



California Regulatory Notice Register

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JUNE 27, 2014

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter “commission”) 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:

August 11, 2014, 10 a.m.

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

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 commission at its office not later than 5:00 p.m. **August 11, 2014** or must be received by the commission at the hearing. The commission, 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 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend sections 401, 402, 403, 404, 405 and 406 of Article 12 of Division 2 of Title 4 of the California Code of Regulations. Pursuant to Business and Professions

Code (BPC) Section 18881, the Commission is responsible for administering the Professional Boxers’ Pension Plan (Plan). The Plan was created in 1982 to increase the financial security of professional boxers who fight a minimum number of rounds, among other criteria, in California. Among the plan provisions was a requirement to re-allocate a boxer’s vested account balance if no claim is made prior to January 1 of the year in which the boxer’s 54th birthday occurs. This proposal would clarify existing law sections to begin re-allocating vested accounts that meet plan requirements for re-allocation and set aside a reserve account to pay any claims on re-allocated accounts.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By amending sections 401, 402, 403, 404, 405 and 406, the Commission will honor its commitment to the financial health of its athletes by increasing the amount of money in the Plan available for allocation each year to active participants.

It is anticipated that the adoption of regulations such as these will increase the amount of money available for allocation in the boxer pension plan. Prior to this proposal, Plan assets were frozen indefinitely in boxer accounts as a high percentage of boxers never came forward and filed a claim for their vested account balances. Each year, the frozen accounts in the Plan continued to grow as they benefited from investment gains. As the money in frozen accounts grew, so did the amount they received each year from the Plan’s investment gains. Investment gains are allocated based on account size and the frozen accounts began to take a large share of the overall gains realized from invested Plan assets. The problem with this was that current plan participants, usually young boxers, were receiving proportionately less and less investment gains because their account values were not growing as fast as the frozen accounts. The adoption of this regulation package will enable the Commission to distribute account assets that were previously frozen and benefit active participants as the law intended. Additionally, this regulation package adds protections for those boxers that have their vested pension benefits re-allocated by setting up a Forfeiture Reserve Account. Existing law allows a boxer to claim his vested account balance anytime after January 1 of the year in which his 54th birthday occurs. Without this regulation package, Plan assets will continue to grow and not be distributed to boxers that make a claim.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning the Boxer Pension Fund. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference: None.

- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: The proposed regulation will benefit California boxers by increasing their retirement benefit under the California Boxer Pension Program. It is possible that the proposal will make promoters and boxers within the combative sports industry more likely to promote events in California due to this unique boxer benefit not available in any other state.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: **None.**

Local Mandate: **None.**

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

Cost Impact on 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.

EFFECT ON HOUSING COSTS

None.

EFFECT ON BUSINESS

The commission has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including small businesses, and including the ability of California businesses to compete with businesses in other states. The proposed regulation changes impact the California Boxer Pension Program only and do not make changes to how pension programs are administered statewide. The commission contracts with a third party administrator for the day-to-day administration of the plan. As a result, no other small business would be affected by these regulation changes.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs
- Unlikely to create jobs
- Unlikely to create new businesses

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 commission 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, 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Sophia Cornejo
 Address: 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: Sophia.Cornejo@dca.ca.gov

The backup contact person is:

Name: Heather Jackson
 Address: 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: heather.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter “commission”) 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:

August 11, 2014 @ 11a.m.
 Department of Consumer Affairs
 Hearing Room
 2005 Evergreen Street
 Sacramento, CA 95815

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 commission at its office not later than 5:00 p.m. **August 11, 2014** or must be received by the commission at the hearing. The commission, 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 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Adopt subdivision (c) of Section 280. The specific purpose of Section 280 is to establish the necessary and specific regulations and establish a neurological assessment fee and carry out the Legislative intent of BPC 18711. This regulatory proposal establishes a flat neurological assessment fee of \$175 paid by promoters on a per event basis.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

BPC Section 18711 requires “as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations.” The proposed regulations will clarify the intent of BPC 18711 (c), by establishing a Neurological Assessment (\$175 per sanctioned event) which will be imposed on licensed promoters.

Benefits of this regulatory proposal will allow the Commission to further fulfill its primary mandate of public protection. The Legislature established the neurological account to pay for neurological examinations that might detect physical conditions that could place athletes at risk for serious or permanent injury. This regulatory proposal will provide the most up-to-date and thorough neurological care for combatant sports athletes licensed in our state.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning Neurological

Assessments. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference: None.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: **None.**

Local Mandate: **None.**

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

Significant, Statewide adverse economic impact directly affecting business and small business:

The Commission has made an initial determination that the proposed action will not directly affect businesses statewide, including small businesses, and the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

BPC Section 18711 requires “*as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations.*” The proposed regulations will clarify the intent of BPC Section 18711(c), by establishing a Neurological Assessment which will be imposed on licensed promoters.

Currently, a large majority of licensed promoters already cover the costs of the neurological examinations for professional athletes participating in their sanctioned event (an average of 16–30 athletes compete at each event). This cost is an average of \$100 per athlete, per year. The proposed regulations will impose a \$175 flat fee per sanctioned event, and the Neurological Examination Account will cover the costs for the neurological examinations required as a condition of licensure. It is anticipated that this may be a cost savings to those promoters that already cover the costs associated with the neurological examinations. Otherwise, there will be a cost savings of approximately \$100 per year to individual applicants or licensees.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The commission has initially determined that this regulatory proposal would not affect small business. Because this proposal only charges the source of payment for athlete neurological exams, nothing changes with respect to the number of exams performed or the amount received by small business for conducting athlete neurological exams.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including for health care professionals
- Unlikely to create jobs, including for health care professionals
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: This regulation package would provide the necessary regulations to properly administer the Neurological Examination Account in accordance with the law. The Neurological Examination Account will pay for neurological examinations that are required as a condition for licensure, which could represent a considerable cost savings to athletes and/or promoters.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission 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, 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Sophia Cornejo
 Address: 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: Sophia.Cornejo@dca.ca.gov

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 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: heather.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

TITLE 4. STATE ATHLETIC COMMISSION

The California State Athletic Commission (“Commission”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission will hold a public hearing starting at 9:00 a.m. on August 11, 2014, at the Department of Consumer Affairs, Hearing Room, 2005 Evergreen Street, Sacramento, California. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Commission requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. Comments may also be submitted by facsimile (FAX) at (916) 263-2197 or by e-mail to sophia.cornejo@dca.ca.gov. The written comment period closes at **5:00 p.m. on August 11, 2014**. The Commission will consider only comments received at the Commission office by that time. Submit comments to:

Sophia Cornejo, Assistant Executive Officer
 California State Athletic Commission
 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815

AUTHORITY AND REFERENCE

Business Code section 18611 authorizes the Commission to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 18640 and 18645 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the licensing requirements for a transgender athlete with the Commission.

Business and Professions Code Section 18640 requires all persons who engage in the promotion of, or participate in, a boxing or martial arts contest, match, or exhibition, shall have a license. Business and Professions Code section 18611 authorizes the Commission to adopt regulations necessary to enable it to carry out the laws relating to boxing and the martial arts.

The regulations proposed in this rulemaking action would specify the steps required in order to obtain a license as a transgender athlete in order to compete in a

Commission-regulated boxing or martial arts contest, match, or exhibition. It establishes procedures for transgender athletes and specific testing performed to ensure hormone levels are within prescribed standards. It would also establish specific testing requirements pre-fight and day of the fight in order to establish the transgender athlete meets licensing requirements.

The broad objective of the regulation is to promote fair participation in combat sports and prevent discrimination on the basis of gender or gender identity in a manner that will also protect public health and safety for all participants. The specific benefit anticipated from the regulation is increased protection of the transgender athletes and their opponents by specifying transgender licensing standards, including measurable hormone levels.

The Commission has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the licensing of transgender athletes to participate in a boxing or martial arts contest, match, or exhibition in California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

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

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

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

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

Cost impacts on a representative private person or business: None.

Statewide adverse economic impact directly affecting businesses and individuals: The Commission has made an initial determination that the proposed rule-making 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.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Commission concludes that it is (1) unlikely that the proposal will eliminate any jobs, including for

health care professionals, (2) unlikely that the proposal will create jobs, including for health care professionals, (3) unlikely that the proposal will create new businesses or expand any existing businesses, and (4) unlikely that the proposal will eliminate any existing businesses.

Benefits of the Proposed Action: The regulatory proposal is furthering the goal of the Commission: Dedicated to the health, safety and welfare of participants in the regulated competitive sports, and setting standards for transgender athletes to ensure fairness, and the prevention of discrimination.

Small Business Determination: The Commission has determined that the proposed regulations will not affect small business because it only applies to transgender athletes who apply for licensure to compete in a California regulated contest. The number of transgender athlete license applications is expected to be insignificant and no additional requirements are proposed on any existing relationship between a transgender athlete and any small business that services their needs.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Sophia Cornejo, Assistant Executive Officer
California State Athletic Commission
2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone: (916) 263-2195
Fax: (916) 263-2197
E-Mail: Sophia.Cornejo@dca.ca.gov

The backup contact person for these inquiries is:

Heather Jackson, Regulations Coordinator
 California State Athletic Commission
 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone: (916) 263-2195
 Fax: (916) 263-2197
 E-Mail: Heather.Jackson@dca.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Jackson at the above address.

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

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

AVAILABILITY OF CHANGED OR
 MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT
 OF REASONS

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

AVAILABILITY OF DOCUMENTS ON
 THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in

underline and strikeout can be accessed through our website at www.dca.ca.gov/csac.

**TITLE 4. STATE ATHLETIC
 COMMISSION**

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter “commission”) 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:

August 11, 2014 — 1:00 p.m.

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

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 commission at its office not later than 5:00 p.m. **August 11, 2014** or must be received by the commission at the hearing. The commission, 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 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Section 278. Currently, there is authority in the law to charge a broadcast fee, but regulations should be adopted by July 1, 2008. This regulation will meet that legislative directive. State law requires the commission to assess a broadcast fee established by regulations of up to 5% but in no case shall the fee be less than one thousand dollars (\$1000.00) or more than thirty-five thousand dollars (\$35,000.00) on or before July 1, 2008. Prior to January 1, 2014, state law capped the television broadcast fee at \$25,000. The Legislature

raised the cap to \$35,000 and the Commission proposes to charge the maximum fee of \$35,000. The proposed increase in fees is necessary to enable the Commission to sustain operations to effectively protect consumers through its licensing and enforcement functions.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By amending section 278, the commission will be in compliance with the law and avoid the use of underground regulations.

The benefits of the proposed regulatory package will be enhanced public safety as the commission will not have to reduce expenditures in order to establish a healthy fund reserve. This regulatory proposal will allow the commission to charge a broadcast fee of 5% and ensure events are regulated with adequate inspectors.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning the broadcast fee assessed by the Commission. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference:

None.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: **None.**

Local Mandate: **None.**

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

Significant, Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action *will* directly affect businesses statewide, including small businesses, the Board concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Cost Impact on Representative Private Person or Business:

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

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The commission has initially determined that this regulatory proposal may affect small business. Because this proposal only charges a fee on television broadcast rights for events, small business impact will be small if any as most small businesses/promoters do not have television contracts.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including for health care professionals
- Unlikely to create jobs, including for health care professionals
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: State law requires the commission to assess a broadcast tax established by regulations of up to 5% but in no case shall the fee be less than one thousand dollars (\$1000.00) or more than thirty five thousand dollars (\$35,000.00) on or before July 1, 2008. This proposal is in compliance with the law.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

The commission 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, 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Sophia Cornejo
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail
Address: Sophia.Cornejo@dca.ca.gov

The backup contact person is:

Name: Heather Jackson
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail
Address: heather.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

NOTICE OF PUBLIC MEETING/PUBLIC
HEARING/BUSINESS MEETING OF THE
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD AND NOTICE OF
PROPOSED CHANGES TO TITLE 8 OF THE
CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 21, 2014**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street,
Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **August 21, 2014**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street,
Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **August 21, 2014**, at 10:00 a.m.
in the Auditorium of the State Resources Building
1416 9th Street,
Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free).

The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **August 21, 2014**.

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
 Update of Title 8 General Industry National Fire Protection Association (NFPA) Fire Protection Standards

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
 Sections 5620, 6165, 6180, 6181, 6182, 6183, and 6184
 Update of Title 8 General Industry National Fire Protection Association (NFPA) Fire Protection Standards

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is initiated by the Occupational Safety and Health Standards Board (Board). On February 13, 2012, Mr. Ray Bizal, Southwest Regional Director, National Fire Protection Association (NFPA),

sent an email suggesting an update to various sections in Title 8 that refer to badly outdated NFPA standards. According to Mr. Bizal, the referenced documents have undergone multiple technical and technological revisions and are updated about every three years. These obsolete documents conflict with the California Fire Codes (CFC) which follow the most recent editions of the NFPA. Board staff notes that the counterpart federal standards do not reference NFPA codes.

The proposal amends the existing language of the affected subsections to state that when structures, devices, equipment or systems are provided, they shall be designed, installed, constructed, inspected or maintained in an approved manner. The new language uses the word “approved,” which is defined in Title 8 as referring to “products, materials, devices, systems, or installations that have been approved, listed, labeled, or certified as conforming to applicable governmental or other nationally recognized standards, or applicable scientific principles.” Using this definition of “approved” allows for compliance using a variety of methods, including the NFPA standards and the CFC.

A “NOTE” is added following each amended subsection which directs the public to consult a specific NFPA code and/or their local jurisdiction fire departments for information. These local fire jurisdictions provide additional information on fire safety utilizing the CFC, California Code of Regulations, Title 24, Part 9, as well as the latest NFPA standards for reference. Board staff notes that CFC and NFPA documents are accessible on line, free of charge. These amendments clarify the requirements and make the regulations more uniform throughout Title 8. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal regulations in that the federal regulations do not reference the NFPA fire protection standards. This proposal will update the badly outdated NFPA references to the most recent NFPA editions. The proposal will ensure that Title 8 is consistent with the fire codes administered by

the state Fire Marshall and local jurisdictions which adhere to the latest editions of the NFPA standards.

- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- This proposal will clarify the language to be consistent with other Title 8 flammable liquids and fire protection sections as well as applicable governmental or other nationally recognized standards. The proposal ensures that employers will have the latest technological and technical developments that have occurred since the last revision.

Section 5620. Wharves.

Section 5620 defines the term, "wharf" and describes the operational requirements for pressurized hoses and piping systems carrying flammable liquids or gases to a wharf.

Subsection (a)(1)

Existing subsection (a)(1) states, "If flammable or combustible materials are handled in bulk quantities across general purpose piers or wharves the Standard for the Construction and Protection of Piers and Wharves, NFPA No. 87, shall be followed." The proposal replaces the term, "If" with "When" and deletes the reference to NFPA 87, which is no longer available and has been relocated into NFPA 307. The proposed language also adds the phrase, ". . . shall be designed and constructed in an approved manner," similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6165. Standpipe and Hose Systems.

Section 6165 addresses the use, protection, testing and maintenance of small standpipe and hose systems.

Subsection (b)(1)

Existing subsection (b)(1) requires that where standpipe and hose systems are provided, they shall meet the design requirements of the NFPA 14, 1978 edition. The proposal deletes the reference to the outdated 1978 edition. The phrase ". . . be designed and installed in an approved manner" is added to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6180. Fixed Extinguishing Systems; Dry Chemical.

Section 6180 applies to all fixed extinguishing systems using a dry chemical extinguishing agent.

Subsection (a)(2)

Existing subsection (a)(2) requires compliance with the design requirements of the NFPA 17, 1980 edition when dry chemical extinguishing systems are provided. The proposal deletes the reference to the outdated 1980 edition. The proposed amendments will add the phrase ". . . be designed and installed in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6181. Gaseous Systems.

Section 6181 applies to all fixed extinguishing systems using a gas as the extinguishing agent.

Subsection (b)(1)

Subsection (b)(1) requires that when carbon dioxide extinguishing systems are provided, they shall meet the design, inspection, maintenance and instruction requirements of the NFPA 12, 1977 edition. This proposal deletes the reference to the outdated 1977 edition. The proposed amendments will add the phrase ". . . be designed, installed, inspected and maintained in an approved manner" to the regulatory text, similar to other sections on fire protection within Title 8. A "NOTE" is proposed following this subsection which will direct

the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6182. Water–Spray Fixed Systems, Foam–Water Sprinkler Systems.

Section 6182 addresses all water–spray fixed extinguishing systems and all foam–water sprinkler systems.

Subsection (a)

Subsection (a) requires that when water–spray fixed systems are provided, they shall meet the design requirements of the NFPA 15, 1977 edition or meet the NFPA 16, 1974 edition for foam–water sprinkler systems. This proposal deletes the references to the outdated 1977 and 1974 editions, respectively. The proposed amendments will add the phrase “. . . be designed and installed in an approved manner” to the regulatory text, similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6183. Fire Detection Systems.

This section applies to all automatic fire detection systems.

Subsection (b)(1)

Subsection (b)(1) specifies that all devices and equipment shall be designed, installed and maintained in accordance with this section and applicable provisions of the NFPA 72, 1978 series. This proposal deletes the reference to the outdated 1978 series. The series of codes (from NFPA 72A to 72H) no longer exist and have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments add the phrase “. . . an approved manner” to the regulatory text, similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency

throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

Section 6184. Employee Alarm Systems.

Existing Section 6184 applies to all emergency employee alarms.

Subsection (b)(1)

Subsection (b)(1) states that where local fire alarm signaling systems are required, they shall meet the design requirements of the NFPA 72A, 1975 edition. This proposal deletes the reference to the outdated 1975 edition. NFPA 72A is no longer available and the series (from NFPA 72A to NFPA 72H) have been consolidated into NFPA 72, the latest being the 2013 edition. The proposed amendments will add the phrase “. . . be designed and installed in an approved manner” to the amended regulatory text, similar to other sections on fire protection within Title 8. A “NOTE” is proposed following this subsection which will direct the public to consult the applicable NFPA document and/or their local jurisdiction fire department for information.

The amendment removes obsolete information and clarifies the regulatory language to provide consistency throughout Title 8. The proposal provides the regulated public expanded assistance through the proper NFPA document and/or from their local jurisdiction fire department for issues unique to the CFC.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal updates the references to badly outdated NFPA codes to the latest editions. This proposal amends Sections 5620, 6165, 6180, 6181, 6182, 6183 and 6184 of GISO, to reflect technical and technological advances since previous revisions of the NFPA codes. The amendment will align Title 8 consistent with the fire codes administered by the State Office of the

Fire Marshall and local jurisdictions which follow the most recent editions of the NFPA fire protection codes. The proposed changes provide employers with more options to comply with federal, state and local regulations pertaining to fire safety.

Cost Impact on 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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no adverse economic impact is anticipated because the amendments refer to updated NFPA editions that describe testing data, technological advances and procedural improvements.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs, the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The proposal would provide businesses, small or large, clear direction in designing, installing, inspecting and maintaining fire protection systems. The adoption of this proposal will ensure that the most current in-

formation is provided when fire protection systems are involved. This regulatory proposal will render Title 8, GISO consistent with the fire codes of state and local fire jurisdictions.

ALTERNATIVES STATEMENT

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

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **August 15, 2014**. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **August 21, 2014**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Execu-

tive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13 in the California Code of Regulations to identify the annual adjustment of specified fees for 2015.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **AUGUST 11, 2014** the final day of the written comment

period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651, 1678 and 1685, in order to implement, interpret or make specific Vehicle Code sections 1678, 1685, 4604, 5014, 5036, 6700.25, 9102.5, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9702, 11515, 11515.2, 14900, 14900.1, 14901, 14902, 38121, 38225.4, 38225.5, 38232, 38255, 38260 and 38265; Code of Civil Procedure section 488.385; and Revenue and Taxation Code section 10902.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since January 1, 2005, Vehicle Code sections 1678 and 1685 require the department to annually review and adjust a variety of department fees. The fees are to be adjusted in an amount equal to the increase in the California Consumer Price Index (CPI) for the prior year as calculated by the Department of Finance and will only be increased when the calculated amount equals or is greater than \$0.50 rounded to the next highest whole dollar. All of the fee adjustments provided in this proposed action are authorized under Vehicle Code section 1678.

The department proposes to amend Section 423.00 to identify the Vehicle Code, Revenue and Taxation Code, and Code of Civil Procedure sections for which the corresponding fee is being increased. These fees will be effective January 1, 2015. This proposed amendment is neither inconsistent nor incompatible with existing law.

Calculations for determining fee adjustments

In determining whether or not a fee will be adjusted, the department uses the Department of Finance CPI forecast and compares that to the CPI when the baseline of the fee was determined per the statute. That percentage increase is multiplied by the base fee to determine if the fee needs to be increased. These fees were selected for the annual adjustment because they are the only fees that increased by \$0.50 or greater and allowed us to round up to the next dollar. Other fees didn't increase this much.

The following charts list all fee changes effective January 1, 2014.

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 26-Z

Statute	Service or Transaction	Current Fee	Adjusted Fee
Code of Civil Procedure			
488.385(b)	Prejudgment Attachments — filing and indexing the notice of lien on a vehicle	\$19	\$20
488.385(c)	Prejudgment Attachments — certificate fee for notice of attachment	\$19	\$20
Revenue and Taxation Code			
10902(c)	Partial Vehicle License Fee (VLF) Refunds — service fee	\$19	\$20
Vehicle Code			
4604(b)	Planned Non-Operation (PNO) filing fee	\$19	\$20
5014(f)	Special Equipment Original/Renewal Service Fee	\$19	\$20
5036	Moped (motorized bicycle) Original/Transfer	\$19	\$20
6700.25(e)	Nonresident Daily Commuter Permit Service Fee	\$19	\$20
9102.5(a)	Privately Owned School Bus — Registration and Licensing	\$19	\$20
9102.5(c)	School Bus used for education-related or nonprofit purpose — Registration and Licensing	\$19	\$20
9252(a)	Nonresident Registration — Service Fee	\$19	\$20
9254	Title Only or Apportion title only (Q-Series Fictitious Plates) — service fee for certificate of ownership issued without registration of the vehicle	\$19	\$20
9258	One-Trip Permit	\$19	\$20
9261(a)	Service Fee for ID plate for specified vehicles (special construction equipment, cemetery equipment, special mobile, logging vehicles, etc) pursuant to VC 5014	\$19	\$20
9261(b)	Service Fee for ID plate for specified vehicles pursuant Service to VC 5016.5	\$19	\$20
9261(c)	Transfer of ownership for specified vehicles pursuant to VC 5014	\$19	\$20
9261(d)	Renewal of ID plate for specified vehicle issued pursuant to VC 5014 or 5016.5	\$19	\$20

Statute	Service or Transaction	Current Fee	Adjusted Fee
Vehicle Code			
9265(a)	Duplicate certificate of ownership / reg card / equipment ID card	\$19	\$20
9265(b)	Duplicate license plates (except ELP) / substitute plates / equipment ID plate for same vehicle	\$19	\$20
9702	Partial Year Registration (PYR) or renewal pursuant to VC 9700	\$19	\$20
11515	Salvage Certificate — Regular and OHV	\$19	\$20
11515.2	Nonrepairable Vehicle Certificate	\$19	\$20
14900(b)	Driver License for original Class C or M — additional fee for each drive test retake	\$6	\$7
14900.1(b)	Driver License for renewal or change of class — additional fee for each drive test retake	\$6	\$7
38121(b)	OHV Planned Non-Operation	\$19	\$20
38232	Special Transportation ID device for a motorcycle	\$19	\$20
38255(a)	OHV Transfers — by the owner	\$19	\$20
38255(b)	OHV Transfers — by the legal owner	\$19	\$20
38255(c)	OHV Transfers — by both owner and legal owner	\$19	\$20
38260	OHV Duplicates (ownership or ID certificates, plates, tabs, stickers)	\$19	\$20
38265(a)	OHV Transfer of Ownership Penalty Fee	\$19	\$20
15255.1(a)	Commercial — Original	\$70	\$71
15255.1(b)(c)	Commercial — Renewal	\$41	\$42

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The department is tasked with collecting fees and dispersing them to both state and local agencies that use the fees to fund programs. If the fees are not adjusted according to the consumer price index, agencies that rely

on these collections may not be able to adequately fund the programs.

ANTICIPATED BENEFITS

The adjusted fees will allow the department to continue offering licensing and registration services needed in California residents. To ensure residents are aware of

the adjusted fees, the department established fees in regulation.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department is the only agency tasked with collecting these transportation-based fees, therefore, there are no comparable federal or state regulations.

CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS

The department has conducted an evaluation for any regulations related to the annual adjustment of fees specified in the Vehicle Code. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents to be incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact 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. The department is required by statute to adjust specific fees based on the California Consumer Price Index for the prior year, as calculated by the Department of Finance. Eight fees are proposed to be increased by one dollar (\$1) or two dollars (\$2).
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- Small Business Impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting small businesses, including the ability of California small businesses to compete with small businesses in other states because these fees are paid by individuals. If a fee is paid by a business, the department does not anticipate an impact as the fee is adjusted by such a small amount.
- Significant Statewide Adverse Economic Impact Directly Affecting Businesses: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Government Code section 11346.3(b):

- Creation or Elimination of Jobs Within the State of California
This proposed regulation will neither create nor eliminate jobs within the State of California.
- Creation or Elimination of Existing Business Within the State of California
The proposed regulation will neither create new business nor eliminate existing business within the State of California.
- Expansion of Businesses Currently Doing Business Within the State of California
This regulation will not expand businesses currently doing business within the State of California.
- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment
The general welfare of California benefits because the increase of \$1.00-2.00 will allow the department to continue offering licensing and registration services needed by California residents. The proposed regulatory action has no impact on health and welfare of workers, worker safety, nor the state's environment.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as 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 provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
Facsimile: (916) 657-6243
E-Mail: LRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regula-

tory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/about/lad/regactions.htm>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 16. RESPIRATORY CARE BOARD

Continuing Education, Military and O-O-S Practitioner Exemptions, and Fee Schedule

NOTICE IS HEREBY GIVEN that the Respiratory Care 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:

Friday, August 15, 2014
11:00 a.m.
Department of Consumer Affairs
1625 North Market Blvd.
El Dorado Room
Sacramento, CA 95834

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 14, 2014**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 114.3, 115.5, 901, 3719, and 3722 of the Business and Professions Code, and to implement, interpret or make specific sections 32, 114.3, 115.5, 901, 3719, 3730, 3732, 3775, and 3775.5 of said Code, the Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code (B&P), section 3701 provides the Board’s mandate is to “protect the public from the unauthorized and unqualified practice of respiratory care and from unprofessional conduct by persons licensed to practice respiratory care.” B&P, section 3710.1 provides that “Protection of the public shall be the highest priority for the [Board] in exercising its licensing, regulatory, and disciplinary functions.”

In effectuating its mandate, the Board is responsible for screening applicants to ensure education, criminal background checks, and competency requirements are met. This regulation proposal clarifies that the Board shall review the driving history for each applicant as part of its application screening process.

The Board is also increasing the number of continuing education hours from 15 to 30 hours to align its hours with other similar allied health professional requirements and as a matter of increasing public protection. The Board is also proposing to modify courses recognized for continuing education credit including 1) eliminating recognition of the passage of the Registered Respiratory Therapist examination as it is currently being proposed through legislation (AB 1972, Jones) to be the exam required for licensure; 2) new recognition of the Adult Critical Care Specialty examination and Sleep Disorders Testing and Therapeutic Intervention Respiratory Care Specialist examination, both relatively new examinations recognized nationally and offered by the National Board for Respiratory Care; and 3) recognizing education related to acquired immune deficiency syndrome (AIDS) in line with section 32 of the B&P. Amendments are being made to the fee structure to revert to a method that more accurately reflects fees imposed by the national testing vendor. The Board is proposing to change the actual dollar amount of the examination fee to “actual cost” as was previously done,

thereby eliminating the need for the Board to modify its regulations when the vendor modifies its fee structure.

The Board is also adding regulatory sections to effectuate new laws to provide greater consumer protection, and/or promote fairness or social equity by: 1) providing preference to applications from active military personnel and their spouses or domestic partners; 2) exempting military personnel who are called to active duty from continuing education and renewal fee requirements as applicable; and 3) establishing a process for temporary licensure for out-of-state entities and personnel to practice respiratory care in California at a community event (sponsored-free health care events) of not more than 10 days.

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

At its April 4, 2014 meeting, the Board reviewed this final regulation proposal in detail, and approved moving forward with the rulemaking package.

INCORPORATION BY REFERENCE

The following documents are incorporated by reference:

1. “Registration of Sponsoring Entity under Business & Professions Code Section 901” Form 901-A (DCA/2014 — revised)
2. “Request for Authorization to Practice Without a California License at a Sponsored Free Health Care Event” Form 901-RCB (RCB/2014)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor. The Board estimates a potential net loss of revenue of up to \$2,000 per year as a result of prorating/waiving renewal fees for military personnel called to active duty.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide *adverse* economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

However, the amendments contained in section 1399.350 to increase the number of continuing education hours required for renewal of a respiratory care practitioner license from 15 hours to 30 hours every two years will impact businesses. Businesses may be impacted by greater demand for courses which may result in higher attendance at existing courses or the desire to offer additional courses. This economic impact is estimated to be up to \$1,118,250 annually.

Impact on Jobs/New 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.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with increasing the number of continuing education hours required for renewal of a respiratory care practitioner license. Those costs are estimated to be \$0–\$225 every renewal cycle (two years) for each active licensed respiratory care practitioner.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The amendments contained in section 1399.350 to increase the number of continuing education hours required for renewal of a respiratory care practitioner license from 15 hours to 30 hours every two years will impact small businesses as well. There may be a greater demand for courses which may result in higher attendance at existing courses or the desire to offer additional courses. The overall economic impact to businesses (including small businesses) is estimated to be up to \$1,118,250 annually.

RESULTS OF ECONOMIC IMPACT ANALYSIS

IMPACT ON JOBS/BUSINESSES

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

BENEFITS OF REGULATION

The Board has determined that this regulatory proposal will increase consumer protection and promote fairness or social equity.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or 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 to the Board at 3750 Rosin Court, Suite 100, Sacramento, CA 95834 or on the Board's website at www.rcb.ca.gov.

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

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

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

CONTACT PERSON

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

Name: Christine Molina
 Address: 3750 Rosin Court, Suite 100
 Sacramento, CA 95834
 Telephone No.: (916) 999.2190
 Fax No.: (916) 263.7311
 E-Mail
 Address: rcbinfo@dca.ca.gov

The backup contact person is:

Name: Stephanie Nunez
 Address: 3750 Rosin Court, Suite 100
 Sacramento, CA 95834
 Telephone No.: (916) 999.2190
 Fax No.: (916) 263.7311
 E-Mail
 Address: rcbinfo@dca.ca.gov

Written comments may be submitted as follows:

1. By email to regulations@cdph.ca.gov. Please place the regulation package identifier "DPH-06-006" in the subject line;
2. By fax transmission to (916) 440-5747;
3. By postal service to Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or
4. Hand-delivered to Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address.

AUTHORITY AND REFERENCE

This rulemaking action implements, interprets, and makes specific the California statutes associated with providing consumer warnings about the risks associated with consumption of Gulf oysters that may contain the bacterium *Vibrio vulnificus* (*V. vulnificus*), sales restrictions, warning exemptions, and procedural verifications for raw Gulf oysters processed to reduce *V. vulnificus*. The statutory authorities cited for this regulatory proposal are found in Health and Safety Code Sections 110065, 110105, 110430, 112165, 113707, 131050, 131051, 131052, 131055, 131056, and 131200. The references cited in this regulatory proposal are Health and Safety Code Sections 110175, 110435, 110545, 110560, 110565, 110660, 110705, 112165(c), 112195, 112200, 113980, 114029, 114039, 114039.1, 114039.2, 114039.3, 114039.4, and 131071.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

Raw Gulf Oysters, DPH-06-006

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on August 11, 2014. The Department will consider only comments received at the Department's Office of Regulations at that time.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department is authorized to establish and enforce regulations pertaining to certain health and safety concerns associated with raw Gulf of Mexico (Gulf) oysters in California, pursuant to HSC Sections 109875, 110105, 112150, and 113700.

This rulemaking action implements, interprets, and makes specific the California health and safety statutes that provide consumer warnings about the risks associated with the consumption of Gulf oysters that may contain *V. vulnificus*, sales restrictions, warning exemptions, and procedural verifications for post-harvest processed Gulf oysters processed to reduce *V. vulnificus*. The purpose of this proposal is to amend subsections 13675(a)(8) and 13676(a)(4), Title 17, of the California Code of Regulations (CCR). The proposed amendment to subsection 13675(a)(8) revises the microbiological level for *V. vulnificus* in post-harvest pro-

cessed Gulf oysters from the current level of less than 3 Most Probable Number per gram (MPN/g) to less than 30 MPN/g. This amendment will require that the less than 30 MPN/g level of *V. vulnificus* is met through a performance standard that achieves a minimum 3.52 log reduction. The proposed amendment to subsection 13675(a)(8) also revises the laboratory procedures employed for the detection and enumeration of *V. vulnificus* in post-harvest processed oysters to be consistent with the revised microbiological level. The proposed amendments to CCR subsection 13676(a)(4) make its wording consistent with the amendments to CCR Section 13675.

These proposed amendments harmonize California's molluscan shellfish regulations with the provisions adopted for the National Shellfish Sanitation Program (NSSP) by the U.S. Food and Drug Administration (FDA) and Interstate Shellfish Sanitation Conference (ISSC). With the exception of California, all member states and countries of ISSC have adopted the less than 30 MPN/g microbiological level for *V. vulnificus* in post-harvest processed oysters.

The proposed regulatory amendments are consistent with the findings of risk determined by the Food and Agriculture Organization of the World Health Organization (FAO/WHO). The findings are also supported by epidemiological data maintained by the FDA. Since becoming commercially available in 2005, there have been no epidemiologically-linked *V. vulnificus* infections associated with raw oysters processed at the less than 30 MPN/g level documented by the FDA.

These proposed regulatory amendments will likely result in the removal of sanctions against California by ISSC and avert the negative economic impact to California businesses that may result from additional administrative actions that may be assessed on California by ISSC and the FDA. In addition, the amendments provide the Department with the authority to uniformly regulate raw oysters processed to less than 30 MPN/g, but harvested during different times of the year. This proposal maintains the current level of restriction on the sale of raw¹ Gulf oysters harvested from the states of Alabama, Florida, Louisiana, Mississippi, or Texas during April through October. Additional benefits anticipated by the Department include a reduction of costs associated with processing oysters using certain technologies and an increase in the amounts and vari-

eties of post-harvest processed oysters imported into California to the benefit of consumers.

OBJECTIVES

The broad objectives of this regulatory proposal are:

- To harmonize California's molluscan shellfish regulations for post-harvest processed Gulf oysters with those of the NSSP, as adopted by the FDA and ISSC. The proposed revised standard is based on the determinations of the *Vv* Risk Assessment conducted by the FAO/WHO. With the exception of California, all member states and countries of ISSC have adopted the less than 30 MPN/g microbiological level for *V. vulnificus* in post-harvest processed oysters.
- To provide a science-based standard for post-harvest processed oysters based on a risk assessment conducted by the FAO/WHO.
- To provide for uniform regulatory enforcement for post-harvest processed oysters by allowing the sale of Gulf oysters, processed to less than 30 MPN/g, to be sold year-round, irrespective of harvest date.
- To provide clarity and consistency for the public and the oyster industry regarding oyster health and safety regulations.
- To establish performance-based health and safety standards that meet concerns of public health officials, the public, and shellfish dealers.
- To protect the public health and safety of California consumers of oysters using scientific-based standards.

BENEFITS

The anticipated major benefits, including nonmonetary benefits such as the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or the promotion of fairness or social equity, and the increase in transparency in business and government among other things, from this proposed regulatory action include:

- To harmonize California's molluscan shellfish regulations for post-harvest processed Gulf oysters with those of the NSSP, as adopted by the FDA and ISSC. The proposed revised standard is based on the determinations of the *Vv* Risk Assessment conducted by the FAO/WHO. With the exception of California, all member states and countries of ISSC have adopted the less than 30 MPN/g microbiological level for *V. vulnificus* post-harvest processed oysters.

¹ When originally promulgated, CCR Section 13675 was directed at reducing the illness from the consumption of raw oysters that had not been processed to reduce pathogens such as *V. vulnificus*. Post-harvest processed oysters are regulated as raw, but have been subjected to a process to reduce levels of targeted *V. vulnificus*.

- To establish performance-based health and safety standards, using scientific research that meet concerns of public health officials, the public, and shellfish dealers.
- To provide for uniform regulatory enforcement for post-harvest processed oysters by allowing the sale of Gulf oysters, processed to less than 30 MPN/g, to be sold year-round, irrespective of harvest date.
- To allow the Department to petition the ISSC to remove current administrative sanctions against California.
- To prevent the imposition of administrative actions by the FDA to remove California shellfish dealers from the ICSSL. This will avert economic harm to California shellfish dealers and allow for the unrestricted sale of shellfish into interstate commerce by California dealers.
- To potentially reduce the costs to treat oysters post-harvest.
- To potentially provide greater amounts and varieties of oysters processed for enhanced safety for the culinary enjoyment of Californians, especially those who are high-risk for infection.
- To reduce confusion for the public and the oyster industry about oyster health and safety restrictions.
- To assist the efforts of the FDA and the ISSC in their efforts to promote oyster post-harvest treatment technologies to provide additional choices to high-risk individuals nationwide.
- To protect the public health and safety of California consumers of oysters using scientifically-derived standards.

INCONSISTENT/INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing general regulations and those regulations specific to food health and safety, specifically the regulating of oysters. An internet search of other state agency regulations was also performed. It was determined that no other regulation addressed the same subject matter, and that this proposal was not inconsistent or incompatible with other state regulations. Therefore, it is determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

MANDATED BY FEDERAL LAW OR REGULATIONS

Currently, there are no existing federal regulations or statutes applicable to the regulations.

FORMS INCORPORATED BY REFERENCE

Not applicable.

OTHER STATUTORY REQUIREMENTS

Not applicable.

LOCAL MANDATE

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government or School District: None.
- B. Fiscal Effect on State Government: Yes. The Department anticipates potentially reviewing and approving approximately 9 shellfish processing applications the first year and unknown number subsequent fiscal years. The application review is not a new program or increasing the scope of the existing program nor will these applications necessary be submitted and the costs incurred. The Department is not aware of any other cost impacts that State government would necessarily incur in reasonable compliance with the proposed action.
- C. Fiscal Effect on Federal funding of state programs: None.
- D. Other nondiscretionary cost or savings imposed on local agencies: There are no known costs or savings imposed on local agencies in connection with this proposed regulatory package.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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.

HOUSING COSTS

The Department has determined that the proposed regulations will not have a financial impact on housing.

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

The Department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

SMALL BUSINESS

This regulatory proposal does not impact most small businesses in California as defined by Government Code Section 11342.610. The Department has determined that there may be, however, a financial benefit for some shellfish small businesses as a result of adopting this regulatory proposal. California businesses may sell more oysters by being able to sell greater amounts and varieties of oysters, processed to less than 30 MPN/g, year-round, irrespective of the harvest date. The Department anticipates that this regulatory proposal will prevent the imposition of administrative sanctions by the FDA, such as removing California shellfish dealers from the ICSSL that would negatively impact some small businesses. This regulatory proposal will also avert economic harm to California shellfish dealers by allowing the unrestricted sale of oysters into interstate commerce by California dealers. In addition, it is possible some businesses may reduce treatment costs due to performance-based treatment technologies.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Based on the economic impact analysis, the Department has determined that the regulation would not significantly affect the following:

1. 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.
4. The benefits of the regulations to the health and welfare of California residents, worker safety, and the state's environment.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed regulations are reasonably necessary to protect the health and welfare of California consumers of raw oysters.

BUSINESS REPORTING REQUIREMENT

No Report Required.

ALTERNATIVES INFORMATION

As to these proposed regulations and in accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the regulatory action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons, and equally effective in implementing the intent of the statutory policy or other provision of law. Alternatives considered in this proposal are addressed in the Initial Statement of Reasons.

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

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Pat Kennelly, Chief, Food and Drug Branch, Food Safety Section, at (916) 650-6598.

All other inquiries concerning this notice may be directed to Laurel Prior, Office of Regulations, at (916) 440-7673.

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

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents, please call (916) 440-7673 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Materials regarding the action described in this notice (including this public notice, the regulation text of the proposed regulations, and the initial statement of reasons) are available via the Internet and may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunity for Public Participation, Proposed Regulations.

TITLE 18. FRANCHISE TAX BOARD

As required by Section 11346.4 of the Government Code, this is notice of intention to consider the adoption of section 24465-3 in Title 18 of the California Code of Regulations, pertaining to annual reporting requirements for transfer(s) of appreciated property to an insurer. There will be no public hearing unless requested by an interested person at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the agency officer named below. Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action if any person makes such request in writing.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., September 11, 2014. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001). Revenue and Taxation Code section 24465, subdivisions (c) and (j), provides for adoption of this regulation in order to implement the annual reporting requirements specified in subdivision (c) of that section.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Revenue and Taxation Code section 24465 is an anti-abuse provision enacted in 2003 by the Legislature to proscribe the use of specified insurers as receptacles of appreciated assets transferred by affiliated corporations, effectively eroding the corporation tax base as those insurers are subject only to the gross premiums tax. Nevertheless, RTC section 24465 allows for a deferral of gain recognition if the transferred asset is used in the active conduct of the insurer's trade or business.

In order to provide the Franchise Tax Board with sufficient notice of the status of such transferred assets and subsequent trigger of the deferred gain, RTC section 24465, subdivision (c), provides that until that asset is subsequently disposed of and gain is fully recognized, an annual statement must be filed with FTB. This regulation would prescribe the parameters for the contents of, filing methodology, and records retention for that annual statement.

The Franchise Tax Board has evaluated the proposed regulation and determined that the adoption of this regulation is not inconsistent or incompatible with existing state regulations. There are no other comparable existing state regulations.

Anticipated Benefits from the Proposed Regulation

The regulation as proposed provides appropriate guidance regarding the annual statement prescribed in Revenue and Taxation Code section 24465, subdivision (c). The Franchise Tax Board will save resources by receiving timely notifications rather than having to physically track transferred property.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

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

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

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

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

Cost to directly affected private persons/businesses potential: Any cost is a result of the statute, not the regulation.

Effect on small business: The department has made an initial determination that the adoption of the proposed regulation will not affect small businesses. The proposed regulation merely clarifies existing requirements imposed by RTC section 24465. The department does not expect the proposed regulation to have any impact on the number of small businesses. Any impact is a result of the statute, not the regulation.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Pursuant to Government Code section 11346.3, subdivision (b), the Franchise Tax Board has determined in the economic impact analysis that there are no effects on the creation or elimination of jobs in the state, no effect on the creation of new businesses or elimination or expansion of existing businesses within the state and that the proposed regulation will benefit taxpayers as the proposed regulation provides appropriate guidance regarding the annual statement prescribed in Revenue and Taxation Code section 24465, subdivision (c). The Franchise Tax Board will save resources by receiving timely notifications rather than having to physically track transferred property.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Franchise Tax Board must determine that no reasonable alternative considered or that has otherwise been identified and brought to

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Franchise Tax Board has prepared an initial statement of the reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of the reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at www.ftb.ca.gov.

CHANGE OR MODIFICATION OF ACTIONS

The regulations and amendments may also be adopted with modifications if the changes are nonsubstantive or the resulting regulations are sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulations as modified could result from that originally proposed. The text of the regulations as modified will be made available to the public at least 15 days prior to the date on which the regulations are adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If a hearing is held, the hearing room will be accessible to persons with physical disabilities. Any person who is in need of a language interpreter, including sign language, should contact the officer named below at least two weeks prior to any scheduled hearing so that the services of an interpreter may be arranged.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing, who is in need of a language interpreter, including sign language should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at Franchise Tax

Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Tommy Leung; Telephone (916) 255-3474. This notice, the initial statement of reasons and express terms of the proposed regulation are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON A FULLY PROTECTED SPECIES
 Research on the Salt-Marsh Harvest Mouse

The Department of Fish and Wildlife (Department) received a proposal on June 16, 2014 from Anastasia Ennis, San Francisco State University, San Francisco, California, requesting authorization to take the salt-marsh harvest mouse (*Reithrodontomys raviventris*) (mouse) for scientific research purposes consistent with the protection and recovery of the species. The mouse is a Fully Protected mammal and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Previously approved research involves characterizing genetic variation in both subspecies of the mouse (*R. r. haelicoetes* and *R. r. raviventris*) and identifying correlations between genetic data and the presence of parasites. This research is being conducted throughout the range of the mouse in California, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service, under a current Recovery Permit). Methods include capture using baited cage traps, collection of follicular tissue samples from plucked hair, collection of fecal samples and release at the site of capture. These activities are performed during live-trapping sessions, including during trapping sessions by other permitted mouse researchers. Tissue samples may also be taken from salvaged mouse carcasses when available, and from museum specimens. All salvaged mice are donated to a public scientific depository designated by the Department and the Service.

Ms. Ennis proposes to continue the approved research with additional methods. These methods include marking the mouse with permanent ink marker, marking by ear tagging, or other non-invasive marking

methods approved by the Department. The above marking methods are commonly used for marking small mammals and no adverse effects on individual mice or mouse populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Ennis as the Principal Investigator, to carry out the proposed activities. The applicant is also required to have a valid federal Recovery Permit for the mouse, and a Scientific Collecting Permit (SCP) to take other terrestrial mammal species in California.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected mammal species after a 30-day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, it would issue the authorization on or after July 27, 2014, for an initial and renewable term of three years. Contact: Scott Osborn, Scott.Osborn@wildlife.ca.gov, (916) 324-3564.

DEPARTMENT OF HEALTH CARE SERVICES

New California 1915(c) Home And Community Based Services Waiver
 SELF-DETERMINATION PROGRAM

Background:

The Department of Health Care Services (DHCS) in partnership with the Department of Developmental Services proposes development of a new home and community-based services (HCBS) waiver program called the Self-Determination Program (SDP) for persons with developmental disabilities. The Legislature approved the SDP in Senate Bill 468 (Chapter 683, Statutes of 2013)

Description of Waiver and Effective Date:

The SDP will be available statewide to provide individuals with developmental disabilities and their families, within an individual budget, increased flexibility, choice and greater control over decisions, resources, needed or desired services and supports to implement their Individual Program Plan (IPP), in accordance with prescribed requirements.

This notice is to inform interested parties of DHCS's plan to apply by December 31, 2014, for a 1915(c) HCBS waiver under the Social Security Act. The waiver application that will be submitted to the Centers for Medicare & Medicaid Services will include an assess-

ment of service settings to ensure they are in compliance with new federal rules.

More information about the SDP is available at <http://www.dds.ca.gov>.

More information about the new federal rules is available at <https://www.federalregister.gov/regulations/0938-AO53/home-and-community-based-state-plan-services-program-and-provider-payment-reassignments-cms-2249-f->.

Contact Information:

Jalal Haddad, Health Program Specialist
jalal.haddad@dhcs.ca.gov

Betsi Howard, Health Program Manager
betsi.howard@dhcs.ca.gov

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

AIR TOXICS HOT SPOTS PROGRAM

**NOTICE OF ADOPTION OF REFERENCE
EXPOSURE LEVELS FOR BENZENE
JUNE 27, 2014**

The Office of Environmental Health Hazard Assessment (OEHHA) is adopting new and revised Reference Exposure Levels (RELs) for benzene. RELs are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations. The three adopted RELs cover different types of exposure to benzene in air: infrequent 1-hour exposures, repeated 8-hour exposures, and continuous long-term exposure.

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 develops RELs for many air pollutants, including benzene. The benzene RELs were developed using the most recent "Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels," finalized by OEHHA in 2008. These three RELs may now be used as appropriate in Air Toxics Hot Spots program risk assessments.

A draft of the benzene RELs was released on June 21, 2013 to solicit public comment, and was discussed at public workshops in Sacramento and Diamond Bar, CA during the subsequent 60-day public review period. The document was revised to reflect public comments,

and peer-reviewed by the State's Scientific Review Panel on Toxic Air Contaminants (SRP) in November 2013 and again in February 2014. The document was modified based on the comments of the SRP and finalized.

The REL values are as follows:

Acute REL (for infrequent 1-hour exposure): 27 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), equivalent to 8 parts per billion (ppb)

8-Hour REL (for repeated 8-hour exposures): 3 $\mu\text{g}/\text{m}^3$, equivalent to 1 ppb

Chronic REL (for continuous long-term exposures): 3 $\mu\text{g}/\text{m}^3$, equivalent to 1 ppb

Please direct any inquiries concerning technical matters or availability of the documents to:

Dr. David Siegel
Chief, Air, Community, and Environmental
Research Branch
Office of Environmental Health Hazard Assessment
1001 I St.
Sacramento, CA 95814
E-mail: david.siegel@oehha.ca.gov

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# 2014-0502-02
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS
Regulations Related to Enforcement Action

This rulemaking action by the Board for Professional Engineers, Land Surveyors and Geologists (BPELSG) amends sections 3061, 3064, and 419 of title 16 of the California Code of Regulations to standardize the Board's regulations related to criteria for rehabilitation and disciplinary orders. Section 3061 is amended to add additional factors for the Board to consider when

reviewing suspension, revocation, or denial of a geologist or geophysicist license. Section 3061 is also amended to add criteria for the Board to consider when reviewing petitions for reinstatement of a geologist or geophysicist license. Section 3064 is amended to include the disciplinary orders that may be issued against Board licensed geologists and geophysicists. This action also updates outdated terminology and amends the authority and reference citations for the above-referenced sections.

Title 16
 California Code of Regulations
 AMEND: 419, 3061, 3064
 Filed 06/16/2014
 Effective 10/01/2014
 Agency Contact: Erin LaPerle (916) 263-1848

File# 2014-0509-01
 BOARD OF EQUALIZATION
 Relief from Liability

This rulemaking action amends section 4902 of Title 18 of the California Code of Regulations to enable a person to obtain relief from liability for certain taxes or fees and any resulting penalties and interest if the person relied on written Board of Equalization advice given to another person regarding a particular activity or transition if the two persons meet specified criteria regarding common ownership and shared accounting departments.

Title 18
 California Code of Regulations
 AMEND: 4902
 Filed 06/18/2014
 Effective 10/01/2014
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2014-0509-02
 BOARD OF EQUALIZATION
 Returns, Defects and Replacements

This rulemaking action by the State Board of Equalization (Board) amends Section 1655, Title 18, of the California Code of Regulations. These amendments align section 1655 with Civil Code sections 1793.2 and 1793.25, as amended by Statutes 2011, Chapter 727 (AB 242), relating to reimbursement of sales and use taxes previously paid to the Board by a motor vehicle manufacturer when the manufacturer subsequently pays restitution to a consumer pursuant to Civil Code section 1793.2.

Title 18
 California Code of Regulations
 AMEND: 1655
 Filed 06/11/2014
 Effective 10/01/2014
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2014-0429-02
 BOARD OF FORESTRY AND FIRE PROTECTION
 Road Rules, 2013

This regulatory action by the Board of Forestry and Fire Protection (Board) represents a comprehensive overhaul of the Board's "Road Rules," located within title 14 of the California Code of Regulations. The purpose of this action is to ensure that all road-related Forest Practice Rules adequately prevent individual and cumulative adverse impacts to beneficial uses of water. In addition to making substantive revisions, the Board reorganized all rules related to logging roads, landings, and watercourse crossings into a clear, concise, and logical order.

Title 14
 California Code of Regulations
 ADOPT: 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1 AMEND: 895.1, 914.7, 914.8, 915.1, 916.3, 916.4, 916.9, 934.7, 934.8, 935.1, 936.3, 936.4, 936.9, 954.7, 954.8, 955.1, 956.3, 956.4, 956.9, 1034, 1051.1, 1090.5, 1090.7, 1092.09, 1093.2, 1104.1 REPEAL: 918.3, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 938.3, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 958.3, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9
 Filed 06/11/2014
 Effective 01/01/2015
 Agency Contact: George Gentry (916) 653-8031

File# 2014-0513-01
 CALIFORNIA GAMBLING CONTROL
 COMMISSION
 Remote Caller Bingo; Authorization of Eligible Organizations

In this regulatory action, the Commission amends section 12505 of the California Code of Regulations to change authorization requirements for organizations conducting remote caller bingo games. With this regulation, organizations would only be required to obtain Commission authorizations for the initial application to conduct remote caller bingo games. Subsequent annual

information updates would no longer require Commission approval.

Title 4
 California Code of Regulations
 AMEND: 12505
 Filed 06/18/2014
 Effective 10/01/2014
 Agency Contact: James Allen (916) 263-4024

File# 2014-0505-01
 CALIFORNIA GAMBLING CONTROL
 COMMISSION
 MICS IV-Cage Operations; Security of Floor Banks,
 Equipment, etc

The California Gambling Control Commission amended two sections and adopts one section in title 4 of the California Code of Regulations pertaining to written policies and procedures containing minimum internal control standards (MICS) that California gambling establishments must maintain. The MICS are related to cage operation and functions, security of floor banks, and security of gambling equipment and confidential documents.

Title 4
 California Code of Regulations
 ADOPT: 12387 AMEND: 12360, 12386
 Filed 06/11/2014
 Effective 10/01/2014
 Agency Contact: James Allen (916) 263-4024

File# 2014-0606-01
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 2014 Standard Benefit Design

In this emergency readopt, HBEX adopted the 2014 Standard Benefit Plan Designs, which standardizes the way health insurance issuers design their health plans.

Title 10
 California Code of Regulations
 ADOPT: 6458
 Filed 06/16/2014
 Effective 06/16/2014
 Agency Contact: Brandon Ross (916) 228-8281

File# 2014-0512-02
 CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
 Capital Access Program for Small Businesses

This rulemaking action makes permanent the emergency amendments to sections 8070 and 8072 of Title 4 of the California Code of Regulations so as to allow CalCAP loans to stores whose principal business is the sale of alcoholic beverages for consumption off premises so long as the source of funds is not tax-exempt

bond sales. The action also makes pre-qualification of loans of over \$500,000 voluntary.

Title 4
 California Code of Regulations
 AMEND: 8070, 8072
 Filed 06/18/2014
 Effective 06/18/2014
 Agency Contact:
 Melissa Winchester (916) 654-5740

File# 2014-0507-03
 CALIFORNIA POLLUTION CONTROL
 FINANCING AUTHORITY
 CPCFA Bond Program — General Fees

This is a certification of emergency rulemaking action number 2013-1217-03E by the California Pollution Control Financing Authority (Authority) amending section 8034 of title 4 of the California Code of Regulations. This amendment provides the Authority with discretion to charge actual costs in lieu of applying the usual refunding fee formula to refunding transactions coupled with new money financing.

Title 4
 California Code of Regulations
 AMEND: 8034
 Filed 06/13/2014
 Effective 06/13/2014
 Agency Contact: Andrea Gonzalez (916) 651-7284

File# 2014-0430-02
 CEMETERY AND FUNERAL BUREAU
 Funeral Enforcement Regulations

In this regulatory action, the Bureau is amending a number of sections to increase the maximum allowable administrative fines from \$2,500 to \$5,000 for each violation. This action further repeals various sections related to continuing education to be consistent with statute.

Title 16
 California Code of Regulations
 AMEND: 1240, 1241, 1242, 1246 REPEAL: 1280,
 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288,
 1289, 1290, 1291
 Filed 06/11/2014
 Effective 10/01/2014
 Agency Contact: Cheryl Steurer (916) 574-8203

File# 2014-0430-03
 COMMISSION ON PEACE OFFICER STANDARDS
 AND TRAINING
 Training and Testing Specifications

This rulemaking action by the Commission on Peace Officer Standards and Training (POST) updates Learning Domain #28: Traffic Enforcement in the Training

and Testing Specifications for Peace Officer Basic Courses, dated August 1, 2014, which is incorporated by reference in sections 1005, 1007, and 1008 of title 11 of the California Code of Regulations.

Title 11
 California Code of Regulations
 AMEND: 1005, 1007, 1008
 Filed 06/11/2014
 Effective 08/01/2014
 Agency Contact: Cheryl Smith (916) 227-0544

File# 2014-0616-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture (DFA) expands the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 14 square miles in the Visalia area of Tulare County. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, and Ventura, and a portion of Fresno, Kern, Tulare, and San Luis Obispo counties that are already under quarantine for the ACP, totaling approximately 46,544 square miles.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 06/17/2014
 Effective 06/17/2014
 Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0502-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 NIST Handbook 44 Hydrogen Gas-Measuring Devices (Exceptions/Additions)

In this resubmitted regulatory action, the Department is removing from Handbook 44 some sections related to specifications and tolerances, and other technical requirements for hydrogen gas measuring devices. The Department is further replacing these sections with more relaxed requirements to facilitate compliance with Handbook 44.

Title 4
 California Code of Regulations
 ADOPT: 4002.9 AMEND: 4001
 Filed 06/16/2014
 Effective 06/16/2014
 Agency Contact:
 Katherine de Contreras (916) 229-3000

File# 2014-0612-01
 DEPARTMENT OF PUBLIC HEALTH
 Groundwater Replenishment Using Recycled Water

This emergency file/print rulemaking by the California Department of Public Health adopts, amends, and repeals sections of Title 22 of the California Code of Regulations for the purpose of implementing Water Code section 13562.5. This action establishes the process for groundwater replenishment using recycled water. Water Code section 13562.5 requires that the department adopt by emergency regulations, requirements for such groundwater replenishment, no later than June 30, 2014. These regulations are not subject to review by the Office of Administrative Law and shall remain in effect until revised by the department.

Title 22
 California Code of Regulations
 ADOPT: 60301.050, 60301.080, 60301.180,
 60301.190, 60301.370, 60301.390, 60301.450,
 60301.455, 60301.575, 60301.625, 60301.670,
 60301.680, 60301.685, 60301.690, 60301.705,
 60301.770, 60301.780, 60301.810, 60301.840,
 60301.850, 60301.855, 60301.860, 60301.870,
 60301.910, 60320.100, 60320.102, 60320.104,
 60320.106, 60320.108, 60320.110, 60320.112,
 60320.114, 60320.116, 60320.118, 60320.120,
 60320.122, 60320.124, 60320.126, 60320.128,
 60320.130, 60320.200, 60320.201, 60320.202,
 60320.204, 60320.206, 60320.208, 60320.210,
 60320.212, 60320.214, 60320.216, 60320.218,
 60320.220, 60320.222, 60320.224, 60320.226,
 60320.228, 60320.230 AMEND: 60323 REPEAL:
 60320
 Filed 06/18/2014
 Effective 06/18/2014
 Agency Contact: Linda M. Cortez (916) 440-7807

File# 2014-0501-01
 DEPARTMENT OF SOCIAL SERVICES
 Semi-Annual Reporting (SAR) in the CalWORKs Program

This is the Certificate of Compliance for two emergency rulemakings (OAL file numbers 2013-0620-07EFP and 2013-1218-02EFP). This action amends sixty sections, repeals four and adopts one section of the Manual of Policies and Procedures (MPP). The amendments are a result of the requirements of AB 6 (Chap. 501, Statutes of 2011) which mandates Semi-Annual Reporting (SAR) to replace the current quarterly reporting for the California Work Opportunity and Responsibility to Kids (CalWORKs) program. AB 6 mandates that SAR be implemented in a cost-effective manner that promotes compatibility between the CalWORKs and the CalFresh programs. In addition to the changes to conform to the mandates of

AB 6, this regulation package also contains non-substantive changes and implements the statutory changes to the CalWORKs restoration of aid provisions in Welfare and Institutions Code section 11265.4 as added by AB 959 (Chap. 506, Statutes of 2011).

Title MPP

California Code of Regulations

ADOPT: 40-038

AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201 REPEAL: 44-400, 44-401, 44-402, 44-403

Filed 06/13/2014

Effective 06/13/2014

Agency Contact: Zaid Dominguez (916) 657-2586

File# 2014-0603-03

EDUCATION AUDIT APPEALS PANEL

Audits of K-12 LEAs — FY 2014-15

The Education Audit Appeals Panel (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 updated guide will be applicable to FY 2014-2015. The proposed action repeals all but one of the Panel's title 5 regulations, and adopts a new title 5 regulation that newly incorporates by reference the audit guide. Most of the content of the audit guide is based on the repealed regulations, although there is some new substantive content added.

Title 5

California Code of Regulations

ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855

Filed 06/13/2014

Effective 07/01/2014

Agency Contact:

Timothy E. Morgan (916) 445-7745

File# 2014-0507-01

MANAGED RISK MEDICAL INSURANCE BOARD

AIM Implement MAGI & End of Month Disenrollment

The Managed Risk Medical Insurance Board submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file number 2013-1104-04E. That emergency regulatory action implemented AB 82 and ABX1-1 by amending sections of Title 10, modifying the eligibility requirements for the Access for Infants and Mothers program and the end of month disenrollment from the program.

Title 10

California Code of Regulations

AMEND: 2699.200, 2699.207

Filed 06/16/2014

Effective 06/16/2014

Agency Contact: Alissa Harris (916) 324-0571

File# 2014-0529-03

MANAGED RISK MEDICAL INSURANCE BOARD

MRMIP Modification of Guaranteed Issue Pilot Program (GIP)

This Certificate of Compliance amends California Code of Regulations, title 10, section 2698.602 dealing with annual reconciliations for pilot programs to comply with recent statutory amendments in Chapter 441, Statutes of 2013, AB 1180. (Previous OAL file #2013-1213-03E)

Title 10

California Code of Regulations

AMEND: 2698.602

Filed 06/18/2014

Effective 06/18/2014

Agency Contact: Alissa Harris (916) 324-0571

File# 2014-0501-03

STATE MINING AND GEOLOGY BOARD

San Bernardino P-C Region Designation/Termination of Designation

This rulemaking action implements Public Resources Code sections 2790 and 2793 for the San Bernardino Production-Consumption Region (hereafter "Region"). The rulemaking action amends section 3550.8 of Title 14 of the California Code of Regulations to adopt the recommendations of the 2008 California Geological Survey Report (hereafter "Report") regarding the Region. The amendments to section 3550.8 up-

date this section to adopt the Report’s recommendations regarding which sectors and subsectors within the Region should be designated as of mineral significance and which sector’s and subsector’s designations should be terminated.

Title 14
 California Code of Regulations
 AMEND: 3550.8
 Filed 06/11/2014
 Effective 10/01/2014
 Agency Contact: Stephen M. Testa (916) 322-1082

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 15, 2014 TO
 June 18, 2014**

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

Title 2

05/30/14 REPEAL: 649.56
 05/29/14 AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.3, 22601.4, 22601.7 REPEAL: 22601.1
 05/19/14 ADOPT: 1181.1, 1181.2, 1181.3, 1181.4, 1181.5, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.9, 1182.10, 1182.11, 1182.12, 1182.13, 1182.14, 1182.15, 1182.16, 1183.1, 1183.2, 1183.3, 1183.4, 1183.5, 1183.6, 1183.7, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5
 REPEAL: 1181, 1181.1, 1181.2, 1181.4, 1182, 1182.1, 1182.2, 1182.3, 1182.4,

1182.5, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.1, 1183.11, 1183.12, 1183.13, 1183.131, 1183.14, 1183.2, 1183.21, 1183.25, 1183.30, 1183.31, 1183.32, 1184.5, 1184.6, 1184.7, 1184.8, 1184.9, 1184.10, 1184.11, 1185, 1185.1, 1185.2, 1185.21, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1186, 1186.5, 1186.51, 1186.52, 1186.53, 1186.54, 1186.55, 1186.6, 1186.61, 1186.62, 1186.63, 1186.64, 1186.65, 1186.7, 1186.71, 1186.72, 1186.73, 1187, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1188.4, 1189, 1189.1, 1189.2, 1189.3, 1189.6, 1189.61, 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05

05/01/14 ADOPT: 18706.1 AMEND: 18706
 05/01/14 AMEND: 18950.1
 05/01/14 AMEND: 18705.2 REPEAL: 18704.2
 04/30/14 AMEND: 18704
 04/30/14 AMEND: 18707.9
 04/16/14 ADOPT: 599.760.1 AMEND: 599.757, 599.759, 599.761, 599.768, 599.769
 REPEAL: 599.755, 599.760, 599.764, 599.765, 599.766, 599.767
 03/10/14 AMEND: 1900, 2002, 2003
 03/05/14 ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11
 02/10/14 AMEND: 58000
 01/27/14 AMEND: 56800
 01/21/14 AMEND: 1194

Title 3

06/17/14 AMEND: 3435(b)
 06/02/14 AMEND: 3435(b)
 05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10
 AMEND: 1280.7
 05/12/14 AMEND: 3591.20(a)
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 02/26/14 AMEND: 3434(b)(c)(d)
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01/27/14	AMEND: 3406(b)	05/05/14 ADOPT: 14037, 14038, 14039, 14040, 14041, 14042
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05/15/14	ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129	02/05/14 ADOPT: 80691, 80692
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03/11/14	ADOPT: 1927.1	06/03/14 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.37, 9789.39
03/10/14	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087	06/02/14 AMEND: 5605
02/03/14	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24	05/30/14 ADOPT: 13660, 13660.1, 13661, 13662, 13663, 13663.5, 13664, 13665, 13665.5, 13666, 13666,.1, 13666.2, 13666.5, 13667, 13667.1, 13667.40 REPEAL: 13660, 13661, 13662
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04/14/14	AMEND: 5001		04/29/14 AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20
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04/03/14	AMEND: 4355		04/23/14 AMEND: 3541, 3568
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	AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15		04/10/14 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
02/12/14	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15		04/01/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
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06/16/14	ADOPT: 6458		02/20/14 ADOPT: 8000, 8010, 8020, 8030, 8040, 8050, 8060, 8070
06/16/14	AMEND: 2699.200, 2699.207		02/11/14 AMEND: 3500, 3523, 3525, 3527, 3528, 3529, 3530, 3541, 3542, 3543, 3561, 3563, 3565, 3568, 3569, 3570, 3571, 3575, 3576, 3577, 3581, 3582, 3601, 3602, 3603, 3621, 3661, 3662, 3663, 3664, 3665, 3666, 3668, 3681, 3702, 3704, 3721, 3723, 3724, 3725, 3726, 3728, 3729, 3730, 3732, 3741, 3761
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 03/25/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
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