



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 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: Santa Cruz–Monterey–Merced
Managed Medical Care
Commission (Central
California Alliance For Health)
Napa County Resource
Conservation District

A written comment period has been established commencing on **June 21, 2013** and closing on **August 5, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **August 5, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority (the "Authority") are, by legislative mandate, necessary for the implementation of small businesses assistance and the immediate preservation of the public peace, health and safety, and general welfare.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Section 8035 of Title 4 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the California Pollution Control Financing Authority's Bond Program. These Amended Regulations are necessary to implement, interpret and make specific Articles 3 and 4 of the California Pollution Control Financing Authority Act (the "Act"). The current rule-making action would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Section 44520(a), 44520(b), and 44548(a)(3) Health and Safety Code. Section 44520(a) authorizes the Authority to adopt these proposed regulations to carry out its powers and duties. Pursuant to section 44520(b), the regulations proposed are, by legislative mandate, necessary for the immediate preservation of the public peace, health and safety, and general welfare. Section 44548(a)(3) allows the Authority to adopt regulations which provide for differential fees from participating parties based upon factors determined to be relevant by the Authority.

Reference: Section 44548(a)(3), Health and Safety Code. The proposed regulations implement, interpret, and make specific section 44548(a)(3) of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to implement small business financing assistance programs pursuant to Section 44520(b) of the Health and Safety Code.

The California Code of Regulations ("CCR"), Title 4, Section 8035, requires that all applicants who are not small businesses pay a Small Business Assistance Fund (SBAF) fee. Sections 44520(a) and 44520(b) of the Health and Safety Code authorize the Authority to adopt regulations to carry out its powers and duties as determined by the governing statute of the Authority. Section 44548(a)(3) grants the Authority the power to charge different fees to different types of participating parties.

Business investment in California using tax-exempt bonds has declined noticeably during the recent economic downturn. As a result Private Activity Bond (PAB) allocation has gone unused and CPCFA has received unused allocation as Carryforward Allocation. CPCFA currently has \$2.9 billion in Carryforward Allocation available and in order to utilize the allocation before it expires, CPCFA needs both small and large businesses to issue PABs.

The SBAF fund currently has a balance of approximately \$15,638,000. The temporary fee waiver for large businesses will not affect the SBAF assistance given to small businesses. During the last five years, fifteen large businesses have paid into the fund and all small businesses requesting SBAF assistance have received it.

The proposed regulations will temporarily exempt large business applicants from paying a SBAF fee, while continuing to preserve the original intent to support CPCFA programs that benefit small business. The temporary waiver of the SBAF will not affect the SBAF assistance given to small business.

Anticipated Benefits from This Regulatory Action

CPCFA anticipates that the temporary fee waiver will entice large businesses to issue PABs by noticeably reducing a portion of the cost of issuance. The fee reduction could also serve as an incentive for national companies to focus investment in California while their fees are lowered. CPCFA will also continue to utilize the current balance of the SBAF fund to help small businesses pay for the costs of issuance of tax-exempt bonds.

The proposed amendments to the current 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 ex-

pansion of businesses currently doing business within California.

Consistency Evaluation

CPCFA has conducted an evaluation of this regulation and has determined that the proposed amendments to the CPCFA Regulations are consistent and compatible with existing state statute and regulations, and the objective is as follows:

Section 8035(e). *Add section (e) to temporarily waive the fees that large businesses pay into SBAF.* The assessment of the fee provided for in subsection (a) on all new financing transactions is waived until June 30, 2015. In the case of refunding bonds and conversion bonds, there will be no SBAF fee charged if the original bonds were issued after the effective date of the subsection and before June 30, 2015.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended 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 Amended 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 Amended 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 Amended 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 Authority is not aware of any benefits to the health and welfare of California residents, worker safety or the state’s environment with the proposed adoption to the Regulations. The temporary SBAF fee waiver will noticeably reduce a portion of the cost of issuance for large businesses seeking tax–exempt bond financing.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended 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 Amended Regulations during the written comment period.

AGENCY CONTACT PERSON

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

Andrea Gonzalez, Staff Services Analyst
 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

Deanna Hamelin, Associate Treasury
Program Officer
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 657-4337
Fax: (916) 657-4821
Email: dhamelin@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on August 5, 2013**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority. In the event that substantial changes are made 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 Amended 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/cpcfafa/>

PUBLIC HEARING

A request for a public hearing may be made by written request to the Agency Contact Person 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 Amended 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 Amended 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/cpcfafa/>

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

DATE: June 21, 2013
REGULATION FILE: REG-2013-00005

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that a public hearing will be held regarding the proposed additions to Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations ("CCR"). The California Insurance Commissioner proposes to add Article 22, Sections 2598-2598.6 to the CCR.

The proposed regulations are intended to provide guidance and clarity to insurers by listing some of the conditions that the commissioner may consider in de-

termining whether an insurer is operating in a hazardous financial condition. The proposed regulations also list some of the steps that the commissioner may take to make that determination and the actions that the commissioner may order insurers to take to correct, eliminate or remedy the condition(s).

AUTHORITY AND REFERENCE

The commissioner proposes the adoption of the referenced additions pursuant to authority vested in him by California Insurance Code Sections 720, 700(c), 700.01–700.05, 717(a), 729, et seq., 739, et seq., 900.2, 900.8, 903, 922, 922.2, 923, 923.5, 934, 1011; 1065.1, et seq.; 1077.7; 1215, et seq., 1322, 1370.2, 1372, 4011, 4012, 4080, 10489.1–10489.95, 12107, 12114(b), 12124, 12125, 12381, 12388, 12640.04, 12640.05, 12640.16, 12919, 12921.5, 12924, 12926, 12940.

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code Sections 699, et seq.; 700(c); 720; 729, et seq.; 900, et seq.; 930, et seq.; 1011; 1065.1, et seq.; 1077.7; 1215.7; 12919; 12920; 12926.2.

HEARING DATE AND LOCATION

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

Date and Time **Wednesday, August 7, 2013
11:00 a.m.**

Location **Department of Insurance
300 Capitol Mall —
San Diego Room, 2nd Floor
Sacramento, CA 95814**

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments regarding the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on August 7, 2013**. Please direct all written comments to the following contact person:

Jack K. Hom
Attorney III
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, California 94105

(415) 538–4129
(415) 904–5896 (facsimile)
jack.hom@insurance.ca.gov

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

Tomoko Stock
Supervising Insurance Examiner
California Department of Insurance
300 S. Spring Street, 13th Floor
Los Angeles, CA 90013

(213) 346–6182
tomoko.stock@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the commissioner, addressed to the contact person at the address listed above, **no later than 5:00 p.m. on August 7, 2013**. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

Written comments transmitted by e-mail will be accepted only if they are sent to the following e-mail address: jack.hom@insurance.ca.gov. The commissioner will also accept written comments submitted by facsimile only if they are sent to the attention of the contact person at the following **facsimile number: (415) 904–5896**. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. **Comments sent by e-mail or facsimile are subject to the 5:00 p.m., August 7, 2013 deadline.**

ACCESS TO HEARING ROOM

The facility to be used for the public hearing is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person so that special arrangements may be made if necessary.

INFORMATIVE DIGEST

Policy Statement Overview

The Insurance Commissioner proposes to add Article 22, Sections 2598–2598.6, titled “Hazardous Financial Conditions; Corrective Actions” to Title 10, Chapter 5, Subchapter 3 to the California Code of Regulations.

The proposed regulations are intended to provide guidance and clarity to insurers by listing some of the conditions that the commissioner may consider in determining whether an insurer is operating in a hazardous financial condition. The proposed regulations also list some of the steps the commissioner may take to make that determination and some of the corrective actions the commissioner may order an insurer to take to correct, eliminate or remedy the condition(s).

The provisions of the proposed regulations were originally developed by the National Association of Insurance Commissioners (“NAIC”) as NAIC Model #385 (“NAIC Model”). Other states are in the process of adopting the provisions of the NAIC Model. At this time, twenty-one states have already adopted the most recent version of the NAIC Model. These proposed regulations conform to the most recent version of the NAIC Model and will ensure that California’s laws are consistent with the other states’ laws in monitoring the financial condition of insurers that are licensed in California and other states.

The California Legislature has stated its intent that it is important for California to work in coordination with the NAIC. For example, in Section 1(a) of Senate Bill 1448 (2011–2012), as chaptered (Ch. 282), the Legislature stated that “In order to improve interstate and international regulation of insurance holding company systems, it is the intent of the Legislature to conform California law to, and to maintain standards consistent with, the National Association of Insurance Commissioners revised model act.” See Sections 923 and 930, et seq., for further evidence that the California Legislature intends that California law should be consistent with standards that the NAIC adopts.

The proposed regulations are modeled after the NAIC Model and necessarily include all the substantive provisions of the NAIC Model. The proposed regulations are almost verbatim the same as the NAIC Model, but there are some non-substantive changes in grammar and format. Also, the proposed regulations include some changes from the NAIC Model that reflect California law.

Existing Law

Existing law provides that after insurers receive their Certificate of Authority, they must continue to comply with the requirements set forth in the Insurance Code.

Existing law provides authority for the commissioner to examine the financial condition of insurers doing business in California.

Existing law requires insurers to file an Annual Statement with the commissioner.

Existing law provides that the commissioner, upon determining that an insurer is operating in a hazardous condition, may tailor an order to require that the insurer take specific steps to correct, eliminate or remedy the condition(s). The commissioner reviews an insurer’s Annual Statement and financial examination results as part of the process of determining whether an insurer is operating in a hazardous condition.

However, existing law does not enumerate the condition(s) that the commissioner may consider when making a determination about whether an insurer is operating in a hazardous condition.

Existing law does not enumerate the steps the commissioner may take in the process of determining whether an insurer is operating in a hazardous condition.

Existing law does not enumerate the actions the commissioner may order an insurer to take after the commissioner has determined that an insurer is operating in a hazardous condition.

The proposed regulations enumerate specific conditions the commissioner may use for identifying whether an insurer is operating in a hazardous condition.

The proposed regulations enumerate steps the commissioner may take in the process of determining whether an insurer is operating in a hazardous condition.

The proposed regulations enumerate the specific steps the commissioner may order an insurer to take to correct, eliminate or remedy the condition(s).

The proposed regulations also permit an opportunity for the insurer to meet with the commissioner regarding the commissioner’s order.

Comparable Federal Law

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

Anticipated Benefits of the Proposed Action

The benefits of the proposed regulations to the health and welfare of California residents are that insurers doing business in California will have guidance and clarity as to what conditions the commissioner may consider in the process of determining whether the insurer is operating in a hazardous condition. This will allow the insurer to identify and then take corrective action earlier than it might otherwise be able to do. This will improve the financial stability of insurers, which is a benefit to all California residents.

Consistency or Compatibility with Existing State Regulations

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

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

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

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

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

The commissioner has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The commissioner is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California; to assess the creation of new businesses or the elimination of existing businesses within the State of California; to assess the expansion of businesses currently doing business within the State of California.

The commissioner has determined that the proposed regulations will have no effect on (1) possible changes in employment (the creation or elimination of jobs within the State of California); (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

The benefits of the proposed regulations to the health and welfare of California residents are that insurers doing business in California will have guidance and clarity as to what conditions the commissioner may consider in the process of determining whether the insurer is operating in a hazardous condition. This will allow the insurer to identify and then take corrective action earlier than it might otherwise be able to do. This will improve the financial stability of insurers, which is a benefit to all California residents.

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

FINDING OF NECESSITY

The commissioner finds that it is necessary for the welfare of the people of the state that the proposed regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant impact on housing costs.

ALTERNATIVES

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

The commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The commissioner has determined that the proposed regulations will not affect small business. The proposed regulations only affect insurance companies. Per Government Code section 11342.610(b)(2), insurance companies are not small businesses.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

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

In addition, the file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Such requests should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of the proposed regulations and this Notice (including the Informative Digest, which contains the general substance of the proposed regulations) will be sent to all persons who have previously filed a request to receive notice of proposed rulemaking with the commissioner.

WEBSITE POSTING

Documents concerning these proposed regulations are available on the CDI's website. To access them, go to <http://www.insurance.ca.gov>. Find at the right-hand side of the page the heading 'QUICK LINKS.' The third item in this column under this heading is 'For Insurers'; on the drop-down menu for this item, select 'Legal Information.' When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item

in the list of bulleted items near the top of the page: 'Proposed Regulations.' The 'INSURERS: PROPOSED REGULATIONS' screen will be displayed. Select the only available link: 'Search for Proposed Regulations.' Then, when the 'PROPOSED REGULATIONS' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the 'Currently Proposed Regulations' link. A list of the names of regulations for which documents are posted will appear. Find in the list the link to 'Hazardous Conditions' and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter "REG-2013-00005" (the CDI's regulation file number for these regulations) in the search field. Alternatively, search by keyword (e.g., "hazardous condition"). Then, click on the 'Submit' button to display links to the various filing documents.

MODIFIED LANGUAGE

If the commissioner adopts regulations which differ from those which have originally been made available but are sufficiently related to the original proposed regulations, the amended regulations will be made available to the public for at least 15 days prior to the date of adoption of the amended regulations. Interested persons should request a copy of the amended regulations from the contact person listed above.

FINAL STATEMENT OF REASONS

After it has been prepared, and upon request, the Final Statement of Reasons ("FSOR") will be made available for inspection and copying. Requests for the FSOR should be directed to the contact person listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 5510, 8389, 8550, 8552.1, 8553 and 8555, of the Fish and Game Code and to implement, interpret or make specific sections 713, 1050, 7850, 7850.5, 7852.2, 7881, 8043, 8053, 8389, 8550-8557, and 8559 of said Code, proposes to amend sections 163 and 164, Title 14, California Code of Regulations, relating to the commercial herring fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sections 163 and 164, Title 14, CCR, specify that herring may be taken for commercial purposes only under a

revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; and landing and monitoring requirements.

Annual fishing quotas are necessary to provide for a sustainable fishery. The proposed regulatory changes in Sections 163 and 164 will establish the fishing quota and season dates and times that fishing operations are allowed for the 2013–2014 season in San Francisco Bay and Tomales Bay. Proposed regulatory changes will also amend regulations for the take of fresh fish herring to occur concurrently with the sac–roe fishery beginning on January 1 and ending on March 15. The Department is not recommending any change to the regulations for the Humboldt Bay or Crescent City Harbor herring fisheries.

The following is a summary of the changes proposed for Sections 163 and 164, Title 14, CCR:

- Set the San Francisco Bay quota between zero (0) and 10 percent of the 2012–2013 San Francisco Bay spawning biomass estimate for Pacific herring.
- The total amount of herring eggs on kelp that may be harvested by each permittee shall be based on the previous season’s spawning biomass estimate for Pacific herring in San Francisco Bay.
- Set the dates of the herring fisheries in San Francisco Bay to generally open on January 1 at 5:00 p.m. and close on March 15 at noon.
- Amend and streamline regulations to allow the take of herring for commercial purposes for both sac–roe and fresh fish market fisheries under one quota and one season. All fish landed during the regular herring season could be sold for sac–roe or fresh fish purposes.
- Set the dates of the herring fishery in Tomales Bay from noon on December 26, until noon on February 22.
- Other editorial changes are proposed for clarity, e.g., changing references to the Department of Fish and “Game” to “Wildlife”, office location changes, and other non–substantive changes.

Benefits of the Regulation

The Commission anticipates benefits to the State’s environment and the health and welfare of California residents. The proposed regulation changes are intended to set annual harvest quotas within a range that will maintain sustainable herring populations for their ecological values and commercial use. Maintaining a

sustainable herring fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non–monetary benefits to worker safety as a result of the proposed regulation.

Consistency with State or Federal Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of herring (sections 8550 and 8553, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the commercial take of herring. There are no comparable federal regulations for the commercial harvest of herring.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Mr. Ryan Bartling, Marine Region, Department of Fish and Wildlife, (707) 576–2877 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including

the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The Department is providing the Commission analyses on three potential 2013–2014 quota options for San Francisco Bay ranging from zero to 10 percent of the 10–year average biomass estimate of 46,000 tons. The potential incremental changes to total State economic output for these three options, zero, 1,150, or a 3,450–ton quota, are \$3,628,000, \$2,071,000, and \$1,063,000, respectively, relative to 2012–2013 season’s 2,854–ton quota and the ex–vessel price/ton. Thus any quota over 2,854 tons could potentially generate incremental increases in ex–vessel landing revenues to the fishers and increases to total economic output for the State. Conversely, an allowable quota less than 2,854 tons could result in adverse incremental impacts to Statewide economic output of \$3,628,000 and \$2,071,000 (in 2012 dollars), for zero and 1,150–ton 2013–2014 quotas, respectively. This is based on a total economic output multiplier of 1.899 used in calculating total economic output effects (direct, indirect, and induced) from California commercial herring fishery activity. There is a relationship between quota and economic impact which can be calculated for any quota amount by using the following formula:

$$[(\text{SF gill net quota} \times \text{ex–vessel } \$/\text{ton}) + (\text{HEOK quota} \times \$/\text{ton}) + (\text{fresh fish quota} \times \$/\text{ton})] - \text{Incremental change in harvest quota value from the previous season} \times 1.899.$$

No adverse incremental economic impacts to businesses in California would occur under a quota allocation of 2,854 tons or more. Moreover, given the overriding market conditions for herring roe (declining demand overseas and lower prices), an allocation of 2,854 tons or more is not expected to affect the ability of California businesses to compete with businesses in other states.

No commercial herring fishing activity has taken place in Tomales Bay since 2007, in Humboldt Bay since 2005 and in Crescent City Harbor since 2002; thus no adverse incremental economic impacts to businesses would occur under a quota allocation of zero (0) to 30 tons, zero (0) to 60 tons, and zero (0) to 350 tons for Crescent City Harbor, Humboldt Bay, and Tomales Bay, respectively.

No adverse incremental economic impacts to fresh fish businesses in California would occur with a change to existing fresh fish regulations for herring.

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

Any quota option over 2,854 tons will result in positive incremental contributions to employment for the State: for example, an increase of about five jobs for a quota of 3,450 tons. Conversely, a zero or 1,150–ton allowable quota could adversely impact as many as 207 or 180 jobs in the fishing industry and related industries. This is based on an employment multiplier of 9.125 jobs per each million dollar change in direct output from herring fishing activities, and a fleet of about 190 permittees for San Francisco Bay.

Impacts to Small Business: The Commission has determined that the amendments to sections 163 and 164, which establish a fishing quota from zero to 10 percent of the preceding year’s spawning biomass, will affect small businesses. Most of the commercial herring industry consists of small businesses which are legally required to comply with the regulation and will possibly incur a detriment from the enforcement of the regulation.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a herring fishery encourages consumption of a nutritious food.

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

The Commission anticipates benefits to the environment through the continued sustainable management of California's herring resources.

- (c) Cost Impacts on a Representative Private Person or Business: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements stipulated under the proposed regulations.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 355, Fish and Game Code and

to implement, interpret or make specific sections 355 and 3700 of said Code, proposes to amend Section 510, Title 14, California Code of Regulations, relating to State Duck Stamp.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current regulations in section 510, Title 14, California Code of Regulations (CCR), require the state duck stamp to be affixed to a hunter's license for taking ducks, geese, or brant. The implementation of the Automated License Data System (ALDS) eliminated the requirement of physical duck stamps to be affixed to the hunter's license. The proposal would update the section to be consistent with Fish and Game Code section 3700.1 clarifying that any person who is hunting under the authority of a junior hunting license is exempt from obtaining a duck validation.

The benefits of the proposed regulations are in concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of selling duck stamp validations for the waterfowl hunting season in 2013-2014.

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

The Commission has searched the California Code of Regulations and has determined that there are no other regulations that are neither inconsistent nor incompatible with the proposed regulations.

The Department's proposal is as follows:

Amend the current language to "Any adult license holder taking ducks, geese, or brant must have a current state duck validation in his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section."

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting

has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulation is intended to provide clarity to the hunting public.

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

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

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

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

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

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

- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME
COMMISSION**

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current regulations in Title 14, California Code of Regulations (CCR) provide general hunting seasons for taking resident game birds under Section 300(a), and for migratory upland game birds under Section 300(b). The Department is recommending four regulation changes under these sections as follows:

1. Adjust annual number of sage-grouse hunting permits by zone.

Current regulations under subsection 300(a)(1)(D)4 provide a number of permits for the general sage-grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2013 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage-grouse hunting in 2013:

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

This proposal also includes administrative changes to reflect the Department’s name change and to update the web address where Internet applications for sage grouse are located.

2. Increase the possession limit to triple the daily bag limit for band-tailed pigeon, doves, common snipe, pheasant, quail, sooty/ruffed grouse, and chukar statewide.

Current regulations provide possession limits at double the daily bag for the following resident and migratory upland game birds: 300(a)(1)(A)(2) for pheasant; 300(a)(1)(B)(2) for quail; 300(a)(1)(C)(2) for chukar; 300(a)(1)(E)(2) for sooty/ruffed grouse; 300(b)(1)(A)(2) for band-tailed pigeon; 300(b)(1)(B)(2) for doves; and 300(b)(1)(C)(2) for common snipe. This proposal would increase possession limits to triple the daily bag for each of these species or groups of species as referenced in the above sections.

3. Establish an early archery season for pheasants.

Current regulations provide for a 44-day general pheasant season (300(a)(1)(A)(1)) and 60-day archery pheasant season (300(a)(2)(A)(1)). The general pheasant season was increased from 30 days to 44 days in the early 2000s. However, the 60-day archery season was not changed at the same time. The net result was a decrease from 30 days to 15 days of archery-only hunting. This proposal provides two options for additional quality archery-only pheasant hunting opportunity by establishing an early archery-only season. Option A is proposed by the Department and provides an early archery season beginning the second Saturday in October extending for 23 days and eliminating the current late archery season. Option B provides an early archery season beginning the second Saturday in October and extending for 9 days, with a bag limit of 2 males per day, and maintaining the current late archery season.

4. Open Eurasian collared-dove season year-round in Imperial County.

Current regulations provide for a Eurasian collared-dove season during the same period as other doves with no bag or possession limits under section 300(b)(1)(B)1. This proposal opens the hunting season for Eurasian collared-doves year-round. Eurasian collared doves are a resident, non-native invasive species not covered under the Migratory Bird Treaty Act and may be regulated by the state outside the Federal frameworks. Minor editorial changes are also provided for consistency and clarity.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game to ensure their continued existence.

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

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

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

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

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

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation

of new business, the elimination of existing businesses or the expansion of businesses in California.

The proposed upland game regulations will have positive impacts to jobs and/or businesses that provide services to hunters in 2013–2014. The best available information is presented in the 2006 National Survey of Fishing, Hunting, and Wildlife associated recreation for California, produced by the U.S. Fish and Wildlife Service (USFWS) and National Census Bureau, which is the most recent survey completed. The report estimates that hunters spent about \$964,054,000 on hunting–related trips and equipment expenditures in California in 2011. Most businesses will benefit from these regulations, and those that may be impacted are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long–term intent of the proposed regulations is to maintain or increase upland game populations, and subsequently, the long–term viability of these same small businesses.

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

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

The Commission anticipates benefits to the environment by the sustainable management of California’s upland game resources.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 201, 202, and 203, Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, and 356 of said Code, proposes to amend Section 313, Title 14, California Code of Regulations, relating to Upland Game Bird Stamp.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulation in Section 313, Title 14, California Code of Regulations (CCR), requires the upland game bird stamp to be affixed to a hunter’s license for taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel’s or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white–tailed ptarmigan, Hungarian partridges, red–legged partridges including the chukar and other varieties, ring–necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white–winged doves, and band–tailed pigeons. The implementation of the Automated License Data System eliminated the requirement of physical stamps to be affixed to the hunter’s license. The proposal would update the section to be consistent with Fish and Game Code Section 3682.1 and clarifies that any person who is hunting under the authority of a junior hunting license is exempt from obtaining an upland game bird hunting validation.

The benefits of the proposed regulations are in concurrence with State law, sustainable management of the upland game bird resources, positive impacts to jobs and/or businesses that provide services to upland game bird hunters will be realized with the continuation of selling upland game bird hunting validations for the hunting season in 2013–2014.

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

The Commission has searched the California Code of Regulations and has determined that there are no other regulations that are neither inconsistent nor incompatible with the proposed regulations.

The Department’s proposal is as follows:

Amend the current language to “Any licensed hunter taking resident game birds including Chinese spotted doves, ringed turtle doves, of the family Columbidae; California quail and varieties thereof, Gambel’s or desert quail, mountain quail and varieties thereof, sooty, ruffed, and sage grouse, white-tailed ptarmigan, Hungarian partridges, red-legged partridges including the chukar and other varieties, ring-necked pheasants and varieties, and wild turkeys of the order Galliformes; and migratory game birds including common snipe, western mourning doves, white-winged doves, and band-tailed pigeons must have a current state upland game bird hunting validation in his or her possession. Any person hunting under the authority of a valid junior hunting license is exempt from this section.”

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445–3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulation is intended to provide clarity to the hunting public.

The fees that hunters pay for licenses and stamps are used for conservation, which helps create a cleaner environment.

- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355, and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the nine proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may change federal regulations; if this occurs, changes in existing and proposed regulations in California may be necessary. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Items 2, 3, 5, and 8 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 26, 2013. Item 9 (including the table below) provides a proposed range of season dates and bag limits for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 31 and August 1, 2013. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the

waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2013–2014.

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

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

The Department's proposals are as follows:

1. Modify the definition of white geese to include the blue phase of both Ross' and snow geese.
2. Increase the possession limit to triple the daily bag limit for brant, ducks, and geese in all zones.
3. Increase the white goose bag limit in all zones from 6 geese per day to 10 geese per day. This change will also result in an increase in the total bag limit from 8 per day to a total of 10 geese per day.
4. Increase the white goose season length in the Northeastern Zone to 107 days, split the season into two segments, and allow hunting for white geese after the last Sunday in January.
5. Increase the white-fronted goose season length in the Northeastern Zone to 107 days, split the season into two segments, and allow hunting for white-fronted geese after the last Sunday in January.
6. Amend the language in the Balance of State Zone Late Season goose hunt to "During the Late Season, hunting is not permitted on wildlife areas listed in Sections 550–552 EXCEPT Type C wildlife areas in the North Central and Central regions."
7. Amend the language in the North Coast and Imperial County Special Management areas Late Season goose hunt to "During the Late Season, hunting is only permitted on private lands with the permission of the land owner."
8. Increase the daily bag limit of white-fronted geese in the Sacramento Valley Special Management Area to 3.
9. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. See table below for season and bag limit ranges.

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots and Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards but no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 38 & 105 days	
	Geese	Regular Season Dark geese: 100 days White geese 73 days Late Season White geese: 32 days Whitefronts: 5 days	8-10/day, which may include: 6-10 white geese, 6 dark geese no more than 2 Large Canada geese. Possession limit double-triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8-10/day, which may include: 6-10 white geese, 6 dark geese. Possession limit double-triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8-10/day, which may include: 6-10 white geese, 3 dark geese. Possession limit double-triple the daily bag.
Colorado River Zone	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Between 101 & 105 days	6-10/day, up to 6-10 white geese, up to 3 dark geese. Possession limit double-triple the daily bag.

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AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit double-triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (whitefronts and white geese)	8-10/day, which may include: 6-10 white geese, 6 dark geese. Possession limit double-triple the daily bag.
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	6/day, only 1 may be a Large Canada goose. Possession limit double-triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec. 21	2-3/day. Possession limit double-triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov. 16	
Northern Brant	Black Brant	From Nov. 7 for 30 days	2/day. Possession limit double-triple the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit double-triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	6/day. Possession limit double-triple the daily bag.

YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/day, possession limit 6-9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 107 days	

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Wednesday, August 7, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. When this information is available, a continuation notice will be sent to interested

and affected parties. The continuation notice will also be published in the Regulatory Notice Register. Written comments must be submitted by August 5, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than August 7, 2013, at the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director,

Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Branch, Department of Fish and Wildlife, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

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

opportunity to the public. The response is expected to be minor in nature.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2013-14 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2013-14. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to maintain or increase waterfowl, subsequently, the long-term viability of these same small businesses.

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

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

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

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

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. DEPARTMENT OF PARKS AND RECREATION

NOTICE IS HEREBY GIVEN the Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations (CCR), Title 14, Division 3, Chapter 15, Articles 1 through 5, Sections 4970.00 through 4970.26 pertaining to the Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program.

PUBLIC HEARING

The Department has scheduled one public hearing on the proposed rulemaking. The hearing will be held in Sacramento on August 6, 2013. The meeting will commence at 3:00 p.m.

The location of the hearing is:

Off-Highway Motor Vehicle Recreation Division
Headquarters
1725 23rd Street, Suite 200
Sacramento, CA 95816

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 5:00 p.m., on August 5, 2013. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: Sixto Fernandez, Grants Manager
Grants and Cooperative Agreements
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to OHVInfoparks.ca.gov or via facsimile at (916) 324-1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.32 and 5090.50.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and History

Public Resources Code Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation

Act of 2003 (Act), as amended, governs off-highway motor vehicle (OHV) grants and cooperative agreements with cities, counties, districts, federal agencies, federally recognized Native American tribes, nonprofit organizations, educational institutions, and State agencies. The Grants and Cooperative Agreements Program is administered by the OHMVR Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV recreation. Assistance is provided in the form of project-specific grant funding. Grants are awarded through a competitive process where applicants and their projects are evaluated using objective criteria.

The Department adopted permanent regulations for the Grants and Cooperative Agreements Program, which appear in the California Code of Regulations, Title 14, Division 3, Chapter 15, Sections 4970.00–4970.26.

Objectives and Benefits

The objective of the proposed action is to make minor improvements to the existing Grants and Cooperative Agreements Program.

- The proposed regulations would ensure funding within development, planning and acquisition subcategories. There are four subcategories under Operation and Maintenance (O&M); ground operations, development, planning and acquisition. Existing regulations specify that at least 70 percent of the funding allotted to O&M is dedicated for ground operations. Of the remaining O&M funding, up to 10 percent may be used for each of the development, planning, and acquisition subcategories. Any funds unspent in the three latter subcategories may also be awarded to other competitive projects, up to the mandatory limits. The proposed regulations would require at least 10 percent to be awarded to projects within each of the development, planning, and acquisition subcategories. The proposed regulations would also allow excess, unallocated funds from any subcategory to be distributed among the other subcategories in order of score.
- The proposed regulations would ensure development projects are available for long-term OHV recreation. The regulations would require that development projects be available for recreational use for at least 25 years, or the funding be returned to the State.
- The proposed revisions to documents incorporated by reference would provide

necessary clarification to several required documents. The Habitat Management Program instructions would be updated and clarified. Revisions to the evaluation criteria used for all project types would provide more detailed instructions, more understandable evaluation questions, and remove unnecessary questions. Clarifying ambiguous terms or questions will ensure applicants are answering the evaluation criteria as intended.

The proposed revisions would improve the existing Grants and Cooperative Agreements Program. Requiring funding in the development, planning and acquisition subcategories would ensure high-scoring projects in each subcategory are funded. The State’s investment in development projects would be protected. Applicants and program administrators would benefit from the improvements to the Habitat Management Program and evaluation criteria. These actions will allow the Department to more efficiently support motorized recreation and motorized access to non-motorized recreation throughout the state.

Effect of Proposed Rulemaking

The Department is proposing to amend the OHMVR Grants and Cooperative Agreements Program Regulations, CCR Title 14, Division 3, Chapter 15, Articles 1 through 4, Sections 4970.00–4970.26 as follows:

Section 4970.00 is amended to update the applicable date of the regulations.

Section 4970.10.2 is amended to require at least 10% of the Operation and Maintenance allocation is available for development projects. Subsection (e) is added to include a warranty that development projects shall be available for OHV recreation for 25 years or the grant shall be returned.

Section 4970.10.3 is amended to require at least 10% of the Operation and Maintenance allocation is available for planning projects.

Section 4970.10.4 is amended to require at least 10% of the Operation and Maintenance allocation is available for acquisition projects.

Section 4970.15.1 is amended to indicate at least 10% of the Operation and Maintenance allocation shall be distributed to each of the development, planning and acquisition subcategories.

Documents Incorporated by Reference

Habitat Management Program (HMP) Part 2 (12/11) is amended to update outdated information, provide additional instruction, and improve usability.

Evaluation Criteria — General Criteria (Rev. 12/11) is amended to revise scoring criteria.

Evaluation Criteria — Acquisition Project Criteria (Rev. 1/11) is amended to revise scoring criteria.

Evaluation Criteria — Development Project Criteria (Rev. 1/11) is amended to revise scoring criteria.

Evaluation Criteria — Education and Safety Project Criteria (Rev. 12/11) is amended to revise scoring criteria.

Evaluation Criteria — Ground Operations Project Criteria (Rev. 1/11) is amended to revise scoring criteria.

Evaluation Criteria — Planning Project Criteria (Rev. 1/11) is amended to revise scoring criteria.

Evaluation Criteria — Restoration Project Criteria (Rev. 12/11) is amended to revise scoring criteria.

CONSISTENCY AND COMPATABILITY WITH EXISTING STATE REGULATIONS

After conducting a review of existing regulations, the Department has concluded that these are the only regulations dealing with Off-Highway Motor Vehicle Recreation Grants and Cooperative Agreements. Therefore, the Department has determined that the proposed regulations are consistent and compatible with existing state regulations.

COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulation amendments do not impose a mandate on local agencies or school districts. Participation in the OHMVR Grants and Cooperative Agreements Program is voluntary.

DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

Fiscal Impact on Local Agencies or School Districts: These regulations do not impose any cost on a local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4, Government Code, nor do they impose any non-discretionary cost or savings on local agencies.

Fiscal Impact on State Government: These regulations do not impose any cost or savings to the State or any cost or savings in federal funding to the State.

Economic Impact on Business: The Department has made an initial determination these regulations do 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: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effect on Jobs and Businesses: Adoption of these regulations will not: 1) create or eliminate jobs within California, 2) create new businesses or eliminate existing businesses within California, or 3) affect the expansion of businesses currently doing business within California.

Impact on Housing: These regulations would not have a significant effect on housing costs.

Determination Regarding Effect on Small Businesses: The Department has determined there are no cost impacts on small businesses. This grant program is only available to federal agencies, federally recognized Native American tribes, cities, counties, districts, State agencies, nonprofit organizations, and educational institutions. As such, these amendments will not affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT /ANALYSIS

The Department finds that jobs will not be created or eliminated, new businesses will not be created and existing businesses will not be eliminated, nor will existing businesses be expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that helps land managers and partners provide recreational opportunities in the State. This regulatory action also benefits the state's environment by improving the funding method that supports resource protection and restoration activities related to OHV recreation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed 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

Inquiries concerning the proposed action may be directed to Sixto Fernandez, Grants Manager, at (916) 324-1572 or email at sixto.fernandez@parks.ca.gov.

The back-up contact person regarding the proposed action is Kelly Long, Grants Administrator, at (916) 324-3741 or e-mail at kelly.long@parks.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting Sixto Fernandez at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23rd Street, Suite 200, Sacramento, California, 95816-7100, and may be obtained upon request. Additionally, the Initial Statement of Reasons and the text of the proposed regulations and documents incorporated by reference may be obtained from the Department's website located at www.ohv.parks.ca.gov at the Grants link.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez at the aforementioned address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations will

be available through the Division website at www.ohv.parks.ca.gov, under the Grants link.

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (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 in Sacramento, California, at 10:00 a.m. on August 5, 2013. 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 of Vocational Nursing and Psychiatric Technicians at its office not later than 5:00 p.m. on August 2, 2013, or must be received by the 5th of August 2013 at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2854 and 4504 of the Business and Professions Code, and to implement, interpret or make specific Sections 2883 and 4532 of said Code, the Board of Vocational Nursing and Psychiatric Technicians is considering changes to Division 25, Chapter 1, Article 5, and Chapter 2, Article 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Informative Digest

Pursuant to new legislation, Senate Bill 539, Chapter 338, Statutes of 2011, the Board is authorized to inspect or review all schools for preparation of vocational nurses and psychiatric technicians to determine the program's compliance with prescribed standards and requirements for approval.

Current regulations specify the Board shall conduct a survey visit for all vocational nursing and psychiatric technician programs prior to graduation of the initial class. Further, six (6) months prior to the date of expiration, programs may apply for continued approval based

upon submission of documentation satisfactory to the Board. The Board may conduct a subsequent survey visit to determine a program's continued compliance with regulatory requirements.

The proposed regulations specify language necessary to implement and interpret requirements in the new legislation relative to permissive site visits for licensed vocational nursing and psychiatric technician programs. Specifically, the proposed language would authorize the Board to determine the compliance of vocational nursing and psychiatric technician programs with prescribed education requirements and standards based on an onsite inspection or a review of submitted program documentation that is satisfactory to the Board.

Overview/Anticipated Benefits of Proposal

On September 26, 2011, Governor Brown approved SB 539, thereby extending the operation of the Board through 2016. Additionally, the bill specified the Board's authority to inspect or review all vocational nursing and psychiatric technician programs to determine if approval should be granted or continued.

The proposed regulations will implement language specified in the new statute. As such, the proposed regulations will make specific methodologies by which the Board may conduct program reviews. Specifically, the proposed regulations will allow program inspections to be conducted onsite or by an analysis of detailed documents submitted by the program.

The proposed regulations will ensure consumer protection and continued program oversight while maximizing efficient, effective, and economical utilization of available State funds.

Consistency and Compatibility with Existing State Regulations

- The Board has evaluated this regulatory proposal relative to consistency and compatibility with existing state regulations. The Board has determined that the proposed regulations are consistent and compatible with existing state regulations.

Local Mandate

X The Board has made an initial determination that the proposed regulatory action will not pose a mandate on any local agency or school district that requires reimbursement pursuant to 17500 et seq.

Fiscal Impact Estimates

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
 - X The Board has made an initial determination that the proposed regulations will have a fiscal impact to State agencies in that a savings may be realized in a reduction of

costs associated with conducting program inspections onsite.

X The Board has made an initial determination that the proposed regulatory action will not result in any cost or savings in federal funding to the state.

X The Board has made an initial determination that the proposed regulatory action will not result in any cost or savings to any local agency or school district requiring reimbursement pursuant to 17500 et seq.

X The Board has made an initial determination that the proposed regulatory action will not result in any nondiscretionary cost or savings imposed upon local agencies.

- Business Impact:
 - X The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California programs to compete with programs in other states.
- Cost Impact on Representative Private Person or Business:
 - X The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs:
 - X The Board has made a determination that the proposed regulations will have no adverse economic impact on housing costs in California.

Effect on Small Business

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations will allow the Board to conduct all program inspections by onsite visits or a thorough analysis of detailed documents that are submitted by the program. The purpose of that inspection or review is to ensure program compliance with prescribed education requirements and standards specified and defined in existing statutes and regulations. Additionally, such inspections ensure consumer safety.

Economic Impact Analysis

A. Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an adverse 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.

B. Benefits of Regulation:

The Board has determined that this regulatory proposal will ensure the safety and welfare of California residents, and State's environment in that the Board will be allowed discretion in determining the mode by which program compliance is surveyed — onsite inspection or review. In so doing, the proposed regulations will provide a more efficient and cost-effective means by which the new statute may be implemented, program compliance determined and consumer safety achieved.

Consideration of Alternatives

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

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board of Vocational Nursing and Psychiatric Technicians (Board) has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

Text of Proposal

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Vocational Nursing and Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833.

Availability and Location of the Final Statement of Reasons and Rulemaking File

All 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: Mark Ito
Address: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7864
FAX No.: (916) 263-7859
E-mail Address: Mark.Ito@dca.ca.gov

The back-up contact person is:

Name: Cheryl Anderson, Supervising Nursing Education Consultant
Address: Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone: (916) 263-7843
FAX No.: (916) 263-7866
E-mail Address: Cheryl.Anderson@dca.ca.gov

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

**TITLE 16. PHYSICAL THERAPY
BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (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:

**Department of Consumer Affairs
2005 Evergreen Street, Hearing Room
Sacramento, California 95815**

August 7, 2013

8:35 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 August 5, 2013**, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical

changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2615 and 2655.1 of the Business and Professions Code (B&P Code), and to implement, interpret or make specific Sections 315 et seq., 2660, 2661, 2661.5 of the B&P Code, and Section 11425.5(e) of the Government Code, the Board is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Existing regulation, Title 16, California Code of Regulations, section 1399.15, incorporates by reference the “Guidelines for Issuing Citations and Imposing Discipline,” a manual addressing public protection while enabling the licensee to practice their profession in a controlled environment.

This proposal will amend Section 1399.15 to incorporate by reference the “Guidelines for Issuing Citations and Imposing Discipline” (hereinafter referred to as “Guidelines”) as revised May 2013. Additionally, this proposal will further amend Section 1399.15 to incorporate by reference the Department of Consumer Affairs (DCA), Substance Abusing Coordination Committees (SACC), April 2011 Uniform Standards Regarding Substance–Abusing Healing Arts Licensees (hereinafter referred to as “Uniform Standards”).

In addition to proposing to adopt the Uniform Standards, the Board is also proposing to update the Guidelines’ violations and penalties to be consistent with current needs. At the time of publication of this document, the draft revisions include penalties for licensees who fail to comply with two proposed regulations: 1) Notice to Consumers and 2) Required Email Filing. The Board is including penalties for violating these proposed regulations in anticipation that they will go into effect. If the proposed regulations do not become final by close of this proceeding, the corresponding portions of this proposal will be removed.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The Uniform Standards are being adopted into regulation by the DCA healing arts boards to ensure that public safety remains their paramount mission, and to implement consistent practices across these when dealing with substance–abusing licensees. Moreover, the

Guidelines were established by the Board to facilitate uniformity in taking disciplinary action against licensees, and to provide transparency in regards to the Board’s course of action when imposing discipline.

The Uniform Standards address not only penalties for the licensee, but administrative requirements for the Board, and the monitoring program, if applicable, as well. Therefore, the Uniform Standards are being incorporated by reference in its entirety; however, for clarity only, those standards which apply solely to the licensee will also be included in the Guidelines.

In addition to proposing to adopt the Uniform Standards, the Board is also proposing to update the Guidelines’ violations and penalties to be consistent with current needs. At the time of publication of this document, the draft revisions include penalties for licensees who fail to comply with two proposed regulations: 1) Notice to Consumers and 2) Required Email Filing. The Board is including penalties for violating these proposed regulations in anticipation that they will go into effect. Including penalties for these proposed regulations will ensure appropriate disciplinary action is imposed for violations of these sections. If the proposed regulations do not become final by close of this proceeding, the corresponding portions of this proposal will be removed.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for similar regulations on uniform standards for substance–abusing healing arts licensees subject to discipline by the appropriate licensing board, the Board had found that there are no other regulations concerning these standards. Therefore, the Board has determined that the proposed regulatory changes are neither inconsistent nor incompatible with existing regulations.

INCORPORATION BY REFERENCE

1. 5th edition, Guidelines for Issuing Citations and Imposing Discipline, Revised May 2013
2. DCA SACC, Uniform Standards Regarding Substance–Abusing Healing Arts Licensees (April 2011)

FISCAL IMPACT ESTIMATES

- A. Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- B. Nondiscretionary Costs/Savings to Local Agencies: None.
- C. Local Mandate: None.
- D. Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

E. Business Impact:

1. The Board has made the 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. The following studies/relevant data were relied upon in making the above determination: None.
2. The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action: None.
3. The Board has not considered proposed alternatives that would lessen any adverse economic impact on business since the Uniform Standards are mandated by statute; however, you are invited to submit such proposals. Submissions may include the following considerations:
 - (a) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
 - (b) Consolidation or simplification of compliance and reporting requirements for businesses.
 - (c) The use of performance standards rather than prescriptive standards.
 - (d) Exemption or partial exemption from the regulatory requirements for businesses.
 - (e) The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

F. Cost Impact on Representative Private Person or Business:

The Board identified potentially significant costs which only affect those licensees who have been deemed substance-abusing and are subject to the Uniform Standards; the Uniform Standards are a part of the rehabilitation program in which substance-abusing licensees are required to participate, pursuant to their terms of probation. The rehabilitation program with which the Board contracts with has already implemented the Uniform Standards; therefore, there is no impact that differs from current practice. Moreover, the costs for a licensee subject to the Uniform Standards were previously identified for the public in the rulemaking file to adopt the 4th edition of the Guidelines, which took effect April 1, 2013.

G. Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation will only affect individual licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

A. Impact on Jobs/Businesses:

- The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because the provisions of the Uniform Standards are current practice.

B. Benefits of Regulation:

- Incorporation of Uniform Standards by Reference

The DCA directed the healing arts boards to adopt the Uniform Standards into regulation to ensure that public safety remains the paramount mission of these boards, and to implement consistent practices for all healing arts boards when dealing with substance-abusing licensees.

- Inclusion of Specific Conditions to Implement the Uniform Standards in the Guidelines

For clarity, the Board is proposing to include in the Guidelines only those standards from the Uniform Standards that apply to a licensee who may be a substance-abusing licensee. Therefore, the Uniform Standards will be incorporated by reference, including all standards, and from that document, only those standards applicable to a licensee who may be a substance-abusing licensee will be included in the Guidelines. This provides clarity for licensees to understand what specifically could apply to them, and for judges and Attorney Generals in drafting a decision as it will be clearer which standards are penalties for the licensee, and which standards are for administrative use.

- Inclusion of Penalties for Violations of New Regulations

In addition to proposing to adopt the Uniform Standards, the Board is also proposing to update the Guidelines' violations and penalties to be consistent with current needs. At the time of publication of this document, the draft revisions include penalties for licensees who fail to comply with two proposed regulations: 1) Notice to Consumers and 2) Required Email Filing. The

Board is including penalties for violating these proposed regulations in anticipation that they will go into effect. Including penalties for these proposed regulations will ensure appropriate disciplinary action is imposed for violations of these sections. If the proposed regulations do not become final by close of this proceeding, the corresponding portions of this proposal will be removed.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person or by accessing the Board's website at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

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 at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

CONTACT PERSON

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

Name: Sarah Conley
Address: Physical Therapy Board
2005 Evergreen Street,
Suite 1350
Sacramento, CA 95815
Telephone No.: (916) 561-8210
Fax No.: (916) 263-2560
E-mail Address: Sarah.Conley@dca.ca.gov

The back-up contact person is:

Name: Elsa Ybarra
Address: Physical Therapy Board
2005 Evergreen Street,
Suite 1350
Sacramento, CA 95815
Telephone No.: (916) 561-8262
Fax No.: (916) 263-2560
E-mail Address: Elsa.Ybarra@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt California Code of Regulations, Title 18, Section 1566.1, Auto Auctions and Auto Dismantlers

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt California Code of Regulations, title 18, section (Regulation) 1566.1, Auto Auctions and Auto Dismantlers. Assembly Bill No. 2618 (Stats. 2012, ch. 756) (AB 2618) added section 6092.5 to the RTC, effective September 29, 2012,

to “provide that a licensed dismantler that sells specified vehicles, motorhomes, or commercial coaches subject to registration or qualification under the Health and Safety Code or the Vehicle Code, and salvage certificate vehicles, or a person making those sales at auction, is presumed to be making a sale at retail, subject to tax and not a sale for resale” for purposes of the Sales and Use Tax Law. (Legislative Counsel’s Digest for AB 2618.) Proposed Regulation 1566.1 implements, interprets, and makes specific the presumption established by RTC section 6092.5, and prescribes the form of the resale certificate that may be taken and the alternative methods that may be used to rebut the presumption. Proposed Regulation 1566.1 also explains when a resale certificate is considered timely taken in good faith, and provides notice regarding a purchaser’s tax liability, under existing law, when property is purchased with a resale certificate, and: (1) the purchaser subsequently makes any storage, use, or other consumption of the property, other than retention, demonstration, or display while holding it for resale in the regular course of business; or (2) the purchaser knows at the time of purchase that the property is not to be resold in the regular course of business.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on August 13–15, 2013. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board’s Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on August 13, 14, or 15, 2013. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of proposed Regulation 1566.1.

AUTHORITY

RTC section 7051.

REFERENCE

RTC sections 6011, 6012, 6015, 6091, 6092, 6092.5, 6093, 6094.5, 6242, and 6243.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current Law

Sales and Use Tax

California imposes sales tax on retailers for the privilege of selling tangible personal property at retail. (Rev. & Tax. Code, § 6051.) Unless an exemption or exclusion applies, the tax is measured by a retailer’s gross receipts from the retail sale of tangible personal property in California. (Rev. & Tax. Code, §§ 6012, 6051.) Although sales tax is imposed on retailers, retailers may collect sales tax reimbursement from their customers if their contracts of sale so provide. (Civ. Code, § 1656.1; Cal. Code Regs., tit. 18, § 1700.)

In general, when sales tax does not apply, California use tax applies to the use of any tangible personal property purchased from a retailer for storage, use, or other consumption and stored, used, or consumed in this state. (Rev. & Tax. Code, § 6201; Cal. Code Regs., tit. 18, § 1620, subd. (b).) The use tax is measured by the sales price of tangible personal property and the person actually storing, using, or otherwise consuming the tangible personal property is liable for the tax. (Rev. & Tax. Code, §§ 6011, 6201, 6202; Cal. Code Regs., tit. 18, § 1685.) However, every retailer “engaged in business” in California that makes sales subject to California use tax is required to collect the use tax from its customers and remit it to the Board, and such retailers are liable for California use tax that they fail to collect from their customers and remit to the Board. (Rev. & Tax. Code, §§ 6202, 6203; Cal. Code Regs., tit. 18, §§ 1684, 1686.)

A “retail sale” or “sale at retail” is a sale of tangible personal property for any purpose other than resale in the regular course of business. (Rev. & Tax. Code, § 6007.) As relevant here, the term “retailer” includes every seller who makes any retail sale or sales of tangible personal property, including sales at auction, and every person engaged in the business of making sales, including sales at auction, for storage, use, or other consumption. (Rev. & Tax. Code, § 6015.)

Sales for Resale

If a person is purchasing property for the purpose of reselling the property in the regular course of business and prior to any storage, use, or other consumption of the property (other than retention, demonstration, or display), the seller may accept a resale certificate from the purchaser. (Rev. & Tax. Code, §§ 6091, 6092, 6093, 6241, 6242, 6243; Cal. Code Regs., tit. 18, § 1668.) Timely acceptance of a resale certificate in good faith relieves the seller of the liability for the sales tax and the duty of collecting the use tax. (Rev. & Tax. Code, §§ 6092, 6242; Cal. Code Regs., tit. 18, § 1668.)

Each resale certificate must contain provisions required by statute and “be substantially in such form” as

the Board shall prescribe. (Rev. & Tax. Code, §§ 6093, 6243.) “In the absence of evidence to the contrary, a seller will be presumed to have taken a resale certificate in good faith if the resale certificate contains essential elements and otherwise appears to be valid on its face. If the purchaser insists that he or she is buying for resale property of a kind not normally resold in the purchaser’s business, the seller should require a resale certificate containing a statement that the specific property is being purchased for resale in the regular course of business.” (Cal. Code Regs., tit. 18, § 1668, subd. (c).)

After issuing a resale certificate in good faith, the purchaser is then generally liable for the sales tax on the subsequent retail sale of the property in California (unless the retail sale is exempt for some other reason). If a purchaser who issues a resale certificate in good faith thereafter makes any use of the property other than retention, demonstration, or display while holding it for resale in the regular course of business, before making a subsequent retail sale of the property, then the purchaser becomes liable for the use tax on the cost of the property. (Rev. & Tax. Code, §§ 6094, 6244; Cal. Code Regs., tit. 18, § 1668, subd. (g).) However, if a purchaser issues a resale certificate for property which the purchaser knows at the time of purchase is not to be resold in the regular course of business, then the purchaser is liable for the sales tax on that purchase measured by the gross receipts from the sale to that purchaser. (Rev. & Tax. Code, § 6094.5; Cal. Code Regs., tit. 18, § 1668, subd. (g).)

Mobilehomes, Commercial Coaches, and Vehicles

In general, every person making a retail sale of a mobilehome, commercial coach, or vehicle is a retailer. However, when the retailer is not licensed or certificated pursuant to the Health and Safety Code (HSC) or Vehicle Code (VC) as a manufacturer, remanufacturer, dealer, dismantler, or lessor–retailer, the use tax rather than the sales tax applies to the sale. The purchaser of the mobilehome, commercial coach, or vehicle is required to pay the use tax to the Department of Housing and Community Development or to the Department of Motor Vehicles at the time of making application for registration or identification. (Cal. Code Regs., tit. 18, §§ 1610, 1610.2.)

Assembly Bill No. 2618

AB 2618 added section 6092.5 to the RTC effective September 29, 2012. RTC section 6092.5 provides that:

(a) Every qualified person making any sale of a mobilehome or commercial coach required to be registered annually under the Health and Safety Code, or of a vehicle required to be registered under the Vehicle Code or subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code, or a vehicle that

qualifies under the permanent trailer identification plate program pursuant to subdivision (a) of Section 5014.1 of the Vehicle Code, or of any salvage certificate vehicle as defined in Section 11515 of the Vehicle Code, is presumed to be making a sale at retail and not a sale for resale. The presumption may be rebutted by taking a resale certificate from any of the following: (1) A person that certifies it is licensed, registered, regulated, or certificated under the Health and Safety Code or the Vehicle Code as a dealer or dismantler. (2) A person that certifies it is licensed, registered, regulated, or certificated under the Business and Professions Code as an automotive repair dealer, or is qualified as a scrap metal processor as described in the Vehicle Code. (3) A person that certifies it is licensed, registered, regulated, certificated, or otherwise authorized by another state, country, or jurisdiction to do business as a dealer, dismantler, automotive repairer, or scrap metal processor.

(b) A qualified person shall not accept a resale certificate from any person except as provided in subdivision (a).

(c)(1) In addition to the requirements of Sections 6093 and 6243, the certificate shall include the license or registration number of the dealer, dismantler, or automotive repair dealer, as applicable. If the purchaser is not required to hold a seller’s permit because the purchaser makes no sales in this state, the purchaser must include on the certificate a sufficient explanation as to the reason the purchaser is not required to hold a California seller’s permit in lieu of the seller’s permit number. The certificate issued by a purchaser pursuant to this section shall be substantially in such form as the board may prescribe. (2) A qualified person that does not timely obtain a resale certificate as provided in this section may use alternative methods as prescribed by the board to rebut the presumption provided in subdivision (a).

(d) For the purposes of this section, a “qualified person” means a person making a sale at auction or a dismantler licensed under the Vehicle Code.

The July 3, 2012, Senate Floor Analysis of AB 2618 explains that the addition of section 6092.5 to the RTC was intended to address a significant issue regarding “who may purchase salvage vehicles without being required to pay the sales and use tax.” The analysis explains further that by creating the presumption that tax applies to sales of specified vehicles by persons at auctions and licensed dismantlers and only permitting such persons to accept resale certificates from persons who

certify that they are licensed, registered, regulated, certificated, or otherwise authorized dealers, dismantlers, automotive repairers, or scrap metal processors, AB 2618 “mitigates a significant opportunity to avoid the sales and use tax.”

Effect, Objectives, and Benefits of the Proposed Adoption of Regulation 1566.1

Although Regulation 1668, Sales for Resale, provides general guidance regarding the issuance of resale certificates, there is currently no regulation that specifically incorporates the presumption established by RTC section 6092.5, and prescribes the form of the resale certificate that may be taken and the alternative methods that may be used to rebut the presumption in accordance with RTC section 6092.5, subdivision (c). Also, there is no regulation that specifically prescribes the circumstances under which a resale certificate is timely taken in good faith for purposes of rebutting the presumption established by RTC section 6092.5. And, there is no regulation that specifically provides notice regarding a purchaser’s tax liability when: (1) property is purchased with a resale certificate prescribed in accordance with RTC section 6092.5, subdivision (c), and the purchaser subsequently makes any storage, use, or other consumption of the property, other than retention, demonstration, or display while holding it for resale in the regular course of business; or (2) the purchaser issues a resale certificate prescribed in accordance with RTC section 6092.5, subdivision (c), for property which the purchaser knows at the time of purchase is not to be resold in the regular course of business.

Business Taxes Committee Process

Board staff held a meeting with interested parties on January 8, 2013, to discuss a draft of proposed Regulation 1566.1. The effect and objectives of the proposed regulation are to implement, interpret, and make specific the provisions of RTC section 6092.5 and specifically address the issues identified above.

At the January 8, 2013, meeting, staff responded to written comments received prior to the meeting, as well as other suggestions to add clarifying language to the draft regulation, revise language in the draft regulation to be consistent with RTC section 6092.5, and make some minor grammatical edits. Then, staff incorporated the suggestions discussed at the meeting into a revised draft of proposed Regulation 1566.1 and, on January 10, 2013, staff distributed the revised draft of the proposed regulation to the interested parties that attended the January 8, 2013, meeting and the interested parties that submitted written comments regarding the initial draft of the proposed regulation. However, staff did not receive any comments regarding the revised draft of the proposed regulation from the interested parties.

Therefore, Board staff subsequently prepared Formal Issue Paper 13–003, which recommended that the Board adopt staff’s revised draft of Regulation 1566.1 to implement, interpret, and make specific the presumption established by RTC section 6092.5, subdivision (a), and prescribe the form of the resale certificate that may be taken and the alternative methods that may be used to rebut the presumption in accordance with RTC section 6092.5, subdivision (c). Specifically, proposed Regulation 1566.1:

- Specifies that it is presumed that a sale of a “vehicle” by a “qualified person” is a sale at retail and not a sale for resale;
- Identifies those sellers affected by the presumption by defining “qualified person” to mean a person making a sale at auction or a dismantler licensed under the VC;
- Identifies the types of property to which the presumption applies by defining the term “vehicle” to mean: (1) a mobilehome or commercial coach required to be registered annually under the HSC; (2) a vehicle required to be registered under the VC or subject to identification under division 16.5 (commencing with § 38000) of the VC; (3) a vehicle that qualifies under the permanent trailer identification plate program pursuant to subdivision (a) of VC section 5014.1; and (4) any salvage certificate vehicle as defined in VC section 11515;
- Explains that a qualified person may rebut the presumption that its sales of vehicles are at retail, by timely taking in good faith a resale certificate from a person that is: (1) licensed, registered, regulated, or certificated under the HSC or VC as a dealer or dismantler; (2) licensed, registered, regulated, or certificated under the BPC as an automotive repair dealer or is qualified as a scrap metal processor as described in the VC; or (3) licensed, registered, regulated, certificated, or otherwise authorized by another state, country, or jurisdiction to do business as a dealer, dismantler, automotive repairer, or scrap metal processor;
- Provides that a “qualified person” may not accept a resale certificate from any person other than those specified in the regulation;
- Explains when a resale certificate is considered timely taken in good faith in a manner that is consistent with the current provisions of Regulation 1668;

- Describes the essential elements required on a document in order for the document to be considered a resale certificate for purposes of RTC section 6092.5, including the purchaser’s license or registration number, as applicable;
- Prescribes the form of the resale certificate that a “qualified person” may accept and provides that the resale certificate should be in substantially the same form as the resale certificate shown in Appendix A of the proposed regulation;
- Prescribes the alternative methods that may be used to rebut the presumption in RTC section 6092.5; and
- Provides notice regarding a purchaser’s tax liability, under existing law, when property is purchased with a resale certificate, and: (1) the purchaser subsequently makes any storage, use, or other consumption of the property, other than retention, demonstration, or display while holding it for resale in the regular course of business; or (2) the purchaser knows at the time of purchase that the property is not to be resold in the regular course of business.

Business Taxes Committee Meeting

The Board considered Formal Issue Paper 13–003 during its Business Taxes Committee meeting on March 12, 2013. The Board agreed with staff’s recommendation to adopt staff’s revised draft of Regulation 1566.1 and unanimously voted to propose the adoption of the regulation because the Board determined that the regulation is reasonably necessary to generally address the issues identified above. The Board also determined that the adoption of the regulation is reasonably necessary to specifically implement, interpret, and make specific the presumption established by RTC section 6092.5, subdivision (a), and prescribe the form of the resale certificate that may be taken and the alternative methods that may be used to rebut the presumption in accordance with RTC section 6092.5, subdivision (c). The Board further determined that the regulation is reasonably necessary to specifically provide notice regarding a purchaser’s tax liability when property is purchased with a resale certificate prescribed in accordance with RTC section 6092.5, subdivision (c), and: (1) the purchaser subsequently makes any storage, use, or other consumption of the property, other than retention, demonstration, or display while holding it for resale in the regular course of business; or (2) the purchaser knows at the time of purchase that the property is not to be resold in the regular course of business.

The Board anticipates that the adoption of proposed Regulation 1566.1 will benefit the public, including regulated persons, by:

- Providing guidance about and promoting awareness of the presumption established by RTC section 6092.5, and the requirements to rebut the presumption;
- Implementing RTC section 6092.5, subdivision (c)(1) by prescribing the form of the resale certificate that qualified persons may timely take in good faith to rebut the presumption that their sales are at retail;
- Implementing RTC section 6092.5, subdivision (c)(2) by prescribing the alternative methods that qualified persons may use to rebut the presumption that their sales are at retail; and
- Generally helping to mitigate the “significant opportunity to avoid the sales and use tax” identified in the July 3, 2012, Senate Floor Analysis of AB 2618.

The Board has performed an evaluation of whether proposed Regulation 1566.1 is inconsistent or incompatible with existing state regulations and determined that the proposed regulation is not inconsistent or incompatible with existing state regulations. This is because proposed Regulation 1566.1 is the only state regulation that specifically incorporates the presumption established by RTC section 6092.5, and prescribes the form of the resale certificate that may be taken and the alternative methods that may be used to rebut the presumption. This is also because proposed Regulation 1566.1 is consistent with Regulation 1668, which contains general provisions applicable to sales for resale and the issuance of resale certificates. In addition, the Board has determined that there are no comparable federal regulations or statutes to proposed Regulation 1566.1.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 1566.1 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of proposed Regulation 1566.1 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other

non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Board has made an initial determination that the adoption of proposed Regulation 1566.1 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of proposed Regulation 1566.1 may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC IMPACT
ANALYSIS REQUIRED BY GOVERNMENT
CODE SECTION 11346.3, SUBDIVISION (b)**

The Board has prepared the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of proposed Regulation 1566.1 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of proposed Regulation 1566.1 will not affect the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

Adoption of proposed Regulation 1566.1 will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective

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

CONTACT PERSONS

Questions regarding the substance of the proposed regulation should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on August 13, 2013, or as soon thereafter as the Board begins the public hearing regarding proposed Regulation 1566.1 during the August 13-15, 2013, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt proposed Regulation 1566.1. The Board will only consider written comments received by that time.

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

The Board has prepared a copy of proposed Regulation 1566.1 illustrating its express terms; however, the proposed regulation is not illustrated in underline or italics format because California Code of Regulations, title 1, section 8, subdivision (b) provides that "[u]nderline or italic is not required for the adoption of a new regulation or set of regulations if the final text otherwise

clearly indicates that all of the final text submitted to OAL for filing is added to the California Code of Regulations.” The Board has also prepared an initial statement of reasons for the adoption of the proposed regulation, which includes the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed regulation is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the initial statement of reasons are also available on the Board’s Website at www.boe.ca.gov.

**SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GOVERNMENT CODE
SECTION 11346.8**

The Board may adopt proposed Regulation 1566.1 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts proposed Regulation 1566.1, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board’s Website at www.boe.ca.gov.

**TITLE 22. EMPLOYMENT
DEVELOPMENT DEPARTMENT**

**Amendment of Title 22, California Code of
Regulations Section 311–1**

**Notice of Intention to Amend the Conflict of
Interest Code**

The Employment Development Department (Department) proposes to amend its Conflict of Interest Code, printed in California Code of Regulations (CCR), title 22, section 311–1. The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The existing Appendix to section 311–1 lists those designated employees in the Department who are required to file statements of economic interest, pursuant to Government Code sections 87100 through 87102, and the disclosure category for each of those designated employees. The proposed changes to the Appendix:

- (1) Add additional positions.
- (2) Streamline position titles to reflect generic civil service classification titles. (Some service classification titles may change or add disclosure categories due to this revision.)
- (3) Delete from the list of designated employees positions which no longer exist within the Department.

AUTHORITY AND REFERENCE

Authority: Sections 87300 and 87306, Government Code.
Reference: Sections 87300, 87301, 87302 and 87306, Government Code.

FISCAL IMPACT

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

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

Significant statewide adverse economic impact: The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states because it will only affect employees of the Department. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

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

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

Anticipated nondiscretionary costs or savings imposed upon local agencies: None.

SMALL BUSINESS IMPACT

These proposed amendments will not have any impact upon small businesses because they will only affect employees of the Department.

LOCAL MANDATE DETERMINATION

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

CONSIDERATION OF ALTERNATIVES

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the

purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Estela Gallawa via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail or fax, must be received by the Department no later than August 5, 2013, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Estela Gallawa,
Senior Staff Attorney
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Estela Gallawa,
Senior Staff Attorney
Employment Development
Department
800 Capitol Mall, Room 5040
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-8410
Fax No. (916) 654-9069
E-mail Address: eddlegal@edd.ca.gov

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

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

Questions regarding the substance of the proposed amendments should be directed to:

Name: Estela Gallawa,
Senior Staff Attorney
Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the pro-

posed regulatory action. Select “Proposed Regulations.”

which is available for public review. For inquiries regarding the rulemaking file or the regulations’ process, contact the persons noted above.

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person’s written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on August 5, 2013.** A request for hearing can be made by contacting the persons noted above.

GENERAL PUBLIC INTEREST

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED REVISED REFERENCE EXPOSURE LEVELS FOR BENZENE
June 21, 2013**

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

The Office of Environmental Health Hazard Assessment (OEHHA) is soliciting public comments on a draft document describing proposed revised Reference Exposure Levels (RELs) for benzene. Reference Exposure Levels are concentrations in the air that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations. OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this statutory requirement, OEHHA in 2008 adopted a Technical Support Document (TSD) that contains updated guidelines for the development of acute, 8-hour, and chronic RELs. These guidelines have already been used to develop updated RELs for several chemicals, and OEHHA is now presenting a draft update to the RELs for benzene.

FINAL STATEMENT OF REASONS

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

The values proposed are as follows:

Acute REL (for a 1-hour exposure): **27µg/m³**

8-Hour REL (for repeated 8-hour exposures): **7µg/m³**

Chronic REL (for long-term exposures): **7µg/m³**

FURTHER INFORMATION

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

We are seeking comments on the revised RELs for benzene, and the application in the RELs document of the revised methodology to protect infants, children and other sensitive subpopulations. Following this public comment period, the RELs for benzene and any comments received, along with OEHHA’s response to these comments, will undergo review by the State’s Scientific Review Panel on Toxic Air Contaminants.

The draft document becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **June 21, 2013. The availability of the document on this site will commence a 60-day public review period that will end on August 20, 2013.**

All the information upon which the proposed amendments are based is contained in the rulemaking file,

Public workshops will be held during this period at which comments may be provided in person. One work-

shop will occur at 10:00 a.m.–3:00 p.m. on July 17, 2013 at:

Sierra Hearing Room
Cal/EPA Headquarters — Joe Serna Building
1001 I Street
Sacramento, CA 95814

A second public workshop will be held in Southern California: date, time and location will be announced shortly.

Please direct your comments on the documents, in writing or by e-mail, and any inquiries concerning technical matters or availability of the documents to:

Dr. Andrew C. Salmon
Chief, Air Toxicology and Risk Assessment Section
Office of Environmental Health Hazard Assessment
1515 Clay St., 16th Floor
Oakland, CA 94612
E-mail: andy.salmon@oehha.ca.gov
Telephone: (510) 622-3191

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board web page at <http://www.arb.ca.gov/srp/srp.htm>.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2013-0529-01
BOARD OF ACCOUNTANCY
Practice Privilege

The Board of Accountancy (Board) submitted this deemed emergency action to adopt six sections and amend three sections of title 16 of the California Code of Regulations pertaining to the practice privilege program, which allows individuals or firms licensed or registered to perform public accountancy services outside the state to practice in California, as specified. Existing laws pertaining to the practice privilege program were amended in S.B. 1405 (Stats. 2012, ch. 411), which goes into effect on July 1, 2013. This emergency action

adopts new sections and makes amendments to existing sections of title 16 to conform the Board's practice privilege regulations to the new laws. Additionally, the Board is adopting four forms and amending a disciplinary guidelines manual in this action, all of which are incorporated by reference.

Title 16
California Code of Regulations
ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (re-numbered to 36.1), 26, 98
Filed 06/10/2013
Effective 07/01/2013
Agency Contact: Matthew Stanley (916) 561-1792

File# 2013-0515-02
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
Collection of Gambling Addiction Program Fund

The Department of Alcohol and Drug Programs (Department) adopted a new chapter and five sections to title 9 of the California Code of Regulations. The regulations establish procedures and timelines for payments required to be made to the Department, pursuant to Business and Professions Code section 19954, by gambling enterprises licensed by the Gambling Control Commission. The required payment is an annual \$100 per licensed table fee for funding the Gambling Addiction Program Fund (GAPF), established by the Legislature in A.B. 1973 (2006). GAPF funds are used to pay for programs administered by the Department's Office of Problem and Pathological Gambling, authorized by Welfare and Institutions Code sections 4369 et seq. The regulations also establish an initial pro rata payment for gambling enterprises not currently paying GAPF fees, and optional enforcement procedures that the Department may take for non-payment of the GAPF fees.

Title 9
California Code of Regulations
ADOPT: 14200, 14210, 14220, 14230, 14240
Filed 06/06/2013
Effective 06/06/2013
Agency Contact: Elizabeth Geiger (916) 327-8973

File# 2013-0604-02
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2013-14

The Education Audit Appeals Panel submitted this emergency rulemaking action to update the audit guide that is used for auditing California K-12 Local Education Agencies, pursuant to Education Code section 14502.1. The amendments specify which provisions of the guide are applicable to FY 2013-14. They also make revisions to the kindergarten continuance procedures and add a section regarding usage of education protection account funds.

Title 5

California Code of Regulations

ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3

Filed 06/12/2013

Effective 06/12/2013

Agency Contact:

Timothy E. Morgan (916) 445-7745

File# 2013-0430-01

EDUCATION AUDIT APPEALS PANEL

Supplement to Audits of K-12 LEAs — FY 2012-13

The Education Audit Appeals Panel (EAAP) submitted this certificate of compliance to permanently adopt its prior emergency rulemaking action (OAL file no. 2013-0205-01E) that updated the audit guide that is used for auditing California K-12 Local Education Agencies (LEAs), pursuant to Education Code section 14502.1. In particular, the rulemaking action removes from the 2012-2013 audit guide the audit steps related to determining whether LEAs conducted public hearings as directed by Education Code section 42605.

Title 5

California Code of Regulations

AMEND: 19816, 19816.1, 19839

Filed 06/05/2013

Effective 06/05/2013

Agency Contact:

Timothy E. Morgan (916) 445-7745

File# 2013-0425-02

VETERINARY MEDICAL BOARD

Disciplinary Guidelines

This regulatory action updates the existing Veterinary Medical Board Disciplinary Guidelines which are incorporated by reference. The changes are to provide more guidance to Administrative Law Judges who administer hearings for the enforcement of licensing provisions. In general, it improves the consistency of penalties based on the degree of harm caused in violations of the Veterinary Medicine Practice Act.

Title 16

California Code of Regulations

AMEND: 2006

Filed 06/06/2013

Effective 10/01/2013

Agency Contact: Ethan Mathes (916) 263-1598

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 16, 2013 TO
June 12, 2013**

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

Title 2

- 06/03/13 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
- 05/16/13 ADOPT: 59740
- 05/15/13 AMEND: 599.500, 599.501, 599.502, 599.508
- 04/16/13 AMEND: 23000
- 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13, 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8, 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1, 58.2, 59.1, 59.3, 60.1, 60.3
- 03/29/13 REPEAL: 26100
- 03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238
- 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
- 03/20/13 AMEND: 1897
- 03/12/13 AMEND: 1859.2, 1859.77.3
- 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
- 02/21/13 AMEND: 599.506
- 02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND:

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 25-Z

	1896.60, 1896.61, 1896.62, 1896.70, 1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100, 1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98	03/21/13 AMEND: 10178, 10179, 10181, 10182, 10185, 10188
01/31/13	AMEND: 649.28	03/20/13 AMEND: 1462
Title 3		03/19/13 AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337
05/23/13	ADOPT: 6558, 6577, 6880, 6884, 6886 AMEND: 6452, 6452.2, 6452.4 (renumbered to 6881), 6890 (renumbered to 6864)	03/12/13 AMEND: 5000, 5052
05/22/13	AMEND: 3434(b)	02/11/13 AMEND: 10325
05/20/13	AMEND: 3434(b)	02/11/13 AMEND: 8072
05/06/13	ADOPT: 1350 AMEND: 1354	02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112
04/16/13	AMEND: 3435(b)	02/04/13 AMEND: 8070, 8071, 8072, 8078, 8078.2
04/04/13	AMEND: 3435(b)	01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
04/02/13	AMEND: 3435(b)	01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
02/28/13	AMEND: 3437(b)	
02/27/13	AMEND: 3435(b)	Title 5
02/25/13	ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24	06/12/13 ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3
Title 4		06/05/13 AMEND: 19816, 19816.1, 19839
06/03/13	AMEND: 12101, 12120, 12122, 12126, 12130, 12132, 12140, 12142, 12200, 12200.3, 12200.5, 12200.6, 12200.10B, 12200.14, 12200.20, 12202, 12203, 12203A, 12203.2, 12203.3, 12205.1, 12218, 12218.7, 12218.8, 12218.9, 12220, 12220.3, 12220.5, 12220.6, 12220.14, 12220.20, 12222, 12223, 12225.1, 12233, 12235, 12238, 12239, 12301, 12301.1, 12302, 12303, 12304, 12305, 12309, 12310, 12342, 12345, 12349, 12350, 12351, 12352, 12354, 12357, 12358, 12359, 12370, 12372, 12401, 12402, 12403, 12404, 12464, 12480, 12492, 12496, 12500, 12503, 12505, 12508, 12591	05/23/13 ADOPT: 30000.5, 30010, 30040, 30040.2, 30040.6, 30041, 30041.5, 30042, 30042.5, 30044.5 AMEND: 30000, 30001, 30002, 30005, 30009, 30020, 30021, 30022, 30030, 30032, 30033
06/03/13	AMEND: 5170, 5190, 5205, 5212, 5230, 5250	05/14/13 ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736
05/23/13	ADOPT: 12364 AMEND: 12004	05/01/13 AMEND: 80054
05/22/13	ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060	04/03/13 ADOPT: 41906.6
05/16/13	AMEND: 10192, 10193, 10194, 10195, 10196, 10197, 10198	03/13/13 AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
05/16/13	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580	02/12/13 AMEND: 19816, 19816.1, 19839
05/03/13	AMEND: 1843.2	02/11/13 AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508
05/02/13	AMEND: 1658	02/07/13 ADOPT: 40203
04/23/13	AMEND: 8035(e)	02/07/13 ADOPT: 42740
04/08/13	ADOPT: 8035.5	02/06/13 ADOPT: 9517.3
04/02/13	AMEND: 10032, 10033, 10034, 10035	01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053
		Title 8
		05/30/13 AMEND: 4994
		05/08/13 AMEND: 5004(d)(2)
		05/07/13 AMEND: 17000 Appendix

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04/24/13	AMEND: 2940.8	03/29/13	REPEAL: 2690.6
04/15/13	AMEND: 354, 371.2, 373, 376.1, 386	03/29/13	REPEAL: 2690.4
03/29/13	AMEND: 9789.31, 9789.34, 9789.35, 9789.39	03/29/13	ADOPT: 6426
03/18/13	ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300	03/29/13	ADOPT: 6446
03/18/13	ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813	03/13/13	AMEND: 2318.6, 2353.1, 2354
03/18/13	AMEND: 344, 344.1	03/11/13	ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
03/14/13	AMEND: 3381	03/11/13	AMEND: 2318.6, 2353.1, 2354
03/13/13	AMEND: 9789.23, 9789.24, 9789.25	03/04/13	AMEND: 2690, 2690.1, 2690.2
02/28/13	AMEND: 4309	01/17/13	ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
01/28/13	ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001	Title 11	
01/24/13	AMEND: 3210, 3900	03/27/13	AMEND: 80.3
Title 9		Title 13	
06/06/13	ADOPT: 14200, 14210, 14220, 14230, 14240	05/07/13	ADOPT: 426.00
05/09/13	AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332	04/18/13	AMEND: 1956.8
03/13/13	AMEND: 7071.2, 7017.5, 7021, 7051, 7053	03/07/13	AMEND: 125.12, 125.16, 126.00, 126.02, 127.00, 127.08
03/05/13	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358	02/07/13	AMEND: 2193
01/17/13	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358	01/28/13	ADOPT: 426.00
Title 10		01/24/13	AMEND: 425.01
05/20/13	AMEND: 2698.95(a)	Title 14	
05/13/13	AMEND: 2632.19	04/29/13	AMEND: 27.80
03/29/13	REPEAL: 2690.65	04/25/13	ADOPT: 709, 709.1
		04/12/13	AMEND: 1.74, 701
		03/27/13	ADOPT: 132.1, 132.2, 132.3, 132.4, 132.5
		03/25/13	AMEND: 27.80
		03/25/13	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
		03/06/13	ADOPT: 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated therein by reference, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, 1299.05 REPEAL: 1299
		03/06/13	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
		03/05/13	AMEND: 265, 365, 366, 478, 708.12, 708.16
		02/27/13	AMEND: 670.7 (e) & (f)
		02/25/13	AMEND: 670.5
		02/14/13	ADOPT: 15183.3, Appendix M, Appendix N
		02/14/13	AMEND: 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, 28.58
		01/31/13	AMEND: 1270, 1270.02, 1270.03, 1270.04, 1270.05, 1270.06, 1270.07, 1270.08, 1270.09
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		05/16/13	AMEND: 3173.2, 3174
		03/11/13	AMEND: 3000, 3002, 3021, 3041, 3041.2, 3045.3, 3075.1, 3075.2, 3082,

- 3103, 3144, 3172.2, 3177, 3230, 3270, 3275, 3278, 3288, 3324, 3338, 3367, 3368, 3369, 3371.1, 3376, 3379, 3380, 3401.5, 3404, 3415 and CDC 345 (Rev. 5/95)
- 03/04/13 REPEAL: 3999.10
- 02/25/13 ADOPT: 3375.6 AMEND: 3000, 3375
- 02/25/13 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
- 02/21/13 AMEND: 3000, 3190, 3213, 3334
- 02/12/13 ADOPT: 8004, 8004.1, 8004.2, 8004.3, 8004.4 AMEND: 8000
- 01/17/13 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2
- Title 16**
- 06/10/13 ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98
- 06/06/13 AMEND: 2006
- 05/20/13 AMEND: 4402
- 05/17/13 ADOPT: 3340.4 AMEND: 3340.1, 3340.43
- 05/08/13 AMEND: 1380.1
- 05/02/13 ADOPT: 3340.17.1, 3340.17.2, AMEND: 3340.1, 3340.16, 3340.16.4, 3340.16.5, 3340.17, 3340.18, 3340.42, 3340.42.2, 3340.45, 3394.5
- 04/22/13 AMEND: 2268.2, 2271
- 04/16/13 ADOPT: 1364.50
- 04/16/13 AMEND: 1132
- 04/15/13 ADOPT: 1508, 1508.1, 1508.2, 1508.3
- 04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153
- 04/08/13 AMEND: 2614
- 04/08/13 AMEND: 40, 43, 45
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- 03/25/13 ADOPT: 1823, 1888.1 AMEND: 1803, 1845, 1858, 1881
- 03/14/13 ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156
- 03/13/13 AMEND: 1746
- 02/27/13 AMEND: 3340.29
- 02/27/13 AMEND: 1575
- 02/13/13 ADOPT: 4187 AMEND: 4184
- 02/07/13 AMEND: 1495.2
- 02/06/13 AMEND: 1735.1, 1735.2, 1735.3, 1751.2
- 01/22/13 AMEND: 1399.15
- Title 17**
- 05/06/13 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
- 04/25/13 AMEND: 94508, 94509
- 04/02/13 ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370
- 03/21/13 AMEND: 100303, 100403, 100603
- 03/11/13 ADOPT: 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543
- 02/25/13 AMEND: 94010, 94011, 94016, 94150, 94168
- 02/11/13 ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3
- 02/07/13 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
- 01/22/13 AMEND: 60201, 60210
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- 05/31/13 ADOPT: 17052.6
- 05/28/13 AMEND: 1685.5
- 03/11/13 AMEND: 1620
- Title 19**
- 03/26/13 REPEAL: 2300, 2301, 2302, 2303, 2304, 2305, 2324, 2325, 2325.1, 2326, 2327, 2328, 2329, 2330, 2331, 2350, 2351, 2352
- Title 20**
- 04/18/13 ADOPT: 1680, 1681, 1682, 1683, 1684
- Title 21**
- 02/07/13 AMEND: 1301, 1310, 1312
- Title 22**
- 05/30/13 AMEND: 70723, 71523, 71835, 72535, 73525, 74723, 75051, 75335, 76539, 76874, 76919, 78429, 79331, 79781, 79795, 79805
- 05/22/13 ADOPT: 64651.12, 64651.13, 64651.15, 64651.48, 64651.52, 64651.54, 64651.61, 64651.62, 64654.8, 64656.5, 64664.2, 64665.5 AMEND: 63011, 63012, 63020, 63021, 63052, 64650, 64651.88, 64652, 64652.5, 64653, 64655, 64656, 64660, 64662, 64663, 64664, 64666 REPEAL: 64657, 64657.10, 64657.20, 64657.30, 64657.40, 64657.50
- 05/15/13 ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8
- 03/25/13 AMEND: 97232

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03/12/13	AMEND: 70055, 70217, 70263, 70275, 70405, 70483, 70485, 70579, 70619, 70706.1, 70707.8, 70747, 71053, 71215, 71245, 71547, 72003, 72013, 72035, 72037, 72057, 72059, 72075, 72083, 72085, 72087, 72089, 72097, 72105, 72107, 72329, 72329.1, 72351, 72361, 72465, 72467, 73009, 73023, 73031, 73057, 73059, 73073, 73075, 73081, 73083, 73085, 73087, 73103, 73109, 73319, 73411, 73483, 74011, 74013, 74023, 74405, 74615, 74617, 74623, 74631, 74633, 74635, 74641, 74643, 74645, 74647, 74653, 74657, 75002, 75006, 75011, 75012, 75015, 75016, 75018, 75020, 75054, 75081, 75301, 75305, 75307, 75341, 76003, 76013, 76043, 76049, 76051, 76089, 76109, 76111, 76117, 76119, 76121, 76123, 76130, 76131, 76141, 76149, 76151, 76800, 76808, 76809, 76825, 76832, 76894, 76896, 76916, 78033, 78037, 78057, 78067, 78071, 78077, 78081, 78083, 78089, 78091, 78097, 78103, 78347, 79001, 79023, 79070, 79073, 79215, 79311, 79347, 79501, 79519, 79523, 79539, 79541, 79543, 79551, 79559, 79563, 79565, 79573, 79803	01/28/13	ADOPT: 3677, 3677.1, 3677.2, 3677.3, 3677.4, 3677.5, 3677.6, 3680.1, 3680.2, 3681, 3682, 3682.1, 3682.2, 3682.3, 3682.4, 3682.5, 3682.6, 3683, 3683.1, 3683.2, 3683.3, 3683.4, 3684, 3685, 3686, 3687, 3689, 3700, 3701, 3701.1, 3701.2, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3702.6, 3702.7, 3703, 3709, 3712, 3712.1, 3712.2, 3715, 3716, 3719.6, 3719.8, 3719.10, 3719.11, 3719.14, 3719.15 AMEND: 3670, 3670.1, 3671, 3675, 3676, 3680, 3710, 3711, Renumber 3712 as 3711.1, Renumber 3713 as 3711.2, Renumber 3714 as 3713, Renumber 3715 as 3714, 3717, 3718, 3719, Renumber 3719.10 as 3719.1, Renumber 3719.11 as 3719.2, Renumber 3719.12 as 3719.3, Renumber 3719.13 as 3719.4, Renumber 3719.14 as 3719.5, Renumber 3719.15 as 3719.7, Renumber 3719.16 as 3719.9, Renumber 3719.17 as 3719.12, Renumber 3719.18 as 3719.13, Renumber 3719.19 as 3719.16 REPEAL: 3670.2, 3683, 3684, 3685, 3686, 3700, 3701, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3703, 3704, 3707, 3708, 3709, 3716
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01/25/13	AMEND: 100058, 100060, 100063, 100066, 100074, 100075, 100078, 100079, 100080, 100081	02/19/13	ADOPT: 1142, 1336.4, 2142, 4041.5 AMEND: 1002, 1018, 1020.9, 1034, 1038, 1048, 1102, 1180, 1317, 1320, 1333, 1335.5, 1336.2, 1422, 1438, 1462, 1606, 1750, 2002, 2018, 2020.9, 2034, 2038, 2048, 2102, 2112, 2317, 2327, 2328, 2422, 2438, 2496, 2750, 4011, 4040, 4050
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06/03/13	AMEND: 5000	03/04/13	AMEND: 27000
04/25/13	AMEND: 2920	02/06/13	AMEND: 27001
03/28/13	AMEND: 3930	Title 28	
		04/08/13	ADOPT: 1300.74.73
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		01/16/13	AMEND: 40-107, 42-301, 42-302, 42-431, 42-712, 42-713, 42-721, 44-133, 44-307, 44-316, 82-833