



# California Regulatory Notice Register

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

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **September 13, 2012**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **September 11, 2012**.

#### BACKGROUND/OVERVIEW

In order to effectuate the Act’s disclosure requirements and to ensure that the public is made aware of potential conflicts of interest, Section 87300 requires every agency to adopt and promulgate a conflict of interest code covering agency officials who engage in governmental decision making. An agency’s conflict of interest code must specifically designate the employees of the agency who are required to file a statement of economic interests, disclosing their reportable investments, business positions, interests in real property, and sources of income.

Section 87309 provides that “No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it (a) fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented. . . .”

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Amendments to Regulation 18942 that went into effect on January 1, 2012 implemented gift exceptions including the following exception in subdivision (a)(18):

“Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official’s agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official’s position and there is no evidence whatsoever at the time the gift is made that the official makes or participates in the type of governmental decisions that may have a reasonably foreseeable material financial effect on the individual who would otherwise be the source of the gift.”

The language quoted above was enacted as part of a large regulatory package involving the Act’s gift rules and was intended to limit items that are considered gifts under the Act to those types of items that may actually influence an official in his or her official duties. This regulatory change aligned the Commission’s regulations more closely with the purposes of the Act and with standards established in longstanding case law.

Existing case law states that financial disclosure laws must meet certain constitutional standards, and overbreadth must be avoided. (See *City of Carmel-by-the Sea v. Young* (1970), 2 Ca1.3d 259; *County of Nevada v. MacMillen* (1974), 11 Cal. 3d 662.)

In *Carmel (supra)*, the California Supreme Court held that a financial disclosure law that generally required every public official and candidate for state or local office to file a statement disclosing the nature and extent of his or her investments in excess of \$10,000 (excluding homes used for personal or recreational purposes) as well as those of his or her spouse and minor children, undertook an overbroad intrusion into the right of privacy and thereby impermissibly restricted the right to seek or hold public office or employment.

Four years later, in *County of Nevada (supra)* the same court addressed a new financial disclosure law and found that it had been “specially tailored to meet and satisfy the primary concerns of our *Carmel* ruling.” The court explained that its “major objection” to the provisions considered in the *Carmel* case was that “No effort is made to relate the disclosure to financial dealings or assets which might be *expected* to give rise to a conflict of interest; that is, to those having some rational connection with or bearing upon, or which might be affected by, the functions or jurisdiction of any particular agency, whether statewide or local, or on the functions or jurisdiction of any particular public officer or employee.” (*County of Nevada, supra*, p. 671 [emphasis added].)

Many conflict of interest codes that are currently in effect require the disclosure of gifts by designated employees in cases where there is no foreseeable potential

conflict of interest. Staff has recognized the need, and has been directed by the Commission, to incorporate the new gift regulation and case law discussed above into the gift reporting requirements for designated employees to achieve consistency between the gift regulations in place and the gift reporting requirements.

#### REGULATORY ACTION

##### Adopt 2 Cal. Code Regs. Section 18730.1:

The proposed regulation addresses the gift reporting requirements for designated employees and provides direction to agencies when developing disclosure categories for conflict of interest codes. The regulation would implement guidelines that would direct agencies to tailor conflict of interest code disclosure categories so that designated employees who report sources of gifts report only those gifts that may potentially influence designated employees in their official capacities.

#### SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

#### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act (Gov. Code Secs. 81000–91014).

#### REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 82028, 87100, 87103, 87207, 87300, 87302, 87309 and 89503.

#### CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC, or email [sbrar@fppc.ca.gov](mailto:sbrar@fppc.ca.gov).

The Commission welcomes public comment on the proposed regulatory language which can be accessed under the “Regulations” section of the Commission’s website at <http://www.fppc.ca.gov/index.php?id=247#2>. In addition, updated regulatory language will be available for public comment on the “Agendas” section of the Commission’s website no later than September 3rd, ten days before the Commission’s September 13th meeting.

### TITLE 5. COMMISSION ON TEACHER CREDENTIALING

#### Proposed Amendments and Additions Pertaining to Teacher Librarian Services Credential and Special Class Authorization

The Commission on Teacher Credentialing proposes to make amendments and additions to the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing on the proposed actions will be held:

**September 27, 2012  
9:00 a.m.**

**Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on September 24, 2012. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322–0048; write to the Commission on Teacher Credentialing, attn. Roxann L. Purdue, 1900 Capitol Avenue, Sacramento, California 95811; or submit by email to [rpurdue@ctc.ca.gov](mailto:rpurdue@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission’s

staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 44225 of the Education Code, and to implement, interpret or make specific Section 44269 of the Education Code, the Commission on Teacher Credentialing is proposing the amendments to §§80024.6 and 80053 and the addition of §80053.1 in Title 5 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

The proposed amendments and additions to Title 5 of the CCR will clarify and interpret the Education Code (EC) sections pertaining to the requirements and authorizations for individuals prepared for Teacher Librarian Services Credentials in California. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for individuals seeking Teacher Librarian Services Credentials and a Special Class Authorization.

Title 5 CCR §80024.6 for Emergency Teacher Librarian Services Permits was changed without regulatory effect to amend the section heading to align with statute in May 2009. This section was last amended in November 1999. Section 80053 for Services Credential Authorizing Service as a Library Media Service Teacher was last amended in April 2000. Section 80053.1 is a proposed new section for the option of earning an additional Special Class Authorization for teaching content in Information Literacy, Digital Literacy, and Digital Citizenship in a departmentalized classroom setting for the holder of a credential authorizing services as a Teacher Librarian. Since April 2000, the Legislature has passed and the Governors have signed legislation affecting the title of this credential and various requirements pertaining to the issuance such as the expansion of the requirement of the California Basic Educational Skills Test (CBEST) to several options for satisfying the new Basic Skills Requirement (BSR). Commission staff has been relying on the language provided in statute to issue these credentials with the correct title and based on the updated requirements. However, it has become apparent that Title 5 regulations are required to clarify and make specific the requirements for the Teacher Librarian Credential listed in EC §44269 for uniformity. Especially needed are revisions to the au-

thorization statement to align with the preparation of Teacher Librarians and reflect current language in the field. In addition, these amendments and additions to regulations align with the new preparation program standards recently adopted by the Commission for Teacher Librarians.

The Commission adopted Preconditions and Program Standards for the Teacher Librarian Services Credential at the June 2011 meeting. At the same Commission meeting, staff presented proposed standards for the option of adding a Special Class Authorization (SCA) to the Teacher Librarian Services Credential that would authorize providing departmentalized instruction in the content areas of Information Literacy, Digital Literacy and Digital Citizenship. These additional standards for the SCA were presented as an action item and adopted by the Commission at the October 2011 meeting. The *Teacher Librarian Services Credential and Special Class Authorization in Information and Digital Literacy Program Standards (rev. 2011)* were a result of the work completed by the Teacher Librarian Services Credential Advisory Panel. Amendments and additions are proposed to current regulations to align with the new standards as well as recent statutory changes as provided below.

Senate Bill (SB) 132 (Chap. 730, Stats. 2007) amended EC §44269 to change the title of the Library Media Teacher Services Credential to Teacher Librarian Services Credential. As a result, amendments are proposed to change the name of the credential title throughout related sections of regulations to Teacher Librarian Services Credential. Staff is also proposing that the word ‘professional’ be removed from the credential title based on amendments to EC §44277. This section of statute removed professional growth activities and successful service as renewal requirements for professional clear teaching credentials. The credential is now referenced as a “clear” credential.

The addition of an English learner authorization requirement on the prerequisite teaching credential is proposed to align with preconditions in the Commission–approved *Teacher Librarian Services Credential and Special Class Authorization in Information and Digital Literacy Program Standards (rev. 2011)*. The proposed amendments will also update the basic skills requirement language to align with current statute under EC §44252. Amendments are proposed to update the authorization for the Teacher Librarian Services Credential in order to align with the revised preparation program standards and current language within the school library field.

The proposed regulations include a new section for an SCA. The SCA is an optional authorization that may be added to specific service credentials for depart-

mentalized instruction in a content area closely related to the authorized area of service.

#### SPECIAL CLASS AUTHORIZATION PURPOSE

The holder of a Teacher Librarian Services Credential who completes the additional standards and earns an SCA will be authorized to teach departmentalized courses in Information and Digital Literacy, including the nature, architecture and cycle of information, Digital Citizenship, and technology resources and tools to students in preschool, K–12 and classes organized primarily for adults. The SCA program content standards include Information and Digital Literacy concepts on how to access, evaluate, process, use, integrate, generate and communicate information, as well as content in Digital Citizenship for the ethical, legal and safe use of information and technology. The content focuses on how information and ideas are processed and transformed using digital tools and addresses the ethical, legal and safe use of information and technology for courses or content in Digital Citizenship.

The SCA allows an individual with a Teacher Librarian Services Credential to have more flexibility in employment as both a provider of services and a teacher of related content and authorizes an individual with special skills to teach content in the area of those skills in a departmentalized setting. Neither current Teacher Librarians nor candidates in future programs would be required to complete the additional standards and obtain the proposed SCA. Candidates enrolled in a program offering both the Teacher Librarian Services Credential program and the SCA will have the option of completing all standards concurrently for an initial recommendation by the program sponsor for the Teacher Librarian Services Credential and the SCA. Candidates may also elect to complete the additional standards subsequently and add the SCA at a later date. The holders of previously issued Teacher Librarian Services Credentials, or an older equivalent authorization, would have the option of completing the subsequent coursework that meets the additional standards in order to add the SCA to their credentials.

#### SPECIAL CLASS AUTHORIZATION RATIONALE

The Teacher Librarian Services Credential is a services credential that authorizes the holder to provide services as a teacher librarian. Candidates are prepared in the areas of teaching and learning, information access and delivery, collaboration, advocacy, and program leadership in order to ensure that the students and staff they serve become effective users of ideas and information.

The responsibilities of the Teacher Librarian include working actively with school staff and participating in the area of curriculum development. The holder must be knowledgeable about the K–12 curriculum for development of the library collection and program as well as be able to work effectively with students and staff at every grade level. For these reasons, Teacher Librarian candidates must hold a basic teaching credential in general education, special education, or designated subjects.

The Teacher Librarian provides instruction to students within the context of the library program or in collaborative lessons with the classroom teacher. While Teacher Librarians provide instruction to staff and students in relation to Information and Digital Literacy as well as Digital Citizenship within the context of the overall library program, their services credential does not authorize them to provide this content as the teacher of record in a separate departmentalized classroom. Teacher Librarians currently serving in a classroom for a portion of their day are only authorized to teach within the specified area(s) on their basic teaching credential(s). Currently, Teacher Librarians are authorized to teach content related to digital literacy and citizenship in a departmentalized setting only if their basic teaching credential is a single subject teaching credential in business, mathematics, or industrial and technology education or if they hold a supplementary authorization in computer concepts and applications.

Teacher Librarians also currently serve in these types of assignments outside of the authorization on their teaching credentials on the basis of local assignment options available in the Education Code. Local assignment options are designed to provide flexibility to the employing agency and legally authorize assigning teachers outside of the subject area on their teaching credential if specific criteria are met. Most of the options in the Education Code require authorization by the local governing board and teacher consent. Providing an opportunity to teach the content of their specialized training on a full teaching authorization rather than a local assignment option addresses issues of equity for employment purposes and takes into consideration the depth of preparation this individual earns in this specialized content area.

Teacher Librarians receive in–depth preparation in these content areas as they relate to the services they provide within the library program and in collaboration with teacher colleagues. The additional content and pedagogy required by the SCA Standards provide individuals with the knowledge and skills necessary to develop curriculum, plan lessons, and provide instruction in departmentalized classrooms in this content area.

Recently, there has been both a national and state focus on teaching students more than the technical operations of a computer. State and Federal laws now include

requirements that focus on teaching students the appropriate and ethical use of information technology, internet safety, and the concepts of plagiarism and copyright. In deliberating on the need for the SCA and creating the related standards the Teacher Librarian Services Credential Panel reviewed and took into consideration many state and national research and studies. In particular, the panel considered both a state action plan on digital literacy in California and recently adopted state standards for model school libraries as detailed below.

In July 2010, the Information & Communications Technologies Leadership Council prepared a state action plan report titled, *Digital Literacy Pathways in California* based on an executive order ([http://www.ictliteracy.info/rtf/pdf/Digital%20LiteracyMaster\\_July\\_2010.pdf](http://www.ictliteracy.info/rtf/pdf/Digital%20LiteracyMaster_July_2010.pdf)). The report formally defines Digital Literacy as “A lifelong learning process of capacity building for using digital technology, communications tools, and/or networks in creating, accessing, analyzing, managing, integrating, evaluating, and communicating information in order to function in a knowledge-based economy and society.” Furthermore, the report provides a strategic plan for advancing digital literacy for California residents of all ages including K–12 students.

In September 2010 the California State Board of Education adopted the *Model School Library Standards for California Public Schools* (<http://www.cde.ca.gov/ci/cr/lb/schlibrarystds.asp>). A specific set of standards for students was included that identify the skills and knowledge essential for students to be information literate. Information Literacy is defined within these standards as “The ability to access, evaluate, use, and integrate information and ideas effectively.” In this document, the concept and definition of information were also broadened to include information and ideas found in print, media, and digital resources, enabling students to function in a knowledge-based economy and technologically oriented society. The student standards also include the legal, ethical and safe use of information both in print and online, other aspects of cyber safety, and the use of technology so that students learn to apply responsible research practices and act with respect for others when using digital devices.

Teacher Librarians have the academic preparation to explain the nature of information: how ideas are represented, communicated and used. They understand the critical features of each communication format and its impact on the information cycle. To that end, Teacher Librarians help the learning community leverage technology in support of information, not as a technical means in itself, but as a conveyor of ideas. Teacher Librarians, with the additional optional coursework provided in the SCA standards, would be authorized to provide independent departmentalized instruction as

the teacher of record for courses with content in Information Literacy, Digital Literacy, and Digital Citizenship as defined in the regulations below.

The proposed amendments to 5 CCR §§80024.6 and 80053 are consistent and compatible with the recently approved regulations for Speech–Language Pathology Services Credentials in Language, Speech and Hearing and the Special Class Authorization (reference 5 CCR §§80048.9 and 80048.9.4). The proposed addition of 5 CCR §80053.1 is consistent and compatible with the proposed additions to 5 CCR §80048.9.4. While differences exist between the two types of service credentials and the population of students served on the special class authorizations, the structure of providing consistent requirements for issuance, document terms, authorizations, and definitions within the regulations are consistent and compatible with all other regulations promulgated by the Commission. The regulations are aligned with the Commission practice of clarifying and making specific the requirements and authorizations for credentials aligned and consistent with the associated statutory section (EC §44269).

#### DOCUMENTS INCORPORATED BY REFERENCE

*Teacher Librarian Services Credential and Special Class Authorization in Information and Digital Literacy Program Standards (rev. 2011)* available on the Commission’s website at <http://www.ctc.ca.gov/educator-prep/standards/Teacher-Librarian-Service-Credential.pdf>.

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

#### **Preconditions**

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program’s standards document.

**Common Standards**

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

**Educator Preparation Program Standards**

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

*Digital Literacy Pathways in California* — Information & Communications Technologies Leadership Council (July 2010) available at [http://www.ictliteracy.info/rf.pdf/Digital%20LiteracyMaster July 2010.pdf](http://www.ictliteracy.info/rf.pdf/Digital%20LiteracyMaster%20July%202010.pdf).

*Model School Library Standards for California Public Schools* — California State Board of Education (September 2010) available at <http://www.cde.ca.gov/ci/cr/lb/schlibrarystds.asp>.

*Library Media Standards, 2<sup>nd</sup> Edition*, Adopted by the National Board for Professional Teaching Standards (NBPTS) Board of Directors (April 2010) available at [https://docs.google.com/file/d/0B0QYsEg2\\_sjmNTEzYmJIYWUtY2NkMC00ZTBmLTgwYTctODU3YWl1M2I1Njk0/edit](https://docs.google.com/file/d/0B0QYsEg2_sjmNTEzYmJIYWUtY2NkMC00ZTBmLTgwYTctODU3YWl1M2I1Njk0/edit).

*American Association of School Librarians Standards for the 21<sup>st</sup> Century Learner (2007)* available at [http://www.ala.org/aasl/sites/ala.org.aasl/files/content/guidelinesandstandards/learningstandards/AASL\\_Learning\\_Standards\\_2007.pdf](http://www.ala.org/aasl/sites/ala.org.aasl/files/content/guidelinesandstandards/learningstandards/AASL_Learning_Standards_2007.pdf).

*Economic Impact Assessment* — Proposed Additions and Amendments to Title 5 of the California Code of Regulations Pertaining to Teacher Librarian Services Credential and Special Class Authorization.

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

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

*Cost or savings to any state agency:* None.

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

*Significant effect on housing costs:* None.

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

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

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

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10).]:* The Commission has made an assessment that the proposed amendments to the 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. The proposed regulations will not benefit nor adversely affect the health and welfare of California residents, worker safety, or the State’s environment.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business since they apply only to the requirements for Teacher Librarian Services Credentials for service in California’s public schools.

CONSIDERATION OF ALTERNATIVES

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

regulations do not affect small businesses. In addition, no alternatives have yet been proposed that will be less burdensome and equally effective.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquires concerning the proposed action may be directed to Roxann L. Purdue by email at [rpurdue@ctc.ca.gov](mailto:rpurdue@ctc.ca.gov), by telephone at (916) 324-6453, or by mail to Roxann L. Purdue, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address provided in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the address provided in the previous paragraph. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Roxann L. Purdue at (916) 324-6453.

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 the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**Amend and Update the Field Training Officer Course  
Commission Procedure D13**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by September 24, 2012, at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code § 13503 — POST powers and § 13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — POST authority to

develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

At its June 28, 2012 meeting, the Commission approved proposed amendments to Commission Procedure D13. The proposed changes included:

- Adding “Driver Safety” to the minimum content listed in Procedure D–13–4, Field Training Officer Course Minimum Requirements

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers to ensure officer competency. This proposed action will add the Driver Safety component of the Field Training Officer Course minimum requirements to make sure Officers are aware of the latest in driver safety.

The specific benefits anticipated by the proposed amendments to the regulations will be to update the minimum content for the Field Training Officer Course. There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

All changes to the curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is January 1, 2013.

**LOCAL MANDATE**

This proposal does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT ESTIMATES**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or

savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

**COSTS OR SAVINGS TO STATE AGENCIES**

POST anticipates no additional costs or savings to state agencies.

**BUSINESS IMPACT/SMALL BUSINESSES**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

**ASSESSMENT REGARDING EFFECT ON  
JOBS/BUSINESSES**

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the state of California.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT PER GOV. CODE SEC. 11346.3**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

There would be no benefit of proposed amendments of regulations to the health and welfare of California residents or any impact which would affect worker safety or the state’s environment.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSONS OR BUSINESSES**

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

**EFFECT ON HOUSING COSTS**

None.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Please direct inquiries or written comments about the proposed regulatory action to the following:

Cheryl Smith  
 Commission on POST  
 1601 Alhambra Boulevard  
 Sacramento, CA 95816-7083  
 (916) 227-0544 or [Cheryl.Smith@post.ca.gov](mailto:Cheryl.Smith@post.ca.gov)  
 FAX (916) 227-6932

or

Patti Kaida  
 Commission on POST  
 1601 Alhambra Boulevard  
 Sacramento, CA 95816-7083  
 (916) 227-4847 or [Patti.Kaida@post.ca.gov](mailto:Patti.Kaida@post.ca.gov)  
 FAX (916) 227-5271

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at: 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

**TITLE 11. COMMISSION ON PEACE  
 OFFICER STANDARDS AND TRAINING**

**Amend and Update the Training and Testing  
 Specifications for Peace Officer Basic Courses  
 Regulations 1005, 1007, and 1008**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code § 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due by September 24, 2012, at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST  
 1601 Alhambra Boulevard  
 Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code § 13503 — POST powers and §13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

At its June 28, 2012 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training and Testing Specifications for Peace Officer Basic Courses* publication. The proposed changes included:

- Update Training & Testing Specification curriculum as part of an ongoing review.

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the training specifications to include revisions to grammar, punctuation, definitions, and minimum training standards.

The specific benefits anticipated by the proposed amendments to the regulations will be to update the training specifications for Peace Officer Basic Courses. There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date is January 1, 2013.

**LOCAL MANDATE**

This proposal does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT ESTIMATES**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or

savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

**COSTS OR SAVINGS TO STATE AGENCIES**

POST anticipates no additional costs or savings to state agencies.

**BUSINESS IMPACT/SMALL BUSINESSES**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code § 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

**ASSESSMENT REGARDING EFFECT ON  
JOBS/BUSINESSES**

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the state of California.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT PER GOV. CODE SEC. 11346.3**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

There would be no benefit of proposed amendments of regulations to the health and welfare of California residents or any impact which would affect worker safety or the state's environment.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSONS OR BUSINESSES**

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

**EFFECT ON HOUSING COSTS**

None.

CONSIDERATION OF ALTERNATIVES

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

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TEXT OF PROPOSAL

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES  
 August 10, 2012**

**ANNOUNCEMENT OF AVAILABILITY OF HAZARD IDENTIFICATION MATERIALS FOR C.I. DISPERSE YELLOW 3 AND 2,6-DIMETHYL-N-NITROSOMORPHOLINE AND THE CARCINOGEN IDENTIFICATION COMMITTEE MEETING SCHEDULED FOR NOVEMBER 29, 2012**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup> (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

C.I. Disperse Yellow 3 and 2,6-dimethyl-N-nitrosomorpholine will be considered for possible listing by the CIC at its next meeting scheduled for **Thursday, November 29, 2012**. The meeting will be held in the Coastal Hearing Room at the Cal/EPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

OEHHA announces the availability for public review of the documents entitled: "Evidence on the Carcinogenicity of C.I. Disperse Yellow 3" and "Evidence on the Carcinogenicity of 2,6-dimethyl-N-nitrosomorpholine." The CIC will consider these documents in making any listing decisions on these chemicals. In preparing these hazard identification documents, OEHHA considered information received from its requests for in-

<sup>1</sup> Health and Safety Code section 25249.5 et seq.

formation relevant to the evidence of carcinogenicity of C.I. Disperse Yellow 3. The data call-in period for C.I. Disperse Yellow 3 opened on November 19, 2011 and closed on January 10, 2012. The data call-in period for 2,6-dimethyl-N-nitrosomorpholine opened on February 11, 2011 and closed on April 12, 2011. No information was received on 2,6-dimethyl-N-nitrosomorpholine.

Copies of the documents are available from OEHHHA's web site at the following address: <http://www.oehha.ca.gov/prop65.html>. The documents may also be requested from OEHHHA's Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 60-day public comment period on these two documents. **OEHHHA must receive comments and any supporting documentation by 5:00 p.m. on Tuesday, October 9, 2012.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:  
 Ms. Cynthia Oshita  
 Office of Environmental Health Hazard Assessment  
 P.O. Box 4010, MS-19B  
 Sacramento, California 95812-4010

Fax:  
 (916) 323-8803

Street Address:  
 1001 I Street  
 Sacramento, California 95814

OEHHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the chemicals will be considered. Comments will also be posted on the OEHHHA web site in advance of the meeting.

**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# 2012-0614-01  
**AIR RESOURCES BOARD**  
 Vapor Recovery Equipment Defects List

This regulatory action updates the Vapor Recovery Equipment Defects List, which is incorporated by reference in section 94006(b). This list is updated every three years pursuant to Health and Safety Code section 41960.2(c)(2). These updates: 1) include defects for equipment certified in Executive Orders signed since the last amendment to the list; 2) add new defect verification procedures; and 3) make editorial changes for clarity and consistency.

Title 17  
 California Code of Regulations  
 AMEND: 94006  
 Filed 07/26/2012  
 Effective 08/25/2012  
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2012-0614-02  
**BOARD OF EQUALIZATION**  
 Collection of Use Tax by Retailers

This rulemaking by the Board of Equalization amends section 1684 of title 18 of the California Code of Regulations. This amendment implements Revenue and Taxation Code section 6203, as amended by Assembly Bill No. 155 (Stats. 2011, ch. 313), which will change the definition of "retailer engaged in business in this state" operative September 15, 2012, or January 1, 2013.

Title 18  
 California Code of Regulations  
 AMEND: 1684  
 Filed 07/27/2012  
 Effective 09/15/2012  
 Agency Contact:  
 Richard E. Bennion (916) 445-2130

File# 2012-0726-02  
**CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE**  
 Administration of CA's Limited Tax-Exempt Debt Authority

The California Debt Limit Allocation Committee (CDLAC) readopted an emergency regulation that amended section 5052 of title 4 of the California Code of Regulations to allow the full refund of the performance deposit if 80% or more of the Allocation is used to issue bonds or issue at least one (1) Mortgage Credit Certificate prior to the expiration date.

Title 4  
 California Code of Regulations  
 AMEND: 5000, 5052  
 Filed 08/01/2012  
 Effective 08/01/2012  
 Agency Contact: Annie Ong (916) 653-8018

File# 2012-0725-01  
**CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE**  
 Administration of CA's Limited Tax-Exempt Debt Authority

This regulatory action is a deemed emergency pursuant to Government Code section 8869.94. The purpose of these adoptions and amendments is to promote housing for lower income families and individuals and to preserve and rehabilitate existing government assisted housing for this same population. Definitions are added; clarifications are made regarding evaluation criteria; application requirements are provided for both scattered site projects and for seeking a forward commitment in lieu of award; and four incorporated by reference documents are updated to reflect these changes.

Title 4  
 California Code of Regulations  
 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580  
 Filed 08/01/2012  
 Effective 08/01/2012  
 Agency Contact: Annie Ong (916) 653-8018

File# 2012-0618-01  
**CALIFORNIA GAMBLING CONTROL COMMISSION**  
 Key Employee Employment Status & Tax Delinquencies

This change without regulatory effect amends sections of Title 4 of the California Code of Regulations to conform regulations and forms to changes in statute resulting from AB 1424, Chapter 455 of 2011, regarding adverse actions against state gambling license holders who are substantial tax delinquents, and SB 374, Chapter 263 of 2011, regarding Key Employees, and to conform to provisions of the Business and Professions Code section 30 concerning supplying Social Security numbers on state forms.

Title 4  
 California Code of Regulations  
 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354  
 Filed 07/26/2012  
 Agency Contact: James Allen (916) 263-4024

File# 2012-0615-04  
**CALIFORNIA HIGHWAY PATROL**  
 Farm Labor Vehicle — Passenger Seating

This rulemaking by the California Highway Patrol amends regulations governing emergency exits and passenger seating for Farm Labor Vehicles. Title 13, section 1268 is amended by replacing the undefined phrase "Farm Labor Truck" with the phrase "Farm Labor Vehicle" as defined by Vehicle Code section 322. Title 13, section 1270.3 is amended to make the regulation consistent with Vehicle Code provisions, including sections 31405 and 31406, governing passenger seating systems, seatbelt assemblies, and seatbelt anchorages in Farm Labor Vehicles. These provisions require that passenger seating systems, seatbelt assemblies, and seatbelt anchorages in Farm Labor Vehicles meet the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.207, 571.209, and 571.210.

Title 13  
 California Code of Regulations  
 AMEND: 1268, 1270.3  
 Filed 07/30/2012  
 Effective 08/29/2012  
 Agency Contact: Tod Bice (916) 843-3400

File# 2012-0613-06  
**CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY**  
 California Capital Access Program for Small Businesses

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2012-0224-02E) that amended the definition section for the California Capital Access Program for Small Businesses. The definition of "Financial Institution" was amended to include microbusiness lenders as defined in section 13997.2 of the Government Code. The microbusiness lenders shall require a minimum of four hours of preloan business technical and/or credit assistance to borrowers and a minimum of two hours of postloan assistance each year, and be subject to audit requirements by its federal or state regulated funding source. This is an effort to conform to new legislation (Stats. 2011, c. 483 (A.B. 901), sec. 2.).

Title 4  
 California Code of Regulations  
 AMEND: 8070  
 Filed 07/26/2012  
 Agency Contact: Jillian Franzoia (916) 653-3993

File# 2012-0713-01  
**DEPARTMENT OF JUSTICE**  
 Certification for Listing on California Tobacco Directory Application

This change without regulatory effect amends Department of Justice Form JUS-TOB1 and its Instructions to make grammatical, punctuation, and formatting changes and to conform the form to changes made to statute by Assembly Bill 2496, Chapter 265 of 2010.

Title 11  
California Code of Regulations  
AMEND: 999.16, 999.17, 999.19, 999.22  
Filed 07/31/2012  
Agency Contact: Erica Goerzen (916) 322-0908

File# 2012-0717-01  
DEPARTMENT OF REHABILITATION  
Rehabilitation Appeals Board

The Department of Rehabilitation (Department) submitted this emergency file and print action to amend twelve title 9 regulations that set forth procedures and timelines for filing appeals that were formerly applicable to the Rehabilitation Appeals Board. SB 1041 (Stats. 2012, ch. 47) eliminated the Rehabilitation Appeals Board, which existed within the Department for purposes of hearing appeals on actions taken by the Department on applications for Department services. The Department submitted this action pursuant to Welfare and Institutions Code section 19710, which was enacted in SB 1041 and which gives the Department deemed emergency authority to adopt regulations that are exempt from OAL review.

Title 9  
California Code of Regulations  
AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400  
Filed 07/27/2012  
Effective 07/27/2012  
Agency Contact: Shelly Risbry (916) 445-4466

File# 2012-0706-02  
DEPARTMENT OF RESOURCES RECYCLING  
AND RECOVERY  
Mandatory Commercial Recycling

The Governor signed SB 1018 (Stats. 2012, c. 39) on June 27, 2012 which, among other things amended Section 42649.2 (a) of the Public Resources Code concerning the Recycling of Commercial Solid Waste Statute. As a result, CalRecycle found it necessary to amend section 18836 to make it consistent with this changed California statute. CalRecycle proposed to revise the definition of "Business" in Section 18836 (a) Definition by adding "four cubic yards or more" of commercial solid waste per week and striking out "more than four cubic yards" of commercial solid waste per week.

Title 14  
California Code of Regulations  
AMEND: 18836  
Filed 07/26/2012  
Agency Contact: Tamar Dyson (916) 341-6083

File# 2012-0626-02  
EDUCATION AUDIT APPEALS PANEL  
Audits of K-12 LEAs — FY 2012-13

The Education Audit Appeals Panel (EAAP) submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2012-0402-04E. This action amends three sections under title 5 of the California Code of Regulations in order to update the audit guide that is used for auditing California K-12 Local Education Agencies (LEAs) pursuant to Education Code section 14502.1. The amendments specify which provisions of the guide are applicable to FY 2012-13, and also modify section 19845.2 to indicate its applicability through FY 2013-14 pursuant to Section 31 of Chapter 7 of the Statutes of 2011 (SB 70, effective March 24, 2011).

Title 5  
California Code of Regulations  
AMEND: 19816, 19816.1, 19845.2  
Filed 07/31/2012  
Agency Contact: Mary Kelly (916) 445-7745

File# 2012-0622-02  
PUBLIC EMPLOYMENT RELATIONS BOARD  
Factfinding under the Meyers-Milias-Brown Act

The Public Employment Relations Board (PERB) submitted this timely Certificate of Compliance action to make permanent the adoption of two sections and amendment of three sections in Title 8 of the California Code of Regulations. This rulemaking is the result of AB 646 (CH 680, Stats. 2011) that provides for a mandatory impasse procedure if requested when the parties have not reached a settlement of their dispute following mediation. These regulations establish the impasse procedure and the timelines for the procedure.

Title 8  
California Code of Regulations  
ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604  
Filed 07/30/2012  
Agency Contact: Les Chisholm (916) 327-8383

File# 2012-0618-02  
STATE WATER RESOURCES CONTROL BOARD  
Low-Threat Underground Storage Tank Case Closure Policy

This rulemaking adopts section 2923 in Title 23 of the California Code of Regulations to establish a Low-

Threat Underground Storage Tank Case Closure Policy. This Policy establishes consistent statewide case closure criteria for a subset of low-threat petroleum Underground Storage Tank (UST) sites. The Policy provides direction to responsible parties, their service providers and regulatory agencies. The low-threat UST Policy seeks to increase UST clean-up process efficiency. Additionally, this Policy is designed to preserve limited resource for mitigation of releases posing a greater threat to human and environmental health. By creating case-closure criteria for low-threat USTs and thereby reducing the time and resources spent on these sites this Policy allows resources to be re-directed towards high-risk petroleum UST sites.

Title 23  
 California Code of Regulations  
 ADOPT: 2923  
 Filed 07/30/2012  
 Effective 07/30/2012  
 Agency Contact: Lori Brock (916) 341-5185

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN March 7, 2012 TO  
 August 1, 2012**

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**

- 07/16/12 AMEND: 18215.3
- 07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8
- 06/28/12 AMEND: 649.32
- 06/19/12 AMEND: 56800
- 06/04/12 ADOPT: 18313.6
- 05/29/12 AMEND: 20811(c)
- 05/15/12 AMEND: 1859.2
- 05/10/12 AMEND: 1859.2, 1859.82
- 05/08/12 ADOPT: 559.1
- 04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
- 04/26/12 AMEND: 554.4
- 04/23/12 AMEND: 18705.5
- 04/23/12 AMEND: 554.3
- 04/19/12 ADOPT: 18412 AMEND: 18215, 18413

- 04/10/12 ADOPT: 18215.3
- 04/09/12 ADOPT: 59710
- 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
- 03/13/12 AMEND: 1859.2, 1859.82

**Title 3**

- 06/19/12 ADOPT: 6970, 6972 AMEND: 6000
- 05/17/12 AMEND: 4603(i)
- 05/01/12 AMEND: 3423(b)
- 04/16/12 AMEND: 3591.19
- 04/16/12 AMEND: 3439
- 04/12/12 AMEND: 3591.21(b)
- 04/12/12 ADOPT: 3435(c)
- 04/12/12 AMEND: 3434(b)&(c)
- 04/03/12 ADOPT: 3639
- 04/03/12 ADOPT: 3439
- 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1
- 03/20/12 AMEND: 1430.5, 1430.6, 1430.35, 1430.36, 1430.37, 1430.38
- 03/09/12 AMEND: 3436(b)
- 03/08/12 AMEND: 3437(b)
- 03/07/12 ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39 AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41 REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30

**Title 4**

- 08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
- 08/01/12 AMEND: 5000, 5052
- 07/26/12 AMEND: 8070
- 07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 32-Z**

07/23/12 AMEND: 8035  
07/16/12 AMEND: 10050, 10051, 10052, 10053,  
10054, 10055, 10056, 10057  
06/25/12 AMEND: 8070, 8071, 8072, 8078,  
8078.2  
06/25/12 AMEND: 1663  
06/06/12 AMEND: 1843.3  
06/01/12 ADOPT: 5205 AMEND: 5000, 5054,  
5144, 5170, 5190, 5200, 5230, 5350,  
5370 REPEAL: 5133  
05/15/12 REPEAL: 61.3  
05/04/12 ADOPT: 10050, 10051, 10052, 10053,  
10054, 10055, 10056, 10057, 10058,  
10059, 10060  
04/30/12 ADOPT: 511 AMEND: 399  
04/26/12 AMEND: 2066  
04/19/12 ADOPT: 10192, 10193, 10194, 10195,  
10196, 10197, 10198, 10199  
04/17/12 AMEND: 53  
04/12/12 AMEND: 10317, 10325  
04/11/12 AMEND: 10302, 10310, 10315, 10317,  
10322, 10325, 10327, 10328  
04/04/12 AMEND: 5000, 5170, 5200, 5230, 5370,  
5500, 5540  
03/29/12 AMEND: 12008, 12335, 12342, 12345,  
12357, 12359  
03/21/12 AMEND: 12200, 12200.9, 12200.10A,  
12200.11, 12200.13, 12220, 12220.13,  
12342, 12464  
03/08/12 AMEND: 10032, 10033, 10034, 10035  
03/08/12 AMEND: 60, 60.5

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07/31/12 AMEND: 19816, 19816.1, 19845.2  
06/12/12 ADOPT: 18004 AMEND: 18000, 18001,  
18002, 18003  
05/29/12 AMEND: 42600  
04/25/12 AMEND: 80028, 80301, 80442  
04/20/12 AMEND: 18013, 18054, 18111  
REPEAL: 18006, 18200, 18201, 18202,  
18203, 18205, 18206, 18207  
04/11/12 AMEND: 19816, 19816.1, 19845.2  
04/02/12 ADOPT: 27000, 27001, 27002, 27003,  
27004, 27005, 27006, 27007, 27008,  
27009  
04/02/12 ADOPT: 1039.2, 1039.3  
03/26/12 AMEND: 1216.1  
03/26/12 ADOPT: 620, 621, 622, 623, 624, 625,  
626, 627  
03/12/12 AMEND: 41000

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07/03/12 AMEND: 219

**Title 8**

07/30/12 ADOPT: 32802, 32804 AMEND: 32380,  
32603, 32604

05/21/12 ADOPT: 10582.5, 10770.1 AMEND:  
10770

05/07/12 AMEND: 477

05/07/12 AMEND: 2340.22

05/02/12 AMEND: 20363, 20365, 20393, 20400,  
20402

05/01/12 AMEND: 1533, 1541, 8403

03/14/12 AMEND: 32602, 32603, 32620, 32621,  
32625, 32630, 32635, 32640, 32644,  
32647, 32648, 32649, 32650, 32661,  
32680, 32690, 61360(a)

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07/27/12 AMEND: 7141.5, 7143, 7227, 7350,  
7351, 7353.6, 7354, 7355, 7356, 7357,  
7358, 7400

03/22/12 AMEND: 9795, 9800, 9801.5, 9801.6,  
9804, 9812, 9816, 9820, 9822, 9829,  
9836, 9838, 9846, 9848, 9849, 9851,  
9852, 9854, 9858, 9862, 9866, 9867,  
9868, 9874, 9876, 9876.5, 9878, 9879,  
9884, 9886

**Title 10**

07/19/12 AMEND: 2698.302

07/19/12 AMEND: 2699.301

07/19/12 AMEND: 5501, 5506

05/31/12 AMEND: 2318.6, 2353.1, 2354

05/09/12 AMEND: 2698.208

04/23/12 AMEND: 2355.1, 2355.2

04/10/12 AMEND: 260.204.9

04/09/12 ADOPT: 6400

03/15/12 AMEND: 2690

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07/31/12 AMEND: 999.16, 999.17, 999.19,  
999.22

06/26/12 AMEND: 1005, 1007, 1008

06/21/12 AMEND: 1005, 1007

05/09/12 ADOPT: 1019 REPEAL: 9020

05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27,  
999.28, 999.29 AMEND: 999.10,  
999.11, 999.14, 999.16, 999.17, 999.19,  
999.20, 999.21, 999.22

04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052,  
1055

03/14/12 AMEND: 1005, 1007, 1008

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06/04/12 AMEND: 506

**Title 13**

07/30/12 AMEND: 1268, 1270.3

07/12/12 ADOPT: 345.58, 345.73 AMEND:  
345.50, 345.52, 345.56, 345.74, 345.78,  
345.86, 345.88, 345.90 REPEAL:  
345.54, 345.58, 345.60

06/29/12 AMEND: 225.00, 225.03, 225.09,  
225.12, 225.15, 225.18, 225.21, 225.24,

	225.35, 225.36, 225.38, 225.42, 225.45, 225.54, 225.60, 225.63, 225.66, 225.69, 225.72 REPEAL: 225.06	03/28/12 AMEND: 11900, 11945 03/26/12 AMEND: 11960 03/22/12 AMEND: 27.80
04/19/12	ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26	<b>Title 15</b> 07/02/12 ADOPT: 3999.12 06/26/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757 06/26/12 ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3 06/26/12 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2 06/06/12 AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323 05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375 04/11/12 AMEND: 3187, 3188 04/09/12 AMEND: 3172.2 04/05/12 AMEND: 3341.5, 3375.2, 3377.1 04/02/12 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000 03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358 03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323 03/12/12 ADOPT: 3999.11 03/08/12 ADOPT: 8006 03/08/12 AMEND: 3315, 3323
04/10/12	ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72	
<b>Title 14</b>		
07/26/12	AMEND: 18836	
07/12/12	AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32	
07/09/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	
07/02/12	ADOPT: 602	
06/28/12	ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2 AMEND: 17943, 17944, 17946(a)–(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949 REPEAL: 17942, 17944.2, 17944.5, 17945	
06/25/12	AMEND: 791.7	
06/06/12	ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958	
06/01/12	REPEAL: 660	
05/30/12	AMEND: 11960	
05/29/12	AMEND: 360, 361, 362, 363, 364, 365, 708.12	
05/21/12	AMEND: 703	
05/21/12	AMEND: 7.50	
05/21/12	AMEND: 705	
05/17/12	AMEND: 7.50	
05/07/12	ADOPT: 18835, 18836, 18837, 18838, 18839	
05/01/12	AMEND: 27.80	
05/01/12	ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877	
05/01/12	AMEND: 791.7, 870.17	
04/30/12	AMEND: 632	
04/27/12	AMEND: 228, 228.5	
04/05/12	AMEND: 28.29, 52.10, 150.16	
04/03/12	ADOPT: 791.6 AMEND: 791.7, 795, 796	
		<b>Title 16</b> 07/23/12 ADOPT: 1397.2 AMEND: 1380.4 07/17/12 ADOPT: 1399.23, 1399.24 AMEND: 1398.4 07/10/12 ADOPT: 3394.25, 3394.26, 3394.27 06/18/12 ADOPT: 1727.2 AMEND: 1728 06/18/12 AMEND: 443 06/14/12 ADOPT: 302.5 05/25/12 ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340,

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1399.381, 1399.387, 1399.388,  
1399.389, 1399.390, 1399.391  
05/17/12 ADOPT: 4544, 4600, 4602, 4604, 4606,  
4608, 4610, 4620, 4622 AMEND: 4422,  
4440, 4446, 4470  
05/14/12 AMEND: 932  
05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568,  
2576.8, 2579.11 AMEND: 2503, 2524.1  
(renumber to 2524.5), 2563, 2579.11  
(renumber to 2579.20)  
04/27/12 AMEND: 407, 428  
04/26/12 AMEND: 3605  
04/23/12 AMEND: 3005  
04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3  
AMEND: 2252, 2275, 2284  
03/30/12 AMEND: 3340.43, 3394.3, 3394.4,  
3394.5, 3394.6, 3394.7  
03/29/12 AMEND: 109, 116, 117, 121  
03/19/12 AMEND: 4155  
03/08/12 AMEND: 318  
03/07/12 AMEND: 2615, 2620  
03/07/12 AMEND: 1889.2 REPEAL: 1832.5  
03/07/12 AMEND: 2615, 2620  
03/07/12 AMEND: 1889.2 REPEAL: 1832.5

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07/26/12 AMEND: 94006  
06/15/12 AMEND: 6508  
04/18/12 AMEND: 100607, 100608  
03/28/12 AMEND: 100080  
03/15/12 ADOPT: 58883  
03/15/12 AMEND: 6020, 6035, 6051, 6065, 6070,  
6075  
03/12/12 AMEND: 95307

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07/27/12 AMEND: 1684  
07/10/12 AMEND: 1205, 1212, 1271  
07/10/12 AMEND: 1105, 1120, 1132, 1161  
07/10/12 AMEND: 1435, 1436  
07/10/12 AMEND: 25128.5  
07/03/12 AMEND: 3301  
07/03/12 AMEND: 263  
05/01/12 AMEND: 1685.5  
03/26/12 ADOPT: 25137-8.2 AMEND: 25137-8  
(re-numbered to 25137-8.1)

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07/12/12 AMEND: 66263.18, 66263.41,  
66263.43, 66263.44, 66263.45, 66263.46  
07/12/12 AMEND: 66268.40, 66268.48  
07/09/12 AMEND: 4416  
07/03/12 AMEND: 51516.1  
06/28/12 AMEND: 91477  
06/21/12 AMEND: 50195, 50197, 50256, 50258,  
50258.1, 50262, 50268, 50815, 51000.53  
06/12/12 AMEND: 66261.32

05/24/12 AMEND: 90417  
05/22/12 ADOPT: 60098, 64400.05, 64400.29,  
64400.36, 64400.41, 64400.66,  
64400.90, 64402.30, 64400.46 AMEND:  
60001, 60003, 63790, 63835, 64001,  
64211, 64212, 64213, 64252, 64254,  
64256, 64257, 64258, 64259, 64400.45,  
64415, 64463.1, 64463.4, 64470, 64481,  
64530, 64531, 64533, 64534, 64534.2,  
64534.4, 64534.6, 64534.8, 64535,  
64535.2, 64535.4, 64536.6, 64537,  
64537.2 REPEAL: 60430, 64002, 64439,  
64468.5  
05/17/12 AMEND: 51240, 51305, 51476  
05/04/12 AMEND: 123000  
04/11/12 AMEND: 97174  
03/15/12 ADOPT: 123000 and Appendices  
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07/30/12 ADOPT: 2923  
07/11/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4  
07/05/12 AMEND: 570, 571, 572, 573, 574, 575,  
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04/23/12 ADOPT: 3979.4  
04/10/12 AMEND: 2631  
04/09/12 ADOPT: 3969.1  
04/05/12 AMEND: 645  
03/21/12 ADOPT: 3969  
03/21/12 ADOPT: 3939.41  
03/21/12 ADOPT: 3939.44  
03/15/12 ADOPT: 3939.43  
03/12/12 AMEND: 2922  
03/09/12 ADOPT: 3919.11

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06/07/12 ADOPT: 4326, 4328 AMEND: 4004,  
4200, 4204, 4208  
03/13/12 ADOPT: 6932 REPEAL: 6932

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07/12/12 AMEND: 25305, 25701, 25705, 25801  
06/18/12 AMEND: 25705  
03/26/12 AMEND: 25705  
03/15/12 AMEND: 25705

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06/25/12 AMEND: 40-105.4(g)(1), 44-111.23,  
44-113.2, 44-133.54(QR),  
44-315.39(QR), 89-201.513  
06/25/12 AMEND: 41-440, 42-716, 42-717,  
44-207  
06/25/12 AMEND: 40-107, 42-301, 42-302,  
42-431, 42-712, 42-713, 42-716,  
42-717, 42-721, 44-133, 44-307,  
44-316, 82-833  
04/11/12 AMEND: 47-230, 47-240, 47-401  
03/15/12 AMEND: 25705