



California Regulatory Notice Register

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***Time-
Dated
Material***

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

ADD:

California Code of Regulations
 Title 4, Division 10, Chapter 5
 Investment in Mental Health Wellness Grant Program

The California Health Facilities Financing Authority (Authority) proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Authority has not scheduled a public hearing on this proposed action. However, the Authority 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 Authority. Comments may also be submitted by facsimile (FAX) at (916) 654-5362 or email at chffa@treasurer.ca.gov. The written comment period closes at 5:00 p.m. on August 18, 2014. The Authority will consider only comments received by the Authority office by that time. Please submit comments to:

Rosalind Brewer
 Deputy Executive Director
 California Health Facilities Financing Authority
 915 Capital Mall, Room 590
 Sacramento, CA 95814
 (916) 653-2799
 Email: Rosalind.brewer@treasurer.ca.gov

AUTHORITY AND REFERENCE

Welfare and Institutions Code sections 5848.5 and 5848.6 authorize the Authority to adopt the regulations which implement, interpret and make specific section 5848.5 of the Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill 82, now known as the Investment in Mental Health Wellness Act of 2013, was approved by the Governor on June 27, 2013 and filed with the Secretary of State on the same day. This Act establishes a competitive grant program to disburse funds to selected California counties or counties acting jointly for the purpose of developing mental health crisis support programs. Specifically, funds will increase capacity for client assistance and services in crisis intervention, crisis stabilization, crisis residential treatment, rehabilitative mental health services, and mobile crisis support teams. The grants from the Authority support capital improvement, expansion and limited start-up costs.

Emergency regulations were approved by the Office of Administrative Law on November 21, 2013, which were readopted on May 15, 2014. The Authority now seeks to make the emergency regulations permanent. The regulations provide the necessary selection criteria by which applicants for grant funds under the Investment in Mental Health Wellness Act of 2013 will compete, eligibility requirements, eligible project costs for which grant funds may be spent, grant application, funding rounds and application submittal deadlines, maximum grant amounts by region and county, grant allocation approval process, appeal procedures, restrictions on use of grant funds, grant agreement provisions, requirements to release grant funds, requirements for construction projects on leased property, the Authority's ability to recover unused grant funds and recover funds for non-performance, reporting requirements on the use of grant funds and the projects, and records retention, inspections and audits to ensure grants were properly spent and projects completed as approved by the Authority. The following forms are incorporated in the regulations by reference: Investment in Mental Health Wellness Grant Program Application, Form No. CHFFA 7 MH-01 (06/2014), Request for Disbursement Form, CHFFA 7 MH-02 (Rev.06/2014), Actual Expenditures Report Form #CHFFA 7 MH-03 (Rev.06/2014), Actual Expenditures Report Form #CHFFA 7 MH-03 (Rev.06/2014) Attachments A through F, and Completion Certificate & Final Report Form #CHFFA 7 MH-04 (Rev.06/2014).

The Investment in Mental Health Wellness Act of 2013 is the only grant program of its type in which the

Authority is charged with implementing and appropriating funds to counties or counties acting jointly for the purpose of leveraging additional public and private sources to achieve improvements in the care for individuals with mental health disorders. The Authority has, therefore, concluded that the proposed regulations are not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Authority 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 and 17630: None.

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: The proposed regulations do not affect small businesses as they do not place any obligation or regulatory requirement on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefit of the regulations to the health and welfare of California residents is to directly increase the mental health crisis services at the local level and address unmet mental health care needs by addressing the objective specified in the Investment in Mental Health Wellness Act of 2013, as codified in Welfare and Institutions Code Section 5848.5, subdivision (b)(3) "Add at least 25 mobile crisis support teams and at least 2,000 crisis stabilization and crisis residential treatment beds to bolster capacity at the local level. . . ."

STATEMENT OF ALTERNATIVES CONSIDERED

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

The Authority has made this determination and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Rosalind Brewer
Deputy Executive Director
California Health Facilities Financing Authority
915 Capital Mall, Room 590
Sacramento, CA 95814
(916) 653-2799
Email: Rosalind.brewer@treasurer.ca.gov

The backup person for inquiries is:

Barbara Webster-Hawkins, Treasury Program
Manager
California Health Facilities Financing Authority
915 Capital Mall, Room 590
Sacramento, CA 95814
Email: Barbara.webster-hawkins@treasurer.ca.gov

Please direct requests for copies of the proposed regulations text, the initial statement of reasons, or any other information upon which the rulemaking is based, to Ms. Webster-Hawkins at the above address.

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

The Authority 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, the rulemaking file consists of this notice, the proposed text of the regulations, all forms incorporated by reference, and the initial statement of reasons.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After receiving and considering all timely and relevant comments received, the Authority may adopt the proposed regulations substantially as described in this notice. If the Authority makes modifications that are sufficiently related to the originally proposed text of the regulations and/or forms incorporated by reference, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Authority adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Webster-Hawkins at the address indicated above. The Authority 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. Webster-Hawkins at the above address.

AVAILABILITY OF THE DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations and forms incorporated by reference, in underline and strikeout can be accessed through the Authority's website at <http://www.treasurer.ca.gov/chffa/imhwa/index.asp>.

**TITLE 5. EDUCATION AUDIT
APPEALS PANEL**

*Audits of K-12 Local Education Agencies
Fiscal Year 2014-15*

The Education Audit Appeals Panel (EAAP) proposes to repeal and adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Govern-

ment Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Timothy Morgan.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at **5:00 p.m. on Monday, August 18, 2014**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Christine Pentoney, AGPA
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814
Fax: (916) 445-7626
e-mail: cpentoney@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority: Education Code section 14502.1; reference: Education Code sections 14502.1, 14503, and 41020.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

This rulemaking, and the emergency adoption already made, repeals and adopts title 5, California Code of Regulations, section 19810 to incorporate by reference the 2014-15 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting. This rulemaking also repeals several audit guide regulations that are either obsolete, have expired under their own terms, or are moved to the 2014-15 Audit Guide.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K-12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed amending the audit guide for fiscal year 2014-15. The proposed changes derive from the Controller's proposals and also contain changes designed to clarify audit steps, eliminate obsolete and expired regulation sections, and incorporate the 2014-15 Audit Guide by reference.

The regulations proposed for adoption or repeal serve to incorporate by reference the audit guide to be used by private auditors in the conduct of the compliance por-

tion of fiscal year 2014–15 annual audits of K–12 local education agencies. Repealed are obsolete provisions, namely sections that have previously been removed from the audit guide, sections which have expired under their own terms, and sections which stemmed from repealed statutes. The benefit of the proposed changes is to reduce the potential for auditor confusion, eliminate inconsistent audit approaches, improve clarity in the audit guide, and remove sections of Title 5 which no longer have applicability.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements.

In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

The proposed 2014–15 Audit Guide incorporates much of the language of the relevant existing regulations, while simplifying language and reorganizing introductory provisions. A listing of the repealed regulations, indicating whether the section is repealed as obsolete or expired, or is being moved to the referenced Audit Guide, a description of new provisions, and a discussion of significant amendments, follows.

Title 5. Division 1.5
Chapter 3. Audits of California K–12 Local
Education Agencies
Article 1. General Provisions

Section 19810 is to be repealed and a new section 19810 added, which incorporates by reference the 2014–15 “Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting” (2014–15 Audit Guide), published by the EAAP. The audit guide provides the audit steps, reporting requirements and other guidance, for the annual financial and compliance audits required by Government Code section 14502.1

Repealed Provisions

The Title 5 sections to be repealed are listed below, by number and title. Some of the sections are included in the 2014–15 Audit Guide. In such cases, brackets follow the sections and include a reference to successor provisions in the proposed 2014–15 Audit Guide. The brackets also identify sections to be repealed if they

have expired or are obsolete, namely, previously removed from the audit guide or derived from repealed statutes.

§ 19812. **Auditing Standards.** [Audit Guide — General Provisions]

§ 19813. **Materiality Levels for Compliance Auditing.** [Audit Guide — General Provisions]

§ 19814. **Auditor Judgment.** [Audit Guide — General Provisions]

Chapter 3. Audits of California K–12 Local
Education Agencies
Article 2. Audit Reports

§ 19815. **Report Components.** [Audit Guide — General Provisions]

§ 19816. **Definitions and Enumerations.** [Audit Guide — General Provisions]

§ 19816.1. **Applicability of Audit Procedures by Audit Year.** [Obsolete, addresses 2012–13 audits]

§ 19817. **Regular and Special Day Classes.** [Expired under own terms]

§ 19817.1. **Regular and Special Day Classes.** [Expired under own terms]

§ 19817.2. **Attendance Reporting.** [Audit Guide section A]

§ 19817.5. **Teacher Certification and Misassignments.** [Audit Guide section B]

§ 19818. **Kindergarten Continuance.** [Audit Guide section C]

§ 19819. **Independent Study.** [Audit Guide section D]

§ 19820. **Continuation Education.** [Audit Guide section E]

§ 19821. **Adult Education.** [See Audit Guide section R for Maintenance of Effort test]

§ 19821.5. **California Work Opportunity and Responsibility to Kids (CalWORKs).** [Emergency Regulation never used in Audit Guide; repealed by operation of law December 28, 2009]

§ 19822. **Regional Occupational Centers and Programs.** [See Audit Guide section Q for Maintenance of Effort test]

§ 19823. **Instructional Time and Staff Development Reform Program.** [Expired: See former Ed. Code § 44579.1, repealed effective January 1, 2006; Stats. 2004, ch. 871, § 14]

§ 19824. **Instructional Time.** [Audit Guide section F]

§ 19824.1. **Instructional Time.** [Expired under own terms]

§ 19825. **Community Day Schools.** [Previously withdrawn from the Audit Guide]

§ 19825.1. **Community Day Schools.** [Previously withdrawn from the Audit Guide]

§ 19827. **Morgan–Hart Class Size Reduction Program.** [Previously withdrawn from the Audit Guide]

§ 19828. **Instructional Materials.** . . . [Expired under own terms]

§ 19828.1. **Instructional Materials.** [Expired under own terms]

§ 19828.2. **Instructional Materials.** [Expired under own terms]

§ 19828.3. **Instructional Materials.** [Expired under own terms]

§ 19828.4. **Instructional Materials.** [Audit Guide section G]

§ 19829. **Ratios of Administrative Employees to Teachers.** [Audit Guide section H]

§ 19829.5. **Classroom Teacher Salaries.** [Audit Guide section I]

§ 19830. **Early Retirement Incentive.** [Expired under own terms]

§ 19830.1. **Early Retirement Incentive.** [Audit Guide section J]

§ 19831. **Gann Limit Calculation.** [Audit Guide section K]

§ 19832. **School Construction Funds.** [Previously withdrawn from the Audit Guide]

§ 19833. **Alternative Pension Plans.** [Previously withdrawn from the Audit Guide]

§ 19833.5. **Excess Sick Leave.** [Previously withdrawn from the Audit Guide]

§ 19833.6. **Notification of Right to Elect California State Teachers Retirement System (CalSTRS) Membership.** [Previously withdrawn from the Audit Guide]

§ 19834. **Proposition 20 Lottery Funds (Cardenas Textbook Act of 2000).** [Previously withdrawn from the Audit Guide]

§ 19835. **State Lottery Funds (California State Lottery Act of 1984).** [Previously withdrawn from the Audit Guide]

§ 19836. **California School Age Families Education (Cal–SAFE) Program.** [Previously withdrawn from the Audit Guide]

§ 19837. **School Accountability Report Card.** [Expired under own terms]

§ 19837.1. **School Accountability Report Card.** [Expired under own terms]

§ 19837.2. **School Accountability Report Card.** [Expired under own terms]

§ 19837.3. **School Accountability Report Card.** [Audit Guide section L]

§ 19838. **Mathematics and Reading Professional Development.** [Previously withdrawn from the Audit Guide]

§ 19840. **Juvenile Court Schools.** [Audit Guide section M]

§ 19841. **Exclusion of Pupils — Pertussis Immunization.** [Expired under own terms]

Chapter 3. Audits of California K–12 Local Education Agencies

Article 3.1. State Compliance Procedures: School Districts, County Offices of Education, and Charter Schools

§ 19843. **Local Control Funding Formula Certification.** [Expired under own terms]

§ 19844. **California Clean Energy Jobs Act.** [Audit Guide section S]

§ 19845. **Class Size Reduction.** [Expired under own terms]

§ 19845.1. **Class Size Reduction.** [Expired under own terms]

§ 19845.2. **Class Size Reduction.** [Expired under own terms]

§ 19846. **After School Education and Safety Program.** [Expired under own terms]

§ 19846.1. **After School Education and Safety Program.** [Audit Guide section T]

§ 19847. **Proper Expenditure of Education Protection Account Funds.** [Audit Guide section U]

§ 19848. **Common Core Implementation Funds.** [Audit Guide section V]

§ 19849. **Unduplicated Local Control Funding Formula Pupil Counts.** [Audit Guide section W]

Article 4. State Compliance Procedures: Charter Schools

§ 19850. **Contemporaneous Records of Attendance.** [Audit Guide section Y]

§ 19851. **Mode of Instruction.** [Audit Guide section Z]

§ 19851.1. **Mode of Instruction.** [Expired under own terms]

§ 19852. **Nonclassroom–Based Instruction/Independent Study.** [Audit Guide section AA]

§ 19853. **Determination of Funding for Nonclassroom–Based Instruction.** [Audit Guide section BB]

§ 19854. **Annual Instructional Minutes — Classroom Based.** [Audit Guide section CC]

§ 19854.1. **Annual Instructional Minutes — Classroom Based.** [Expired under own terms]

§ 19855. **Charter School Facility Grant Program.** [See Audit Guide section DD]

New Provisions in Audit Guide

Section N. Middle or Early College High Schools. This section, as well as the new last sentence in section Z regarding the Mode of Instruction in charter schools, accommodates the provisions of Education Code Sec-

tion 46146.5 which allows for a shorter minimum instructional day for pupils concurrently taking community college courses and enrolled in early college high schools or middle college high schools, and a reduction to 50 percent of the minimum instructional time when charter school pupils in such schools are required to be at the school site. The statute cited also mandates that the requirements be included in the annual audit guide.

Section O. K–3 Grade–Span Adjustment. The section reflects the substitution of a 24–pupil class size target (absent a collectively bargained alternative) for class sizes in kindergarten and grades 1 to 3, which replaces the prior class size reduction incentive laws. Education Code section 42238.02(d)(3)(F) mandates that the instructions necessary to enforce the K–3 Grade–Span Adjustment be included in the annual audit guide.

Section P. Transportation Maintenance of Effort; Section Q. Regional Occupational Centers or Programs Maintenance of Effort; Section R. Adult Education Maintenance of Effort. Three “maintenance of effort” provisions are included in the 2014–15 Audit Guide to ensure the appropriate level of expenditures for pupil transportation, regional occupational centers or regional operational programs, and adult education. New legislation requires that the local education agencies’ expenditures in these areas equal at least the amount expended in fiscal year 2012–13. (Education Code section 2575(j) and (k) and section 42238.03(a)(6) and (a)(7)). The cited Education Code provisions restrict reduction or redirection of funds received in fiscal year 2012–13, for these three services formerly supported by categorical funds. Because these maintenance–of–effort provisions are new, auditing compliance with them for 2014–15 is appropriate to avoid disruption to those programs and services.

Section X. Local Control and Accountability Plan. The new section provides for testing of expenses which the local education agency identifies as consistent with its required Local Control Accountability Plan’s intended actions or services. Education Code sections 52064(b) and 52067 require districts and county offices of education to list and describe, on templates recently developed by the State Board of Education, the expenditures implementing the specific actions included in the Local Control Accountability Plan. Auditing this newly required reporting is merited to assure smooth implementation of the reforms that implement local control by means of Local Control Accountability Plans.

Significant Changes

The most significant changes included in this rule-making are the inclusion of the audit guide by reference,

and the repeal of several code sections as detailed in previous sections. One other substantive change appears in Section V. Common Core Implementation Funds. This provision incorporates language from existing Government Code section 19848 and adds three reporting requirements (paragraphs 3, 4, and 5) in lieu of the more limited first–year provision (section 19848(c)), concerned only with inappropriate expenditures of Common Core State Standard implementation funding.

Disclosures Regarding the Proposed Action:

1. Mandate on local agencies and school districts pursuant to Government Code Section 17500 et seq.: None.
2. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17500: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local educational agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment: Adoption of these regulations will not:
 - create or eliminate jobs within California;
 - create new businesses or eliminate existing businesses within California; or
 - affect the expansion of businesses currently doing business within California.

Benefit of the proposed regulation to the health and welfare of California residents, worker safety, or the State’s environment and quality of life: As stated under the “Informative Digest/Policy Statement Overview” above, the proposed regulations will update and improve audit procedures of K–12 local education agencies, which would ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements.
9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

10. Business report requirements (Gov. Code § 11346.3(d)): None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for local education agency audits.

Consideration of Alternatives:

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

EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the written comment period.

Contact Persons:

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney III, at (916) 445-7745. The back-up for general inquiries is Mary Kelly, Executive Officer, at (916) 445-7745.

Availability of Rulemaking File:

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP’s 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, which includes the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address.

Availability of Changed or Modified Text:

Following the comment period, and a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP 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 completion of the Final Statement of Reasons, a copy may be obtained by contacting Christine Pentoney at the above address, or from EAAP’s website.

Availability of Documents on the Internet:

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: www.eaap.ca.gov.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

**“SRA Fire Safe Regulations Update, 2014”
Title 14 of the California Code of Regulations
(14 CCR),
Division 1.5, Chapter 7, Subchapter 2, Article 2;
Subchapter 2, Article 3;
Subchapter 2, Article 4; Subchapter 4, Article 5**

Amend:

- Article 2. Emergency Access**
- § 1273.01 Road Width**
- § 1273.02 Roadway Surface**
- § 1273.05 Roadway Turnarounds**
- § 1273.06 Roadway Turnouts**
- § 1273.07 Roadway Structures**
- § 1273.08 One-Way Roads**
- § 1273.10 Driveways**
- § 1273.11 Gate Entrances**
- § 1274.01 Size of Letters, Numbers, and Symbols for Street and Road Signs**
- § 1274.09 Size of Letters, Numbers, and Symbols for Addresses**
- § 1275.00 Intent**
- § 1275.01 Application**
- § 1275.10 General Standards**
- § 1275.15 Hydrant/Fire Valve**
- § 1276.00 Intent**
- § 1276.03 Greenbelts**

Adopt:

- § 1276.04 Driveways**

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

publiccomments@fire.ca.gov

The Board will hold a public hearing on Wednesday, August 27, starting at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. 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 Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., on Monday, August 25, 2014.

The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Edith Hannigan
Board Consultant, SRA
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

AUTHORITY AND REFERENCE

Authority cited: Public Resources Code Section 4290. References include Public Resources Code Sections 4290 and 4291.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is authorized under Public Resources Code Section 4290 to adopt regulations for wildfire protection. The statute, among other things, requires minimum wildfire protection standards in conjunction with building, construction and development in State Responsibility Areas (SRA). The regulations set standards for future design and construction of structures, subdivisions and developments in SRA and provide for basic emergency access and perimeter wildfire protection. These measures provide for emergency access; signage and building numbering; private water supply reserves for emergency fire use; and vegetation modification. This regulation makes several revisions to the existing regulations for the purpose of improving regulatory clarity and uniform implementation of wildfire protection standards in association with residential subdivision development.

Two documents are incorporated by reference in these regulations:

American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17)

National Fire Protection Association (NFPA) Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF THE REGULATION

The primary benefit of this regulation is increased civilian and firefighter safety in State Responsibility Areas. It provides for increased safety on roadways, one-way roads, gated roads, and structures such as bridges, as well as increased address visibility. By establishing vegetation clearance requirements for driveways, this regulation enhances the ability of pre-existing residential defensible space and roadway clearance requirements to reduce home ignitions from wildfires.

IS THE PROPOSED REGULATION
INCONSISTENT OR INCOMPATIBLE WITH
EXISTING STATE REGULATIONS

In order to develop these amendments, the Board and Department of Forestry and Fire Protection evaluated similar regulations on this topic and concluded that these proposed regulations are not inconsistent or incompatible with existing state regulation. This proposed regulation is intended to bring § 1273.01 et seq. in line with existing regulations such as the Title 19 and Title 24 and remedy existing inconsistencies.

DISCLOSURES REGARDING THE PROPOSED
ACTION AND RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

The results of the economic impact assessment prepared pursuant to GC § 11346.3(b)(1) A–D for this proposed regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies. Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Benefits of the Regulations

This regulation would benefit the state of California by amending the existing standards to align them with other regulations in the California Fire Code (Title 24 Part 9) and California Public Safety Code (Title 19), increase civilian and firefighter safety, reduce confusion, and improve regulation compliance by the public. Therefore, the proposed regulation intends to create a positive impact to public health and safety.

The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses:

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

Effect on small business:

No effect to small business is anticipated as the proposed rulemaking merely clarifies existing statutory obligations for the purposes of increased utility and uniform application.

Mandate on local agencies and school districts:

The proposed regulation does not impose a mandate on local agencies and school districts.

Costs or savings to any State agency:

There are no anticipated costs or savings to any State agency as a result of this proposed regulation.

Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:

The proposed regulation does not impose a reimbursable cost to any local agency or school district.

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

The proposed regulation will not result in the imposition of non-discretionary costs or savings to local agencies.

Cost or savings in federal funding to the State:

The proposed regulation will not result in costs or savings in federal funding to the State.

Significant effect on housing costs:

The proposed regulation will not significantly affect housing costs.

Conflicts with or duplication of Federal regulations:

The proposed regulations neither conflict with, nor duplicate Federal regulations. There are no comparable Federal regulations for timber harvesting on State or private lands.

BUSINESS REPORTING REQUIREMENT

The regulation does not impose a business reporting requirement.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Edith Hannigan
Board Consultant, SRA
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Ms. Hannigan is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above-referenced information is also available on the Board website at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice.

If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

a) testified at the hearings,

- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF PSYCHOLOGY

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

August 22, 2014 at 10:00 a.m.

Board of Psychology Board Meeting
California Institute of Integral Studies
1453 Mission Street, Namaste Hall
San Francisco, CA 94103

or as soon as practicable thereafter, on August 22, 2014. 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 no later than 5:00 p.m. on August 18, 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 Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Sections 2940, 2941, 2942, 2943, 2944, 2946 and 2947 of the Business and Professions Code, and Section 11425.50 of the Government Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

The Board of Psychology (Board) is seeking to amend existing regulations that cover examinations.

A. Policy Statement Overview/Anticipated Benefits of Proposal

The Board is seeking to change the California-specific licensing exam from the California Psychology Supplemental Examination (CPSE) to the California Psychology Law and Ethics Examination (CPLÉE).

The Association of State and Provincial Psychology Boards (ASPPB) sponsored a study conducted by Professional Examination Service (PES), a private consulting firm. The report, "Study of the Practice of Licensed Psychologists in the United States and Canada" was released in July 2010. One very important purpose of the study was to update and develop the test specification for the national Examination for Professional Practice in Psychology (EPPP).

In California, licensing boards, bureaus, and committees within the Department of Consumer Affairs (DCA) are required to ensure that examination programs being used in the California licensure process comply with psychometric and legal standards. Given the release of the July 2010 national study report, it was imperative that the California Board of Psychology (Board) review its current California examination in relation to the national EPPP.

Therefore, the Board contracted with the California Department of Consumer Affairs' Office of Professional Examination Services (OPES) to conduct two independent focus group workshops for the purpose of evaluating and comparing the test specifications/examination outlines of the national EPPP and the California Psychology Supplemental Examination (CPSE). Specifically, the purpose was to identify any California-specific tasks and knowledges not represented by the national exam, and to evaluate whether there is redundant information being tested on the competency content areas of both exams. If redundancy was found between the competency content areas of both exams, then the Board would need to consider whether testing strictly on California laws and ethics only would be in the best interest for California.

Given the results of the two national audit focus group workshops (see Appendix A for OPES' complete audit summary report), the Board informally opted to remove the competency content areas of the CPSE and adopt a strictly California laws and ethics examination. However, prior to formally adopting this option, the Board was advised by OPES to obtain further information and clarification from ASPPB regarding the quality of EPPP test items in order to ensure qualified entry-level practice in California. The Board obtained suffi-

cient proof from ASPPB that the EPPP items test a candidate's ability to process higher levels of information. The Board then made a motion to eliminate the CPSE and adopt a strictly California laws and ethics examination only. Therefore, the process of conducting an occupational analysis began for revising and enhancing the current California Psychology Law and Ethics Examination (CPLÉE).

An additional change is the addition of an accommodation for candidates for whom English is a secondary language. The Board has determined that in a state with significant linguistic and cultural diversity it is beneficial to consumers and candidates that this accommodation be provided.

The Board is recommending several regulatory changes:

Amend Sections 1388(a), 1388(b), 1388(c), 1388(e), 1388(f), 1388(g), 1388.6(a), 1388.6(b), 1388.6(c), 1388.6(d), 1388.6(e), 1388.6(f), 1389(a), and 1392(b), 1392(c), 1392(d), 1392(e), and 1392(f)

These sections are contained within Title, 16 California Code of Regulations and cover the examination requirements of candidates for licensure. Specific changes to the regulations are below.

Amend Section 1388(a)

The amendment in this section is non-substantial and corrects the name of the Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES). The name currently listed in the regulations is Office of Examination Resources. The name was changed in 2009.

Policy Statement Overview: The change will benefit applicants and consumers because incorrect information in the regulations could limit their ability to contact the entity.

Amend Section 1388(b)

The amendment in this section relates to the Board's decision to no longer offer the CPSE, but instead require candidates to take the national subject competency exam the EPPP. The CPLÉE which will replace the CPSE is specific to California and tests knowledge of ethics and laws. The CPSE has been determined by the Board to test competency areas already covered to the Board's satisfaction by the EPPP. The switch to the entirely laws and ethics-based examination will stop testing candidates on the same subject areas twice.

Policy Statement Overview: The Board is committed to ensuring that only fully qualified applicants become licensed psychologists in California. The removal of the CPSE and the replacement with the CPLÉE will not negatively impact California consumers or the Board's licensees because the Board will still rigorously test subject matter competency and use a single California-specific test for law and ethics.

Amend Section 1388(c)

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

Amend Section 1388(e)

The amendment in this section involves the passing score of the EPPP. Currently, the regulations stipulate the passing score of 500. The passing score on the EPPP is determined by the ASPPB. It is possible that some years the passing score could be higher or lower than 500. This would be beyond the Board's control to influence and this change will allow the Board to follow ASPPB's recommended score and not bind us to the 500 score.

Policy Statement Overview: The change solves the problem of having a passing score of 500 in the regulations and a different passing score promulgated by the examining body. This will limit confusion on the part of the candidates. There could also be a problem with portability if California accepted EPPP candidates with a score of 500 when ASPPB recommended a higher score.

Amend Section 1388(f)

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

Amend Section 1388(g)

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent. The name of the examining organization OPES has been changed from OER. This is to update the regulations with the name change that occurred in 2009.

Adds Section 1388(h)

This new section outlines the procedures for candidates for whom English is a second language (ESL). The Board currently allows a time-and-a-half (1.5x) for candidates who are granted the accommodation. This section is the Board's attempt to formalize and standardize this process. The Board will require a candidate to sign a request that English is a second language and that he requires additional time to take either the EPPP or the CPLEE. The candidate will also be required to have taken the Test of English as a Foreign Language (TOEFL). The TOEFL is recognized by over 9000 higher education entities and government agencies as a means of determining English language proficiency.

The TOEFL must have been taken within the last two years with an overall score of 85 or below. This score will mean that a candidate for the examination has a weak grasp of English. The benefits of this section are that California is highly diverse and some psychologists will not work in an English language environment. This provision will permit candidates for whom English is a second language to become licensed and serve these communities.

Amends Section 1388.6(a), 1388.6(b), 1388.6(c), 1388.6(d), 1388.6(e), and 1388.6(f)

The changes to the above sections are then removal of the CPSE as an examination because the Board does not intend to still offer it. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent. There are also minor grammatical changes to the above amendments.

Amend Section 1389

The proposed amendment to the above section is the deletion of the mention of the CPSE. For reasons discussed above the CPSE will be replaced by the sole use of the CPLEE. The deletion of the mention of the CPSE will make the regulations consistent.

Deletes Section 1392(b)

This section has the fee information for the CPSE. The Board desires to stop asking candidates to take the CPSE and therefore this section is no longer necessary. The deletion of the mention of the CPSE will make the regulations consistent.

Amends Sections 1392(c), 1392(d), 1392(e), and 1392(f)

The above sections have had the numbering altered because of the deletion of section 1392(b).

B. Consistency and Compatibility with Existing State Regulations

- _x_ 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.

FISCAL IMPACT ESTIMATES

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

The Board does not foresee anything beyond a negligible fiscal impact. The change from the CPSE to the CPLEE will not affect the entity that provides the examination as the same number of candidates will still be served and the cost for the examinations is the same (\$129.00).

The change to the BreEZe system that the examination change requires will have a onetime cost. This cost has been approved by the Control Board in anticipation of the new regulations. The Control Board is the entity that approves any proposed changes to the BreEZe system. On April 21, 2014 the Change Control Board approved the proposed changes to the BreEZe system. The Board has not yet received the bid information back, but the cost of similar work has been between \$14,000 and \$17,000. This has already been approved.

The TOEFL is a test administered by the Educational Testing Service (ETS) that costs \$180.00. ETS is a private entity and the fiscal impact will not impact the state.

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:

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

AND

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

The change from the CPSE to the CPLEE will not negatively impact businesses in California because the same business provides both exams. The amount of business that the Board will provide will remain the same.

The requirement that the TOEFL be taken by the approximately 10 candidates who request accommodation a year will not negatively impact California business.

Cost Impact on Representative Private Person or Business:

The Board has determined that a representative private person or business in reasonable compliance with the proposed action would incur a slight cost impact for the following reasons:

The change from the CPSE to the CPLEE will have no financial impact on the examination vendor or the individual candidates as the cost for both exams are the same and the same number of candidates will take the exam.

The approximately 10 candidates who ask for ESL accommodation will incur an additional \$180.00 cost to take the TOEFL, assuming they do not already have a valid score from within the last two years.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. California small business will not be affected by the examination change or the TOEFL requirement for ESL students.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made an initial determination that the proposed regulatory action regarding the CPSE and CPLEE would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulations do not impose any new requirements on a licensee, registrant, or applicant.

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

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. This proposal does not impact multiple industries.

Effect on Small Businesses: The Board has determined that the proposed regulations will not affect small businesses. The examination requirements will not have a negative effect.

Impact on Jobs/New 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. This proposal may increase portability of licensure for certain out-of-state applicants seeking licensure in California, as follows:

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The Board has determined that this regulatory proposal will benefit the health and welfare of California residents indirectly by ensuring mental

health practitioners are taking examinations that test both subject matter competence and legal and ethical requirements. The adoption of the TOEFL and ESL accommodation will benefit cultural and linguistic communities by permitting the licensure of psychologists who are not proficient in English, but who may possess mastery in an underserved language. The proposal will have no effect on worker safety or the State's environment.

Occupations/Businesses Impacted: This proposed regulation will impact applicants and licensees by changing the CPSE exam requirement to the CPLEE requirement.

Reporting Requirements: None.

Comparable Federal Regulations: None.

Benefits: The benefits will be two exams being required of candidates that test different aspects of licensed psychology with no overlap. The EPPP will remain the subject matter examination and the CPLEE will become the sole test for California-specific law and ethics. The CPSE tests subject matter and ethics. This duplication will now cease.

The benefits of the ESL accommodation will be that there are clear guidelines in regulations for ESL candidates and a measurable and applicable standard when the Board receives a request for an accommodation.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, 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. Any interested person may present statements or arguments orally or in writing relevant to the above-determinations at the above mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of

the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Jonathan Burke
Address: 1625 North Market Blvd.,
Suite N215
Sacramento, CA 95834
(916) 574-7137
(916) 574-8672
E-Mail address: Jonathan.Burke@dca.ca.gov

The back-up contact person is:

Name: Jeffrey Thomas
Address: 1625 North Market Blvd., Suite
N215
Sacramento, CA 95834
(916) 574-7116
(916) 574-8672
E-Mail address: Jeffrey.Thomas@dca.ca.gov

Website Access:

Materials regarding this proposal can be found at: www.psychology.ca.gov. Click on "Laws/Regulations," "Proposed Regulations."

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "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:

August 22, 2014 at 9:00 a.m.
 Board of Psychology Board Meeting
 California Institute of Integral Studies
 1453 Mission Street, Namaste Hall
 San Francisco, CA 94103

or as soon as practicable thereafter, on August 22, 2014. 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 no later than 5:00 p.m. on August 18, 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 section 2930 of the Business and Professions Code, and to implement, interpret or make specific sections 315, 315.2, 315.4, 2960, 2960.05, 2960.1, 2960.5, 2960.6, 2961, 2962, 2963, 2964, 2964.3, 2964.5, 2964.6, 2965, 2966, and 2969 of the Business and Professions Code, and Section 11425.50 of the Government Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest/Policy Statement Overview:

This proposal would renumber Section 1397.12 as Section 1395.2, and amend Title 16, CCR Section 1395.2 to reference a revised version of the Board’s disciplinary guidelines entitled “Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees, (Amended 2/14) to now be included within Article 7, Standards Related to Denial, Discipline, and Reinstatement of Licenses or Registrations.

Business and Professions Code (BPC) section 2930 authorizes the Board of Psychology (Board) to adopt, amend, or repeal rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of laws and regulations relating to the practice of psychology. The Board currently regulates a total of 24,319 licensees and registrants. These licensees and registrants consist of 22,380 psychologists, 1,600 registered psychological assistants, and 339 reg-

istered psychologists in various settings. Pursuant to BPC section 2920.1, the Board’s highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints; disciplining licensees and registrants for violating the Psychology Licensing Law; monitoring licensees and registrants whose licenses or registrations have been placed on probation; and managing licensees or registrants, whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Government Code section 11400.20 authorizes an agency, such as this Board, that uses the Administrative Procedure Act (APR) relating to administrative adjudication (Chapter 4 [commencing with section 11370] Part 1 of Title 2 of the Government Code) to adopt regulations to govern an APA adjudicative proceeding. Under existing law (Government Code section 11425.50), a penalty proposed by an Administrative Law Judge (ALJ) may not be based on guidelines, manuals, orders, or standards of general application unless it has been adopted as a regulation.

The Psychology Practice Act (BPC 2900 et seq.) provides that proceedings to discipline a licensee or registrant or to deny an applicant a license or registration are to be conducted in accordance with the APA. The Psychology Practice Act specifies grounds for discipline and sanctions that may be imposed against psychologists, psychological assistants, and registered psychologists found to be in violation of the Psychology Practice Act.

Article 3.6 (commencing with section 315) of Chapter 4 of Division 1 of the Business and Professions Code provided for the establishment of the Substance Abuse Coordination Committee (SACC) in the Department of Consumer Affairs (DCA), whose mandate was to develop uniform and specific standards that a DCA healing arts board must use in dealing with substance-abusing licensees. This section of law also provides for the use of a cease practice order when: a licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation; a licensee on probation commits a major violation of his or her probation; or a board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards authorized under section 315.

Existing regulation provides that in reaching a decision on a disciplinary action under the APA, the Board shall consider disciplinary guidelines entitled “Disciplinary Guidelines (Amended 2/07).” This proposal would renumber Section 1397.12 as Section 1395.2, and amend Title 16, CCR Section 1395.2 to reference a revised version of the Board’s disciplinary guidelines entitled “Disciplinary Guidelines and Uniform Stan-

dards Related to Substance Abusing Licensees, (Amended 2/14)” to incorporate the provisions of the “Uniform Standards Regarding Substance–Abusing Healing Arts Licensees” adopted by the DCA’s SACC (April 2011).” This proposal also updates the existing Disciplinary Guidelines to include standard and optional terms and conditions of probation, and makes other minor clarifying changes.

Anticipated Benefits of Proposal:

The Board has determined that this regulatory proposal will provide increased consumer protection for consumers of psychological services and ensure that minimum standards and uniformity among the standards established by the SACC for the healing arts licensing boards under the Department of Consumer Affairs are met.

The Board uses the Disciplinary Guidelines when taking action to suspend, revoke, or place a license on probation. This proposal requires an Administrative Law Judge (ALJ) to apply the mandatory conditions in the Uniform Standards Related to Substance Abusing Licensees when an applicant or licensee has a substance abuse disorder and to also consider the disciplinary guidelines for all other disciplinary matters. This proposal would allow the Board to impose more restrictive conditions if necessary to protect the public from unsafe, incompetent, or negligent practitioners when exercising its licensing, regulatory, and disciplinary functions, unless a specific order is required by statute.

Consistency and Compatibility with Existing State Regulations:

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. The Board currently uses existing Disciplinary Guidelines (2/07) for proceedings to discipline a licensee or registrant, or to deny an applicant a license or registration, in accordance with the APA. The Disciplinary Guidelines are intended for use by individuals involved in disciplinary proceedings against psychologists, psychological assistants, registered psychologists, or applicants for licensure, in addition to administrative law judges and attorneys, and ultimately the Board to make final decisions when reviewing proposed decisions and stipulations.

INCORPORATION BY REFERENCE

This proposal would incorporate by reference the following documents:

1. Uniform Standards Regarding Substance–Abusing Licensees, April 2011

2. Disciplinary Guidelines and Uniform Standards Related to Substance Abusing Licensees, February 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: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the amendment of this regulation 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.

AND

The Board relied upon the following facts in making the above determination. The Board only has authority to take administrative and disciplinary action against a licensee, not a business where psychological services are performed. The Board does not regulate businesses where psychological services are performed and does not maintain data relating to the number or percentage of licensees who own a business; therefore, the actual number or percentage of businesses that may be impacted is not known.

Accordingly, the initial or ongoing costs for a business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law, as well as licensees employed by these businesses who are in compliance with the law, will not incur any fiscal impact.

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 that are known to the Board are costs associated with a disciplinary order. Costs only affect licensees or registrants disciplined by the Board.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will not affect small businesses. A small business

owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative and/or disciplinary action against a licensee and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have an 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. This proposal could eliminate a business's ability to employ an individual who has been disciplined by the Board, but should not eliminate the position itself or any new businesses. However, the Board is unable to determine the impact, if any, on the creation of jobs or new businesses. Licensees who are in compliance with the law will not incur any fiscal impact.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, and worker safety: increased consumer protection for consumers of psychological services ensures that minimum standards and uniformity among the standards established by the SACC for the healing arts licensing boards under the Department of Consumer Affairs are met.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective as 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 to the Board at the address referred to below and 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. It may be obtained at the hearing or prior to the hearing upon request from the Board at 1625 North Market Boulevard, Suite N-215, Sacramento, California 95834, or on the Board's website at: www.psychology.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at: 1625 North Market Boulevard, Suite N-215, Sacramento, California 95834, or on the Board's website: www.psychology.ca.gov.

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

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

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

CONTACT PERSON

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

Name: Jonathan Burke
Address: 1625 North Market Blvd.,
Suite N-215
Sacramento, CA 95834
(916) 574-7137
(916) 574-8672

E-Mail address: Jonathan.Burke@dca.ca.gov

The back-up contact person is:

Jeffrey Thomas
Address: 1625 North Market Blvd.,
Suite N-215
Sacramento, CA 95834
(916) 574-7116
(916) 574-8672
E-Mail address: Jeffrey.Thomas@dca.ca.gov

Website Access:

Materials regarding this proposal can be found at: www.psychology.ca.gov. Click on "Laws/Regulations," "Proposed Regulations."

GENERAL PUBLIC INTEREST

**DEPARTMENT OF HEALTH
CARE SERVICES**

**ADDITIONAL INFORMATION REGARDING
MULTIPURPOSE SENIOR SERVICES PROGRAM
WAIVER RENEWAL**

This notice is to provide additional information regarding the renewal of an existing federal 1915(c) home and community-based services waiver, the Multipurpose Senior Services Program (MSSP).

Earlier notices published March 14 and April 25, 2014, described changes in 1) the way MSSP services will be paid in the eight counties participating in the Coordinated Care Initiative, and 2) federal rules relating to home and community-based settings.

Services in the MSSP waiver are delivered in the community or at private dwellings of individuals receiving services. The state therefor presumes that these dwellings meet the characteristics of home and community-based settings. Based on this assumption, the state concludes that there is no need for a transition plan with regard to residential settings.

The Department of Health Care Services and the Department of Aging are awaiting guidance from the Centers for Medicare & Medicaid Services after which time the State will conduct an assessment of those non-residential settings.

Within six months of receiving additional guidance from CMS, the state will submit an amendment to the waiver with a more robust transition plan for non-residential settings to include a remedial strategy to ensure these settings have the characteristics of home and community-based settings.

Questions may be directed to Betsi Howard, Health Program Manager, at betsi.howard@dhcs.ca.gov, or (916) 322-5212.

**DEPARTMENT OF FISH AND
WILDLIFE**

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Foley's Ranch Crossover Rebuild Project
(2080-2014-009-03)
Alameda County**

The Department of Fish and Wildlife (CDFW) received a notice on June 20, 2014, that Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves modification and updates to the Foley's Ranch Crossover Station, which will include the following actions: regrading, excavation, potholing, construction of new facilities, installation of pipeline, and creation of a temporary construction area. The proposed project will occur south of the City of Livermore, Alameda County, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. FF08ESMF00-2014-F-0230)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on June 19, 2014, which considered the effects of the project on the state-threatened and federally threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, PG&E is requesting a determination that the BO and associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and associated ITS are consistent with CESA for the proposed project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the project.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**AIR TOXICS HOT SPOTS PROGRAM
NOTICE OF PUBLIC COMMENT PERIOD
AND WORKSHOPS ON DRAFT REFERENCE
EXPOSURE LEVELS FOR TOLUENE
DIISOCYANATE AND METHYLENE
DIPHENYL DIISOCYANATE**

JULY 4, 2014

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing two documents for public

review, one summarizing the toxicity and derivation of Reference Exposure Levels (RELs) for Toluene Diisocyanate (TDI) and the other summarizing the toxicity and derivation of RELs for Methylene Diphenyl Diisocyanate (MDI). 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.

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. The MDI and TDI 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.

The MDI and TDI REL documents are being made available today on the OEHHA Home Page at <http://www.oehha.ca.gov>. **The distribution of the document will commence a 60-day public review period that will end on September 2, 2014.** Public workshops will be held in Northern and Southern California at the following locations and times:

August 5, 2014, 9:00 a.m.– 12:00 p.m.
 CC-2
 South Coast Air Quality Management District
 21865 E. Copley Dr.
 Diamond Bar, CA 91765

And

August 13th, 2014, 9:00 a.m.–12:00 p.m.
 Room 550
 Cal/EPA Building
 1001 I Street,
 Sacramento, CA

After the close of the public comment period, the documents will be revised as appropriate by OEHHA, and peer reviewed by the State's Scientific Review Panel on Toxic Air Contaminants in late 2014.

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

Dr. 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
 Telephone: (916) 322-5624

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# 2014-0509-01
 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# 2014-0609-01
 BOARD OF FORESTRY AND FIRE PROTECTION
 Water Drafting Regulations

The Board of Forestry and Fire Protection submitted this emergency action to amend sections 916.2, 936.2, and 956.2 of title 14 of the California Code of Regulations to add statewide provisions regulating the practice of water drafting to address the current drought. The amendments add language from title 14, California Code of Regulations, section 916.9(r)(1) and (2), which is applicable only to watersheds with listed anadromous salmonids. The amendments add the standards from title 14, section 916.9(r) to the three amended sections so that they will apply to all watersheds within the state

when water drafting activities are proposed in conjunction with commercial timber harvest activities.

Title 14
California Code of Regulations
AMEND: 916.2, 936.2, and 956.2
Filed 06/19/2014
Effective 06/19/2014
Agency Contact: Matt Dias (916) 653-8031

File# 2014-0515-02
BUREAU OF AUTOMOTIVE REPAIR
Consumer Assistance Program

This action amends Title 16, Division 33, Chapter 1, Article 11, of the California Code of Regulations expanding consumer and vehicle consumer assistance program eligibility, making clarifications and minor changes, and related renumbering.

Title 16
California Code of Regulations
AMEND: 3394.2, 3394.3, 3394.4
Filed 06/23/2014
Effective 07/01/2014
Agency Contact: Vincent Somma (916) 403-8560

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# 2014-0512-02
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# 2014-0616-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance amends the area under interior quarantine in Kern and Tulare Counties for the Asian Citrus Psyllid. (Previous OAL file #2014-0131-03E).

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 06/24/2014
Effective 06/24/2014
Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0616-04
DEPARTMENT OF HEALTH CARE SERVICES
Drug Medi-Cal Program Integrity

In this emergency regulation, the Department is amending section 51341.1 of Title 22 of the California Code of Regulations to address abusive and fraudulent practices identified during targeted field reviews and postservice postpayment reviews conducted by the Department. The regulation adds definitions, prescribes in more detail how counseling sessions are to be conducted, imposes a physical examination requirements, distinguishes an initial treatment plan from an updated treatment plan, and requires treatments to be recorded in more detail.

Title 22
California Code of Regulations
AMEND: 51341.1
Filed 06/25/2014
Effective 06/25/2014
Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2014-0515-03
DEPARTMENT OF MOTOR VEHICLES
Employer Testing Program

This action amends Title 13, Division 1, Chapter 1, Article 2.1, of the California Code of Regulations, without regulatory effect, removing restricted fire fighter driver licenses from the Employer Testing Program to

conform to repealed statute, Vehicle Code section 15250.6, with related references and renumbering. Notably, the legislature replaced these licenses with fire fighter driver license endorsements by adopting Vehicle Code section 12804.11.

Title 13

California Code of Regulations

AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22, 28.23 REPEAL: 28.22

Filed 06/19/2014

Agency Contact: Randi Calkins (916) 657-8898

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# 2014-0610-01

DEPARTMENT OF STATE HOSPITALS

Definition of "Hospital"

This regulatory action amends the definition of "hospital." This action is exempt from the Administrative Procedure Act pursuant to Welfare and Institutions Code section 4105.1.

Title 9

California Code of Regulations

AMEND: 4500

Filed 06/23/2014

Effective 06/23/2014

Agency Contact: Karen Gillham (916) 651-5578

File# 2014-0516-01

FISH AND GAME COMMISSION

Mammal Hunting 2014-2015

This regulatory action establishes the 2014-15 big game hunting regulations for deer, big horn sheep, pronghorn antelope, and elk.

Title 14

California Code of Regulations

AMEND: 360, 361, 362, 363, 364

Filed 06/23/2014

Effective 07/01/2014

Agency Contact: Jon Snellstrom (916) 654-9868

File# 2014-0617-03

FISH AND GAME COMMISSION

Pacific Halibut

This emergency rulemaking action closes the recreational fishing season for Pacific Halibut for the month of August in waters over which the Fish and Game Commission exercises jurisdiction.

Title 14

California Code of Regulations

AMEND: 28.20

Filed 06/25/2014

Effective 06/25/2014

Agency Contact: Sherrie Fonbuena (916) 654-9866

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# 2014-0522-01
MANAGED RISK MEDICAL INSURANCE BOARD
 Modify MRMIP Eligibility Standards

The Major Risk Medical Insurance Program (MRMIP) was established in 1991 and is operated by the Managed Risk Medical Insurance Board (Board). MRMIP provides access to health insurance for individuals who are denied health insurance coverage, or offered excessive premiums, because of a pre-existing medical condition. In response to Special Session bills ABX1-2 (Stats. 2013, c. 1) and SBX1-2 (Stats. 2013, c. 2) that mandated changes in the private health insurance market, a prior emergency action (OAL file no. 2013-1213-02E) eliminated: (1) an individual's involuntary termination from private market coverage, and (2) an offer of private market coverage at a premium higher than the premium for the individual's first choice MRMIP health plan. Because of the changes in carrier protocols mandated by the Special Session bills, the prior emergency action established that these two standards no longer fulfill the MRMIP statute's eligibility criteria starting January 1, 2014. This Certificate of Compliance makes the emergency action permanent.

Title 10
 California Code of Regulations
 AMEND: 2698.200
 Filed 06/19/2014
 Effective 06/19/2014
 Agency Contact: Alissa Harris (916) 324-0571

File# 2014-0515-05
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Airborne Contaminants, Naphthalene

This rulemaking by the California Occupational Safety and Health Standards Board amends Title 8, Section 5155, of the California Code of Regulations to reduce the existing 8-hour time weighted average permissible exposure limit for Naphthalene from 10 parts per million in air (ppm) to 0.1 ppm, as specified in Table AC-1 of Section 5155.

Title 8
 California Code of Regulations
 AMEND: 5155
 Filed 06/24/2014

Effective 10/01/2014
 Agency Contact: Marley Hart (916) 274-5721

File# 2014-0514-02
OFFICE OF THE STATE FIRE MARSHAL
 Smoke Alarms-10 Year

The Office of the State Fire Marshal amended section 208 of title 19 of the California Code of Regulations by adding a subdivision (d) that incorporates new statutory requirements for smoke alarms enacted in SB 1394 (Stats. 2012, c. 420) and SB 745 (Stats. 2013, c. 183). These bills amended Health and Safety Code section 13114 to require, among other things, any battery-operated smoke alarm to contain a nonreplaceable, non-removeable battery that is capable of powering the smoke alarm for at least 10 years, as specified. The amendment incorporates the statutory language from Health and Safety Code section 13114(b)(1)-(3) and adds exceptions to the statutory smoke alarms requirements, as authorized by Health and Safety Code section 13114(b)(4).

Title 19
 California Code of Regulations
 AMEND: 208
 Filed 06/24/2014
 Effective 07/01/2014
 Agency Contact: Diane Arend (916) 324-9592

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 22, 2014 TO
 June 25, 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	05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.7 05/12/14 AMEND: 3591.20(a) 04/24/14 AMEND: 3435(b) 04/04/14 AMEND: 3435(b) 03/19/14 AMEND: 3406(b) 03/18/14 ADOPT: 6471 AMEND: 6000, 6400 03/18/14 AMEND: 3423(b) 03/10/14 AMEND: 3589(a) 03/05/14 ADOPT: 1358.3 02/26/14 AMEND: 3434(b)(c)(d) 02/25/14 AMEND: 3417(b) 02/25/14 AMEND: 3700(b) 02/20/14 AMEND: 3423(b) 02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 02/12/14 AMEND: 3700(c) 02/10/14 AMEND: 3435(b) 02/05/14 AMEND: 3435(b) 01/27/14 AMEND: 3406(b) 01/23/14 AMEND: 3591.11
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	
Title 3	
06/24/14 AMEND: 3435(b) 06/17/14 AMEND: 3435(b) 06/02/14 AMEND: 3435(b)	
	Title 4
	06/18/14 AMEND: 12505 06/18/14 AMEND: 8070, 8072 06/16/14 AMEND: 4001 ADOPT: 4002.9 06/13/14 AMEND: 8034 06/11/14 ADOPT: 12387 AMEND: 12360, 12386 06/09/14 ADOPT: 4402, 4403, 4496, 4496.1, 4496.2, 4496.3, 4496.4, 4496.5, 4496.6 05/19/14 AMEND: 7030, 7032, 7033, 7034, 7035, 7036, 7037, 7040, 7042 05/15/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129 05/12/14 AMEND: 1632 04/07/14 AMEND: 1656, 1658 04/03/14 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036 04/02/14 AMEND: 2066 03/28/14 AMEND: 10302, 10305, 10315, 10317, 10 320, 10322, 10325, 10326, 10327, 10328, 10337 03/24/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15 03/11/14 ADOPT: 1927.1 03/10/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087 02/03/14 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24

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Title 5

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