at privately owned WWTPs must register with the State Water Board. The Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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.

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

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement

includes the specific purpose for each amendment, interpretation, or requirement, and the factual basis for determining the necessity of each regulatory interpretation or requirement. All the information upon which the proposed regulations are based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulations, and the rulemaking file are available from the contact person listed below or at the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the public hearing and considering all timely and relevant comments received, the State Water Board may adopt the regulatory language as originally proposed, or with non–substantial or grammatical modifications. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for written comment at least 15 days before the State Water Board adopts the regulations as modified.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available from the contact person listed below or at the website listed below.

CONTACT PERSONS

Requests for copies of the text of the proposed regulations, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries, should be addressed to the following:

The contact person is:

| | |
|---|---|
| Name: | Debra Cockrell |
| Address: | State Water Resources Control Board<br>Office of Operator Certification<br>1001 "I" Street<br>Sacramento, CA 95814 |
| Telephone No.: | (916) 341–5648 |
| Fax No.: | (916) 341–5734 |
| E–Mail Address: | dcockrell@waterboards.ca.gov |

The backup contact person is:

| | |
|---|---|
| Name: | Debbie Zuccala |
| Address: | State Water Resources Control Board<br>Office of Operator Certification<br>1001 "I" Street<br>Sacramento CA 95814 |
| Telephone No.: | (916) 341–5639 |
| Fax No.: | (916) 341–5734 |
| E–Mail Address: | dzuccala@waterboards.ca.gov |

The documents relating to this proposed action may also be found on the State Water Board's website at the following address: http://www.waterboards.ca.gov/water_issues/programs/operator_certification/.

# GENERAL PUBLIC INTEREST

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### DTSC SEEKS JUDICIAL APPROVAL OF SETTLEMENT AGREEMENT WITH THE PARTY WHO OWNS THE SPACE BANK MINI STORAGE FACILITY SITE, ALSO KNOWN AS THE FORMER NAVAL INFORMATION RESEARCH FOUNDATION UNDER SEA CENTER SITE, IN PASADENA, CALIFORNIA.

The Department of Toxic Substances Control ("DTSC") has agreed to enter into a "Consent Decree" respecting the Space Bank Mini Storage facility site, also known as the former Naval Information Research Foundation Under Sea Center site, located at 3202 East Foothill Boulevard in the City of Pasadena, California (the "Site").

### BACKGROUND FACTS

**The Complaint.** DTSC plans to file a complaint pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.* against Space Bank LTD, a California General partnership; Robert Oltman, an individual, and Margaret Schubert, an individual in California Department of Toxic Substances Control v. Space Bank LTD, a California General partnership; Robert Oltman, an individual, and Margaret Schubert, an individual ("Settling Defendants") in the United States District Court for the Central District of California concurrently with the lodging of this Consent Decree. The complaint will allege that the Settling Defendants, as current owners or operators of the Site, are liable for

DTSC's past and future response costs incurred to investigate and clean up releases of hazardous substances at the Site.

**Site Background and Contamination.** The U.S. Department of the Navy (the "Navy") reportedly constructed the majority of the buildings located on the Site in the period of 1945 to 1954, with the exception of Building 30, which was constructed by the Navy in the 1970s. Prior to development of the Site with the current buildings, the Site was developed by C. Temple Murphy Furniture Company, followed by the establishment of the Hamlin and Hood Stoneworks, a plaster casting and stoneworks business, in 1930. In the early 1940s these properties were acquired by Latisteel Corporation of California, a manufacturer of steel framing, and the California Wirebound Box Company. From 1943 to 1945, the Site was leased and developed by Caltech for its torpedo program. From the late 1940s until about 1974, the Navy used the Site primarily for weapons research and development, with focus on propulsion and guidance systems for underwater ordnance. In 1974, the Navy reportedly declared the Site excess and in 1978, the General Service Administration sold the Site to Space Bank LTD, which used the Site for a storage facility and small shops.

Investigations conducted at the Site have detected the presence of various metals, both volatile (Perchloro–ethylene) and semi–volatile organic compounds, and petroleum hydrocarbons. Significant concentrations of lead, 5,870 parts–per–million (ppm); arsenic, 8.8 ppm; benzo (a) pyrene, 100 ppm; benzo (a) anthacene, 100 ppm; mercury, 27 ppm; antimony, 99 ppm; cadmium, 56.9 ppm; chromium, 120 ppm; chrysene, 120 ppm; and PCDD/PCDF (dioxin), 0.002 ppm, PCE, 39.1 microgram/liter, Carbon Tetrachloride, 28.46 microgram/liter were detected in the soil, soil gas, and/or sediment. Currently no investigation of groundwater has been conducted.

**Regulatory History.** Certain response actions were conducted by the United States Army Corps of Engineers ("USACE") under the Formerly Used Defense Site program. Due to disagreement between DTSC and USACE over the extent of response actions being taken by USACE, DTSC issued an Imminent and Substantial Endangerment and Remedial Action Order ("Order") to the United States Navy, USACE, and Space Bank LTD in late 2004. DTSC later agreed to withdraw the order and enter into dispute resolution with USACE. The dispute resolution process ended without reaching a resolution. In addition to this Consent Decree, DTSC entered into a prospective purchaser agreement known as an Agreement and Covenant Not to Sue ("Agreement") in November 2011 with Pasadena Gateway, LLC for the Site. The Agreement is subject to Pasadena Gateway, LLC's acquisition of fee title to the property owned by Space Bank LTD. Under the Agreement, Pasadena Gateway, LLC will conduct additional response actions at the Site.

**The Consent Decree.** In cooperation with the DTSC, Settling Defendants have engaged in extensive site assessment and investigation activities relating to potential hazardous waste releases at the Site and Settling Defendants agree to implement and/or cooperate with DTSC as necessary in implementing additional response actions as specified in the Consent Decree.

**Entry of the Consent Decree.** DTSC intends to lodge the Consent Decree with the United States District Court for the Central District of California. DTSC will also invite comments on a final draft of the Consent Decree. After a 30–day public comment period and after DTSC responds to any comments received, DTSC intends to move for judicial approval of the Consent Decree, pursuant to CERCLA section 113(f)(2), 42 U.S.C. § 9613(f)(2).

**Obtaining Copies of the Consent Decree.** Interested parties may obtain copies of the Consent Decree by contacting Jennifer Rich at (714) 484–5415.

**Comments on the Consent Decree.** Written comments with respect to the Consent Decree may be submitted to DTSC on or before **July 16, 2012**. Such comments should reference the former Naval Information Research Foundation Under Sea Center Site and be directed to:

Ms. Jennifer Rich
NIRF Site Project Manager
California Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

DTSC's response to any timely comments will be available for inspection at DTSC's office in Cypress, California. DTSC has reserved the right to withdraw its consent to the Consent Decree or to seek modification of the Consent Decree based on comments received.

Further information regarding this matter may be obtained by contacting DTSC Counsel Robert Elliott at (916) 327–6105 or Deputy Attorney General Dennis Ragen at (619) 645–2016.

## TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

ACTION: Notice of Extension of Public Comment Period

SUBJECT: Section 97240. Request for Modifications to Patient Data Reporting

The Office of Statewide Health Planning and Development originally published a Notice of Proposed Regulatory Action concerning the above–referenced sub-

ject in the June 1, 2012 edition of the Notice Register 2012, No. 22–Z, p. 713.

The earlier July 16, 2012, close of the comment period has been extended to July 23, 2012, to allow for at least 45 days of a public comment period from the date of mailing of the Notice.

Interested parties may submit written comments presenting statements, arguments, or contentions relating to the proposed action. All such comments must be received by the Office at 400 R Street, Suite 250, Sacramento, California, 95811 by 5:00 p.m. on July 23, 2012, which is designated as the close of the written comment period. NOTICE IS ALSO GIVEN that no public hearings will be held. However, a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person submits a written request to hold a public hearing to the Contact Person (see Contact Person below).

CONTACT PERSON:

General and substantive inquiries and comments concerning the proposed regulation changes may be addressed to:

Ron Spingarn, Deputy Director
Healthcare Information Division
Office of Statewide Health Planning
and Development
400 R Street, Suite 250
Sacramento, California 95811

e–mail: Ron.Spingarn@oshpd.ca.gov
telephone: 916–326–3801; fax: 916–322–9718

The Office's backup contact person is:

Irene Ogbonna, Regulations Coordinator
Healthcare Information Division
Office of Statewide Health Planning
and Development
400 R Street, Suite 250
Sacramento, California 95811

e–mail: Irene.Ogbonna@oshpd.ca.gov
telephone: 916–326–3937; fax: 916–322–9718

All comments should be in writing. E–mailed comments are preferred.

POLICY STATEMENT OVERVIEW:

As required by Health and Safety Code Section 128760, the Office many years ago adopted a regulation that specifies how and when hospitals and ambulatory surgery facilities that report patient–level data may request modifications to the reporting requirements. The Office now proposes to update that regulation, Section 97240 of Title 22.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED AMENDMENT, AND RULEMAKING RECORD:

The Office prepared an Initial Statement of Reasons for the proposed regulations. This statement, the text of the proposed regulations (in underline and strikeout format), and all the information upon which this proposal is based (the rulemaking record) are available from the Office at the address indicated above (see Contact Person). In addition, the Initial Statement of Reasons and the text of the proposed changes will be available on the Office's web site at: http://www.oshpd.ca.gov/HID/MIRCal/Proposed_Regulations.html. The Office will notify all affected data reporters, hospitals and Interested Parties.

Upon its completion, the Final Statement of Reasons will be posted on the OSHPD website. Hard copies may be requested from the agency's regulation coordinator named in this notice or may be printed from the website listed in this notice.

# DECISION NOT TO PROCEED

## BOARD OF BARBERING AND COSMETOLOGY

Concerning Unregulated Services

*Note: The Board is publishing this Notice of Decision Not to Proceed for information purposes. The one–year period of the original notice expired on its own terms under Gov. Code sec. 11346.4(b).*

The Board of Barbering and Cosmetology has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on April 22, 2011, OAL File #Z–2011–0412–01, concerning Title 16, section 966.

# 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# 2012–0522–01
CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
Administration of California's limited tax–exempt debt authority

The California Debt Limit Allocation Committee submitted this emergency readoption action to continue the emergency actions taken in OAL File Nos. 2011–1011–02E and 2011–1129–02ER. The action makes minor revisions to the emergency regulation text, which amended various title 4 regulations and related incorporated forms and added a new incorporated form. The emergency regulations pertain to housing projects for lower income families and individuals and for preserving and rehabilitating existing governmental assisted housing for lower income families and individuals.

Title 4
California Code of Regulations
ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
Filed 06/01/2012
Effective 06/01/2012
Agency Contact: Misti Armstrong (916) 653–3461

File# 2012–0518–03
CALIFORNIA HORSE RACING BOARD
Penalties for Medication Violations

The California Horse Racing Board filed this action to amend title 4, California Code of Regulations, section 1843.3, which pertains to penalties for medication violations. The amendment changes the time periods associated with second and third offenses of Category "B" violations. The time period for second offense Category "B" violations changed from 365 days to two years and the time period for third offense Category "B" violations changed from 365 days to five years.

Title 4
California Code of Regulations
AMEND: 1843.3
Filed 06/06/2012
Effective 07/06/2012
Agency Contact: Harold Coburn (916) 263–6397

File# 2012–0503–02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Wireless Communication Devices in CDCR Facilities

On October 5, 2011, Governor Edmund G. Brown Jr. signed into law urgency legislation (Senate Bill 26) which took effect immediately enacting section 4576 of the Penal Code concerning wireless communication devices in prisons. The Department of Corrections and Rehabilitation certified as an Operational Necessity under Penal Code section 5058.3 that amendments to sections 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, and 3323 of title 15 of the California Code of Regulations be adopted as an emergency to implement the changes made by the adoption of section 4576 of the Penal Code. This regulatory submission is a certificate of compliance for this emergency regulatory action and an additional amendment to section 3285 revising CDCR Form 181, Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Inmates.

Title 15
California Code of Regulations
AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
Filed 06/06/2012
Effective 07/06/2012
Agency Contact: Randy Blackwell (916) 445–2220

File# 2012–0424–01
DEPARTMENT OF INSURANCE
Workers' Compensation Pure Premium Rates

This action makes annual amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, the California Workers' Compensation Experience Rating Plan — 1995 and the Miscellaneous Regulations for the Recording and Reporting of Data. The plans are incorporated by reference in title 10, CCR, sections 2318.6, 2353.1 and 2354 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

Title 10
California Code of Regulations
AMEND: 2318.6, 2353.1, 2354
Filed 05/31/2012
Effective 01/01/2012
Agency Contact:
Christopher A. Citko (916) 492–3187

File# 2012–0515–01
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Product Stewardship for Paint

The Department of Resources, Recycling, and Recovery adopted sections 18950, 18951, 18952, 18953,

18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, and 18958 of title 14 of the California Code of Regulations to implement, interpret, and make specific Assembly Bill 1343, Chapter 420, Statutes of 2010, establishing the Architectural Paint Recovery Program. The regulations include definitions, submittal instructions, criteria for stewardship plans, criteria for annual reports, and provide for enforcement, record–keeping, confidentiality, and service payments.

Title 14
California Code of Regulations
ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958
Filed 06/06/2012
Effective 06/06/2012
Agency Contact: Ty Moore (916) 341–6756

File# 2012–0525–06
DEPARTMENT OF VETERANS AFFAIRS
Definition of Income

The Department of Veterans Affairs submitted this action to establish a definition for income, as used in Military and Veterans Code section 1012.3, for calculating fees for being a member in a California veterans' home. The definition will be set forth in an amendment to title 12, California Code of Regulations, section 506.

Title 12
California Code of Regulations
AMEND: 506
Filed 06/04/2012
Effective 07/04/2012
Agency Contact:
Vasilios Spyridakis (916) 653–1406

File# 2012–0518–01
FAIR POLITICAL PRACTICES COMMISSION
Online Posting: Redacting Sensitive Information

The Fair Political Practices Commission submitted this action to adopt section 18313.6 to title 2 of the California Code of Regulations. The adopted section sets forth the conditions and specified personally identifiable information that may be redacted by FPPC staff for purposes of online posting of an elected official's statement of economic interest, pursuant to title 2, section 18313.5(b).

Title 2
California Code of Regulations
ADOPT: 18313.6
Filed 06/04/2012
Effective 07/04/2012
Agency Contact:
Virginia Latteri–Lopez (916) 322–5660

File# 2012–0525–05
FISH AND GAME COMMISSION
Election of Commission Officers

This rulemaking repeals Title 14, section 660 of the California Code of Regulations. This section outlines procedures for the election of President and Vice President of the Fish and Game Commission. It makes the most senior member the President and the next most senior member the Vice President. The Commission decided to remove this regulation which essentially establishes a succession rather than an election to provide for a more democratic process in the election of officers.

Title 14
California Code of Regulations
REPEAL: 660
Filed 06/01/2012
Effective 06/01/2012
Agency Contact: Sheri Tiemann (916) 654–9872

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

## CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN January 11, 2012 TO June 6, 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**

06/04/12 ADOPT: 18313.6
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

**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

**Title 4**

06/06/12 AMEND: 1843.3
06/01/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
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

**Title 5**

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

**Title 8**

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

**Title 9**

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

**Title 10**

05/31/12 AMEND: 2318.6, 2353.1, 2354
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
02/08/12 AMEND: 2222.12
02/03/12 AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725
01/24/12 AMEND: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8. 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31
01/11/12 AMEND: 260.204.9

**Title 11**

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

**Title 12**

06/04/12 AMEND: 506

**Title 13**

04/19/12 ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26
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

**Title 14**

06/06/12 ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958
06/01/12 REPEAL: 660
05/30/12 AMEND: 11960
05/29/12 AMEND: 360, 361, 362, 363, 364, 365, 708.12
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
03/26/12 AMEND: 11960
03/22/12 AMEND: 27.80
02/24/12 AMEND: 29.15
02/13/12 AMEND: 29.17, 127
02/08/12 AMEND: 1257
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

**Title 15**

06/06/12 AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
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
03/12/12 ADOPT: 3999.11
03/08/12 ADOPT: 8006
03/08/12 AMEND: 3315, 3323
02/22/12 AMEND: 173
02/22/12 ADOPT: 4845, 4849, 4853, 4854, 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 4983.5 AMEND: 4846, 4847, 4848, 4848.5, 4850, 4852, 4900, 4925, 4926, 4927, 4928, 4929, 4935, 4936, 4937, 4938, 4939, 4940, 4977, 4978, 4979, 4980, 4981, 4982, 4983
01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
01/11/12 REPEAL: 3999.8

**Title 16**

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
05/17/12 ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470
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
02/16/12 AMEND: 1397.60, 1397.61, 1397.62, 1397.63, 1397.64, 1397.65, 1397.66, 1397.67, 1397.68, 1397.69, 1397.70, 1397.71
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, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1
01/19/12 ADOPT: 1379.40, 1379.42, 1379.44, 1379.46, 1379.48, 1379.50, 1379.52, 1379.54, 1379.56, 1379.58, 1379.68, 1379.70, 1379.72, 1379.78
01/17/12 ADOPT: 1707.6 AMEND: 1707.2
01/11/12 AMEND: 109, 117, 121

**Title 17**

04/18/12 AMEND: 100607, 100608
03/28/12 AMEND: 100080
03/15/12 ADOPT: 58883
03/15/12 AMEND: 6020, 6035, 6051, 6065, 6070, 6075
03/12/12 AMEND: 95307
02/21/12 AMEND: 95486
02/15/12 AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943
01/26/12 AMEND 6540
01/17/12 AMEND: 50602, 50604, 50607, 50612, 54326

**Title 18**

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

**Title 19**

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

**Title 22**

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

**Title 23**

04/23/12 ADOPT: 3979.4
04/10/12 AMEND: 2631
04/09/12 ADOPT: 3969.1
04/05/12 AMEND: 645
03/21/12 ADOPT: 3969
03/21/12 ADOPT: 3939.41

03/21/12 ADOPT: 3939.44
03/15/12 ADOPT: 3939.43
03/12/12 AMEND: 2922
03/09/12 ADOPT: 3919.11
02/29/12 ADOPT: 3939.42
02/27/12 ADOPT: 3919.12
02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27 AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14, 16, 17, 23 (re–numbered to 28), 103, 109, 110, Appendix A REPEAL: 20, 21, 22

**Title 25**

03/13/12 ADOPT: 6932 REPEAL: 6932

**Title 27**

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

**Title MPP**

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