



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

The Authority proposes to adopt Sections 8130–8138 of Title 4 of the California Code of Regulations (the “Adopted Regulations”) concerning the administration of the California Pollution Control Financing Authority’s review of the issuance of rate reduction bonds. These Adopted Regulations are necessary to implement and make specific Article 12 of the California Pollution Control Financing Authority Act (the “Act”). The proposed regulations have been approved by OAL on an emergency basis and this proposed rulemaking would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Government Code Section 6588.7(b)(7). Section 6588.7(b)(7) of the Government Code authorizes the Authority to adopt emergency regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.”

Reference: Government Code Division 7, Chapter 5. This regulation will make specific Sections 6585 through 6599.3 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Pollution Control Financing Authority and authorizes the Authority to develop and administer procedures to review the issuance of rate reduction bonds pursuant to Government Code Section 6588.7(b)(7).

Assembly Bill 850 [AB 850 (Nazarian) Chapter 636, Statutes of 2013] authorizes joint power authorities to issue rate reduction bonds to finance publicly owned utility projects until December 31, 2020. The bonds are to be secured by utility project property and repaid through a separate utility project charge imposed on the utility customers’ bills. Each publicly owned utility will have the ability to establish and collect a utility project

charge, as a separate nonbypassable charge, to finance the rate reduction bonds. The issuance of rate reduction bonds is a benefit to the publicly owned utility, as well as the customer because the rates of the utility plus the utility project charge are expected to be lower than the rates if the project was financed through revenue bonds. While the bonds are issued by the local joint power authorities, AB 850 includes an additional state review process by the CPCFA.

Assembly Bill 850 requires CPCFA to review each issue of rate reduction bonds for financing costs of a utility project and to determine whether the issue is qualified for issuance under the provisions of the statute (Government Code, section 6588.7(b)(2)(A)–(B)). CPCFA is also required to establish procedures, adopt emergency regulations with the OAL, and report these review determinations to the Legislature annually.

An issue is qualified if four main factors are satisfied. First, the project to be financed must meet statutory criteria. The second criterion requires that the municipal utility elects to finance the project pursuant to the statute. The third criterion states that the financing costs shall fall within the normal range of costs for comparable types of debt issuance. Lastly, the rates of the utility plus new charge are collectively expected to be lower than the utility rates would be if the project was financed through the issuance of the utility’s own revenue bonds.

On August 15, 2014, CPCFA staff posted the AB 850 webpage that provided the program implementation plan, the full text of AB 850, proposed draft regulations and contact information. This posting began a 30-day comment period where stakeholders could propose comments to the draft regulations. CPCFA received comments from one stakeholder and incorporated some of them into revised draft regulations. CPCFA staff also hosted a workshop on October 14, 2014 to discuss the revised draft regulations before presenting them to the CPCFA board. The public will be able to further comment during the OAL Regulatory Process.

Government Code Section 11346.5(a)(3)(D) requires that the notice of proposed rulemaking shall include, “an evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations.” CPCFA staff reviewed the California Code of Regulations and found no existing regulations dealing with this issue. Therefore, CPCFA believes that the proposed regulation is neither inconsistent nor incompatible with existing state regulations. Also, the issuance of rate reduction bonds is a benefit to the publicly owned utility, as well as the customer because the rates of the utility plus the utility project charge are expected to be lower than the rates if the project was financed through revenue bonds. The proposed amendment and objective is stated below.

CPCFA staff has evaluated the existing regulations and based on the review, staff has determined that the proposed adoption to the CPCFA Regulations is consistent and compatible with the existing state regulations, and the objective is as follows:

§ 8130. Applicability.

This section clearly states that this Article shall apply to the Authority's review of the issuance of rate reduction bonds pursuant to Section 6588.7 of the Government Code.

Necessity. This section is necessary to indicate that Article 12 applies to the review of the issuance of rate reduction bonds.

§ 8131. Definitions.

This section clearly defines terms commonly used throughout the regulations to avoid ambiguity or misunderstanding.

Necessity. The proposed definitions are necessary to clarify the existing statutory language and other terms used throughout the regulations. In this section, repeating or paraphrasing of statute is necessary for purposes of clarity.

§ 8132. Applications for Review.

This section clearly states that the Authority will accept applications from the applicant for review in a form approved by the Executive Director as prescribed in section 8134. The application will be made available at the Authority office and on its website.

Necessity. This section is necessary to describe the process of obtaining an application. The application contents are stated in Section 8134 of the proposed regulations.

§ 8133. Application Fees.

This section describes the application fee which must accompany each application submitted. The application fee provides for the review and processing of each application and is nonrefundable. This section also states that the Authority may charge additional fees to cover any additional expenses that might be incurred if the Authority must retain an independent financial advisor to verify the submitted application contents.

Necessity. The application fee is necessary to cover the Authority's reasonable costs of administering the review of rate reduction bonds. Based on the Authority's experience as a conduit issuer, the Authority deems the application fee amount reasonable to cover the cost of the anticipated workload. The Authority may charge additional fees in the amount equal to the amount if the Authority must retain an independent financial advisor to verify any information submitted by the applicant. The fee is nonrefundable because the review of each

application will incur costs whether the application is approved, denied or withdrawn.

§ 8134. Application Content.

This section describes the contents of a completed application. For an application to be deemed complete, the applicant must submit information concerning the issuer applicant, the local agency applicant, information concerning the utility project, as well as information concerning the projected financing costs for the proposed rate reduction bond financing. This section clearly states the evidence that is required to meet each of the criteria.

Necessity. A clear description of the application information is necessary to clarify the application contents and evidence that must be provided in order for the Authority to determine whether the issue is qualified for issuance under the provisions of the statute (Government Code, section 6588.7(b)(2)(A)-(B)).

§ 8135. Authority Action.

The Authority will have 10 business days to inform the applicant whether the application is complete and, if not, what additional documentation or information is required. Once the applicant has submitted the supplemental information or documentation, the Authority will have 7 business days to inform the applicant whether the application is complete and, if not, request additional information. The Authority will take action on any completed Application no later than the next board meeting that occurs after at least 60 days following the determination by the Authority that the application is complete. An applicant can withdraw an application any time without penalty or prejudice; however there is a nonrefundable application fee.

Necessity. This section is necessary to specify the actions to be taken by the Authority when an issuer application submits an application for review. The fee is nonrefundable because the review of each application will incur costs whether the application is approved, denied or withdrawn.

§ 8136. Application Approval.

This section clearly states that in order for the Authority to determine that the issue is qualified for issuance, the application provided must contain evidence that it meets all of the criteria. The Authority will provide an explanation in writing for any refusal to qualify a proposed issuance.

Necessity. A thorough description of the criteria is necessary to clearly state how the Authority will determine if an issue is qualified for issuance pursuant to Government Code Section 6588.7. The Authority is also required to provide the issuer applicant with a written explanation for any refusal to qualify a proposed is-

suance pursuant to Government Code Section 6588.7(b)(7).

§ 8137. Reports.

This section provides the information that must be submitted by each issuer applicant whose application was approved by the Authority within 10 business days following the issuance of any rate reduction bonds. This section also states that annually before March 31, the Authority is required to submit a report to the Legislature of its activities for the proceeding calendar year ended on December 31. The Executive Director is also authorized to seek the information required in this section from the issuer applicant in regards to any application submitted for the Authority to review.

Necessity. The Authority will require information from the issuer applicant in order to submit an accurate report to the Legislature. The Authority is required to submit an annual report pursuant to Government Code Section 6588.7(b). In this section, repeating or paraphrasing of statute is necessary for purposes of clarity.

§ 8138. Sunset.

This section clearly describes that with the exception of Section 8137, these regulations shall expire upon the termination of the Authority to review the issuance of rate reduction bonds. Section 8137 will expire when the Authority submits the final report to the Legislature.

Necessity. This section is necessary to clearly state the expiration of these regulations when the authority to issue rate reduction bonds terminates pursuant to Government Code Section 6588.7(k). In this section, repeating or paraphrasing of statute is necessary for purposes of clarity.

DISCLOSURE REGARDING THE
PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Adopted Regulations:

Mandate on local agencies or 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 17500–17630: None.

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

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

Small Business: The adopted regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the Adopted Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The Adopted Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment: The issuance of rate reduction bonds is a benefit to the publicly owned utility, as well as the customer because the rates of the utility plus the utility project charge are expected to be lower than the rates if the project was financed through revenue bonds.

CONSIDERATION OF ALTERNATIVES

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

The Authority invites interested parties to present statements with respect to alternatives to the Adopted Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Adopted Regulations shall be submitted or directed to:

Andrea Gonzalez, Associate Treasury Program Officer
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 651-7284
Fax: (916) 657-4821
Email: agonzalez@treasurer.ca.gov

Doreen Smith, Treasury Program Manager I
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 651-6503
Fax: (916) 657-4821
Email: dsmith@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Adopted Regulations to the Authority. The written comment period on the Adopted Regulations ends at **5:00 p.m. on July 27, 2015**. All the comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the proposed regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in

the Notice Register, the rulemaking file consists of this notice, the Initial Statement of Reasons and the proposed text of the Adopted Regulations. Copies of these items and all the information upon which the proposed rulemaking is based are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

PUBLIC HEARING

CPCFA does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the proposed Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found at the Authority's website at <http://www.treasurer.ca.gov/cpcfa/index.asp>.

**TITLE 10. GOVERNOR’S OFFICE OF
BUSINESS AND ECONOMIC
DEVELOPMENT**

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Governor’s Office of Business and Economic Development (GO–Biz) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

In 2013, Governor Edmund G. Brown Jr. signed Senate Bill 12 (Corbett, Chapter 541, Statutes of 2013), which created the Made in California Program (“CA Made” or “Program”). GO–Biz is responsible for implementing and managing the Program.

PUBLIC HEARING

GO–Biz has not scheduled a public hearing for this proposed action. However, if GO–Biz receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, the office will conduct a public hearing on this proposed action and will notify all interested parties of the date, time, and location of the hearing.

The purpose of CA Made is to encourage consumer product awareness and to promote the purchase of products manufactured in California. In order for a business to use the CA Made label on its products, the law requires products to be “Made in U.S.A.” as defined in Section 17533.7 of the Business and Professions Code. In addition, 51 percent or more of the value added must be produced in California. To verify compliance with these requirements, businesses must obtain third-party certification prior to using the CA Made label.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to GO–Biz at the address below. Comments may also be submitted by email to janelle.green@gov.ca.gov. The written comment period closes at **5:00 p.m. on July 27, 2015**. GO–Biz will only consider comments received at the GO–Biz office by that time. Submit comments to:

The regulations proposed in this rulemaking action would establish an application process to administer the Program and allow GO–Biz to make determinations as to which applicants qualify for the Program.

Anticipated Benefits of the Proposed Regulation:

The proposed regulations will provide clear information to applicants on how the Program operates and the requirements that must be met for applicants to qualify.

The goal of CA Made is to promote the purchase of California goods in California, out of state, and internationally.

Governor’s Office of Business and Economic
Development
Attn: Janelle Green
1325 J Street
18th Floor
Sacramento, CA 95814

Determination of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, GO–Biz has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. No other currently existing state agency has issued any regulations related to the proposed regulations; therefore there are no inconsistencies or incompatibilities with existing state regulations.

AUTHORITY AND REFERENCE

Government Code Sections 12098.10–12098.11 authorizes GO–Biz to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 8100–8200 of Title 10, Chapter 13.

DISCLOSURES REGARDING
PROPOSED ACTION

GO–Biz has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

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

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

Cost impacts on a representative private person or business: Although this Program does not incur any direct costs to businesses, applicants will need to submit a third-party certification form when applying to the Program. Third-party certifiers may choose to charge prospective applicants for this service. GO-Biz is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting business and individuals: None.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The CA Made program could contribute to California's economy by raising consumer product awareness and promoting the purchase of products manufactured in California. Licensees will be able to showcase their products on a designated GO-Biz website and participate in other Program marketing initiatives through the Program. In addition, they will receive the right to use the CA Made label. These marketing opportunities could help businesses market California goods more effectively, thereby boosting sales.

GO-Biz concludes that:

- It is likely that the proposed changes will not affect the creation/elimination of jobs within California.
- It is likely that the proposed changes will not affect the creation of new business and elimination of existing business.
- It is likely that the proposed changes may promote the expansion of businesses currently doing business within the State.

Benefits of Proposed Action: The regulations provide a framework for the Program to operate. They provide applicants with guidance on how to meet the Program's requirements, how to apply, and the rights and limitations of using the CA Made label. By providing this clarity, the regulations could encourage participation in the Program and the Program's consequent effectiveness in marketing California products. Therefore, the proposed regulation may create an indirect impact to the general welfare of California.

Small Business Determination: GO-Biz has determined that the proposed regulations may positively affect the marketing efforts of small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), GO-Biz must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to 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.

GO-Biz invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Governor's Office of Business and Economic
Development
Attn: Janelle Green
1325 J Street
18th Floor
Sacramento, CA 95814
Email: Janelle.Green@gov.ca.gov

Back-Up Contact Person:

Attn: Janelle Watson
Phone: 916-322-2716
Email: Janelle.Watson@gov.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Janelle Green at the above address. In her absence, please contact the designated back-up contact person.

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

GO-Biz will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Janelle Green at the address above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, GO-Biz may adopt the proposed regulations substantially as described in this notice. If GO-Biz 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 GO-Biz adopts the regulations as revised. Please send requests of any modified regulations to the attention of Janelle Green at the address indicated above. GO-Biz will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

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

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed on the website at www.business.ca.gov.

**TITLE 16. BOARD OF
REGISTERED NURSING**

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (hereinafter referred to as "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Board of Registered Nursing
1747 N. Market Blvd.
Hearing Room
Sacramento, CA 95834
July 27, 2015
9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 27, 2015. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code (Code), and to implement, interpret or make specific Sections 163.5, 2815, 2815.1, 2815.5, 2815.7, 2816, 2830.7, 2831, 2833, 2836.3 and 2838.2 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Amend Section 1417.

Existing laws authorize the Board to charge fees for initial licensure and certification applications; temporary licenses; interim permits; license and certificate renewals; delinquent renewals; and returned checks. The Board is a self-supporting, special fund agency that generates its revenues from licensing fees. The Board is proposing to increase fees as detailed in the table on page 2. The fee increases apply to renewal of licenses and certificates that expire after January 1, 2016, and to all other fees effective January 1, 2016.

ANTICIPATED BENEFITS OF THE
PROPOSED REGULATION

The increases in fees are necessary to enable the Board to more effectively protect consumers and effectively support the Board's functions.

FEES	EXISTING	PROPOSED
Biennial license renewal fee*	\$130	\$150
Penalty fee for failure to timely renew a license	\$65	\$75
Application fee for continuing education provider approval	\$200	\$300
Biennial continuing education provider approval renewal fee	\$200	\$300
Penalty fee for failure to renew a continuing education provider	\$100	\$150
Fee for processing endorsement papers to other states	\$60	\$100
Certified copy of a school transcript	\$30	\$50
Duplicate license fee	\$30	\$50
Fee for evaluation of qualifications to use the title "nurse-practitioner"	\$75	\$150
Application fee for certificate as a nurse-midwife	\$75	\$150
Biennial nurse-midwife certificate renewal fee	\$75	\$100
Penalty fee for failure to timely renew a nurse-midwife certificate	\$37	\$50
Fee for application for nurse-midwife equivalency examination	\$100	\$200
Application fee for nurse-anesthetist certificate	\$75	\$150
Biennial nurse-anesthetist certificate renewal fee	\$75	\$100
Penalty fee for failure to timely renew a nurse-anesthetist certificate	\$37	\$50
Application fee for public health nurse certificate	\$75	\$150
Application fee for clinical nurse specialist certificate	\$75	\$150
Biennial clinical nurse specialist certificate renewal fee	\$75	\$100
Penalty fee for failure to timely renew a clinical nurse specialist certificate	\$37	\$50

*With the proposed fee increase, registered nurses will pay \$160 at the time of license renewal. The fee includes a \$10 assessment for the RN Education Fund.

**DETERMINATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING REGULATION**

During the process of developing these regulations and amendments, the Board of Registered Nursing has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of

California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by enabling the Board to be more effective in protecting them and effectively supporting the Board’s functions.

Cost Impact on Representative Private Person or Business:

The proposed fee increases affect individuals and some small businesses. The affected individuals are the approximately 4,795 applicants for advanced practice certificates; 182,000 registered nurses renewing their licenses; and 3,070 renewing their Board–issued certificates. The affected small businesses are approximately 1,500 continuing education providers. The affected small businesses are also the approximately 240 continuing education provider applications. The remaining fee increases are penalties or fees for non–automatic particular services that licensees or applicants may request. The cost impact on the individual varies dependent on the type of application, i.e., initial certification,

renewal of a license, or renewal of certificate. The increase in fees ranges from \$10.00 to \$100.00 and is detailed in the above table. The Board estimates revenues will increase approximately \$4,400,000 annually from the fee increases. The increased revenue will be used to support the Board's functions.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.rn.ca.gov.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Ronnie Whitaker
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-8257
 Fax No.: 916-574-7700
 E-Mail
 Address: ronnie.whitaker@dca.ca.gov

The backup contact person is:

Name: Alcidia Valim
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-7684
 Fax No.: 916-574-7700
 E-Mail
 Address: alcidia_valim@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rn.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

**Proposed Amendments to Alternative and Renewable Fuel and Vehicle Technology Program Funding Regulations
 Title 20, California Code of Regulations, sections 3100-3108**

California Energy Commission
 Docket No. 15-OIR-02
 June, 2015

The California Energy Commission ("Energy Commission") proposes to update its Alternative and Renewable Fuel and Vehicle Technology Program ("ARFVTP") regulations, located in the 3103 section of Title 20 of the California Code of Regulations ("section 3103"). The update eliminates an emissions credits discounting requirement, and clarifies funding restrictions. On February 25, 2015 the Energy Commission adopted emergency changes to section 3103. Those changes became effective on March 12, 2015. This rulemaking confirms those emergency changes, as required by Government Code section 11346.1(a), and

makes additional minor changes. This rulemaking is also conducted under the authority of Public Resources Code sections 24210, 25213, 25218(e); and Health and Safety Code section 44272(a).

PUBLIC HEARING —
Gov. Code §§ 11346.5(a)(1), 11346.5(a)(17)

The Energy Commission will hold a public hearing as part of its monthly Business Meeting for consideration and possible adoption of the draft regulatory language on the following date and time unless the Energy Commission decides to modify the express terms through issuance of 15-day language.

August 12, 2015
10:00 a.m.
California Energy Commission
First Floor, Art Rosenfeld Hearing Room
(Hearing Room A)
1516 9th Street
Sacramento, CA 95814

Hearing Room A is wheelchair-accessible.

Audio for the August 12, 2015, adoption hearing will be broadcast over the internet. Information on agendas and how to use the Energy Commission's web system can be found at http://www.energy.ca.gov/business_meetings/.

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

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

WRITTEN COMMENT PERIOD —
Gov. Code §§ 11346.4(a), 11346.5(a)(15)

Written comments should be submitted by 4:00 p.m. on July 28, 2015. If you wish to provide comments on the draft regulatory language, please submit comments to the Energy Commission Dockets Unit at:

Docket Unit
California Energy Commission
Docket No. 15-OIR-02
1516 9th Street, MS-4
Sacramento, CA 95814
Or e-mailing them to: DOCKET@energy.ca.gov
Or faxing them to Dockets at (916) 654-3843

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

PUBLIC ADVISER

The Energy Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228 or contact publicadviser@energy.ca.gov.

STATUTORY AUTHORITY AND REFERENCE —
Gov. Code § 11346.5(a)(2); Cal. Code of Regs.,
tit. 1, § 14

The Energy Commission proposes to update and clarify elements of the ARFVTP under the authority of Public Resources Code sections 24210, 25213, 25218(e); and Health and Safety Code section 44272(a). The proposed regulations would implement, interpret, or make specific Health and Safety Code sections 44271-44272.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW —**
Gov. Code 11346.5(a)(3)

Section 11346.5(a)(3)(A): The following regulations and statutes are related directly to the proposed action: Sections 44272-44273 of the Health and Safety Code, which create and establish requirements and an administrative framework for the ARFVTP; and sections 3100-3108 of Title 20 of the California Code of Regulations, which govern funding of projects under the ARFVTP. The effect of the action proposed in this rulemaking, which is specific to section 3103 of Title 20 of the California Code of Regulations, would be to eliminate unintended economic harm to ARFVTP fund recipients by eliminating an emissions credit discounting requirement, and to clarify what projects are subject to remaining funding restrictions. Specifically, the new language makes the following changes to section 3103:

- Divides what was formerly one paragraph into subsections for clarity and ease of reading;
- Eliminates the requirement to discount emissions credits generated by ARFVTP-funded projects;
- Eliminates the requirement that projects which generate emissions credits are eligible for only partial funding;

— Changes the term “proposing entity” to “applicant” to be consistent with the terminology in statute;

— Deletes a reference to obsolete language; and

— Adds a list of project types which are exempt from certain funding restrictions to clarify continued eligibility for ARFVTP funding for these project types.

Section 11346.5(a)(3)(B): The Energy Commission has found no existing comparable federal regulations or statutes.

Section 11346.5(a)(3)(C): The broader objective of these changes is to further the development and deployment of innovative technologies to transform California’s fuel and vehicle types to help attain the state’s climate change policies, consistent with the mandate of Health & Safety Code section 44272(a). The specific benefits anticipated as a result of these changes are increased certainty for entities with regulated projects, via clearer and more functional regulations; and environmental protection via increased viability of projects that will result in decreased greenhouse gas emissions. While elimination of the discounting requirement does not add any new emissions credits to the market, it is likely to help the profitability of projects funded under the ARFVTP.

Section 11346.5(a)(3)(D): During the process of developing these regulations and amendments, the Commission has conducted a search of any similar regulations on this topic and has concluded that the proposed regulation is consistent and compatible with existing state regulations. There are no contradictory provisions in other regulatory sections relating to the ARFVTP (i.e., Cal. Code Regs., tit. 20, §§ 3100–3108). The proposed regulation is complimentary to and not inconsistent with the Air Resources Board’s regulations on the Low Carbon Fuel Standard (i.e., Cal. Code Regs., tit. 17, §§ 95480–95490). No other state regulations deal with the same subject matter.

DOCUMENTS INCORPORATED
BY REFERENCE —

Cal. Code Regs., tit. 1, § 20(c)(3)

There are no documents incorporated by reference.

MANDATED BY FEDERAL LAW
OR REGULATIONS —

Gov. Code §§ 11346.2(c), 11346.9

The proposed revisions are not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS —
Gov. Code § 11346.5(a)(4)

There are no other matters prescribed by statute which are applicable to the Energy Commission or to this specific regulation or class of regulations.

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

The proposed regulations relate to a voluntary funding program and do not impose a mandate on local agencies or school districts.

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

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

The Energy Commission is unaware of any cost impacts that a local agency or school district would incur in compliance with the proposed action, as the changes are specific to the Alternative and Renewable Fuels and Vehicle Technology Program. No school district or local agency has informed the Energy Commission of any costs associated with the proposed regulatory language changes.

- Cost or savings to any state agency.

The Energy Commission is unaware of any cost impacts that a state agency would incur in compliance with changes to the Alternative and Renewable Fuels and Vehicle Technology Program regulation. The proposed regulation does not change any existing requirement or impose a new requirement on any state agency. No state agency has informed the Energy Commission of any costs associated with the proposed regulatory language changes.

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

The Energy Commission is unaware of any cost impacts that a local agency would incur in compliance with changes to the Alternative and Renewable Fuels and Vehicle Technology Program regulation. The proposed regulation does not change any existing requirement or impose a new requirement on any local agency. No local agency has informed the Energy Commission of any costs associated with the proposed regulatory language changes.

- Cost or savings in federal funding to the state.

The Energy Commission is unaware of any cost or savings impacts on federal funding that would result from changes to the ARFVTP regulation.

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

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE
— Gov. Code §§ 113463(a), 113465(a)(7),
11346.5 (a)(8)

The Energy Commission initially determines that the revised regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The ARFVTP is a voluntary funding program and does not mandate any action by California businesses. The revised regulations directly affect only ARFVTP grant recipients and will improve the likelihood of project success and ability to compete with businesses in other states. The proposed changes could have a small impact on the market price of LCFS credits by incentivizing additional sales of LCFS credits, but this supply impact is offset by credits being sold at a higher undiscounted price with implementation of proposed regulatory changes. (See Economic Impact Assessment in Initial Statement of Reasons, and Calculations Supporting Economic Impact Assessment, Docket 15–OIR–02 TN# 204714.) We encourage interested persons to comment on this issue as part of the public review process to help us reach a final determination.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT —
Gov. Code § 11346.5(a)(10)

The Energy Commission concludes that:

- It is likely that the proposed changes will result in the creation of between 96 and 160 jobs within California, including jobs for engineering and environmental technology specialists, financial and accounting services, marketing and sales services, agribusiness, and heavy and light construction.
- It is likely that the proposed changes will not result in any jobs eliminated.

- It is likely that the proposed changes will result in the creation of between 0 and 15 new businesses within the alternative fuels and vehicle technology sectors of the California economy, including businesses that manufacture component parts and equipment; produce biofuel and biomethane; own alternative fuel infrastructure; and provide engineering and technical services and financing, accounting, and investment guidance.
- It is likely that the proposed changes will not result in any elimination of existing businesses.
- It is likely that the proposed changes will expand existing businesses currently doing business in the state. Specifically, it is likely that the proposed changes will lead to a total revenue increase of up to \$5,478,649 for ARFVTP grant recipients who generate and sell Low Carbon Fuel Standard credits in any single year.
- It is likely that the proposed changes will, by improving the likelihood of successful production of alternative and renewable fuel products, result in air quality improvements; reduce greenhouse gas emissions; and avoid adverse impacts of climate change, thereby improving the health and welfare of California residents and the California environment.

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

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

BUSINESS REPORT —
Gov. Code §§ 11346.5(a)(11), 11346.3(d)

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

SMALL BUSINESS IMPACTS —
Cal. Code Regs., tit. 1, § 4(a) and (b)

The proposed changes affect small business in that any small business awarded ARFVTP grant funding will no longer need to comply with a previously existing requirement to discount emissions credits generated by ARFVTP-funded projects. The deletion of the discounting requirement increases the value of the credits generated by an ARFVTP-funded project. The change is proposed in response to business stakeholder concern, including small businesses. (See survey responses

in Docket 15–OIR–02 from CR&R, TN# 204705–13; Pixley Biogas, TN# 204705–19; Buster Biofuels, TN# 204705–9; Blue Line Transfer, TN# 204705–8; Springboard Biodiesel, TN# 204705–23; Pearson Fuels, TN## 204705–18 and 204705–20; Biodiesel Industries, TN# 204705–7; New Leaf Biofuel, TN# 204705–16; Environ, TN# 204705–14; Shawn Garvey, TN# 204707; Whole Energy Pacifica, TN# 204705–23; Agricultural Waste Solutions, TN# 204705–3. See also letters from ARVFTP participants in Docket 15–OIR–02: TN #204432, Letter from AEMETIS of February 11, 2015; TN# 204435, Letter from Pacific Ethanol of March 18, 2015; TN# 204436, Letter from Bioenergy Association of California of February 12, 2015; TN# 204438, Letter from Community Fuels of February 11, 2015; TN# 204439, Letter from Renewable Natural Gas of February 11, 2015; TN# 204454, Letter from Air Resources Board of January 30, 2015.) The revised regulations will increase the likelihood of ARVFTP project success, which in turn will lead to increased economic activities for small businesses within the California alternative fuels and vehicle technology sectors.

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

The Energy Commission 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.

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

Inquiries concerning all aspects of the rulemaking process should be directed to Samantha Arens at (916) 651–9410 or by e-mail at samantha.arens@energy.ca.gov. The designated backup contact person is Tim Olson, who can be reached at (916) 654–4528 and tim.olson@energy.ca.gov.

**AVAILABILITY OF THE PROPOSED
REGULATIONS, INITIAL STATEMENT OF
REASONS, AND INFORMATION UPON WHICH
THE PROPOSAL IS BASED —**
Gov. Code §§ 11346.5(a)(16), 11346.5(b), 11346.2(a)

The Energy Commission has prepared an initial statement of reasons for the proposed regulations, has available all the information upon which the proposed changes are based, and has available the express terms of the regulation.

To obtain a copy of the initial statement of reasons or the express terms of the proposed regulations, please visit the Energy Commission’s website at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-02> or contact Tim Olson at (916) 654–4528 or by e-mail at tim.olson@energy.ca.gov.

Additionally, the Energy Commission has available all the information upon which the proposed regulation is based, posted at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-02>. You may also obtain copies of docketed information by contacting the Docket Office at:

Docket Unit
California Energy Commission
Docket No. 15–OIR–02
15169th Street, MS–4
Sacramento, CA 95814
(916) 654–5076
DOCKET@energy.ca.gov

**AVAILABILITY OF SUBSTANTIAL CHANGES
TO ORIGINAL PROPOSAL FOR AT LEAST 15
DAYS PRIOR TO AGENCY
ADOPTION/REPEAL/AMENDMENT OF
RESULTING REGULATIONS —**
Gov. Code § 11346.5(a)(18)

The proposed regulation could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of any of the ARVFTP regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Energy Commission adopts or amends the resulting regulation.

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

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Energy Commission's website at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-02> or contacting Tim Olson at (916) 654-4528 or by e-mail at tim.olson@energy.ca.gov.

INTERNET ACCESS — Gov. Code §§ 11346.4(a)(6), 11346.5(a)(20)

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the rulemaking file, have been posted at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-02>.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65 AMENDMENT TO SECTION 25805 SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY

MAXIMUM ALLOWABLE DOSE LEVEL (ORAL EXPOSURE) ATRAZINE, PROPAZINE, SIMAZINE, 2,3-DIAMINO-6-CHLORO-S-TRIAZINE (DACT), DES-ETHYL ATRAZINE (DEA), AND DES-ISOPROPYL ATRAZINE (DIA)

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to adopt Proposition 65¹ Maximum Allowable Dose Levels (MADLs) for oral exposure to atrazine, propazine, simazine, 2,3-diamino-6-chloro-s-triazine (DACT), des-ethyl atrazine (DEA), and des-

isopropyl atrazine (DIA) that induce reproductive toxicity by amending Section 25805(b) of Title 27 of the California Code of Regulations.²

The proposed oral MADLs are 100 micrograms per day for each of the six chemicals. The MADLs are based on data for atrazine, which is representative of all six of the identified chemicals.

These six chemicals have been listed under Proposition 65 as known to the State to cause reproductive toxicity under Proposition 65 effective October 1, 2015.

PUBLIC PROCEEDINGS

Any written comments concerning these proposed actions, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **July 27, 2015**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "TRIAZINE MADL" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-23B
Sacramento, California 95812-4010
Fax: (916) 323-2610
Street Address: 1001 I Street
Sacramento, California 95814

A public hearing on these proposed regulatory amendments will be scheduled upon request. To request a hearing, please send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than July 13, 2015. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, referred to herein as "Proposition 65" or "The Act."

² All further references are to sections of Title 27, Cal. Code of Regs., unless otherwise indicated.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, via e-mail to monet.vela@oehha.ca.gov or by calling (916) 323-2517. Mario Fernandez is a back-up contact person for inquiries concerning processing of these actions and is available at mario.fernandez@oehha.ca.gov or by telephone at (916) 323-2635.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual³. The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water⁴. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant.⁵ The proposed MADLs provide guidance for determining when an exposure is insignificant.⁶

Details on the basis for the proposed MADLs for six chemicals are provided in the Initial Statement of Reasons for these regulatory amendments, which is available on request from Monet Vela and is posted on the OEHHA web site at www.oehha.ca.gov.

The proposed MADLs were derived using scientific methods outlined in Section 25803.

The proposed regulations would adopt the following MADLs for six chemicals, by amending Section 25805 as follows (addition in underline):

PROPOSED REGULATORY AMENDMENTS

The proposed changes to Section 25805(b) are provided below in underline:

<i>Chemical name</i>	<i>Level (micrograms per day)</i>
<u>Atrazine</u>	100 (oral)
<u>Propazine</u>	100 (oral)
<u>Simazine</u>	100 (oral)
<u>2,3-Diamino-6-chloro-s-triazine (DACT)</u>	100 (oral)
<u>Des-ethyl atrazine (DEA)</u>	100 (oral)
<u>Des-isopropyl atrazine (DIA)</u>	100 (oral)

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

Some businesses may not be able to afford the expense of establishing MADLs and therefore may have to defend litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. By providing MADLs, this regulatory proposal does not require but may encourage businesses to lower the amount of the listed chemical in their products to a level that does not cause a significant exposure. This in turn may increase the protection of public health by reducing exposures to chemicals that cause reproductive harm.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

After conducting an evaluation on any related regulations in this area, the Office has found that these are the only regulations dealing with Proposition 65 Maximum Allowable Dose Levels for these specific chemicals. Therefore, OEHHA has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations do not impose any mandatory requirements on businesses, state, or local agencies and do not address compliance with any other law or regulation.

PEER REVIEW

This notice and the Initial Statement of Reasons will be provided to the Developmental and Reproductive Toxicant Identification Committee for scientific peer review and comment.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California:

This regulatory proposal will not affect the creation or elimination of jobs within the State of California.

³ Health and Safety Code section 25249.6.

⁴ Health and Safety Code section 25249.5.

⁵ Health and Safety Code sections 25249.9 and 25249.10.

⁶ See Sections 25801 through 25805.

Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are listed under Proposition 65 as known to cause cancer or developmental or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water.

This regulatory proposal will have no effect on the creation/elimination/expansion of California businesses.

Benefits: By providing MADLs, this regulatory proposal spares businesses the expense of calculating their own MADL and may also enable them to reduce or avoid litigation costs. In addition, the MADL does not require, but may encourage, businesses to lower the amount of the listed chemical in their product to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly⁷ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would 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. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly⁸ does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory actions.

⁷ See Health and Safety Code section 25249.11(b).

⁸ See Health and Safety Code section 25249.11(b).

EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly⁹ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory actions.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

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

Because the proposed MADLs provide compliance assistance to businesses subject to the Act, but do not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation 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

Because the proposed regulation does not impose any new requirements on businesses, the OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

The proposed MADLs were developed to provide compliance assistance for businesses in determining whether a warning is required or a discharge is prohibited. The MADLs provide a level of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the MADLs is not mandatory. The implementing regulations allow a business to calculate its own levels.¹⁰ However, conducting such an analysis can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action.

⁹ See Health and Safety Code section 25249.11(b).

¹⁰ Section 25801 *et seq.*

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any mandatory requirements on small business. Rather, the proposed regulation will provide compliance assistance for small businesses subject to the Act because the regulation will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act. Furthermore, Proposition 65 expressly exempts businesses with less than 10 employees from the warning and discharge requirements of the law.

CONSIDERATION OF ALTERNATIVES

The OEHHA must determine that no reasonable alternative considered by the OEHHA or that has otherwise been identified and brought to the attention of the OEHHA would be more effective in carrying out the purpose for which the actions are 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 STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and documents used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Website at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on any changed regulation and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the prior public comment period, and anyone who requests notification from OEHHA of the

availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA Website at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above, and on the OEHHA website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Research on American Peregrine Falcon

The Department of Fish and Wildlife (Department) received a proposal on April 30, 2015 from Dr. Christopher Briggs, on behalf of the Golden Gate Raptor Observatory, Sausalito, California, requesting authorization to take American Peregrine Falcon (*Falco peregrinus anatum*) ('falcon'), a Fully Protected bird, for scientific research purposes consistent with conservation and recovery of the species.

Dr. Briggs proposes to study the falcon in Marin County, in accordance with methods approved by the Department. Other research locations and activities may be added by the Department in the future.

The proposed research consists of tracking and monitoring falcons during migration to better understand the movement patterns of the species. Additionally, this research will investigate falcon genetics, parasite loads, and the effects of bio-contaminants (e.g., anticoagulant rodenticide and heavy metals) on the falcon. Dr. Briggs and any others deemed qualified by the Department, would collect data by live capturing, measuring, banding, color-marking, attaching/removing biotelemetry devices (e.g., GSM/Solar/GPS backpack unit), and collecting blood and feather samples from the falcon. No adverse effects on individual falcons or falcon populations are expected. If any falcons are found dead, they will be salvaged (including any parts thereof) and donated to a scientific institution open to the public, as designated by the Department.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers,

**DETERMINATION ISSUED
PURSUANT TO GOVERN-
MENT CODE SECTION
11340.5.**

with Dr. Briggs as the Principal Investigator, to carry out the proposed research activities on the falcon. Dr. Briggs is also required to possess valid federal permits for the falcon, and a scientific collecting permit (SCP) to incidentally take other bird species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after July 13, 2015, for an initial and renewable term of up to, but not to exceed four years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-445-3615.

**OAL REGULATORY
DETERMINATIONS**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

CALIFORNIA HORSE RACING BOARD

**2015 OAL DETERMINATION NO. 6
(OAL MATTER NO. CTU2014-1110-01)**

REQUESTED BY: Darrell J. Vienna
**CONCERNING: Memorandum titled:
"Instructions Pursuant to
Rule 1855, Medication Proce-
dures and Related Instruc-
tions," dated February 28,
2014 and issued by the
California Horse Racing
Board.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations (CCR), title 1, section 250.¹ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

CHALLENGED RULE

Memorandum titled: "Instructions Pursuant to Rule 1855, Medication Procedures and Related Instructions," dated February 28, 2014, and issued by the California Horse Racing Board (hereafter "Board"), which is attached hereto as Exhibit A (hereafter "Instructions Pursuant to Rule 1855").

DETERMINATION

OAL determines that the "Instructions Pursuant to Rule 1855" memorandum meets the definition of "regulation" that should have been adopted pursuant to the APA but was not; and, therefore, is an underground regulation.

FACTUAL BACKGROUND

On November 10, 2014, Darrell Vienna (Petitioner) submitted a petition to OAL challenging the Instruc-

¹ As defined by title 1, section 250(a), an "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

tions Pursuant to Rule 1855, dated February 28, 2014, and issued by the Board's Equine Medical Director, as an underground regulation.

OAL accepted the petition for consideration on January 9, 2015. The petition was published in the California Regulatory Notice Register on January 23, 2015. Comments from the public were solicited until February 23, 2015. No comments were received. A response to the petition from the Board was due no later than March 9, 2015. On January 8, 2015, during the preliminary review and prior to acceptance, OAL received an email from the Board, detailing their position. On March 24, 2015, OAL received an email from the Board stating that their position remained the same as that stated in the email of January 8, 2015. Petitioner indicates that he received a copy of the January 8th email on March 25, 2015. In that OAL informed the Board that a response was due by March 9, 2015, and section 270(h) of title 1 of the CCR states that the agency must simultaneously provide a copy of their response to the petitioner in order for it to be considered, OAL will not address the response of the Board in this determination.

The Instructions Pursuant to Rule 1855 contain procedures for how and when quarter horses will be placed on the Veterinarian's List when clenbuterol is prescribed for the horse, as well as the procedures for removing a horse from the list once it has been placed on it. Specifically, it states among other things that:

1. "Quarter horses prescribed clenbuterol will be placed on the Veterinarian's List for veterinary treatment until the horse tests clear of clenbuterol in both blood and urine after a workout to demonstrate its physical fitness."
2. "Quarter horses on the Veterinarian's List for clenbuterol administration will not be allowed to enter until the horse is removed from the Veterinarian's List."
3. "Scheduling for workouts and clenbuterol testing for removal of quarter horses from the Veterinarian's List must be made with the CHRB official veterinarian at least 5–7 days in advance and will be subject to personnel and receiving barn space availability. The horse will not be removed from the Veterinarian's List and allowed to enter until the laboratory reports the test have cleared."

Regulations regarding the Veterinarian's List are at section 1866 of title 4 of the CCR. Section 1866 of title 4 of the CCR provides for the maintenance of a Veterinarian's List of horses that "are determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmi-

ty." Regulations regarding Authorized Medications are in section 1844 and elsewhere in title 4 of the CCR; and, regulations for Medication Procedures and Related Instructions are contained in section 1855.

Since February 28, 2014, the Board has amended section 1866 to provide that a horse placed on the Veterinarian's List as sick or having received veterinary treatment shockwave therapy may not workout for 72 hours after being placed on the list without the permission of the official veterinarian. Additionally, the amendments required that a horse remain on the Veterinarian's List for a specific number of days after being placed on the list as lame or unsound before the horse is eligible to be removed from the list. A recent amendment to section 1844 was filed with the Secretary of State on September 15, 2014, which changed the allowable amount of clenbuterol in the official urine test, among other things. The amendments filed in 2015 to sections 1866 and 1844 do not substantively change OAL's underground regulation analysis. Therefore, this determination will address sections 1866 and 1844 as of the date of the issuance of the challenged rule on February 28, 2014.

Title 4, section 1855 of the CCR has not been amended since its first adoption in 1973. It states:

The Board may issue orders governing medication procedures and related instructions, which orders amplify the provision of this article.

On February 28, 2014, section 1866, "Veterinarian's List," stated:

(a) The official veterinarian shall maintain a Veterinarian's List of those horses **determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.**

(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as injured, unsound, or lame, may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(1) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(c) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian

that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(d) A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample shall be taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(e) For the purpose of this regulation, “workout” means an exercise session near full, or close to full speed. [Bolding added.]

On February 28, 2014, section 1844, “Authorized Medication,” stated:

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

...

(e) **Official urine test samples may contain** one of the following drug substances, their metabolites or analogs, in an amount that does not exceed the specified levels:

...

(6) **Clenbuterol; 5 nanograms² per milliliter**

... [Bolding added.]

The Instructions Pursuant to Rule 1855 contain procedures for how and when quarter horses will be placed on the Veterinarian’s List when clenbuterol is **prescribed** for the horse. It states that any quarter horse will be placed on the Veterinarian’s List for veterinary treatment if it is prescribed clenbuterol and will not be removed from the list until the horse tests clear of clenbuterol in both blood and urine after a workout. It also provides for procedures as to how to have the horse removed from the list.

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal. 4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

² Pursuant to an amendment filed with the Secretary of State on September 15, 2014, the amount changed to 140 picograms (OAL file number 2014-0822-02S).

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, §11342, subd. (g)).³

As stated in *Tidewater*, the first element used to identify a "regulation" is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.⁴

The Instructions Pursuant to Rule 1855 contain procedures for how and when quarter horses will be placed on the Veterinarian's List when clenbuterol is prescribed for the horse. It is directed to Official Veterinarians, Racing Officials, Horsemen and Veterinarians and was from the Board's Equine Medical Director. The challenged rule applies to all quarter horses that may want to race at raceways under the jurisdiction of the California Horse Racing Board and their owners.

Therefore, the Instructions Pursuant to Rule 1855 apply generally to the defined class of quarter horses that may race in California and their owners.

The second element used to identify a "regulation" as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure.

By placing all horses on the Veterinarian's List when prescribed clenbuterol and by further setting forth how and when horses will be removed from that list, the Instructions Pursuant to Rule 1855 further implement, interpret and make specific sections 1844, 1855 and 1866 of title 4 of the CCR, as well as the provisions of the Business and Professions Code implemented and interpreted by sections 1844, 1855 and 1866.

Business and Professions Code section 19440 states:

(a) 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, all of the following:

(1) Adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering.

(2) Administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering.

(3) Adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and parimutuel wagering.

(4) Licensing of each racing association and all persons, other than the public at large, who participate in a horse racing meeting with parimutuel wagering.

(5) Allocation of racing dates to qualified associations in accordance with law.

(b) The board may delegate to stewards appointed pursuant to Article 5 (commencing with Section 19510) any of its powers and duties that are necessary to carry out fully and effectuate the purposes of this chapter.

Business and Professions Code section 19580 states:

(a) The board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Those policies, guidelines, and penalties shall include, at a minimum, the provisions set forth in this article.

(b) It is the intent of the Legislature that the board, in its testing efforts to determine illegal or excessive use of substances, recognize the greater importance of conducting complete and thorough testing of a lesser number of samples in preference to conducting less thorough testing on a greater number of samples.

The Board, through its Equine Medical Director, is implementing, interpreting and making specific Business and Professions Code section 19440 by providing for the regulation of horseracing when issuing the Instructions Pursuant to Rule 1855. The Board, through its Equine Medical Director, is implementing, interpreting and making specific Business and Professions Code section 19580 by establishing policies and guidelines relating to equine medication by mandating the placement of all horses on the Veterinarian's List when prescribed clenbuterol.⁵

⁵ Although the Board suspended the *use* of clenbuterol at all California race tracks for twelve months at its June 20, 2013 meeting pursuant to section 1844.1 of title 4 of the CCR, the challenged rule goes beyond the "use" of clenbuterol and further mandates the placement of all quarter horses that are prescribed clenbuterol on the Veterinarian's List, as well as sets forth the procedures for removal from the Veterinarian's List for any horse that has been placed on the list because of being *prescribed* clenbuterol.

³ Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

⁴ See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

Having met both elements of the *Tidewater* test, the Instructions Pursuant to Rule 1855, therefore, meet the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Board has not identified an express statutory exemption from the APA that would apply to the Instructions Pursuant to Rule 1855, nor did OAL find such an exemption.⁶

CONCLUSION

In accordance with the above analysis, OAL determines that the Instructions Pursuant to Rule 1855 memorandum meets the definition of “regulation” that should have been adopted pursuant to the APA but was not; and, therefore, is an underground regulation.

Date: May 26, 2015

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Senior Counsel

Copy: Rick Baedeker, Executive Officer
Robert Miller, Esq.

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would

⁶ We note that section 1855 of title 4 of the CCR allows for the Board to issue orders governing medication procedures and related instructions. Any such orders or instructions would necessarily have to go through the APA to be legally valid unless an express *statutory exemption* applies.

like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

2015 OAL DETERMINATION NO. 7 (OAL MATTER NO. CTU2014-1117-02)

REQUESTED BY: Bruce Carter
CONCERNING: Notice of Change to Department Operations Manual Chapter 3, Article 20, Seniority Status (Transmittal Letter Number: 12-15), Revised November 1, 2012, issued by the California Department of Corrections and Rehabilitation.

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.¹ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

¹ As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

CHALLENGED RULE

Notice of Change to Department Operations Manual Chapter 3, Article 20, Seniority Status (Transmittal Letter Number: 12–15), Revised November 1, 2012, issued by the California Department of Corrections and Rehabilitation, attached hereto as Exhibit A (hereafter referred to as “DOM Changes to Seniority Status Document”).

DETERMINATION

OAL determines that the DOM Changes to Seniority Status Document meets the definition of “regulation” that should have been adopted pursuant to the APA but was not; and therefore, is an underground regulation.

FACTUAL BACKGROUND

On November 17, 2014, Stephen J. Horvath, Esq., submitted a petition to OAL on behalf of Bruce Carter (Petitioner) challenging the DOM Changes to Seniority Status Document issued by the Deputy Director of Human Resources of the California Department of Corrections and Rehabilitation (Department) as an underground regulation.

OAL accepted the petition for consideration on January 16, 2015. The petition was published in the California Regulatory Notice Register on January 30, 2015. Comments from the public were solicited until March 2, 2015. OAL received only one comment on the matter, which was an email dated March 2, 2015, from Petitioner’s counsel. A response to the petition from the Department was due no later than March 16, 2015. A timely response from the Department was received on March 16, 2015. A rebuttal to the Department’s response was due no later than 15 days after receipt of the Department’s response. A rebuttal was received on April 1, 2015. Due to the state holiday on March 31, 2015, the rebuttal was timely.

The DOM Changes to Seniority Status Document revises how the Department calculates seniority for the Correctional Sergeant and Correctional Lieutenant classifications. It states, among other things, that:

Correctional Sergeant and Correctional Lieutenant seniority shall be based on:

- Where a limited term assignment is terminated, (Captain back to Correctional Lieutenant and/or Correctional Lieutenant back to Correctional Sergeant) the seniority accrued in the higher classification shall be calculated into the former supervisory classification in which the employee is returning.

- Total continuous service in class (employees who accept a transfer to a non–custody classification, but do not leave the Department, will receive credit for the previous seniority earned upon return to their former classification), or, in the event of tie;
- Total continuous service in class combined with continuous total State service or, in the event of tie;
- The highest figure as determined by the last four digits of the employee’s social security number.

According to both Petitioner’s counsel and the Department, the DOM Changes to Seniority Status Document concerns Excluded employees, not covered by any Memorandum of Understanding (MOU).

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule

falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, §11342, subd. (g)).²

As stated in *Tidewater*, the first element used to identify a "regulation" is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.³

The DOM Changes to Seniority Status Document was issued by Andrea Wallin-Rohmann, Deputy Director, Human Resources, for the California Department of Corrections and Rehabilitation to provide all Department Operations Manual (DOM) holders with information about calculating seniority for Correctional Sergeant and Correctional Lieutenant classifications. It applies to all Correctional Sergeants and Correctional Lieutenants.

Therefore, the DOM Changes to Seniority Status Document applies generally to the defined class of those who are or may be eligible for Correctional Sergeant and Correctional Lieutenant classifications within the Department.

The second element used to identify a "regulation" as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure. Penal Code section 5054 specifically provides that the care and custody of inmates, as well as the management

and control of state prisons, is vested in the Secretary of the Department. It states:

Commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation.

The Secretary, through the Department's Deputy Director for Human Resources, is implementing, interpreting and making specific the duties delegated to the Secretary pursuant to section 5054 of the Penal Code when deciding how to calculate seniority status for Correctional Sergeants and Correctional Lieutenants through the DOM Changes to Seniority Status Document.

The DOM Changes to Seniority Status Document, therefore, meets the definition of "regulation" in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program.⁴ Pursuant to Government Code section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*" (Emphasis added.) Further direction was provided in the case of *United Systems of Arkansas v. Stamison* (1998) 63 Cal.App.4th 1001, 74 Cal.Rptr.2d 407, when the court stated: "[w]hen the Legislature has intended to exempt regulations from the APA, it has done so by clear, unequivocal language." (*United Systems of Arkansas v. Stamison* (1998) 63 Cal.App.4th 1001, at 1010.)

INTERNAL MANAGEMENT EXEMPTION

The Department states that the DOM Changes to Seniority Status Document is not subject to the APA in that it is exempt pursuant to the *internal management* exemption of Government Code section 11340.9 (d), which states:

This chapter does not apply to any of the following:

. . .

² Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

³ See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

⁴ Although the State Personnel Board has an exemption from the APA for some regulations concerning examination, selection and classification criteria in Government Code section 18210, that exemption solely applies to the State Personnel Board and would not apply to a regulation promulgated by the Department.

(d) A regulation that relates only to the internal management of the state agency. . . .

There have been numerous cases that have helped to clarify what is meant by “the internal management of the state agency.”

In order for a rule to fall within the internal management exemption of the APA, courts have articulated a two prong analysis. They will look to see who is directly affected by the rule; and, whether the rule is a matter of serious consequence involving an important public interest.

In *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 107 Cal.Rptr. 596, the court found that a rule governing tenure of a professor at a university is a matter of serious consequence involving an important public interest, and therefore, does not fall within the APA’s internal management exemption.

Armistead v. State Personnel Board (1978) 22 Cal.3d 198, 149 Cal.Rptr. 1, found that a State Personnel Board rule in a “Personnel Transactions Manual” governing withdrawal of state employees’ resignations was not within the “internal management” exemption to the APA. The court further stated that “[r]ules that interpret and implement other rules have no legal effect unless they have been promulgated in substantial compliance with the APA.” (*Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, at 205.)

Armistead, supra, provided further discussion on the internal management exemption, partially disapproving *Poschman* as to whether the APA needed to be followed as to all regulations concerning an agency’s organization or procedure but not on the issue of whether the rule was exempt as internal management. *Armistead* states:

What rules relate only to internal management?

Section 11371(b) of the APA, quoted above,⁵ exempts every rule that “relates only to the internal management of the state agencies.” The board argues that PTM section 525.11 is such a rule. We disagree.

PTM section 525.11 is designed for use by personnel officers and their colleagues in the various state agencies throughout the state. It interprets and implements board rule 445. It concerns termination of employment, a matter of import to all state civil service employees. It is not a rule governing the board’s internal affairs. [Citations omitted.] (“Respondents have confused the internal rules which may govern the department’s procedure . . . and the rules necessary to properly consider the interests of all . . . under the . . . statutes”).^{FN3}

FN3. Compare *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 107 Cal.Rptr. 596, which held a rule affecting tenure of teachers invalid for failure

to comply with the APA. The court rejected Chancellor Dumke’s contention that the rule related only to internal management, stating: “Tenure within any school system is a matter of serious consequence involving an important public interest. The consequences are not solely confined to school administration or affect only the academic community.” (*Id.*, p. 943, 107 Cal.Rptr. p. 603.) We disapprove, however, the implied holding in *Poschman* that the whole of article 4 of chapter 4.5 of the APA applies to regulations prescribing an agency’s organization or procedure. See section 11421(a).

The board argues that, since the PTM is supposed to be distributed only to personnel officers and since others’ requests to see it are screened to ensure that reasons for examining it are legitimate, we should infer that it was written for internal use only. That it is not readily accessible to affected employees and the public does not persuade us that section 525.11 relates to internal management only. The section obviously was intended to be generally applied, to make specific for all state civil service employees the limits on their right to withdraw resignations. In fact, the insistence on restricted access does indeed increase our concern. [Citations omitted.] [*Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, at 203.]

In *Stoneham v. Rushen (Stoneham I)* (1982) 137 Cal.App.3d 729, 188 Cal.Rptr. 130, the court stated that rules governing state prison inmate classification do not fall within the “internal management” exemption of the APA because the rules were of general application significantly affecting the male prison population.

Any doubt as to the applicability of the APA should be resolved in favor of the APA. The court in *United Systems of Arkansas v. Stamison* (1998) 63 Cal.App.4th 1001, stated:

A major aim of the APA was to provide a procedure whereby people to be affected may be heard on the merits of proposed rules. (*Armistead v. State Personnel Board, supra*, 22 Cal.3d 198, 204, 149 Cal.Rptr. 1, 583 P.2d 744.) Rules that relate “only to the internal management of the state agency” are exempt from the APA. (Gov.Code, § 11342, subd. (g).) Since the protest procedures affect the protest rights of third party bidders, they do not fall within the narrow internal management exception. “Further, because the Legislature adopted the APA to give interested persons the opportunity to provide input on the proposed regulatory action [citation], we are of the view that any doubt as to the applicability of the APA’s requirements should be resolved in favor of the APA.” (*Grier v. Kizer* (1990) 219 Cal.App.3d 422,

⁵ Government Code section 11371(b) renumbered to section 11342.600.

438, 268 Cal.Rptr. 244, disapproved on another point in *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 577, 59 Cal.Rptr.2d 186, 927 P.2d 296.) (*United Systems of Arkansas v. Stamison* (1998) 63 Cal.App.4th 1001, at 1010.)

When applying the two prong internal management exemption analysis to the DOM Changes to Seniority Status Document, we conclude the DOM Changes to Seniority Status Document only *directly* affects the employees of the issuing department; but may tangentially affect inmates. In light of the fact that we find that the challenged rule does concern a matter of serious consequence involving an important public interest, we do not need to delve deeper into the issue of the effect of the rule on others than the defined class.

As the court in *Armistead* found, when a regulation is intended to be generally applied, and makes specific the limits on state civil service employees' rights to withdraw resignations, such a rule does not come within the internal management exemption of Government Code section 11340.9(d) because it concerns a matter of serious consequence involving an important public interest.

Similarly, in *Ligon v. State Personnel Board* (1981) 123 Cal.App.3d 583, the appellate court found "invalid, for failure to comply with the Administrative Procedure Act, the board's 'Procedures Regarding Claims of Out-of-Class Experience.' . . ." ⁶ The court stated that the challenged personnel policy governing seniority credit for out-of-class experience was a regulation rather than a rule relating to only the internal management of a state agency. The court further held that an important right was implicated and that the employee was entitled to reasonable attorney fees under the Code of Civil Procedure section 1021.5. ⁷

We likewise conclude that the DOM Changes to Seniority Status Document concerns a matter of serious consequence involving an important public interest; namely, calculation of seniority status for Correctional Officers and Correctional Lieutenants. Therefore, it does not meet the second prong of the internal management exemption. In doing so, we rely upon the case law which has concluded that rules regarding the following comparable matters are *not* internal management:

1. termination of employment (*Armistead*)
2. professorial tenure (*Poschman*)

⁶ We note that the exemption in Government Code section 18211 was enacted by the Legislature in 1996, after the decision in *Ligon*.

⁷ The court also held that the policy was invalid as there was no authority for permitting the employee's out-of-class work experience to be substituted for the actual time needed in the job classification.

3. what out-of-class experience may be used to meet minimum requirements for advancement to higher civil service positions. (*Ligon*)

We believe that the challenged rule declaring how seniority status will be calculated for Correctional Sergeants and Correctional Lieutenants is likewise a matter of serious consequence involving an important public interest.

AGENCY RESPONSE

The Department provided a response to the petition, primarily stating:

1. Only correctional sergeants and correctional lieutenants were affected by the revision and their voices were heard on the merits.
2. The internal management exemption applies.
3. The challenged rule just applies to the Department.
4. It does not adversely affect inmates or their families.
5. It does not address a matter of serious consequence involving an important public interest.
6. The challenged rule only concerns in-class seniority status and does not define work experience.

The fact that the Department met with certain representatives of the affected class does not disavow the need to conduct rulemaking pursuant to the APA. The remainder of the agency's arguments have been addressed *supra*, or are not dispositive on an analysis of whether the challenged rule is a regulation subject to the APA.

PETITIONER'S REPLY

The Petitioner refutes the Department's position of the effect of the challenged rule and states that the implication of the rule may affect the disciplinary hearings of inmates; and therefore, affects others than just the employees of the issuing agency. Petitioner further states that it concerns a matter of serious consequence involving important public interests; namely, that it removes "qualifying pay periods from the seniority credit for time in the position, which makes the employee eligible for merit pay increases, preferential order in receiving overtime assignments, and preferential order in the post-and-bid process by which shifts and assignments are allocated."⁸ In that we conclude that the challenged rule concerns a matter of serious consequence involving an important public interest, we do not address the indirect affect that the challenged rule may have on inmates.

⁸ Reply to Petition, dated April 1, 2015, page 5.

Petitioner also claims that the challenged rule abolishes the appointing authority’s discretion to credit limited term appointments toward promotions to other state agencies and contends that the retroactive application of the rule in a July 2, 2014 memorandum from the Department has caused significant ramifications to the affected class. The Department contends that those ramifications are due to duly adopted regulations and not the challenged rule. In that the challenged rule goes beyond the issue of influence on acquiring permanent status in a position, we do not have to address that issue here to make a determination as to whether the challenged rule is an underground regulation.

CONCLUSION

In accordance with the above analysis, OAL determines that the DOM Changes to Seniority Status Document meets the definition of “regulation” that should have been adopted pursuant to the APA but was not; and therefore, is an underground regulation.

Date: June 1, 2015

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Senior Attorney

cc: Dr. Jeffrey Beard
Timothy Lockwood

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2015-0421-02
ACUPUNCTURE BOARD
Consumer Protection Enforcement Initiative (CPEI)

In this rulemaking action the California Acupuncture Board (Board) amended sections in Title 16 to expedite the enforcement process and to ensure patient safety.

The Board regulates 16,678 licensees. The highest priority of the Board is the protection of the public. In this rulemaking the Board is enabling the Executive Officer to approve settlement agreements, requiring actions against registered sex offenders, and permitting the Board to require the examination of an applicant who may be impaired by a physical or mental illness affecting competency.

Title 16
California Code of Regulations
ADOPT: 1399.469.1, 1399.469.2
AMEND: 1399.405, 1399.419
Filed 06/02/2015
Effective 10/01/2015
Agency Contact: Marc Johnson (916) 515-5216

File# 2015-0522-03
CALIFORNIA ENERGY COMMISSION
Appliance Efficiency Standards Enforcement
Regulations

Public Resources Code § 25402, subdivision (c)(1) requires the Energy Commission (the “Commission”) to set efficiency standards for appliances sold in California. Public Resources Code § 25402.11 allows the Commission to adopt regulations to establish an administrative enforcement process for both a violation of efficiency standards established pursuant to Public Resources Code § 25402, subdivision (c), and the assessment of an administrative civil penalty not to exceed \$2,500 for each violation. Through this regular rule-making, the Commission proposes to adopt section 1609 in title 20 of the California Code of Regulations. Section 1609 specifies (1) what types of violations of the Appliance Efficiency Regulations may be subject to a monetary penalty; (2) what factors must be considered in determining the amount of a monetary penalty; (3) what process must be followed to impose a monetary penalty; (4) what alternatives may be available to alleged violators; and (5) how to appeal a decision by the Commission.

Title 20
California Code of Regulations
ADOPT: 1609
Filed 05/29/2015
Effective 07/01/2015
Agency Contact: John Nuffer (916) 341-6527

File# 2015-0424-02
CALIFORNIA HIGHWAY PATROL
Explosives Routes and Stopping Places

This regulatory action amends the list of permissible places for trucks carrying explosives to stop. This rule-making also consolidates all of the safe stopping places, inspection stops, required inspection stops, and safe parking places into a chart.

Title 13
California Code of Regulations
ADOPT: 1153
AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3, 1152.3.1, 1152.4, 1152.4.1, 1152.4.2, 1152.5, 1152.6, 1152.6.1, 1152.7, 1152.7.1 REPEAL: 1152.8
Filed 05/29/2015
Effective 05/29/2015
Agency Contact: Tian-Ting Shih (916) 843-3400

File# 2015-0529-01
CALIFORNIA PRISON INDUSTRY AUTHORITY
Personnel

This rulemaking action by the California Prison Industry Authority (CALPIA) incorporates CALPIA's Incompatible Activities statement into section 8113 of title 15 of the California Code of Regulations (CCR). The Incompatible Activities statement was approved by the Department of Human Resources (CalHR) pursuant to Government Code section 19990 and section 599.870 of title 2 of the CCR. This action is part of a re-submittal of OAL matter no. 2015-0130-02SR, which was disapproved by OAL on March 16, 2015.

Title 15
California Code of Regulations
ADOPT: 8113
Filed 05/29/2015
Effective 07/01/2015
Agency Contact: Dawn Eger (916) 358-1612

File# 2015-0416-02
CALIFORNIA STATE AUDITOR'S OFFICE
High Risk Local Government Agency Audit Program

This file and print action adopts sections in California Code of Regulations, title 2, regarding the State Auditor's authority to implement high risk local government agency audits pursuant to Government Code section 8546.10. This filing is exempt from OAL's review pursuant to Government Code section 8546(g).

Title 2
California Code of Regulations
ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140
Filed 05/27/2015
Effective 07/01/2015
Agency Contact: Donna Neville (916) 445-0255

File# 2015-0513-04
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Segregated Housing

This emergency action adopts, amends, and repeals provisions governing methods for placement and housing of inmates in segregated housing.

Title 15
California Code of Regulations
ADOPT: 3335.5, 3341.1, 3341.2, 3341.3, 3341.4, 3341.5, 3341.6, 3341.7, 3341.8, 3341.9 AMEND: 3000, 3044, 3269, 3269.1, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3341.5, 3342, 3343, 3344
Filed 06/01/2015
Effective 06/01/2015
Agency Contact: Anthony Carter (916) 445-2220

File# 2015-0513-06
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Content of Law Libraries

This emergency rulemaking action by the Department of Corrections and Rehabilitation (Department) amends section 3124 of title 15 of the California Code of Regulations to update the list of legal materials to be made available to inmates in Department institution law libraries. This action was certified as an operational necessity by the Undersecretary on May 13, 2015.

Title 15
California Code of Regulations
AMEND: 3124
Filed 06/02/2015
Effective 06/02/2015
Agency Contact: Josh Jugum (916) 445-2228

File# 2015-0420-01
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
DFEH Procedural Regulations

The Department of Fair Employment and Housing (DFEH) submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2014-1015-05E. The emergency rulemaking amended sections in Title 2 of the California Code of Regulations to update the DFEH procedural regulations. These amendments restore a previously employed process known as "pre-complaint inquiry" and removes references and procedures relating to "accusations" and replaces those with "civil actions" and "civil complaints".

Title 2
 California Code of Regulations
 AMEND: 10001, 10002, 10005, 10006, 10007,
 10008, 10009, 10011, 10012, 10013, 10015, 10021,
 10022, 10024, 10025, 10029, 10030, 10031, 10033,
 10035, 10037, 10038, 10039, 10041, 10042, 10046,
 10047, 10050, 10053, 10054, 10056, 10057, 10061,
 10062, 10063, 10065
 Filed 06/02/2015
 Effective 06/02/2015
 Agency Contact: Brian Sperber (213) 337-4495

File# 2015-0430-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Caribbean Fruit Fly Eradication Area

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 2014-1031-04E) that added Ventura County to already established Los Angeles County as a county proclaimed to be an eradication area with respect to the Caribbean fruit fly (*Anastrepha suspensa*). The effect of this action is to provide authority for the State to perform detection, control and eradication activities against the Caribbean fruit fly in Ventura County to prevent spread of the fly to noninfested areas to protect California's agricultural industry.

Title 3
 California Code of Regulations
 AMEND: 3591.11(a)
 Filed 06/02/2015
 Effective 06/02/2015
 Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0521-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action will expand the quarantine area for the Asian Citrus Psyllid (ACP) *Diuraphis citri* in the Bakersfield area of Kern County. The effect of the amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in Kern County.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 05/28/2015
 Effective 05/28/2015
 Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0420-03
 DEPARTMENT OF JUSTICE
 Amendment of Health Facility Transaction Regulations

The Department of Justice amended section 999.5 of title 11 of the California Code of Regulations, which establishes procedures, criteria, and requirements for proposed agreements or transactions that include asset transfers, mergers, acquisitions, or transfers of control pertaining to nonprofit health facilities and which implements Corporations Codes section 5914 et seq. and section 5920 et seq. Existing law requires health facilities anticipating entering into an agreement or transaction to provide notice and sufficient information to the Attorney General to allow the Attorney General to evaluate and decide whether to consent to, give conditional consent to, or not consent to the proposed agreement or transaction. The amendments to section 999.5 primarily address the specific information to be provided to the Attorney General and increase public access to information related to the proposed agreement or transaction. The Office of Administrative Law approved all amendments to section 999.5 except for the addition of subdivision (i), which was disapproved for failure to meet the clarity standard of Government Code section 11349.1(a)(3).

Title 11
 California Code of Regulations
 AMEND: 999.5
 Filed 06/02/2015
 Effective 10/01/2015
 Agency Contact: Melan Noble (916) 322-0908

File# 2015-0422-05
 DEPARTMENT OF PUBLIC HEALTH
 Standard Admission Agreement

This change without regulatory effect deletes language from sections 72516(d) and 73518(d) of Title 22 of the California Code of Regulations which, along with the underlying statute, was found by the United States District Court to be unconstitutional in *Valley View Health Care, Inc. et al. v. Ronald Chapman, M.D., et al.* (E.D. Cal. 2014) 992 F.Supp.2d 1016.

Title 22
 California Code of Regulations
 AMEND: 72516, 73518
 Filed 05/27/2015
 Agency Contact: Linda M. Cortez (916) 440-7807

File# 2015-0428-01
 DEPARTMENT OF REHABILITATION
 Conflict-of-Interest Code

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

OAL filed this regulation(s) or order(s) of repeal in the California Code of Regulations.

Title 9
California Code of Regulations
AMEND: 7400
Filed 05/27/2015
Effective 06/26/2015
Agency Contact: Shelly Risbry (916) 445-4466

File# 2015-0427-01
DEPARTMENT OF SOCIAL SERVICES
Child Passenger Restraint Systems (Car Seats)

The Department of Social Services amended sections 101169, 101225, and 101425 of title 22 of the California Code of Regulations to be consistent with changes made to the Vehicle Code on child passenger restraint systems and to the Health and Safety Code on child care centers. This filing was submitted as a change without regulatory effect pursuant to subdivision (a)(6) of section 100 of title 1 of the California Code of Regulations.

Title 22
California Code of Regulations
AMEND: 101169(d)(18), 101225(f), 101425(d)(2)
Filed 06/01/2015
Agency Contact: Ying Sun (916) 651-8267

File# 2015-0420-04
DEPARTMENT OF STATE HOSPITALS
Selection Process for Architecture and Engineering Contracts

This action adopts regulations regarding the solicitation and selection procedure for architecture and engineering contracts.

Title 9
California Code of Regulations
ADOPT: 4530, 4530.1, 4530.2, 4530.3, 4530.4, 4530.5, 4530.6, 4530.7, 4530.8, 4530.9, 4530.10, 4530.11, 4530.12
Filed 06/01/2015
Effective 06/01/2015
Agency Contact: Karen Gillham (916) 651-5578

File# 2015-0428-02
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
RCRA Authorization Regulation

The Department of Toxic Substances Control amended subdivision (b) of section 66262.12 of title 22 of the California Code of Regulations as a change without regulatory effect pursuant to section 100 of title 1 of the California Code of Regulations.

Title 22
California Code of Regulations
AMEND: 66262.12(b)
Filed 06/03/2015
Agency Contact: Jackie Buttle (916) 322-2543

File# 2015-0415-01
STATE MINING AND GEOLOGY BOARD
Stockton-Lodi P-C Region Designation

This action amends designations of various mineral lands in the Stockton-Lodi P-C Region as those of regional significance for purposes of mineral depletion.

Title 14
California Code of Regulations
AMEND: 3550.14
Filed 05/28/2015
Effective 07/01/2015
Agency Contact: Stephen M. Testa (916) 322-1082

File# 2015-0420-05
STATE WATER RESOURCES CONTROL BOARD
Drinking Water — Title 17 and Title 22 — Section 100

Senate Bill 861 (2013-2014 Reg. Sess.) transferred the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction concerning California's drinking water program from the Department of Public Health (the "Department") to the State Water Resources Control Board (the "Board"). These changes without regulatory effect by the Board amend regulations in Titles 17 and 22 to, inter alia, change references to the Board instead of to the Department, amend authority and reference citations, and clarify that references to the "EPA" are to the "U.S. EPA". Additionally, the Board is repealing Chapter 4 in Title 22 in response to the adoption of Health and Safety Code section 116831, which repeals all regulations adopted prior to January 1, 2014, which were adopted pursuant to Article 3, Chapter 5, Part 12, Division 104 of the Health and Safety Code.

Title 17, 22
 California Code of Regulations
 ADOPT: 60002 AMEND: 7583, 7601, 7604, 7626,
 7629, 60313, 64212, 64213, 64214, 64251, 64252,
 64254, 64257, 64260, 64400.34, 64400.50, 64402,
 64412, 64414, 64415, 64416, 64421, 64422, 64423,
 64423.1, 64424, 64425, 64426, 64426.1, 64426.5,
 64427, 64432, 64432.1, 64432.2, 64432.3, 64432.8,
 64433, 64433.2, 64433.3, 64433.7, 64433.8, 64434,
 64442, 64443, 64445, 64445.1, 64445.2, 64447,
 64448, 64449, 64449.2, 64449.4, 64449.5, 64463,
 64463.1, 64463.4, 64463.7, 64465, 64469, 64470,
 64481, 64482, 64483, 64533, 64533.5, 64534,
 64534.2, 64534.8, 64535.2, 64535.4, 64536,
 64536.2, 64536.6, 64537, 64537.2, 64537.4,
 64551.100, 64554, 64556, 64558, 64560, 64572,
 64582, 64583, 64585, 64593, 64600, 64604, 64650,
 64651.10, 64651.32, 64651.91, 64652.5, 64653,
 64653.5, 64656, 64656.5, 64658, 64659, 64660,
 64661, 64662, 64663, 64664, 64664.2, 64665,
 64666 REPEAL: 60400, 60401, 60402, 60403,
 60404, 60405, 60406, 60407, 60410, 60415, 60425,
 60435, 60440, 60445, 60450, 60455, 60460, 60465,
 60470, 60475, 64197
 Filed 06/02/2015
 Agency Contact: Karen Larsen (916) 341-5125

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 31, 2014 TO
 June 3, 2015**

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

06/02/15 AMEND: 10001, 10002, 10005, 10006,
 10007, 10008, 10009, 10011, 10012,
 10013, 10015, 10021, 10022, 10024,
 10025, 10029, 10030, 10031, 10033,
 10035, 10037, 10038, 10039, 10041,
 10042, 10046, 10047, 10050, 10053,
 10054, 10056, 10057, 10061, 10062,
 10063, 10065
 05/27/15 ADOPT: 61100, 61101, 61102, 61103,
 61104, 61105, 61106, 61107, 61108,
 61109, 61120, 61121, 61122, 61130,
 61131, 61132, 61140

05/18/15 AMEND: 18703 REPEAL: 18703.2,
 18703.4, 18703.5, 18707, 18707.1,
 18707.2, 18707.4, 18707.5, 18707.6,
 18707.7, 18707.9, 18707.10
 05/04/15 ADOPT: 1701, 1702 AMEND: 1700
 04/27/15 AMEND: 18700, 18700.1, 18700.2,
 18700.3, 18701, 18701.1, 18702,
 18702.1, 18702.2, 18702.3, 18702.4,
 18702.5, 18703.3, 18704, 18704.1,
 18704.2, 18704.3, 18704.4, 18704.5,
 18704.6, 18705, 18705.1, 18705.2,
 18705.3, 18705.4, 18705.5, 18706,
 18706.1, 18708, 18709
 04/09/15 AMEND: 57400
 04/08/15 AMEND: 212
 04/07/15 ADOPT: 59780
 04/02/15 AMEND: 18215
 04/02/15 AMEND: 18530.4, 18530.45
 03/24/15 AMEND: 1900
 03/23/15 AMEND: 1189.10
 03/23/15 AMEND: 59740
 03/17/15 AMEND: 549
 03/04/15 AMEND: 11087, 11088, 11089, 11090,
 11091, 11092, 11093, 11094, 11095,
 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4,
 553.5, 553.6, 599.100, 599.101, 599.102,
 599.120, 599.121, 599.122, 599.123,
 599.124, 599.140, 599.141, 599.142,
 599.143, 599.144, 599.145, 599.146,
 599.160, 599.161, 599.162, 599.163,
 599.164
 02/09/15 AMEND: 1859.76
 02/02/15 AMEND: 18705, 18705.3, 18705.4,
 18705.5 REPEAL: 18704, 18704.1,
 18704.5
 02/02/15 AMEND: 18450.11
 02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300
 12/31/14 ADOPT: 20620 AMEND: 20610, 20611,
 20612, 20613, 20622 and renumber as
 20621, 20623 and renumber as 20622,
 20624 and renumber as 20623, 20625 and
 renumber as 20624, 20626 and renumber
 as 20625, 20627 and renumber as 20626,
 20630, 20631, 20632, 20633, 20635 and
 renumber as 20634, 20636 and renumber
 as 20635, 20637 and renumber as 20636,
 20638 and renumber as 20637, 20639 and
 renumber as 20638, 20640, 20641,
 20642, 20645 and renumber as 20643,
 20646 and renumber as 20644, 20650,
 20651, 20652, 20653, 20654, 20660,
 20661, 20662, 20663, 20670, 20672,

20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6

03/10/15 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24

Title 3

06/02/15 AMEND: 3591.11(a)
 05/28/15 AMEND: 3435(b)
 05/19/15 ADOPT: 3441
 05/13/15 AMEND: 3435(b)
 05/08/15 AMEND: 3435(b)
 05/06/15 AMEND: 3435(b)
 05/06/15 AMEND: 6400
 04/30/15 AMEND: 3435(b)
 04/30/15 AMEND: 3435
 04/16/15 AMEND: 6512
 04/15/15 ADOPT: 6738.1, 6738.2, 6738.3, 6738.4
 AMEND: 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, 6795 REPEAL: 6486.7, 6736
 04/09/15 AMEND: 3435(b)
 04/08/15 AMEND: 3435(b)
 04/06/15 AMEND: 3
 03/20/15 AMEND: 3435(b)
 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
 03/02/15 AMEND: 3435(b)
 02/25/15 AMEND: 2
 02/18/15 AMEND: 4500
 02/12/15 AMEND: 3435(b)
 02/02/15 AMEND: 1392.8.1
 01/27/15 AMEND: 3591.13(a)
 01/26/15 AMEND: 3435(b)
 01/21/15 AMEND: 300, 301
 01/16/15 AMEND: 3435
 01/02/15 AMEND: 3435(b)

03/09/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15

03/04/15 AMEND: 1866
 03/02/15 AMEND: 1688
 02/26/15 ADOPT: 24465-3
 02/02/15 ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410

01/30/15 AMEND: 10085
 01/13/15 ADOPT: 5600, 5610, 5620, 5630, 5640 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370

01/13/15 AMEND: 1858

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05/21/15 AMEND: 19810
 05/18/15 AMEND: 19810
 03/12/15 AMEND: 19810
 02/18/15 ADOPT: 58621 AMEND: 58601, 58612, 58620
 01/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
 01/20/15 ADOPT: 80693, 80694
 01/08/15 ADOPT: 15494, 15495, 15496, 15497, 15497.5

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 05/07/15 AMEND: 10325
 05/07/15 AMEND: 10315, 10322, 10325, 10327
 05/04/15 AMEND: 8035(e)-(f)
 04/27/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 04/21/15 AMEND: 150
 04/09/15 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
 04/07/15 AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
 04/06/15 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
 04/06/15 AMEND: 278
 03/30/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
 03/13/15 AMEND: 5205, 5230

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04/30/15 ADOPT: 9980, 9981, 9982, 9983 AMEND: 9990, 9992, 10208.7 REPEAL: 9994
 04/30/15 AMEND: 4345, 4351, 4352, 4354
 04/30/15 AMEND: 1618.1(e)
 04/20/15 ADOPT: 9792.21.1, 9792.25.1 AMEND: 9792.20, 9792.21, 9792.23, 9792.24.1, 9792.24.3, 9792.25, 9792.26
 04/06/15 AMEND: 9701, 9702
 04/06/15 ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310
 04/03/15 AMEND: 3395
 02/25/15 AMEND: 9789.25
 02/12/15 AMEND: 333, 336
 02/04/15 AMEND: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, 9790

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06/01/15 ADOPT: 4530, 4530.1, 4530.2, 4530.3, 4530.4, 4530.5, 4530.6, 4530.7, 4530.8, 4530.9, 4530.10, 4530.11, 4530.12
 05/27/15 AMEND: 7400
 03/09/15 AMEND: 4210

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05/26/15 ADOPT: 2563
 05/11/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 04/27/15 REPEAL: 3530
 04/27/15 ADOPT: 6900, 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908
 04/13/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
 03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
 03/18/15 ADOPT: 6432
 03/16/15 ADOPT: 6426, 6434
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 02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
 02/05/15 ADOPT: 6428, 6430
 02/02/15 AMEND: 3528
 01/30/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
 01/20/15 AMEND: 2695.85
 01/08/15 AMEND: 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2507.1, 2507.2, 2508, 2509
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06/02/15 AMEND: 999.5
 05/13/15 AMEND: 51.14
 05/13/15 AMEND: 51.17
 05/13/15 AMEND: 51.22
 03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259

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05/29/15 ADOPT: 1153 AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3,

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 01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159
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01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159

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05/28/15 AMEND: 3550.14
 05/21/15 AMEND: 708.3, 708.10, 708.11
 05/01/15 AMEND: 27.80
 04/28/15 AMEND: 28.20, 28.95
 04/27/15 AMEND: 1273.01, 1273.02, 1273.05, 1273.06, 1273.07, 1273.08, 1273.10, 1273.11, 1274.01, 1274.09, 1275.00, 1275.01, 1275.10, 1275.15, 1276.00, 1276.03
 04/24/15 AMEND: 7.50
 04/20/15 ADOPT: 1760.1, 1779.1
 04/06/15 AMEND: 15411
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 04/01/15 AMEND: 1.73, 27.75, 27.80
 03/30/15 ADOPT: 3550.17
 03/10/15 AMEND: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 58.56, 28.58, 28.90
 02/23/15 AMEND: 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, 27.90
 01/30/15 AMEND: 465, 472
 01/29/15 AMEND: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 01/28/15 AMEND: 4351.1 (renumbered as 4351), 4360 REPEAL: 4351

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06/02/15 AMEND: 3124
 06/01/15 ADOPT: 3335.5, 3341.1, 3341.2, 3341.3, 3341.4, 3341.5, 3341.6, 3341.7, 3341.8, 3341.9 AMEND: 3000, 3044, 3269, 3269.1, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3341.5, 3342, 3343, 3344
 05/29/15 ADOPT: 8113
 05/26/15 ADOPT: 8100, 8102, 8104, 8105, 8106, 8107, 8108, 8110, 8111, 8112, 8114, 8118, 8119, 8119.1, 8120 AMEND: 8000
 05/26/15 AMEND: 2275
 05/26/15 AMEND: 233
 04/30/15 AMEND: 3006, 3134.1, 3135
 04/27/15 ADOPT: 3999.18

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04/22/15 AMEND: 3001, 3042, 3043, 3084.7, 3379, 3768.2
 04/16/15 ADOPT: 3410.1 AMEND: 3173.2
 03/17/15 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
 03/16/15 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
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 02/09/15 ADOPT: 8121
 01/28/15 ADOPT: 3364.1, 3364.2 AMEND: 3351, 3364

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06/02/15 ADOPT: 1399.469.1, 1399.469.2 AMEND: 1399.405, 1399.419
 04/10/15 ADOPT: 1746.3
 04/09/15 ADOPT: 1399.326, 1399.329, 1399.343, 1399.344, 1399.345, 1399.346 AMEND: 1399.301, 1399.350, 1399.351, 1399.352, 1399.395
 04/09/15 AMEND: 4161
 04/08/15 AMEND: 3306, 3310, 3340.10, 3351.1
 04/01/15 ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2
 03/26/15 ADOPT: 977, 980.4 AMEND: 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994
 03/26/15 AMEND: 3373
 03/25/15 ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361
 03/18/15 AMEND: 2649
 03/06/15 REPEAL: 950.8, 950.9
 01/21/15 AMEND: 1387
 01/12/15 AMEND: 601.3, 601.5, 620, 621, 622, 628, 631, 631.1
 01/08/15 AMEND: 1707.5

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02/27/15 AMEND: 13675, 13676
 02/11/15 AMEND: 2643.5, 2643.10, 2643.15
 02/05/15 AMEND: 6540
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06/02/15 ADOPT: 60002 AMEND: 7583, 7601, 7604, 7626, 7629, 60313, 64212, 64213, 64214, 64251, 64252, 64254, 64257, 64260, 64400.34, 64400.50, 64402, 64412, 64414, 64415, 64416, 64421, 64422, 64423, 64423.1, 64424, 64425, 64426, 64426.1, 64426.5, 64427, 64432, 64432.1, 64432.2, 64432.3, 64432.8, 64433, 64433.2, 64433.3, 64433.7, 64433.8, 64434, 64442, 64443, 64445, 64445.1, 64445.2, 64447, 64448, 64449, 64449.2, 64449.4, 64449.5, 64463, 64463.1, 64463.4, 64463.7, 64465, 64469, 64470, 64481, 64482, 64483, 64533, 64533.5, 64534, 64534.2, 64534.8, 64535.2, 64535.4, 64536, 64536.2, 64536.6, 64537, 64537.2, 64537.4, 64551.100, 64554, 64556, 64558, 64560, 64572, 64582, 64583, 64585, 64593, 64600, 64604, 64650, 64651.10, 64651.32, 64651.91, 64652.5, 64653, 64653.5, 64656, 64656.5, 64658, 64659, 64660, 64661, 64662, 64663, 64664, 64664.2, 64665, 64666 REPEAL: 60400, 60401, 60402, 60403, 60404, 60405, 60406, 60407, 60410, 60415, 60425, 60435, 60440, 60445, 60450, 60455, 60460, 60465, 60470, 60475, 64197

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 05/06/15 AMEND: 1598.1
 05/06/15 AMEND: 1533.2
 04/30/15 AMEND: 1621
 03/19/15 AMEND: 472, 902, 904
 03/04/15 AMEND: 6001
 02/09/15 AMEND: 1588
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05/29/15 ADOPT: 1609
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 05/15/15 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606
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 06/01/15 AMEND: 101169(d)(18), 101225(f),
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 05/27/15 AMEND: 72516, 73518
 05/20/15 AMEND: 52000
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 04/30/15 AMEND: 97232
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 02/09/15 AMEND: 97177.15, 97244
 02/05/15 ADOPT: 100018, 100020, 100025,
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 05/18/15 ADOPT: 863, 864, 865, 866
 05/15/15 AMEND: 2916
 05/04/15 AMEND: 3939.21
 05/04/15 AMEND: 3939.18, 3939.20
 04/22/15 ADOPT: 600, 600.1, 600.2, 600.3, 600.4,
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 03/30/15 ADOPT: 877, 878, 878.1, 878.2, 879,
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 03/27/15 AMEND: 879(c)
 03/27/15 ADOPT: 863, 864, 865
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