



California Regulatory Notice Register

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AUGUST 1, 2014

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.73.2, 1859.76, 1859.78.7, AND 1859.82, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Section 17070.35 of the Education Code. The existing Regulation sections noted above operate under the authority of 17075.15 of the Education Code, and makes specific reference Sections 17071.46, 17072.12, 17072.35, 17074.26, 17074.56, 17075.10, 17075.15, 17250.30, and 101012(a)(1) of the Education Code, and Section 1771.3 of the Labor Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes

of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its May 28, 2014 meeting, adopted proposed regulatory amendments to the SFP Regulations that update the name of a publication that is used in the SFP to calculate certain grants based on cost estimates, including site development (off-site, service site and utility work) for new construction, demolition costs for replaced facilities, utility costs for permanent buildings 50 years or older in a modernization project, and Facility Hardship.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on the OPSC Website at www.dgs.ca.gov/opsc. Copies of the amended regulatory text will be mailed to any person requesting this information by using the OPSC contact information set forth below. The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The current publications or manuals, *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair*, are published by Saylor Publications, Inc., which was purchased in 2011 by Sierra West Group. As a result of the ownership change, the titles of the publications will change to *Current Construction Costs* and *Repair Remodeling Construction Costs* and will continue to be published by the Sierra West Group without reference to the “Saylor” trademark, as of January 1, 2015. Therefore, the proposed regulatory amendments remove reference to the “Saylor” trademark by removing “Saylor” and adding “publication by the Sierra West Group” in four SFP regulation sections. This will allow the SFP to continue to use the same publication that has been used since the inception of the Program (in 1998).

Anticipated Benefits of the Proposed Regulations

The proposed regulations allow continued use of the same publication used since the inception of the Program (in 1998) to ensure integrity while maintaining consistency of the SFP. The proposed regulations also ensure stakeholders are clear on which publication will continue to be used. The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Summary of the proposed regulatory amendments is as follows:

Existing Regulation Section 1859.73.2 sets forth the criteria for school districts to receive supplemental funding when replacing single-story buildings with multistory buildings for purposes of increasing classroom capacity, which helps avoid overcrowding, creates more open space for physical education activities, etc., and saves State funds by avoiding costs to purchase new school sites that would have otherwise been needed. The proposed regulatory amendment updates the name of a publication that is used in the SFP to calculate certain grants. This will ensure integrity while maintaining consistency of the SFP.

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs, including general site development costs. The proposed regulatory amendment updates the name of a publication that is used in the SFP to calculate certain grants. This will ensure integrity while maintaining consistency of the SFP.

Existing Regulation Section 1859.78.7 sets forth criteria for how a school district will access this funding for site development and utility-related costs associated with 50-year-old or older permanent buildings. It also provides a limit on this funding. The proposed regulatory amendment updates the name of a publication that is used in the SFP to calculate certain grants. This will ensure integrity while maintaining consistency of the SFP.

Existing Regulation Section 1859.82 sets forth the criteria a district must meet to be eligible for facility

hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils. The proposed regulatory amendment updates the name of a publication that is required to be used in the calculation of certain grants for facility hardship projects under this regulation section. This will ensure integrity while maintaining consistency of the SFP.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The current publications or manuals, *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair*, are published by Saylor Publications, Inc., which was purchased in 2011 by Sierra West Group. As a result of the ownership change, the titles of the publications will change to *Current Construction Costs* and *Repair Remodeling Construction Costs* and will continue to be published by the Sierra West Group without reference to the “Saylor” trademark, as of January 1, 2015. Therefore, the proposed regulatory amendments remove reference to the “Saylor” trademark by removing “Saylor” and adding “publication by the Sierra West Group” in four SFP regulation sections. This will allow the SFP to continue to use the same publication that has been used since the inception of the Program (in 1998).

After conducting a review, the OPSC, on behalf of the SAB, has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

Proceeding with the implementation of these regulatory amendments will not have an impact on California businesses and jobs as the amendments are updating the name of a publication that is used in the SFP to calculate certain grants based on cost estimates, including site development (off–site, service site and utility work) for new construction, demolition costs for replaced facilities, utility costs for permanent buildings 50 years old or older in a modernization project, and Facility Hardship.

The current publications or manuals, *Saylor Current Construction Costs* and *Saylor Current Construction Costs Remodeling/Repair*, are published by Saylor Publications, Inc., which was purchased in 2011 by Sierra West Group. As a result of the ownership change, the titles of the publications will change to *Current Construction Costs* and *Repair Remodeling Construction Costs* and will continue to be published by the Sierra West Group without reference to the “Saylor” trademark, as of January 1, 2015.

Therefore, the proposed regulations will not impact the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the

elimination of existing businesses or jobs within California.

Benefits to Public Health, Safety, and the State’s Welfare

- The proposed regulatory amendments will benefit the health and safety of pupils, staff, and others on California school sites because the publication that this regulatory amendment addresses is required when calculating grants for some types of qualifying facility hardship (health and safety) projects. Without updating the name of the publication, there will be no means to calculate the grant amounts for these types of projects. The proposed regulatory amendments will ensure continued availability of the publication. By updating the name to continue the use of the publication, consistency in the calculation of those grants for facility hardship projects and the integrity of the SFP will be maintained.
- The proposed regulatory amendments promote fairness and the State’s general welfare by ensuring consistency in the calculation of the SFP grants and maintaining the integrity of the SFP.
- The proposed regulatory amendments will not impact the creation of new businesses and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses within California.
- The proposed regulatory amendments will not increase or decrease the investment in the State because the amendments are updating the name of a publication, which is used to calculate certain SFP grants. The amendments will ensure consistency in calculating those grants while maintaining the integrity of the SFP.
- The proposed regulatory amendments do not provide incentive for innovation because the amendments are updating the name of a publication, which is used to calculate SFP grants. This will ensure consistency in calculating the SFP grants while maintaining the integrity of the SFP.

EFFECT ON SMALL BUSINESSES

It has been determined that the amendments to the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The regulations only apply to school districts and charter schools for purposes of funding school facility projects.

**SUBMISSION OF COMMENTS, DOCUMENTS
AND ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than September 15, 2014, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Mailing Address: Lisa Jones, Regulations
Coordinator
Office of Public School
Construction
707 Third Street, 9th Floor
West Sacramento, CA 95605

E-mail
Address: lisa.jones@dgs.ca.gov
Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ron Koepl at (916) 375-2032. If Mr. Koepl is unavailable, these questions may be directed to the backup contact person, Ms. Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such

changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE A
NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

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

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the

agency's regulations coordinator named in this notice or may be accessed on the Website listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Extended Comment Period for 45 Days

The Department of Food and Agriculture intends to adopt sections 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708 and 4709 of the regulations in Title 3 of the California Code of Regulations pertaining to Appeals to the Secretary.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Stephen.Brown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 15, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that any interested person who is aggrieved by any action or order of a commissioner may appeal in writing to the Secretary within five days after notice of action or order if no other time limit is prescribed within which to appeal from such action or order. No appeal may be taken from any authorized summary action of the commissioner (FAC section 5103).

Anticipated Benefits from This Regulatory Action

Currently there are no regulations related to FAC section 5103. These proposed regulations would establish the transparent regulatory framework for the processes and procedures for such appeals. This will ensure that an appellant has a clear understanding of his or her and the Department's responsibilities, how and where to appeal, timeframes involved, form and effective date of the decision rendered, etc. Therefore, the public is aware of the appeals process to the Secretary when finding resolution of an unsatisfactory order/action given by the Commissioner, in order to promote fairness and social equity in the justice system.

There is no existing, comparable federal regulation or statute.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement these regulations related to FAC section 5103. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

The adoption of these regulations will establish:

General Provisions — which statutory and regulatory authorities may be appealed, the timeframe within which to appeal, that failure to appeal within a timely manner shall be cause to deny the request for a hearing, appeals to the Secretary shall be in writing and filed with the Director of PHPPS, where to send the appeals and the timeframe for when an appeal is considered effectively filed;

Effect of Commissioner's Action or Order of Required Action — the commissioner's action or order shall be suspended after the appeal to the Secretary has been filed with the Director with the exception that if any articles, containers, means of conveyance, farm machinery or farm implements or plant material or any other thing is on hold due to being infested, contaminated or associated with a quarantine pest of concern to

the commissioner or Department, the hold shall remain in effect during the appeal period and pending the outcome of the hearing;

Conduct of Hearings — hearings shall be presided over and conducted by a Hearing Officer designated by the Secretary, may be based upon the written record or telephonic or oral testimony, hearings not held solely on the written record shall be recorded, the appellant may submit any documentation or evidence in support of their objections by facsimile, e-mail, personal delivery or U.S. mail and it is the responsibility of the appellant to ensure that the materials are sent in a manner so as to arrive prior to the hearing;

Sole Issue of Hearings under this Section — the only issue before the Hearing Officer shall be whether, when the commissioner imposed the specified action or order there was reason to believe, upon any basis reasonably supportable by standard epidemiological evidence or credible scientific research or facts or regulation or statute, the action or order was legally and biologically appropriate; and, the appropriateness of the action(s) (including its time and place and method) required by the action or order is not before the Hearing Officer, but only whether or not there was an adequate basis for imposition of the action or order;

Form of Decision — the decision of the Hearing Officer shall be in writing, in minute order form, contain only a brief statement of the conclusion and findings to support the conclusion, may be handwritten, shall be issued within 10 business days after the conclusion of the hearing and mailed within 10 business days to all appellants who did not consent to the action or order by the commissioner and may contain an explanation of the commissioner's warrant and abatement authority;

Effective Date of Decision — the Hearing Officer's decision shall be effective immediately upon its first articulation under section 4704;

Judicial Review — the appellant may challenge the Hearing Officer's decision by filing a writ of administrative mandamus within 90 days of the date the decision is mailed to the appellant in the appropriate court pursuant to Code of Civil Procedure section 1094.5 and that such proceedings shall not stay the action or order specified by the commissioner;

Continuance — that a request for continuance of a hearing, by the appellant, must be filed with the Director as soon as practicable prior to the scheduled hearing, may be granted if good cause exists and shall be granted upon a determination by the Director of PHPPS that such continuance is epidemiologically feasible and not inconsistent with the public health, safety and welfare;

Burden of Proof — the standard of proof to be applied by the Hearing Officer shall be the preponderance of the

evidence and that the burden of proof shall be on the appellant; and,

Evidence — all evidence related to the issue of the hearing will be admitted regardless of any civil rule which would otherwise bar its admission and those objections to and arguments about evidence may be considered by the Hearing Officer when determining the weight to be given to the evidence.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: The 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.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

There are no known specific benefits to the worker safety or the health of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes the amendment of this regulation benefits those who may wish to appeal a commissioner's action or order. As a result, the public is given a fair treatment and right to judicial review when resolving issues with the

Commissioner's order in the appeals process. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to adopt sections 4700, 4701, 4702, 4703, 4704, 4705, 4706, 4707, 4708 and 4709 pursuant to the authority vested by section 407 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407 and 5103 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 4. CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

NOTICE IS HEREBY GIVEN that the California Debt Limit Allocation Committee (Committee) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The California Debt Limit Allocation Committee has complied with the requirements to provide notice of proposed rulemaking action pursuant to Government code section 11346.1(a)(2).

PUBLIC HEARING

The California Debt Limit Allocation Committee (Committee) has scheduled the following public hearing on this proposed action:

Public Comment Hearing
 Tuesday, September 16 at 2:00 p.m.
 915 Capitol Mall, Room 587,
 Sacramento, CA.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to the Committee. Comments may also be submitted by facsimile (FAX) at (916) 653-6827 or by e-mail to cdlac@treasurer.ca.gov. The written comment period begins on August 1, 2014 and closes at 5:00 p.m. on September 15, 2014. The Committee will consider only comments received at the Committee offices by that time. Submit comments to:

Brian Clark
CDLAC Regulations Analyst
California Debt Limit Allocation Committee
915 Capitol Mall, Room 311
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 8869.94, California Government Code. Section 8869.94 of the Code authorizes the Committee to adopt regulations relating to an allocation system to administer the state unified volume ceiling as proposed regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.”

Reference: Sections 8869.80 to 8869.94, California Government Code. These Regulations implement, interpret and make specific Sections 8869.80 to 8869.94 of the Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The existing regulations outline an allocation system to administer the state unified volume ceiling (California’s tax-exempt bond authority). However, the existing regulations include or are absent language that may prevent viable projects from obtaining an award of tax-exempt bond authority. The proposed changes to the regulations and associated applications would correct these deficiencies. More specifically, changes to the existing threshold and elective point categories in the applications will allow applicants to earn points where they previously would not have and would also prevent projects without adequate funding commitments from being eligible for an award of allocation.

The Internal Revenue Code (“IRC”) authorizes the issuance of Qualified Small Issue Bonds by authorized entities, including what are typically called “Beginning Farmer Bonds”. Beginning Farmer Bonds are used to back below-market interest rate financing for eligible agricultural land, construction/improvements, breeder livestock and depreciable equipment for qualified Be-

ginning Farmers. It is anticipated that the proposed program will provide Beginning Farmers with access to capital that traditionally would be unavailable to them. Under the proposed program, public agency conduit bond issuers would make application to CDLAC for an allocation of the state ceiling on private activity bonds. The bond issuers would operate programs wherein Beginning Farmers and financial institutions, contract sellers or investors would agree to terms and a bond would be issued to fund the loan, sale or investment. CDLAC would not review individual applications from farmers.

These Emergency Regulations primarily address the statutory mandate, Section 8869.84(c) of the Code, to create an allocation system to administer the state unified volume ceiling. The proposed revisions to the existing allocation system will provide tax-exempt private activity bond allocation (state ceiling) to state and local agencies, and promote the following: housing for lower income families and individuals; and preserving and rehabilitating existing governmental assisted housing for lower income families and individuals.

The objective of these Proposed Regulations is to ensure applicants take full advantage of the Qualified Residential Rental Program, Beginning Farmer Program, and Industrial Development Program application process, thus creating more low income housing developments for residents of California and to provide public benefits to the residents of these projects and programs. (Government Code § 11346.5(a)(3)(C)).

CDLAC has conducted an evaluation of existing state regulations and has determined that the Proposed Regulations are not inconsistent or incompatible with existing state regulations. (California Government Code § 11346.5(a)(3)(D)).

Anticipated Benefits of the Proposed Regulation:

The objective of these Proposed Regulations is to ensure low income housing developments and public benefits are being provided to the residents of these projects. In addition, to the extent that the proposed services amenity requirements are elected and met, ongoing and frequent services will benefit the health and welfare of the California multifamily housing residents who take advantage of such services. To the extent that tax-exempt bonds are utilized to finance the production or rehabilitation of multifamily housing projects, it is possible that the use of tax-exempt bond proceeds will increase economic activity and employment development. To the extent the proposed regulations are utilized, the Beginning Farmer Bond Program will provide Beginning Farmers with access to capital that traditionally would be unavailable to them, thus encouraging the establishment of new farming operations, the expansion or enhancement of existing farming op-

erations, promoting ownership of farming operations by lower income individuals and encouraging the provision of farming-related technical assistance, resource conservation, the production of commodities for local consumption, the preservation of family farms and the encouragement of farming by under-represented populations. To the extent that bond proceeds are utilized to finance agriculture-related construction or renovations, the use of tax-exempt bond proceeds will likely increase economic activity and employment development. Furthermore, the underlying tax-exempt financing may encourage job creation during competitive allocation rounds. (Government Code § 11346.5(a)(3)(C)).

Evaluation of Whether the Proposed Regulations Are Inconsistent or Incompatible:

We have conducted a review of any related regulations in this area and have determined that these are the only regulations concerning this subject area. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations. (California Government Code § 11346.5(a)(3)(D)).

List of forms to be incorporated by reference:

- Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Beginning Farmer Bond Program (5-12-14).
- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (41-12-13 7-22-14)
- Non-Competitive Application For Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (41-12-13 7-22-14)
- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (41-12-13 7-22-14)
- Non-Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (41-12-13 7-22-14)
- Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds for a Small-Issue Industrial Development Bond Project (IDB) (41-12-13 7-22-14)
- Annual Certificate of Compliance Form (5-21-14)
- Annual Applicant Public Benefits and Ongoing Compliance Self-Certification “Self-Certification” (41-12-13 5-21-14)

- Report Of Action Taken Regarding The Making Of A Carryforward Election And The Issuance Of Private Activity Bonds (40-1-11 7-22-14)
- Report Of Action Taken Regarding The Issuance Of Private Activity Bonds (40-1-11 7-22-14)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Committee and/or Executive Director have made the following initial determinations:

Mandate on Local Agencies or School Districts: The Executive Director of the Committee has determined that the Regulations do not impose a mandate on local agencies or school districts.

Fiscal Impact: The Executive Director of the Committee has determined that the Regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

Housing Costs: The Executive Director of the Committee has determined that the Regulations do not have a significant effect on housing costs.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete: The Executive Director of the Committee has determined that the Regulations do not have an adverse economic impact affecting California businesses.

Cost Impacts on Representative Private Person or Businesses: The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Reporting Requirement: The proposed regulations do not require any reports by businesses other than those for which an award of Allocation was granted. The reporting required is limited to certifications of compliance with the Committee’s resolution that transferred the award to the business.

Small Business Determination: The proposed regulations will not have an adverse impact on small

businesses in California as the awards of the state ceiling will only encourage the development of housing or facilities developed or operated primarily by small businesses.

Results of the Economic Impact Analysis: The proposed regulations will not have an effect on the creation or elimination of jobs within the State of California. The proposed regulations will not affect the creation of new businesses or the elimination of existing business within the State of California. The proposed regulations will not have an effect on the expansion of businesses currently doing business within the State of California. The proposed regulations will ensure low income housing developments are following building guidelines and that public benefits are being provided to the residents of these projects.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Misti Armstrong
Program Manager
California Debt Limit Allocation Committee
915 Capitol Mall, Room 311
Sacramento, CA 95814
(916) 653-3255

The back-up contact person for these inquiries is:

Brian Clark
Regulations Analyst
California Debt Limit Allocation Committee
915 Capitol Mall, Room 308
Sacramento, CA 95814
(916) 653-8183

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, forms to be incorporated by reference, or other information upon which the rulemaking is based to Brian Clark at the above address.

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

The Committee 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, the forms to be incorporated by reference, and the initial statement of reasons. Copies may be obtained by contacting Brian Clark.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the written comment period hearing and considering all timely and relevant comments received, the Committee may adopt the proposed regulations substantially as described in this notice. If the Committee 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 Committee adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Misti Armstrong at the address indicated above. The Committee 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 Misti Armstrong at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.treasurer.ca.gov/cdlac/index.asp>.

TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (“Bureau” or “BREA”) is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Department of Consumer Affairs
 1747 North Market Blvd.
 1st Floor Hearing Room
 Sacramento, CA 95834

Date: September 18, 2014
 Time: 10:00 a.m.

Written comments including those sent by mail, facsimile, or email to the address listed under “Contact Person” in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on September 18, 2014 or must be received by the Bureau at the hearing.

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

Authority and Reference: Pursuant to the authority vested by Sections 11313, 11314 and 11340, Business and Professions Code, and to implement, interpret or make specific Sections 11328, 11328.1, and 11340, Business and Professions Code; and Section 1112, Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73 (FIRREA) [12 U.S.C. 3341], the Bureau is considering changes to Section 3528 of Title 10 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations Section 3528 establishes that applicants shall meet the minimum requirements set forth in BREA regulations or those established by the federal Appraisal Qualifications Board

(AQB), whichever is greater. California generally follows the federal standards.

In 2008, AQB increased the licensing standard and BREA amended Section 3528 to clarify the timeline for AQB’s increased standard. That timeline is outdated and BREA proposes to remove the irrelevant language.

In December 2011, the AQB increased the minimum licensing requirements with an effective date of 1/1/2015. Existing authority implicitly establishes that applicants finishing all requirements in 2014 are subject to the requirements in effect in 2014 and applicants finishing all requirements in 2015 are subject to the requirements in effect in 2015. This proposed action makes that conclusion explicit and provides further related clarifications.

ANTICIPATED BENEFITS

The benefits are broad. Clearly delineated rules grant affected parties a reliable guide by which to plan for meeting the education, experience, examination, and application requirements.

Clearly setting forth the applicability of requirements provides fair notice, allowing affected parties to plan accordingly. Clarity permits affected parties to navigate the application process without the unnecessary expenditure of resources inherent in vague or nonexistent rules.

Clarity also allows applicants to more confidently follow the application process thereby reducing the need for multiple follow-up questions and contacts. This increases government efficiency and transparency.

Clear rules obviate the need for costly legal hearings. This further preserves resources for all parties.

Finally, the proposed action meets the priority of the Bureau of Real Estate Appraisers: To protect the public in the area of real estate appraiser licensing, regulation and discipline.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

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.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Section 17500–17630 Require Reimbursement: None.

Business Impact: The Bureau 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.

Impact on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: None.

Effect on Housing Costs: None.

As part of its Economic Impact Analysis, BREA 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. The federally established minimum licensing requirements are mandatory for all 50 states, and they are changing on January 1, 2015 for all 50 states. Accordingly, this action does not affect California competitiveness. This proposal does not impact multiple industries.

Effect on Small Businesses: The majority of BREA appraiser licensees operate as small businesses. It is expected that most will not seek a different BREA-issued license from the one they already hold, and therefore will be unaffected by these regulations. Those that may seek a different license in 2015 and after will be subject to the amended regulations. However, these businesses will be subject to the increased AQB license requirements regardless if the regulation is amended. To the extent they are affected by these regulations, the clarifications set forth within will only serve to benefit navigation of the application process.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Bureau has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs, creation or elimination of new or existing businesses, or the expansion of businesses in the State of California.

Benefits: The benefits will be increased clarity for certain license applicants. Clear rules preserve resources, increase efficiency, and provide transparency. Accordingly, this creates a positive impact to the general welfare of California.

Occupations/Businesses Impacted: The proposed regulation will not have an economic impact on individuals applying for a BREA-issued property appraiser

credential, including individuals currently working in the appraiser profession.

Reporting Requirements: The proposed regulation does not set forth any new reporting requirements. The proposed regulation is relevant to licensing requirements, including the application process, but the proposed regulation does not affect those requirements.

Comparable Federal Regulations: None.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative considered by the Bureau or that has otherwise been identified and brought to the attention of the Bureau 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 Bureau has prepared an initial statement of the reasons for the proposed action containing information upon which the proposal is based.

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at www.brea.ca.gov. Click the "Laws" tab at the top of the page. Under the heading "Rulemaking Notifications" find the docs associated with this rulemaking subject: "License Application Processing."

AVAILABILITY AND LOCATION OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION 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. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, BREa may adopt the proposed regulation substantially, as described in this notice. If BREa 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 BREa adopts the regulations as revised. Please send requests for copies of any modified regulation to the attention of the contact person named below. BREa will accept written comments on the modified regulation 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 the person named below.

CONTACT PERSON

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

Alec Stone, Legal Counsel
1102 Q Street, Suite 4100
Phone: 916-341-6126
FAX: 916-440-7406
alec.stone@orea.ca.gov

The backup person is:
Thu Tran
1102 Q Street, Suite 4100
Phone: 916-440-7876
FAX: 916-440-7406
Thu.Tran@orea.ca.gov

TITLE 10. DEPARTMENT OF
INSURANCE

REG-2014-00012

July 14, 2014

NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING REVISIONS
TO CALIFORNIA AUTOMOBILE ASSIGNED
RISK PLAN PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations and Simplified Rules and Rates Manual.

AUTHORITY TO ADOPT RULES AND
PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date and Time: September 15, 2014
10:00 a.m.**

**Location: California Department of
Insurance
45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to

the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Summer Volkmer, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
volkmers@insurance.ca.gov
Telephone: (415) 538-4169
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on September 15, 2014**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA-14-02

A.B. 2303 which became effective January 1, 2013 repealed CIC § 661(b). This section shall not apply to any policy or coverage that has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy. Currently, the cancellation provisions for CAARP reflect the repealed language.

CAARP proposes amending the notice of cancellation requirements to track with the notice of cancellation requirements set forth in CIC § 662.

CA-14-03

Due to the emergence of personal vehicle-sharing programs exposures not contemplated under the CAARP policy have been introduced.

CAARP proposes excluding any liability, medical payments, uninsured motorists bodily injury, and uninsured motorists property damage coverages afforded under the vehicle owner's CAARP auto policy while the vehicle is used by any person other than the insured or any resident relative, as part of a personal vehicle-sharing program.

In addition, vehicles covered under a CAARP policy used as sharing program facilitators will be rated on a refer-to-Plan basis and written through the Commercial Automobile Insurance Procedure in the future.

CA 14-04

Currently, the Plan can suspend a license when the number of violations exceeds 10 percent of the total number of CAARP/LCA applications submitted by the producer in one month. In 1995, this standard was appropriate because of the high volume of applications being submitted. With the lower number of CAARP and LCA applications being submitted this standard is no longer appropriate. The new procedures will enable the Plan to refer a producer to the Producer Peer Review Subcommittee on a timelier basis.

CAARP proposes a procedure that allows the Plan to act in a timelier manner to protect the public. References to specific performance standards for which no more than one violation per application may be assessed have been updated. In addition, the standard used to assess producer performance based on a percentage of CAARP and Low Cost applications submitted in a given month has been deleted.

CA 14-05

CAARP proposes deleting the Automobile Assigned Risk Plan Miscellaneous Vehicle Type Endorsement and replacing it with the correct California Joint Ownership Endorsement. When the personal auto policy was introduced in 2001, the Plan's Miscellaneous Vehicle Type Endorsement was replaced by the California Joint Ownership Endorsement. This endorsement was not changed when the CAARP Plan of Operations was updated. The proposed change will reflect the current endorsement in use.

This change has no impact on applicants, insureds, producers, or insurers writing Plan private passenger risks.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original

text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 10. DEPARTMENT OF INSURANCE

REG-2014-00011

July 14, 2014

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REVISIONS TO CALIFORNIA LOW COST AUTOMOBILE PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the Low Cost Automobile ("LCA") Plan of Operations.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date and Time: September 15, 2014
10:00 a.m.**

**Location: California Department of Insurance
45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Summer Volkmer, Attorney
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
volkmers@insurance.ca.gov
Telephone: (415) 538-4169
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on September 15, 2014**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

LC-14-03

A.B. 2303 which became effective January 1, 2013 repealed CIC § 661(b). This section shall not apply to any policy or coverage that has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy. Currently, the cancellation provisions for LCA reflect the repealed language.

CAARP proposes amending the notice of cancellation requirements to track with the notice of cancellation requirements set forth in CIC § 662.

LC-14-04

Due to the emergence of personal vehicle-sharing programs exposures not contemplated under the LCA policy have been introduced.

The California Automobile Assigned Risk Plan (“CAARP”) proposes excluding any liability, medical payments, uninsured motorists bodily injury, and uninsured motorists property damage coverages afforded under the vehicle owner’s LCA auto policy while the vehicle is used by any person other than the insured or any resident relative, as part of a personal vehicle sharing program.

In addition, vehicles covered under an LCA policy used as sharing program facilitators will be rated on a refer-to-Plan basis and written through the Commercial Automobile Insurance Procedure in the future.

LC-14-05

2013 CA Senate Bill 1273 expands applicant eligibility for a Low Cost Auto Policy. To comply with 2013 CA Senate Bill 1273, the Low Cost Program Plan of Operations must be updated.

CAARP is proposing amendments necessary to comply with 2013 CA Senate Bill 1273. These amendments are:

A definition of the term “driver’s license” is introduced. The definition will mirror the Department of Motor Vehicles in accordance with Section 12801.9 of the Vehicle Code. The new definition will allow a drivers license to be made available to anyone who cannot prove they meet the federal guidelines to be in the country legally. The license will be issued only if the person applying for it can prove his or her identity and is a resident of California.

Applicant eligibility is expanded to include persons 19 years of age or older who have not been continually licensed or have less than three years of driving history. These applicants may qualify for a Low Cost Auto Policy subject to a surcharge.

The value of the vehicle at the time of application has been increased from \$20,000 to \$25,000 as indicated by the Vehicle License Fee (VLF) Code on the registration or certificate of title issued by the California Department of Motor Vehicles.

Classification codes and rates are introduced for inexperienced operators. A 30% surcharge will be assessed against drivers who cannot prove they have been continuously licensed for the last three years. New classification codes will allow CAARP to track the new pool of drivers.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district

for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY;
FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined the proposal will have no cost impact on private persons or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not impact housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not impact small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that the proposal will require no specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that

has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

TITLE 14. DEPARTMENT OF PARKS AND RECREATION/DIVISION OF BOATING AND WATERWAYS

NOTICE IS HEREBY GIVEN that the Department of Parks and Recreation, Division of Boating and Waterways (department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

This proposed regulatory action would adopt sections 5200–5211 within Title 14 of the California Code of Regulations, to implement, interpret or make specific the provisions of Division 1, Chapter 5, Article 1, section 675 of the Harbor and Navigation Code, pertaining to the Quagga and Zebra Mussel Infestation Prevention Fee, and Division 3.5, Chapter 2, Article 3, sections 9853 and 9860, of the Vehicle Code, pertaining to Registration and Transfer of Vessels, as described in the Initial Statement of Reasons, as well as under the Informative Digest/Policy Statement Overview below.

This proposed regulatory action would also adopt sections 5300–5307 within Title 14 of the California Code of Regulations, to implement, interpret or make specific the provisions of Division 1, Chapter 5, Article 1, section 676 of the Harbors and Navigation Code, pertaining to Deposit and Use of Revenues, Division 3.5, Chapter 2, Article 3, section 9863, of the Vehicle Code, pertaining to Harbors and Watercraft Revolving Fund; dedication of fees, as described in the Initial Statement of Reasons, as well as the under the Informative Digest/Policy Statement Overview below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed regulatory action before the public comment period closes September 15, 2014.

Comments must satisfy the following requirements:

- Comment must be in writing, which includes email
- Comment must identify the proposed regulatory action being addressed
- Comments must be sent to the rulemaking agency's contact person for the proposed regulatory action

Submit comments to:

Robin Turgeon
Department of Parks and Recreation
Division of Boating and Waterways
1 Capitol Mall, Suite 410
Sacramento, CA 95814
robin.turgeon@parks.ca.gov

PUBLIC HEARING

No public hearing on this matter has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the department at least 15 days before the end of the written comment period. Such request should be addressed to the department contact person identified in this Notice and should specify the Quagga and Zebra Mussel Infestation Prevention Fee regulations for which the hearing is being requested.

AUTHORITY AND REFERENCE

This regulatory action is taken pursuant to the authority vested by Harbor and Navigation Code, Section 675. The purpose of the proposed regulatory action is to implement grant funding for education, prevention and management of the Quagga and Zebra Mussel Infestation Prevention program pursuant to the authority vested by Harbors and Navigation Code, Section 676.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires the department to adopt, by regulations, set procedures for the collection and use of the Quagga and Zebra Mussel Infestation Prevention Fee as required by California Harbors and Navigation Code Division 3, Chapter 5, Article 1.3, Sections 675 through 676 beginning with the 2014 recreational vessel registrations payable on December 31, 2013 and thereafter on a biennial basis.

The regulations proposed in this rulemaking action would specify how the fee will be collected, exemptions to the fee and how the fees would be deposited. It would specify the enforcement of the fee and would outline the strategies of the enforcement. It would outline the boundaries for exemptions of the fee and it would also establish criteria for administering the grants in accordance with the statutes.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The department has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning the Quagga and Zebra Mussel Infestation Prevention Fee. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The broad objective of the proposed regulations is to establish a boater registration Mussel Fee. The fee will provide specific benefits such as infestation prevention and education efforts through grant funding, which will be administered, by the department, to eligible agencies for quagga and zebra mussel prevention programs at reservoirs that allow boating and fishing recreation and supplementary funding for California Department of Fish and Wildlife (CDFW) prevention activities.

According to Department of Motor Vehicles Forecasting Unit up to May for fiscal year 2013/2014 the table below captures the estimated monthly revenue for the Quagga and Zebra "Mussel Fee Paid" stickers:

<u>FY</u> <u>13/14</u>	<u>OZ</u> <u>FEE</u>	<u>Substitute</u> <u>Sticker Fee</u>	<u>Total</u>
Jul	\$0	\$0	\$0
Aug	\$0	\$0	\$0
Sep	\$3,040	\$0	\$3,040
Oct	\$1,705,312	\$0	\$1,705,312
Nov	\$2,412,304	\$16	\$2,412,320
Dec	\$3,447,617	\$112	\$3,447,729
Jan	\$1,063,016	\$1,856	\$1,064,872
Feb	\$258,336	\$1,304	\$259,640
Mar	\$225,296	\$2,656	\$227,952
Apr	\$228,528	\$5,630	\$234,158
May	Only Partial Month Forecast Available		
June	Unavailable		
YTD Total	\$9,343,449	\$11,574	As of May 1, 2014 \$9,355,023

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: None.

Costs or savings to state agency: None.

Costs or savings to Federal Funding to the State: None.

Effect on housing costs: None.

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

Effect on small business: None, because the department has determined that adoption of these proposed regulations does not adversely impact small business. These proposed regulations serve to provide funding

through the collection of a fee. The fee will provide grant funding which will be awarded to water body owners/managers for the implementation of a prevention plan of a dreissenid mussel infestation. These proposed regulations do not mandate actions upon private persons or businesses, but rather clarify existing statutory mandates.

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

Cost to any local agency or school district requiring reimbursement, pursuant to Government Code section 17500 et seq.: None.

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

Result of the Economic Impact Assessment:

The department has determined that it is unknown how likely the proposed regulatory action will impact the creation of jobs, the creation of new businesses or the expansion of businesses currently doing business with the State of California. No jobs or existing businesses will be lost. The potential savings to the State due to prevention and education efforts provided through the grant program could avert significant damage to the water delivery system that provides drinking water to millions of southern Californians, or damage to the irrigation network that supports a \$30 billion per year agricultural industry, and could produce extraordinary economic and social consequences.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirements upon businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The department invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the comment period.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulations, inquiries regarding the rulemaking file and questions on the substance of the proposed regulatory action may be directed to:

Robin Turgeon, Aquatic Invasive Species Unit
California State Parks,
Division of Boating and Waterways
1 Capitol Mall, Suite 410
Sacramento, CA 95814
Telephone: (916) 327-1851
FAX: (916) 327-1775
E-mail: robin.turgeon@parks.ca.gov

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

Edward Hard, Aquatic Invasive Species Unit,
edward.hard@parks.ca.gov (916) 327-1865

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the department's website at: <http://www.dbw.ca.gov>.

AVAILABILITY OF THE TEXT OF THE PROPOSED REGULATIONS

The department has prepared and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the proposed text of the regulations may be obtained from the department contact person named in this notice. The information upon which the department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the department may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If the department does make changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Request for the modified text should be addressed to the department contact person named in this notice. The department shall accept written comments on any changes for 15 days after the modified text is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations in underline and strikeout can be accessed through our website at <http://www.dbw.ca.gov>.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3521.1, 3521.2, 3545, 3800.2, repeal Sections 3620, 3625, and Pilot Program 3999.14 Urinalysis Testing Pilot Program (DAPO), and adopt Sections 3620, 3621, 3622, 3623, 3624, 3625, and 3626 of the California Code of Regulations (CCR), Title 15, Division 3, concerning the Urinalysis Testing Program for Parolees.

PUBLIC HEARING

Date and Time: **September 24, 2014 — 10:00 a.m. to 11:00 a.m.**
Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **September 24, 2014 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch,

P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883,
Sacramento, CA 94283-0001
Telephone (916) 445-2269**

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

**S. Pollock
Regulation and Policy Management Branch
Telephone (916) 445-2308**

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

**Angela Wilson
Division of Adult Parole Operations
(831) 227-5965**

AUTHORITY AND REFERENCE

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 provides that an Emergency adoption, amendment, or repeal of a regulation by the Director shall be conducted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Current laws, specifically Penal Code Section 3000, provide for urinalysis testing for parolees in order to detect the presence of prohibited substances, however currently no specifications exist with regard to the use of instant test kits or onsite testing that will provide immediate test results. The proposed regulations will provide for more effective methods regarding urinalysis testing for parolees.

The broad objective of the regulation is to reduce recidivism and increase public health and safety, while optimizing cost effectiveness. The specific benefits anticipated from the regulation include immediate intervention for parolees with substance abuse problems, which will assist parolees in their reintegration into society, benefiting parolees and the general welfare of California residents. And, in addition, the regulation will ensure statewide consistency amongst Department staff, and provide a cost-effective method for urinalysis testing through less laboratory processing of urinalysis tests, and potentially less parole agent labor costs.

The Department has determined that these proposed regulations are consistent and compatible with existing State laws and regulations. The Department reached this conclusion by reviewing the California Code of Regulations, Title 15, Division 3, and reviewing regulations for urinalysis testing of parolees.

This action provides the following:

- Amends Section 3000, Definitions, to add the definition for “Urinalysis Testing.”
- Amends the Table of Contents Chapter heading to repeal the existing title heading “Article 10. Civil Addicts,” and adopt the new title heading “Article 10. Urinalysis Testing Program.”
- Repeals Section 3620, “Special Requirements of Civil Addict Release or Parole,” and Section 3625, “Civil Addict Program Exclusion.”
- Adopts new Sections 3620-3626 regarding the Urinalysis Testing Program.
- Amends Sections 3521.1, 3521.2, 3545, and 3800.2, by removing language referencing civil addict commitments and the Civil Addict Program, which are no longer in existence.
- Incorporates by reference, three new forms, and revises one existing form into the Title 15; CDCR Form 1527 (Rev. 06/12), Voluntary Statement of Admission, CDCR Form 2249 (06/12), Urinalysis Sample Control Log, CDCR Form 2250 (06/12), Urinalysis Sample Transfer Log, and CDCR Form 1650-D (Rev. 06/12), Record Of Supervision.
- Repeals the Pilot Program 3999.14 Urinalysis Testing Pilot Program (DAPO), currently in effect.

FORMS INCORPORATED BY REFERENCE

The CDCR Form 1527 (Rev. 06/12), Voluntary Statement of Admission, CDCR Form 1650–D (Rev. 06/12), Record of Supervision, CDCR Form 2249 (06/12), Urinalysis Sample Control Log, and CDCR Form 2250 (06/12), Urinalysis Sample Transfer Log, are incorporated by reference into these regulations and will be made available to the public along with the Notice of Proposed Regulations, Text of Proposed Regulations, and Initial Statement of Reasons.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- **Cost to any local agency or school district that is required to be reimbursed:** *none*
- **Cost or savings to any state agency:** *none*
- **Other nondiscretionary cost or savings imposed on local agencies:** *none*
- **Cost or savings in federal funding to the State:** *none*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California, because the pro-

posed regulations apply to parolees under the jurisdiction of the CDCR and the testing process of parolees for substance abuse. Furthermore, it has been determined that any cost for procuring of instant test kits will be outweighed by the savings in laboratory testing and parole agent labor costs. The implementation of these proposed regulations will provide for more efficient and effective substance abuse testing procedures for parolees, and create long term–recovery from substance abuse by parolees, which will in turn reduce recidivism. Additionally, regarding benefits, the proposed regulations will protect the health and safety of California residents, worker safety, and the State’s environment, by reducing parolee drug use.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because any reduction in fees paid to businesses for laboratory costs will be offset by increased procurement for instant test kits, and the businesses that provide the laboratory testing also provide the instant kits. The proposed regulations have no other effect on small businesses, as they apply to the testing process for substance abuse for parolees under the jurisdiction of CDCR.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, 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 proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text, any documents incorporated by reference, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, documents incorporated by reference, and Notice of Proposed Regulations will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department 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 Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department 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

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER
AMENDMENTS TO THE COST OF
IMPLEMENTATION FEE REGULATION

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Cost of Implementation Fee Regulation (title 17, California Code of Regulations, section 95200 et seq.), which was developed pursuant to requirements of the California Global Warming Solutions Act of 2006.

DATE: September 18, 2014
TIME: 9:00 a.m.
PLACE: California Environmental
Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day hearing of the Board, which will commence at 9:00 a.m., September 18, 2014, and may continue at 8:30 a.m., September 19, 2014. This item may not be considered until September 19, 2014. Please consult the agenda for the hearing, which will be available at least 10 days before September 18, 2014, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
PURSUANT TO GOVERNMENT
CODE 11346.5(a)(3)

Sections Affected: Proposed amendments to California Code of Regulations, title 17, sections 95201, 95202, 95203, and 95204.

Background and Effect of Proposed Rulemaking:

The purpose of the Fee Regulation is to establish the means to fund the State's AB 32 costs directly related to state agencies' development, administration, and implementation of AB 32 programs that reduce GHG emissions. The state agency cost of AB 32 implementation is determined annually via the fiscal year State budget. After budget adoption, ARB staff utilizes GHG emissions data to generate fee invoices to be sent to the major sources of GHG emissions. The fee invoices are proportional to the amount of GHG emissions of each fee payer, which ensures that fees are equitably assessed. In addition to supporting program expenses, the fees have been used to repay the AB 32 program start-up loans that were approved by the Legislature and the Governor for implementation of AB 32 programs in fiscal years (FY) 2007-08 through FY2009-10.

The design principle of the Fee Regulation is to assess the fee upstream whenever possible in order to minimize the number of entities subject to the fee and reduce the complexity and the administrative burden of the Regulation. When it is not feasible to assess fees upstream, fees are assessed on entities that consume or produce fuels in California. The Fee Regulation applies to the major sources of GHG combustion and process emissions in the state, or about 250 entities that emit 80 percent of California's GHG emissions. These entities represent a variety of emission sources, including cement manufacturers, electricity importers and in-state

generating facilities, industrial facilities, natural gas suppliers, oil and gas producers, and refineries and transportation fuel suppliers.

On May 8, 2009, ARB began the rulemaking process for the Fee Regulation (CARB 2009). The regulations were approved by OAL on June 17, 2010, and became effective on July 17, 2010. Revisions to the Fee Regulation were approved by the Board in October 2011, and the final rulemaking package was filed with the Office of Administrative Law (OAL) in August 2012. The amendments consisted of administrative changes and clarifications to Fee Regulation provisions, which were approved by OAL on October 3, 2012, and became effective on the same day. In 2012, ARB proposed additional amendments to the Board to conform the Fee Regulation with the Mandatory Reporting Regulation (MRR) and the Cap-and-Trade Regulation, which were approved by OAL on December 19, 2012, and became effective January 1, 2013.

ARB staff is proposing amendments to the reporting regulation to be heard at the Board's September 18–19, 2014 hearing. The Staff proposal is to amend the Fee Regulation to more closely align the Fee Regulation with the MRR and the Cap-and-Trade provisions, to clarify Fee Regulation provisions, and to ensure fee payer equity. Specifically, the proposed amendments to the Fee Regulation include:

- Modification of the emissions applicability threshold from metric tons of carbon dioxide (MTCO₂) to metric tons of carbon dioxide equivalents (MTCO₂e).
- Implementation of the MRR verification requirement thresholds (i.e., 25,000 MTCO₂e) for natural gas suppliers and transportation fuel producers and importers.
- Clarification of coal coke applicability.
- A correction of the petroleum coke emission factor.
- Inclusion of emissions from combustion of non-biogenic municipal solid waste.
- Inclusion of a default clinker emission factor.
- Updated references to emission factors, definitions, and provisions of the MRR.
- Revisions to definitions.
- Modifications to language for clarity and consistency.
- Deletion of outdated language.

Staff's analysis shows that the proposed amendments would result in small redistribution of the fees among the fee payers, with most entities expected to see either an increase or decrease in their fees of approximately two percent or less. The staff report provides a detailed

breakdown of the impact the proposed amendments would have on fee payers.

Objectives and Benefits of the Proposed Regulation:

The purpose of the Fee Regulation is to establish the means to fund the State's AB 32 costs directly related to state agencies' development, administration, and implementation of AB 32 programs that reduce GHG emissions. The amount of funding collected each year is determined by the fiscal year State budget appropriations for AB 32 implementation. To ensure equity in fees, ARB determines annual invoices by calculating a Common Carbon Cost, which represents a uniform per-metric-ton cost for a particular report year ARB determines the Common Carbon Cost by dividing the total annual program cost, referred to as the Total Required Revenue, by the sum of the GHG emissions across all fee payers subject to the regulation.

Staff developed the proposed amendments by reviewing emissions inventory data, reviewing current applicability and threshold provisions for both the Mandatory Reporting Regulation and Cap-and-Trade Regulation, and reviewing policy and administrative issues identified by staff and regulated entities in past billing cycles.

ARB staff developed the proposed amendments to the Fee Regulation in order to:

- Align the provisions of the Fee Regulation, the MRR, and the Cap-and-Trade Regulation;
- Transition Fee Regulation reliance on certified data to third-party verified data;
- Streamline Program administration;
- Clarify existing regulatory provisions; and
- Provide a more equitable distribution of fees.

Below is a summary of proposed updates to the reporting regulation. A more detailed description of the proposed updates appears in the Summary and Rationale section of the Initial Statement of Reasons (ISOR).

1. Modify the emissions applicability from CO₂ to CO₂e to align the Fee Regulation with the emissions reporting requirements of MRR and the Cap-and-Trade Regulations. The current Fee Regulation assesses fees on CO₂ only, which is inconsistent with other ARB climate change programs and Mandatory Reporting Regulation data collection that focus primarily on CO₂, CH₄, and N₂O emissions. As currently designed, the Fee Regulation does not reflect the additional contribution of CH₄ and N₂O emissions to climate change and does not capture fees to support the additional administrative workload associated with implementing programs that address these emissions. Additionally, the need to generate Fee Regulation-specific CO₂ emissions data from

currently available data often results in additional ARB and fee payer work and analysis.

The amendment to modify emissions applicability, to include the contribution of CH₄ and N₂O to statewide GHG emissions, will ensure fees are more equitably distributed than are currently assessed under the Fee Regulation.

2. Implement thresholds for natural gas suppliers and transportation fuel producers and importers that are consistent with MRR's verification requirements for entities with emissions that equal or exceed 25,000 MTCO₂e. This amendment further aligns with the MRR and the Cap-and-Trade Regulation provisions, which also have 25,000 MTCO₂e thresholds for verification, and compliance obligations, respectively. It also transitions reliance from certified data to third-party verified data, and eliminates confusion or misinterpretation on behalf of the reporter. The proposed threshold improves the quality of data used for the assessment of fees and improves clarity for reporters currently subject to the Fee Regulation and not subject to the MRR.
3. Include coal coke as an applicable fuel source to provide equitable treatment for the assessment of fees to regulated entities that combust petroleum coke and coal coke.
4. Modify the municipal solid waste (MSW) provisions to include non-biogenic MSW emissions in determining annual invoices. The modification of the MSW provisions to assess fees on the emissions resulting from the combustion from non-biogenic MSW is consistent with current Fee Regulation provisions and the treatment of electricity generation from fossil fuel combustion, and would improve equity amongst fee paying electricity generating facilities.
5. Update emission factors to accurately reflect emissions from each source of fuel. Staff determined that the currently published petroleum coke emission factor is incorrect and is actually the emission factor for coal coke. The amendment corrects the petroleum coke emission factor from 2,530.65 kg CO₂ per short ton to 3,072 kg CO₂ per short ton. In addition, the current Fee Regulation emission factors account for only CO₂ emissions. Staff proposed amendments that would replace the published emission factors in the Fee Regulation with references to the emission factors published pursuant to the MRR, thereby correcting or updating the applicable emission factors and minimizing the need for future regulatory amendments. The proposed amendments would

also establish a default clinker emission factor unless the entity reports a facility-specific emission factor.

6. Make conforming changes to definitions and other provisions that are needed to minimize differences and administrative complexity between the MRR, the Cap-and-Trade Regulation, and the Fee Regulation. This will also improve and streamline the reporting process for regulated entities. ARB staff is also proposing to delete outdated provisions to minimize regulated entity confusion and improve implementation of the Fee Regulation.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulatory action, ARB 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.

MANDATED BY FEDERAL LAW OR REGULATIONS

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

This Regulation does not have a comparable Federal Regulation which assesses fees for the implementation of climate change programs.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The ISOR is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking: Proposed Amendments to the AB 32 Cost of Implementation Fee Regulation."

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, or by calling (916) 322-2990, on July 29, 2014

Final Statement of Reasons Availability

Upon its completion, a Final Statement of Reasons (FSOR) will be available and copies may be requested

from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. David Mallory, Manager of ARB Climate Change Policy Section, Stationary Source Divisions, at (916) 445-8316, or Mrs. Trish Johnson, Staff, Air Pollution Specialist, at (916) 445-3365.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed to is Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at: <http://www.arb.ca.gov/regact/2014/feereg2014/feereg2014.htm>.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below. Chapter VI of the ISOR for the proposed regulation includes additional data on the estimated costs to affected entities.

Fiscal Impact / Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not result in additional costs to State agencies and local government entities. ARB identified approximately 50 local agencies from MRR data that are required to pay fees. As a result of the amendments to the Regulation, staff expects the 50 local agencies to collectively experience a decrease in fees of approximately \$50,000, when compared to prior year invoices.

Because the regulatory requirements apply equally to all fee-paying entities, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6

of Article XIII B of the California Constitution. In addition, there are no other nondiscretionary costs or savings imposed upon local agencies.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the state, or costs or mandate to any school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

Adoption of the proposed revisions has no additional fiscal impact on ARB. No change in staffing level is needed to administer the program under the revised rule. ARB fiscal expenses needed for integrating the proposed amendments into the existing reporting systems are already accounted for in the current operational budget that was proposed in the previous amendment to the rule.

Significant Statewide Adverse Economic Impact Directly Affecting Business Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses

Staff utilized the prior year required revenue to analyze the cost impacts of the proposed amendments and determined that the amendments will not result in a net change in the total amount of fees required and will redistribute fees among affected businesses and government agencies. Due to the structure and methodology of the CCC formula in the Fee Regulation, any fee increases to an entity is accompanied with a proportional decrease in fees provided to the remaining entities.

While staff utilized the same required revenue to estimate overall year-over-year cost changes as a result of the proposed amendments, individual fee payer invoice amounts are typically determined by changes in the annual required revenue and annual emissions. As of the end of FY2013-14, ARB has completed repayment of the AB 32 program start-up loans and the required revenue now consists solely of annual AB 32 implementation expenses. Completion of loan repayment has resulted in a decline of \$27M in required revenue over the past two fiscal years, subsequently contributing to a decline in individual fee payer invoices.

The Executive Officer has made an initial determination that the proposed regulatory action would not have

a significant statewide economic impact directly affecting representative private persons.

Results of The Economic Impact Analysis/ Assessment Prepared Pursuant to Government Code Sec. 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation:

Anticipated benefits of the proposed revisions include the alignment of climate change regulatory provisions, capture of a broader range of statewide GHG emissions, improved clarity for fee-paying entities, provide a more equitable distribution of fees, transition reliance from certified data to third-party verified data, and streamline program administration. A further discussion on the economic impacts and benefits of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because none of the affected companies qualify for the small business status based on the California Government Code section 11342.610 definition.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Business Report

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as ef-

fective 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. ARB staff considered three alternatives to the proposed amendments. These alternatives are described in Chapters III and VI of the ISOR.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. The environmental analysis of the proposed regulatory action and a brief explanation of the basis for reaching this conclusion are included in Chapter IV of the ISOR.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments relating to this matter orally or in writing at the hearing, and may provide comments by postal mail or electronic submittal before the hearing. The public comment period for this regulatory item will begin on August 1, 2014. To be considered by the Board, written submissions not physically submitted at the hearing must be submitted on or after August 1, 2014, and received **no later than 5:00 p.m., September 15, 2014**, and must be addressed to the following:

- Postal mail: Clerk of the Board, Air Resources Board
1001 I Street,
Sacramento, California
95814
- Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 38510, 38530, 38560, 38562, 38564, 38570, 38571, 38580, 38597, 39600, 39601, 39607, 39607.4, and 41511. This action is proposed to implement, interpret and make specific sections 38501, 38505, 38510, 38530, 38560.5, 38564, 38565, 38570, 38580, 38597, 39600, 39601, 39607, 39607.4, and 41511 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at

(916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA CAP ON GREENHOUSE GAS EMISSIONS AND MARKET-BASED COMPLIANCE MECHANISMS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider proposed amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Trade Regulation or Regulation) to allow for additional transition assistance for covered entities, cover carbon dioxide imports, add three updated offset protocols, and modify provisions regarding implementation and oversight of the Regulation.

DATE: September 18, 2014
TIME: 9:00 a.m.
PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814
WEBCAST: <http://www.calepa.ca.gov/broadcast/?BDO=1>

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. Septem-

ber 18, 2014, and will continue at 8:30 a.m. on September 19, 2014. This item may not be considered until September 19, 2014. Please consult the agenda for the hearing, which will be available at least 10 days before September 18, 2014, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
PURSUANT TO GOVERNMENT
CODE § 11346.5(a)(3)

Sections Affected: Proposed amendments to sections 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95920, 95921, 95973, 95975, 95976, 95983, 95985, and 95990, title 17, California Code of Regulations (CCR).

Documents Incorporated by Reference:

The following documents are ARB-drafted documents that will be incorporated by reference into the cap-and-trade regulation when it is amended. Any changes to these documents will be made available in accordance with the Administrative Procedure Act (Government Code section 11340 et seq.). The final date of these documents, if approved, will be the date of final adoption by ARB.

1. Compliance Offset Protocol Livestock Projects;
2. Compliance Offset Protocol Ozone Depleting Substances Projects; and
3. Compliance Offset Protocol U.S. Forest Projects.

Background and Effect of the Proposed Rulemaking

The California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, Chapter 488) (AB 32) authorizes ARB to implement a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required ARB to develop a scoping plan to reduce GHG emissions in California to 1990 levels by 2020, and maintain and continue reductions beyond 2020. ARB's adopted Scoping Plan includes a comprehensive set of actions designed to reduce GHG emissions in California, improve the environment, reduce dependence on foreign oil, diversify energy sources, save energy, create new jobs, and enhance public health. Meeting the goals of AB 32 requires a coordinated set of strategies to reduce GHG emissions throughout the economy that work within a comprehensive tracking, reporting, verification and enforcement framework. The Scoping Plan includes a variety of measures to achieve AB 32 goals, including direct regulations, performance-based standards, and market-based mechanisms. Many of the measures in the Scoping Plan complement and reinforce each other.

The Scoping Plan identified a cap-and-trade regulation as a key strategy for achieving emissions reductions at least cost. As envisioned in the Scoping Plan, the cap-and-trade program would eventually be linked with cap-and-trade programs operating in other states and provinces. ARB worked with other agencies to update the Scoping Plan this year. This update provides a status report on progress toward meeting the 2020 goals and builds on the framework for meeting California's long-term climate goals.

The Regulation provides a fixed limit on GHG emissions from the sources responsible for approximately 85 percent of the State's total GHG emissions. The Regulation reduces GHG emissions by applying a declining aggregate cap on GHG emissions, and creates a flexible compliance system through the use of tradable instruments (allowances and offset credits). The Regulation is designed to link with partners in other jurisdictions. The California Cap-and-Trade Regulation went into effect January 1, 2012.

In 2012, ARB staff proposed two sets of amendments to the Regulation. The first set was focused on implementation requirements and the second on linking the California and Quebec cap-and-trade programs. At the June 2012 Board hearing, the Board approved the implementation amendments, which became effective September 1, 2012.

At the April 2013 Board hearing, the Board approved the linkage amendments. The linkage amendments became effective October 1, 2013 with a linked California and Quebec cap-and-trade program effective on January 1, 2014.

In response to continued Board direction and further discussions with stakeholders, staff began a public process to propose additional amendments for Board consideration in the fall of 2013. That set of amendments was further refined before being presented to and approved by the Board in April 2014.

During these hearings, the Board provided ongoing direction to staff to continue considering updates to existing offset protocols, to evaluate further modifications to disclosure requirements, and provide additional allocation to the Metropolitan Water District. To that effect, and in developing the proposed amendments described in this notice, staff held two workshops and released draft proposed offset protocols for public comment. ARB received more than 65 written comments on the discussion draft protocols and met regularly with stakeholders to discuss concerns and recommendations. The proposed regulation amendments address stakeholder concerns about information disclosure related to registration, compliance, and trading requirements; modify the allowance allocations for the Metropolitan Water District and the City of Shasta Lake; include a compliance obligation for carbon dioxide that is

imported into the State; and modify existing offset protocols.

Objectives and Benefits of the Proposed Regulation

The proposed amendments address stakeholder concerns related to corporate association disclosure requirements, allocation, and offset supply. Staff has proposed changes in allowance allocation for the Metropolitan Water District and the City of Shasta Lake. Closely related to allocation, minor changes to tomato product data definitions are proposed; these product data are used to determine allocation to tomato producers. The proposed amendments also include removal of the exemption for imported carbon dioxide. Staff has also proposed amendments to support the addition of three updated offset protocols to the offset program. Details regarding the proposed amendments are included in Chapter II: Summary of Proposed Action of the Staff Report for the Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms. Staff is also proposing updates to the Livestock and Ozone Depleting Substances offset protocols. Quantification method updates to the U.S. Forest Projects offset protocol are also included in this notice.

Anticipated benefits of the proposed amendments include improved clarity for covered entities regarding the allocation of emission allowances, product data reporting, disclosure of corporate associations, and updates to three existing compliance offset protocols. Given the GHG emissions reductions that will occur because of the program, these amendments may also directly improve the health and welfare of California residents, and the State’s environment. Specific discussion of the proposed amendments follows.

Allowance Allocation

Staff is proposing modifications to the allocation to the Metropolitan Water District (MWD) and the City of Shasta Lake based on new information. Staff evaluated new data from MWD and the City of Shasta Lake and is proposing to increase their allowance allocations. Staff has also proposed changes to clarify that allowance allocation to entities with legacy contract generators with an industrial counterparty would continue for the duration of the legacy contract. Finally, staff is proposing modifications to the definitions of several tomato products to align with the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions and with how tomato producers already quantify tomato production. These product data are used to calculate allowance allocation to tomato producers.

Tomato Product Data Reporting

Staff has evaluated and is proposing modifications to the definitions of aseptic tomato paste, non-aseptic to-

mato paste and tomato puree, tomato soluble solids (TSS), and added a definition for raw TSS to align with the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions and with how tomato producers already quantify tomato production. These product data are used to calculate allowance allocation to tomato producers.

Updated Compliance Offset Protocols

Staff has evaluated and is proposing amendments to incorporate by reference the proposed updated Livestock Projects and Ozone Depleting Substances Projects Compliance Offset Protocols into the Regulation. Staff has updated quantification methodologies and other minor changes for the two proposed Compliance Offset Protocols for Livestock projects and Ozone Depleting Substances projects. A detailed analysis of these protocols is included in Appendix C of the Staff Report.

Staff is also proposing to incorporate by reference an updated U.S. Forest Projects (2014a) offset protocol that has been amended to correct volume and biomass equations and update Common Practice values. Staff has evaluated and proposed amendments to the quantification methodologies of the U.S. Forest Protocol. These changes are exempt from the Administrative Procedure Act (APA), pursuant to Government Code section 38571, because they represent changes to quantification methodologies included in the U.S. Forest protocol; however, those elements of the protocol are still regulatory. The changes to the quantification methodologies are identified in the Documents Incorporated by Reference on page 1359 of this Notice. No other changes are made to the U.S. Forest Projects protocol pursuant to this Notice of Proposed Regulatory Action that would require Board consideration.

Offset Transfer Price Reporting

Staff has evaluated and is proposing amendments to clarify the requirements to report the price of offset transfers. Staff is proposing to exempt offset transfers for conversion to compliance instruments, which do not specify a price in the transfer agreement, from the price-reporting requirement. Rather, these transfers would report a price of zero.

Disclosure of Corporate Associations

Staff has evaluated and is proposing amendments to clarify requirements related to the disclosure of corporate associations, including amendments clarifying that the disclosure of indirect corporate associations is limited to those entities that are registered in the Cap-and-Trade Program. The proposed amendments would also extend the amount of time between disclosures of direct corporate associations when the direct corporate associate is not subject to the Cap-and-Trade Program.

Clarification Regarding Exchange Clearing House Accounts

Staff proposes modifications to clarify that the holding limit calculation will not include allowances contained in exchange clearing holding accounts.

Removal of the Exemption for Carbon Dioxide Imports

Staff has evaluated and is proposing an amendment to remove the compliance obligation exemption for carbon dioxide imports.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

MANDATED BY FEDERAL LAW OR REGULATION

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Staff Report: Initial Statement of Reasons for the Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms*.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB’s website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, or by calling (916) 322–2990, on July 29, 2014.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested

from the agency contact persons in this notice, or may be accessed on ARB’s website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Rajinder Sahota, Chief of the Climate Change Program Evaluation Branch at (916) 323–8503 or Mr. Jason Gray, Manager of the Climate Change Market Monitoring Section at (916) 324–3507.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Ms. Amy Whiting, Regulations Coordinator, at (916) 322–6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact person.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2014/capandtrade14/capandtrade14.htm>.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Fiscal Impact/Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs and may create some savings to covered State agencies. The proposed regulatory action would not create costs or savings in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary costs or savings to State or local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. In fact, an express purpose of the proposed amendments is to en-

sure that California businesses' ability to compete is not directly affected.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts to representative private persons or businesses. ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Results of The Economic Impact Analysis/ Assessment Prepared Pursuant to Government Code Sec. 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis chapter of the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed amendments to the regulation is to provide additional allowance allocation, additional cost containment mechanisms, and simplify product data and price reporting and corporate association disclosure requirements.

A summary of these benefits is provided on page 1360 of this notice under "Objectives and Benefits of the Proposed Regulation" of the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3).

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter IV of the ISOR, Economic Impacts Analysis.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because small businesses in regulated sectors would generally not be subject to the proposed regulation. In general, the total GHG emissions for small businesses are below the GHG reporting threshold, thereby exempting them from compliance obligations under the proposed regulation.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing.

Business Reports

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives

Before taking final action on the proposed regulatory action, 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.

Environmental Analysis

ARB, as the lead agency for the proposed amendments to the Regulation, prepared an environmental analysis (EA) under its certified regulatory program as part of the ISOR (§§ 60000 through 60008, title 17, CCR) to comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code section 21080.5). When the Regulation was first proposed in 2010, ARB prepared a programmatic EA for the Regulation in a document entitled *Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms* (2010 FED), included as Appendix O to the ISOR released for public review and comment in October 2010. ARB has determined that no additional environmental analysis is required for the current proposed amendments addressed in this notice because these changes do not involve any new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts. The basis for reaching this conclusion is provided in Chapter III of the ISOR. Separate EAs were prepared for the other two sets of changes addressed in the second and third notices for the proposed new compliance offset protocol for Rice Cultivation and proposed updated protocol for U.S. Forest Projects to include projects located in Alaska.

**WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS**

Interested members of the public may also present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period

for this regulatory action will begin on August 1, 2014. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after August 1, 2014 and received no later than 5:00 p.m. on September 15, 2014, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street,
Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 38570, 38571, 38580, 39600 and 39601. This action is proposed to implement, interpret, and make specific sections 38530, 38560.5, 38564, 38565, 38570 and 39600 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the reg-

ulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
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TITLE 17. AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO
CONSIDER AMENDMENTS TO THE
REGULATION FOR THE MANDATORY
REPORTING OF GREENHOUSE
GAS EMISSIONS**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California’s existing Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (title 17, California Code of Regulations, section 95100 et seq.), which was developed pursuant to requirements of the California Global Warming Solutions Act of 2006.

DATE: September 18, 2014
 TIME: 9:00 a.m.
 PLACE: California Environmental
 Protection Agency
 Air Resources Board
 Byron Sher Auditorium
 1001 I Street
 Sacramento, California 95814

This item may be considered at a two-day hearing of the Board, which will commence at 9:00 a.m., September 18, 2014, and may continue at 8:30 a.m., September 19, 2014. This item may not be considered until September 19, 2014. Please consult the agenda for the hearing, which will be available at least 10 days before September 18, 2014, to determine the day on which this item will be considered.

**INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
PURSUANT TO GOVERNMENT
CODE § 11346.5(a)(3)**

Sections Affected: Proposed amendments to California Code of Regulations title 17, sections 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157, Appendix A, and Appendix B.

Background and Effect of Proposed Rulemaking:

In 2006, the Legislature passed and Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (Assembly Bill 32 (AB 32); Stats. 2006, chapter 488). In AB 32, the Legislature declared that global warming poses a serious threat to the economic well-being, public health, natural resources, and environment of California. AB 32 mandates state-

wide greenhouse gas (GHG) emissions to be reduced to 1990 levels by the year 2020, with continuing reductions thereafter.

One of the requirements of AB 32 is that ARB must adopt a greenhouse gas reporting regulation. To comply with this requirement, the Board approved the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (reporting regulation or MRR) at its December 2007 Board meeting. The reporting regulation became effective on January 2, 2009.

Over the past six years, ARB staff has implemented the California greenhouse gas reporting program established by the reporting regulation. Under the program, over 700 facilities and entities submit to ARB their greenhouse gas emissions data reports annually which are required to be independently verified by ARB-accredited third-party verifiers. Information about the program can be found at: <http://www.arb.ca.gov/cc/reporting/ghg-rep/ghg-rep.htm>.

At its December 2010 public hearing, the Board approved amendments to the reporting regulation to support the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms (title 17, CCR, section 95800 et seq.) (Cap-and-Trade Regulation) data requirements, harmonize to the extent feasible with the United States Environmental Protection Agency’s (U.S. EPA) Final Rule on Mandatory Reporting of Greenhouse Gases (U.S. EPA rule), and align with the Western Climate Initiative (WCI) reporting structure. Those amendments to the reporting regulation became effective on January 1, 2012.

In September 2012, the Board approved additional amendments to the reporting regulation, as well as updates to the definition sections of the AB 32 Cost of Implementation Fee Regulation and the Cap-and-Trade Regulation. These updates were necessary to streamline and avoid duplicate GHG reporting, to further align with U.S. EPA’s rule, and to continue to provide the highest quality data needed to support California’s Cap-and-Trade Regulation. These amendments to the reporting regulation became effective on January 1, 2013. In September 2013, the Board approved further amendments to the reporting regulation and the Cap-and-Trade Regulation, which became effective on January 1, 2014. Links to the relevant rulemaking documents are located here: <http://www.arb.ca.gov/cc/reporting/ghg-rep/regulation/mrr-regulation.htm>.

ARB staff is proposing amendments to the reporting regulation to be heard at the Board’s September 18–19, 2014 hearing. The proposed updates are needed to continue to support allocation of allowances and the calculation of compliance obligations under the Cap-and-Trade Regulation, to ensure that reported GHG emissions data are accurate and complete in order to support California’s climate programs, including the statewide

GHG emission inventory, and to integrate and provide data needed for the Cost of Implementation Fee Regulation (title 17, CCR, section 95200 et seq.) (COI Fee Regulation).

Objectives and Benefits of the Proposed Regulation:

The purpose of the proposed amendments to the reporting regulation is to carry out the goals of AB 32 and maintain a robust and accurate greenhouse gas reporting program. The data submitted by reporters under the reporting regulation allows ARB staff to track the emissions from reporting entities over time, demonstrating the progress in reducing GHG emissions.

The proposed amendments support the Cap-and-Trade Regulation with the highest quality of data by collecting additional information to ensure the accuracy of the data used for allocation of allowances and the calculation of compliance obligations. Additionally, the amendments will help to make certain that reported GHG emissions and product data are accurate and complete in order to support emissions reduction programs throughout the State, and to collect and integrate data reporting needs for the COI Fee Regulation.

Expected benefits of the proposed revisions include improved clarity for reporting entities, a reduction in duplicative reporting with integration of COI Fee Regulation data, more accurate and complete data collection to support ARB's climate and air quality programs, and providing verified and robust data needed to support the Cap-and-Trade Regulation.

These benefits may also result in indirect benefits to the State's environment by ensuring that the State has an accurate inventory of GHG emissions to support programs which will reduce emissions and directly improve the health and welfare of California residents, and the state's environment.

Below is a summary of proposed updates to the reporting regulation. A more detailed description of the proposed updates appears in the Summary and Rationale section of the Initial Statement of Reasons (ISOR).

General: Staff proposed modifications in a number of sections that do not alter the reporting requirements. Examples include correcting clerical oversights and references and reordering definitions to update incorrect alphabetization. Staff also updated the section related to changes in methodology (section 95103(m)) to clarify the procedures for changing methods, and to explicitly identify that the provisions also apply to product data.

Applicability: Staff proposed revisions in this section to clarify reporting applicability for biofuel production facilities that produce and deliver transportation fuels outside the bulk terminal/transfer system. The changes do not impose any new requirements.

Definition Clarifications and Additions: Staff proposed clarifications to existing definitions to minimize ambiguity. Staff added a small number of new definitions to support updated provisions described in the ISOR and to harmonize with Cap-and-Trade Regulation definitions.

Integrate COI Fee Regulation Reporting: In order to streamline and simplify reporting, staff integrated the data reporting requirements of the COI Fee Regulation into the reporting regulation. These proposed updates do not create new reporting requirements, but simply shift the reporting requirements from the COI Fee Regulation to the reporting regulation.

Product Data Reporting: In addition to clarifying and adding selected product data definitions to align with the Cap-and-Trade Regulation and industry standards for reporting, staff modified the product data reporting requirements for tissue producers to more specifically identify the reportable products and required data. Staff also added product data requirements for wineries.

Refinery Product Data: Staff proposed updates to reporting primary refinery products to clarify that refineries do not report products produced by another facility as product data, and that sales data must be adjusted to reflect actual production. Also, staff updated the Complexity Weighted Barrel (CWB) data reporting requirements for clarity, but do not impose additional reporting requirements.

Hydrogen Production: Staff modified the product data definitions for "on-purpose hydrogen" and "by-product hydrogen" to clarify that they refer to pure molecular hydrogen gas, and explicitly exclude impurities that are not hydrogen gas.

Petroleum and Natural Gas Systems: For this sector, staff proposed several edits for clarity, and to correct errors and typos. Staff also added an exemption so equipment blowdowns that are less than 50 standard cubic feet are no longer subject to reporting. Staff also proposed amendments to the flare emissions equations to provide greater clarity.

Staff added a requirement to report the natural gas emissions associated with starting up centrifugal compressors, which will affect only a few reporters. Staff also clarified the existing product data reporting requirements for petroleum and natural gas systems. Finally, staff included a mechanism for voluntarily reporting the quantity of enhanced oil recovery steam produced via renewable methods, which can be used to begin evaluation of the use of renewable methods, such as solar, for oil and gas production.

Fuel Suppliers: Staff proposed amendments to clarify that enterers and in-state biofuel production facilities must report biofuel delivered outside the bulk transfer/

terminal system. Staff also added renewable diesel as a reportable biomass-derived transportation fuel and provided clarifications to LPG reporting requirements for NGL fractionators. Staff also clarified how, and under what circumstances, natural gas suppliers should report biomethane deliveries.

Electric Power Entities: For electric power entities (EPE), staff proposed revisions to require that EPEs use a transmission loss factor of 1.02 for specified source claims and to clarify data sources used in the calculation of specified source emission factors. Staff also narrowed the applicability of meter data reporting and specified that EPEs must use a lesser of analysis in some instances. Staff also included reporting elements to monitor the prohibition on certain uses of allowance value for electrical distribution utilities in the Cap-and-Trade Regulation.

Legacy Contract Generators: To better evaluate emissions and help ARB identify the correct amount of transition associated with legacy contracts, staff proposed that legacy contract generators provide additional detail in the energy flow diagrams that are currently submitted.

Natural Gas Transmission and Distribution Leaks: For natural gas providers and pipelines, in order to collect additional data on methane emissions, staff proposed a reporting requirement to submit meter count information and emissions associated with dig-ins to pipelines. These data will be provided from existing operator records and does not require additional monitoring and testing.

Verification Requirements: To ensure the quality and completeness of data collected under MRR, staff clarified that natural gas purchase data by facilities are subject to verification for accuracy and completeness. Also, staff added that if an incorrect North American Industry Classification System (NAICS) code is not corrected prior to final report submission, the report will receive an adverse verification opinion. Staff also added provisions to improve the clarity and strength of conflict of interest requirements and the requirements concerning the duration for which verifiers may serve a reporting entity.

Reporting 2014 data in 2015: Because the proposed amendments to this reporting regulation will become effective after the data have been collected for 2014, the proposed amendment describes how the new reporting requirements are applied to 2014 data reported in 2015. Staff included provisions for indicating which requirements are applicable for 2015 data reported in 2016, and when best available methods (BAM) are acceptable for 2015 data reported in 2016.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulatory action, ARB 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.

MANDATED BY FEDERAL LAW OR REGULATIONS

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

As mentioned previously, the U.S. EPA requires mandatory GHG reporting (*Mandatory Reporting of Greenhouse Gases; Final Rule*. 40 CFR Parts 86, 87, 89, 90, 94, and 98. United States Environmental Protection Agency. October 30, 2009). Staff does not believe the proposed regulation is inconsistent with existing federal law. In fact, the proposed amendments to the reporting regulation were developed to minimize, to the greatest extent possible, any redundant State and federal reporting, while also ensuring that ARB is collecting the necessary additional information required by California's various GHG programs, including the Cap-and-Trade Regulation, COI Fee Regulation, and the statewide GHG inventory.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The ISOR is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking: Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions."

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, or by calling (916) 322-2990, on July 29, 2014.

Final Statement of Reasons Availability

Upon its completion, a Final Statement of Reasons (FSOR) will be available and copies may be requested

from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mrs. Brienne Aguila, Manager of ARB's Climate Change Program Data Section, Stationary Source Division, at (916) 324-0919, or Mr. Patrick Gaffney, Staff, Air Pollution Specialist, at (916) 322-7303.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at: <http://www.arb.ca.gov/regact/2014/ghg2014/ghg2014.htm>.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below. Chapter VI of the ISOR for the proposed regulation includes additional data on the estimated costs to affected entities.

Fiscal Impact/Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would result in a cost decrease to one State agency (Department of Water Resources) of \$225/year. Two groups of local government entities are affected. Approximately 26 local government entities that are in the business of delivering and importing electricity will realize a cost savings of about \$120/year each. Also, five local government entities that deliver natural gas will have a cost increase of about \$450/year each. The total fiscal effect on local government entities is a net savings of \$900/year.

Because the regulatory requirements apply equally to all reporting categories and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes

no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution. In addition, there are no other nondiscretionary costs or savings imposed upon local agencies.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the state, or costs or mandate to any school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

Adoption of the proposed revisions has no additional fiscal impact on ARB. No change in staffing level is needed to administer the program under the revised rule. ARB fiscal expenses needed for integrating the proposed amendments into the existing reporting systems are already accounted for in the current operational budget that was proposed in the previous amendment to the rule.

Significant Statewide Adverse Economic Impacts Directly Affecting Businesses, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative businesses and determined that businesses may see an incremental cost increase as the result of the proposed regulatory action. Approximately 118 businesses are affected by the proposed amendments. Some EPEs and oil and gas producers will have minor cost decreases, while other reporters, such as natural gas suppliers and legacy contract generators will have minor cost increases. Most businesses subject to the reporting regulation will not experience noticeable changes in cost of compliance as a result of the proposed amendments.

ARB staff estimates that the amended requirements will lead to a total net cost decrease of approximately \$2,100 for all affected reporters over an eight-year time period. For those sectors that have increases, approximately 89.9 percent of the cost impacts affect natural gas suppliers. A typical reporter subject to the proposed

revisions will see an average cost reduction of about \$18/year. The actual cost range for individual reporters varies, ranging from a cost of approximately \$450/year for affected natural gas suppliers, to a savings of about \$120/year for affected EPEs.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

Results of The Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Sec. 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation:

Anticipated benefits of the proposed revisions include improved clarity for reporting entity's reporting and verification obligations, more accurate GHG emissions estimates from corrected or updated emissions calculation methods and emission factors, improved methods to support the accuracy of the statewide greenhouse inventory program and continued robust methods for reporting emissions and product data in order to support ARB's Cap-and-Trade Regulation. These benefits may also result in indirect benefits to the health and welfare of California residents, and the state's environment by ensuring that the state has an accurate inventory of GHG emissions to support programs which will reduce emissions and directly improve the health and welfare of California residents, and the state's environment. A further discussion on the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Effect on Small Businesses

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because none of the affected companies qualify for the small business status based on the California Government Code section 11342.610 definition.

Housing Costs

The Executive Officer has made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Business Report

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome 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. Because the proposed amendments are made to the existing reporting regulation, and given that these proposed amendments do not have a significant adverse fiscal or economic impact, no alternatives were considered other than making no changes to the regulation, or the specific alternatives described in Chapter II of the ISOR. These alternatives were evaluated, but dismissed as not being more effective than the proposed revisions in carrying out the purposes of the updates.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter IV of the ISOR. The environmental analysis of the proposed regulatory action can be found in Chapter IV of the ISOR.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

Interested members of the public may present comments relating to this matter orally or in writing at the hearing, and may provide comments by postal mail or electronic submittal before the hearing. The public comment period for this regulatory item will begin on August 1, 2014. To be considered by the Board, written submissions not physically submitted at the hearing must be submitted on or after August 1, 2014, and received **no later than 5:00 p.m., September 15, 2014**, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

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Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 38510, 38530, 38560, 38562, 38564, 38570, 38571, 38580, 38597, 39600, 39601, 39607, 39607.4, and 41511. This action is proposed to implement, interpret and make specific sections 38501, 38505, 38510, 38530, 38560.5, 38564, 38565, 38570, 38580, 38597, 39600, 39601, 39607, 39607.4, and 41511 of the Health and Safety Code.

HEARING PROCEDURES

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Following the public hearing, the Board may adopt the regulatory language as originally proposed or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language

with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

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GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Project: Foley's Ranch Crossover Upgrade Project
Location: Alameda County
Applicant: Pacific Gas and Electric Company

Background

The Pacific Gas and Electric Company (Applicant) proposes to modify and update the Foley's Ranch Crossover Station (Project), a natural gas facility located south of the City of Livermore in Alameda County, east of California State Route 84 (SR-84) and surrounded by privately owned ranchlands. The crossover station connects and regulates the flow of natural gas between three main lines: Line 107 (L-107), a 22-inch line; Line 131 (L-131), a 24-inch line; and Line 303 (L-303), a 36-inch line. The modification is necessary to increase system reliability and flexibility.

Ground-disturbing activities within a 2.51-acre Project site include: (1) regrading of the 0.92-acre crossover station, (2) temporary staging of equipment, soils and materials within a 1.59-acre temporary construction zone surrounding the crossover station. The existing 0.92-acre crossover station includes 0.54 acres of grassland with the remainder being the existing facilities. The 1.59-acre temporary construction zone includes 1.08 acres of grassland with the remainder graveled.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*; hereafter CTS) a species designated as threatened pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) [Fish & G. Code, § 2050 et seq.]. (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)). In particular, CTS could be incidentally taken as a result of being crushed by driving of vehicles or equipment, and from becoming crushed or entombed in burrows during ground disturbing and staging activities within the 2.51-acre Project site.

CTS individuals are documented as present within 1.3 miles of the Project site and suitable CTS breeding

and upland habitat exists within and adjacent to the Project site. Because of the proximity of the nearest documented CTS, CTS dispersal patterns, and the presence of suitable CTS habitat within the Project site, the United States Fish and Wildlife Service (Service) determined that CTS are reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS. According to the Service, the Project will result in the temporary loss of 1.08 acres of upland CTS habitat. Construction of the Project will also result in the permanent loss of 0.54 acres of upland CTS habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On June 19, 2014, the Service issued a letter (Service file No. FF08ESMF00-2014-F-0230) (Append Letter) to the Corps, appending the Project to the Service's Programmatic Biological Opinion for the Corps, Permitted Projects Utilizing the East Alameda County Conservation Strategy that May Affect Federally Listed Species in East Alameda County, California (Service Ref. No. 08ESMF00-2012-F-0092-1) (Programmatic BO). The Append Letter describes the Project, requires the Applicant to comply with terms of the Programmatic BO and its incidental take statement (ITS), the Append Letter, and incorporates additional measures. The Append Letter also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment (BA).

On June 20, 2014, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the Programmatic BO, including its ITS and Append Letter are consistent with CESA for purposes of the Project and the anticipated incidental take of CTS (Cal. Reg. Notice Register 2014, No. 27-Z, p. 1198.).

Determination

CDFW has determined that the Programmatic BO, including its ITS and Append Letter, are consistent with CESA as to the Project and the anticipated incidental take of CTS because the mitigation measures contained in the Programmatic BO, Append Letter, and ITS, as well as the conditions in the BA, meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Programmatic BO, Append Letter and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), 'take' . . . means to catch, capture or kill").

required avoidance, minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the Programmatic BO, ITS, Append Letter, and BA include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Applicant will only conduct construction during the dry season (April 15–October 31). If it appears that construction activity might go beyond October, Applicant will request authorization from the Service and CDFW at least 30 days prior to the date of the proposed extension.
- The Applicant will flag the construction boundaries and access areas prior to ground–disturbing activities and will maintain the flagging through construction activities.
- Applicant will limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for CTS. Applicant will install protective fencing for these sites immediately adjacent to construction activities.
- A Service/CDFW–approved biologist shall supervise the installation and necessary maintenance of Service/CDFW–approved wildlife fencing in project areas subject to greater than 72 hours of disturbance.
- Applicant shall ensure that open trenches will be searched each day prior to construction to ensure no CTS are trapped. Escape ramps will be soil and/or rough planks with a maximum 45 degree angle. Applicant shall ensure that all equipment and vehicles are inspected at the beginning of every work day, prior to beginning work activities. All personnel shall inspect under their tires before moving a vehicle that has been parked for more than 15 minutes.
- Applicant will not conduct Project activities when rainfall occurs at rates greater 0.25 inches within 24 hours or during the first 48 hours following rain events.
- Applicant will cease all construction activities one half–hour before sunset and will not begin prior to one half–hour after sunrise to the maximum extent feasible. If nighttime construction cannot be avoided, it will be limited to a maximum of seven nights and limited in extent, duration, and brightness. A CDFW–approved biologist will be

present during all construction, including all night work.

- Applicant shall stockpile material within permitted work limits only, such that direct effects to CTS are avoided.
- A Service/CDFW–approved biologist will survey the work site immediately prior to construction activities, during excavation, and continue for at least 30 minutes following the initial ground disturbance. If CTS are present, the Service/CDFW–approved biologist will contact the Service and CDFW.
- The Applicant shall develop a Site Restoration Plan (SRP) prior to initiating Project activity and implement it to revegetate and restore temporarily disturbed annual grassland habitat within the Project area. The SRP will ensure: (1) recontouring and seeding of temporary impact areas shall occur prior to October 31 of each year where the impacts occur; unless the Applicant has received approval for an extension(s) and CDFW approval for any additional mitigation that may be required; (2) the Applicant will monitor all temporary impact areas until these sites achieve 70 percent cover of pre–Project conditions. Restoration efforts will include contour restoration, slope stabilization, control of invasive weeds, and reestablishment of appropriate vegetation.
- If CDFW determines after October 31 that site restoration has not been completed for areas in which impacts had been considered temporary, the Applicant shall cease all new construction activities and revise the project construction schedule and the temporary impact restoration schedule and provide revised documents and additional mitigation to CDFW and the Service within 7 days after CDFW’s determination. Mitigation for any areas that have not been fully restored per CDFW determination shall be provided at the ratio for permanent impacts.
- The Applicant will not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council, accessible at: <http://www.cal-ipc.org/paf/>.

Monitoring and Reporting Measures

- The Service/CDFW–approved biologist will be responsible for monitoring project activities to minimize or avoid take of CTS.

- The Applicant or its contractors will immediately notify the Service/CDFW–approved biologist if a CTS is taken or injured by a project–related activity, or if a CTS is otherwise found dead or injured within the vicinity of the project. The Service/CDFW–approved biologist will notify the Service and CDFW. Notification to the Service and CDFW shall include information regarding the location, species, and number of animals taken or injured. Following initial notification the Applicant shall send the Service and CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
- If an injured CTS is found during the Project term, the injured CTS shall be evaluated by the Service/CDFW–approved biologist who shall then immediately contact the Service and CDFW, via email and telephone, to discuss the next steps. If the injury is minor or healing and the CTS is likely to survive, the Service/CDFW–approved biologist shall relocate the CTS to an active rodent burrow or burrow system no more than 300 feet outside of the work area (unless otherwise approved by the Service and CDFW in writing).
- If it is determined that a CTS has major or serious injuries as a result of Project–related activities, the Service/CDFW–approved biologist shall immediately take the CTS to the Lindsay Wildlife Museum or another Service/CDFW approved facility. The Applicant shall bear any costs associated with the care or treatment of such injured CTS. The circumstances of the injury, the procedure followed and the final disposition of the injured CTS shall be documented in a written incident report.

Financial Assurances

- To compensate for Project impacts to CTS and CTS habitats, the Applicant will purchase Mountain House Conservation Bank credits at a ratio of 4:1 for permanent impacts (0.54 acres) for a total of 2.77 acres of credit purchased. Compensation for on–site temporary impacts will be mitigated at a ratio of 1:1 for a total of 1.08 acres. Alternatively, if a Service/CDFW–approved conservation bank located within the East Alameda Conservation Strategy’s CTS South mitigation zones becomes available, the Applicant shall purchase credits for CTS and CTS habitats at a ratio consistent with the

Conservation Strategy as confirmed by the Service and CDFW.

- Prior to initiating Project activities, Applicant will provide CDFW with a form of performance security, approved in advance in writing, in the amount of \$120,819, comprised of:
 - a. \$12,789 is required to restore on–site temporary project impacts to 1.08 acres of CTS habitat at a ratio of 1:1; and
 - b. \$108,030, estimated as the necessary cost for mitigation credits for 2.77 acres purchased at a Service/CDFW–approved conservation or mitigation bank.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the Append Letter, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Programmatic BO and the BA, Append Letter, including the ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, Append Letter, ITS, or BA, the Applicant shall obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)).

Date: 7–18–14

By: /s/
Sandra Morey,
Deputy Director
Ecosystem Conservation Division

DECISION NOT TO PROCEED

BOARD OF OPTOMETRY

Re: Notice of Proposed Rulemaking concerning Medical evaluations and unprofessional conduct

Pursuant to Government Code Section 11347, the California State Board of Optometry hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on October 18, 2013, Register 2013, No. 42–Z. The proposed rulemaking concerned Medical evaluations and unprofessional conduct. (OAL Notice Z2013–1008–11.)

Any interested person with questions concerning this rulemaking should contact Mona Maggio at either

916-575-7170 or by e-mail at mona.maggio@dca.ca.gov.

The Board will also post this Notice of Decision Not to Proceed on its website.

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# 2014-0716-03
 BOARD OF EDUCATION
 Measurement of Academic Performance and Progress (MAPP)

The State Board of Education submitted this emergency readopt action to maintain the regulatory changes made in OAL File No. 2014-0124-04E, which amended and repealed sections of Title 5 of the California Code of Regulations commencing with section 850 and ending with section 868. Education Code section 60640, as established by AB 484, effective January 1, 2014, deleted provisions that established the Standardized Testing and Reporting Program (STAR) and established the California Assessment of Student Performance and Progress (CAASPP).

Title 5
 California Code of Regulations
 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868
 Filed 07/23/2014
 Effective 07/23/2014
 Agency Contact: Hillary Wirick (916) 319-0644

File# 2014-0610-02
 BOARD OF REGISTERED NURSING
 Enforcement

In this regulatory action, the Board is amending two sections and adopting one section in Division 14 of Title 16 of the California Code of Regulations. The regulato-

ry changes delegate to the Executive Officer the authority to enter into settlement agreements, further define the term "unprofessional conduct," and require an administrative law judge to issue a proposed decision revoking the registered nurse license without stay if the licensee is found to have engaged in sexual contact with a patient or has committed or has been convicted of a sexual offense.

Title 16
 California Code of Regulations
 ADOPT: 1441 AMEND: 1403, 1444.5
 Filed 07/23/2014
 Effective 07/23/2014
 Agency Contact: Ronnie Whitaker (916) 574-8257

File# 2014-0709-02
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Enrollment Assistance

This is a re-adoption of emergency rulemaking action numbers 2013-0705-01E, 2014-0129-01EE, and 2014-0501-02EE by the California Health Benefit Exchange. This action establishes the Enrollment Assistance and Navigator Programs within title 10 of the California Code of Regulations, and includes eligibility standards, application requirements, and other guidelines for individuals and entities to participate in each Program.

Title 10
 California Code of Regulations
 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
 Filed 07/21/2014
 Effective 07/21/2014
 Agency Contact: Tessa Hammer (916) 228-8232

File# 2014-0605-01
 DEPARTMENT OF BUSINESS OVERSIGHT
 Pilot Program for Increased Access to Responsible Small Dollar Loans

This rulemaking action by the Department of Business Oversight (Department) adopts regulations to implement the Pilot Program for Increased Access to Responsible Small Dollar Loans established by Statutes 2013, Chapter 467 (SB 318), which provides for increased availability of small dollar loans of at least \$300 but less than \$2,500. This action also repeals regulations for a similar former pilot program called the Pilot Program for Affordable Credit-Building Opportunities, which was abolished by SB 318, and transfers licenses from this former program to the new program.

Title 10
 California Code of Regulations
 ADOPT: 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1606.1, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618 AMEND: 1550 REPEAL: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596
 Filed 07/17/2014
 Effective 07/17/2014
 Agency Contact: Karen Fong (916) 322-3553

File# 2014-0612-02
 DEPARTMENT OF BUSINESS OVERSIGHT
 Parity Regulations — Derivative Transactions
 This rulemaking action by the Department of Business Oversight (DBO) adopts sections 10.190500 and 10.190501 of title 10 of the California Code of Regulations pursuant to Financial Code section 332(d). These sections require subject institutions to comply with 12 C.F.R. Part 32.9, subsections (a) and (b), as if the subject institutions were California state chartered banks.

Title 10
 California Code of Regulations
 ADOPT: 10.190500, 10.190501
 Filed 07/23/2014
 Effective 10/01/2014
 Agency Contact: Karen Fong (916) 322-3553

File# 2014-0616-06
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Inmate Personal Property
 The California Department of Corrections and Rehabilitation submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1224-02E. That rule-making amended sections 3044, 3190, and 3315 of Title 15 of the California Code of Regulations, which modified the personal property regulations and incorporated by reference a slightly modified version of the authorized personal property schedules.

Title 15
 California Code of Regulations
 AMEND: 3044, 3190, 3315
 Filed 07/22/2014
 Effective 07/22/2014
 Agency Contact: Shelley Alarid (916) 445-2287

File# 2014-0702-01
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Urinalysis Testing Program for Parolees

This action by the California Department of Corrections and Rehabilitation amends Title 15 of the California Code of Regulations to provide a new statewide Urinalysis (UA) Testing Program, which is based on the successful Urinalysis Testing Pilot Program (DAPO). The pilot program, which would have expired by operation of law in October 2014, is being repealed in this action. The UA Testing Program provides parolees with opportunities for long-term recovery from addiction, assists their reintegration back into the community, and increases public safety by reducing drug use and holding individuals accountable for their actions.

Title 15
 California Code of Regulations
 ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625, 3999.14
 Filed 07/17/2014
 Effective 07/17/2014
 Agency Contact: Sarah Pollock (916) 445-2308

File# 2014-0715-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Guava Fruit Fly Eradication Area

This action amends Title 3, Division 4, Chapter 3, Subchapter 5, Article 2 of the California Code of Regulations, amending the proclaimed guava fruit fly eradication area to include Contra Costa, Riverside, and San Bernardino Counties.

Title 3
 California Code of Regulations
 AMEND: 3591.13(a)
 Filed 07/22/2014
 Effective 07/22/2014
 Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0618-02
 DEPARTMENT OF PUBLIC HEALTH
 Conflict-of-Interest Code

This is a Conflict-of-Interest code filing that has been approved by FPPC on June 11, 2014, and is being submitted for filing with the Secretary of State and printing only.

Title 22
 California Code of Regulations
 ADOPT: 20100.5
 Filed 07/21/2014
 Effective 08/20/2014
 Agency Contact: Linda M. Cortez (916) 440-7807

File# 2014-0606-02
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 Chemicals known to the State to Cause Cancer or Reproductive Toxicity

Health and Safety Code section 25249.8 provides that the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity and shall cause the list to be revised and republished in light of additional knowledge at least once per year. The Office of Environmental Health Hazard Assessment amended section 27001 of title 27 of the California Code of Regulations to revise the list of chemicals known to the state to cause cancer or reproductive toxicity. Subdivision (e) of Health and Safety Code section 25249.8 provides that in carrying out the duties under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act.

Title 27
 California Code of Regulations
 AMEND: 27001
 Filed 07/17/2014
 Effective 07/17/2014
 Agency Contact: Cynthia Oshita (916) 322-2068

File# 2014-0708-02
STATE WATER RESOURCES CONTROL BOARD
 Statewide Drought-Related Curtailment of Water Diversions to Protect Senior Water Rights

The State Water Resources Control Board (Board) submitted this emergency action to adopt two sections and amend two sections under an article in title 23 of the California Code of Regulations that pertains to curtailment of water diversions based on insufficient flow to meet all needs. The state's current system for curtailing water diversions and enforcing those curtailments will not provide for timely and effective implementation of the state's system of senior water rights during the current drought when numerous water diversions require curtailment and enforcement in a short period of time. The proposed regulations will set drought emergency curtailment method and reporting requirements necessary to ensure the orderly curtailment of water rights to protect senior water rights. The proposed regulations also clarify the information the Board will rely on in is-

suing initial curtailments, make the curtailment a system of enforceable orders, thereby increasing its effectiveness, and clarify the procedures for contesting and making exceptions to curtailment orders.

Title 23
 California Code of Regulations
 ADOPT: 875, 878.3 AMEND: 878.1, 879
 Filed 07/16/2014
 Effective 07/16/2014
 Agency Contact: David Rose (916) 341-5196

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN February 19, 2014 TO
 July 23, 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
 07/14/14 AMEND: 549
 05/30/14 REPEAL: 649.56
 05/29/14 AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.3, 22601.4, 22601.7 REPEAL: 22601.1
 05/19/14 ADOPT: 1181.1, 1181.2, 1181.3, 1181.4, 1181.5, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.9, 1182.10, 1182.11, 1182.12, 1182.13, 1182.14, 1182.15, 1182.16, 1183.1, 1183.2, 1183.3, 1183.4, 1183.5, 1183.6, 1183.7, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5 REPEAL: 1181, 1181.1, 1181.2, 1181.4, 1182, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1183, 1183.01, 1183.02, 1183.03,

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

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

Title 3

07/22/14 AMEND: 3591.13(a)
 07/10/14 AMEND: 3424
 06/27/14 AMEND: 1430.142
 06/24/14 AMEND: 3435(b)
 06/17/14 AMEND: 3435(b)
 06/02/14 AMEND: 3435(b)
 05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10
 AMEND: 1280.7
 05/12/14 AMEND: 3591.20(a)
 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

Title 4

07/10/14 ADOPT: 5600, 5610, 5620, 5630, 5640
 AMEND: 5000, 5144, 5170, 5200, 5205,
 5230, 5240, 5255, 5350, 5370
 06/30/14 AMEND: 10030, 10031, 10032, 10033,
 10034, 10035, 10036
 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

Title 5

07/23/14 AMEND: 850, 851, 852, 853, 853.5, 855,
 857, 858, 859, 861, 862, 862.5, 863, 864
 REPEAL: 854, 864.5, 865, 866, 867,
 867.5, 868
 07/11/14 ADOPT: 80693, 80694
 06/26/14 ADOPT: 9517.3
 06/13/14 ADOPT: 19810 REPEAL: 19810, 19812,
 19813, 19814, 19815, 19816, 19816.1,
 19817, 19817.1, 19817.2, 19817.5,
 19818, 19819, 19820, 19821, 19821.5,
 19822, 19823, 19824, 19824.1, 19825,
 19825.1, 19827, 19828, 19828.1,
 19828.2, 19828.3, 19828.4, 19829,
 19829.5, 19830, 19830.1, 19831, 19832,
 19833, 19833.5, 19833.6, 19834, 19835,
 19836, 19837, 19837.1, 19837.2,
 19837.3, 19838, 19840, 19841, 19843,
 19844, 19845, 19845.1, 19845.2, 19846,
 19846.1, 19847, 19848, 19849, 19850,

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	19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855		32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997
05/19/14	AMEND: 80035.5		
05/05/14	ADOPT: 14037, 14038, 14039, 14040, 14041, 14042		
05/05/14	ADOPT: 3051.19, 3051.20, 3051.21, 3051.22, 3051.23, 3051.24 AMEND: 3001, 3023, 3025, 3029, 3030, 3031, 3040, 3043, 3051, 3051.1, 3051.2, 3051.3,.4, 3051.5, 3051.6, 3051.7, 3051.75, 3051.8, 3051.9, 3051.10, 3051.11, 3051.12, 3051.13, 3051.14, 3051.15, 3051.16, 3051.17, 3051.18, 3060, 3061, 3064, 3065, 3068, 3083, 3084, 3088 REPEAL: 3054	06/24/14	AMEND: 5155
		06/03/14	AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.37, 9789.39
		06/02/14	AMEND: 5605
		05/30/14	ADOPT: 13660, 13660.1, 13661, 13662, 13663, 13663.5, 13664, 13665, 13665.5, 13666, 13666,.1, 13666.2, 13666.5, 13667, 13667.1, 13667.40 REPEAL: 13660, 13661, 13662
04/15/14	AMEND: 70020	05/29/14	AMEND: 1598, 1599
04/01/14	AMEND: 80303	05/14/14	ADOPT: 344.76, 344.77
04/01/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3	05/05/14	AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 3204, 5150, 5157, 5161, 5189, 5190, 5191, 5192, 5194, 5197, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5208.1, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5217, 5218, 5219, 5220, 8358, 8359
02/28/14	ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839		
Title 7		05/05/14	ADOPT: 1929 AMEND: 1504, 1930, 1931, 1932, 1934, 1935, 1936, 5154, 5191, 5194, 5415, 5417, 5449, 5451, 5531, 5532, 5533, 5534, 5535, 5537, 5538, 5541, 5542, 5543, 5545, 5546, 5547, 5549, 5555, 5556, 5558, 5560, 5566, 5568, 5569, 5570, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5583, 5585.1, 5589, 5590, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5601, 5602, 5606, 5607, 5608, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5624
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07/10/14	ADOPT: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742,	04/14/14	AMEND: 3650
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		05/01/14 AMEND: 125.02
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- 02/24/14 AMEND: 553.70
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- 07/10/14 AMEND: 791.7
- 07/08/14 AMEND: 7.50
- 07/02/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
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- 06/25/14 AMEND: 28.20
- 06/23/14 AMEND: 360, 361, 362, 363, 364
- 06/19/14 AMEND: 916.2, 936.2, 956.2
- 06/11/14 ADOPT: 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1 AMEND: 895.1, 914.7, 914.8, 915.1, 916.3, 916.4, 916.9, 934.7, 934.8, 935.1, 936.3, 936.4, 936.9, 954.7, 954.8, 955.1, 956.3, 956.4, 956.9, 1034, 1051.1, 1090.5, 1090.7, 1092.09, 1093.2, 1104.1 REPEAL: 918.3, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9.1, 938.3, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 958.3, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9
- 06/11/14 AMEND: 3550.8
- 05/22/14 AMEND: 165
- 05/21/14 AMEND: 360
- 05/19/14 AMEND: 149, 149.1
- 04/30/14 AMEND: 27.80
- 04/11/14 AMEND: 3550.15
- 04/07/14 AMEND: 790, 820.01
- 04/01/14 AMEND: 27.80
- 03/26/14 AMEND: 916.9(g)(2)(A), 936.9(g)(2)(A), 956.9(g)(2)(A)
- 03/25/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
- 03/24/14 AMEND: 228(a)
- 03/18/14 AMEND: 601, 702(a)(1)
- 02/19/14 AMEND: 7.00, 7.50, 8.00
- Title 15**
- 07/22/14 AMEND: 3044, 3190, 3315
- 07/17/14 ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625, 3999.14
- 07/07/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
- 06/02/14 AMEND: 3000, 3075.1, 3076.4, 3269, 3357
- 05/14/14 AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383
- 05/12/14 AMEND: 3043
- 04/21/14 REPEAL: 3999.12
- 03/28/14 ADOPT: 3999.17
- 03/24/14 AMEND: 3044, 3190, 3282, 3335
- 03/18/14 AMEND: 3290, 3315
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- 07/23/14 ADOPT: 1441 AMEND: 1403, 1444.5
- 07/10/14 ADOPT: 2010.2, 2014.1 AMEND: 2002, 2009, 2010, 2010.1, 2014, 2015, 2015.1, 2068.6, 2071 REPEAL: 2062
- 07/07/14 AMEND: 3363.1, 3363.2, 3363.3, 3363.4
- 06/23/14 AMEND: 3394.2, 3394.3, 3394.4
- 06/16/14 AMEND: 419, 3061, 3064
- 06/11/14 AMEND: 1240, 1241, 1242, 1246 REPEAL: 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291
- 05/21/14 AMEND: 3340.29
- 05/19/14 AMEND: 1023.16, 1023.17
- 05/05/14 AMEND: 120
- 04/24/14 AMEND: 1495.1, 1495.2
- 04/23/14 AMEND: 940
- 04/22/14 AMEND: 1419(c)
- 04/21/14 AMEND: 1508.1
- 04/14/14 AMEND: 1749
- 02/24/14 ADOPT: 1762 AMEND: 1745, 1769
- 02/19/14 AMEND: 1021
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- 06/27/14 AMEND: 6540
- 06/26/14 ADOPT: 95894, 95895, 95923, 95979.1, AMEND: 65802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95841.1, 95851, 95852, 95852.1.1, 95852.2, 95853, 95856, 95857, 95870, 95890, 95891, 95892, 95893, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95942,

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05/05/14 AMEND: 6050, 6051, 6070

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60320.128, 60320.130, 60320.200,
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60320.206, 60320.208, 60320.210,
60320.212, 60320.214, 60320.216,
60320.218, 60320.220, 60320.222,
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04/07/14	AMEND: 4353, 4369	80-310, 82-612, 82-812, 82-820,
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