



California Regulatory Notice Register

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EDITORIAL CORRECTION:

In the Table of Contents for last week’s California Regulatory Notice Register (2014, No. 31–Z, August 1, 2014), there is an incorrect OAL Notice File No. listed for Title 17, Air Resources Board (ARB), re: AB 32 Cost of Implementation Fee. The correct OAL Notice File No. for this specific ARB notice should be “Z2014–0718–05.” We apologize for any inconvenience.

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 (Commission), pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

STATE AGENCY Citizens Redistricting Commission

A written comment period has been established commencing on **August 8, 2014** and closing on **September 22, 2014**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **September 22, 2014**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) intends to amend subsection 3425(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Melon Fruit Fly Interior Quarantine.

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 22, 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, 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 the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (Food and Agricultural Code (FAC) section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC sections 401, 403, 407 and 5322).

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION

One of the Department's broad statutory objectives is to prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds (FAC section 403) and that it may adopt regulations as are reasonably necessary to achieve this (FAC section 407). The Department is obligated to investigate the existence of any pest that is not generally distributed within the state and determine the probability of its spread, and the feasibility of its control or eradication (FAC section 5321) and may establish and maintain quarantine regulations (FAC section 5322).

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. The amendment of this regulation benefits the apple, avocado, bean (lima, mung and string), cantaloupe, cauliflower, cucumber, date, eggplant, fig, guava, melon, orange (king, mandarin and sweet) peach, pear, pepper, pumpkin, squash, tomato and watermelon industries (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by having a quarantine program to prevent the spread of melon fruit fly should it be introduced as an incipient population.

The Department is also obligated to protect the general welfare and economy of the state and to seek to maintain the economic well-being of agriculturally dependent rural communities in the state (FAC Section 401.5). The activities authorized by the amendment of this regulation would prevent the potential spread of the melon fruit fly to uninfested areas of the state; including agriculturally dependent rural communities. Historically, most melon fruit fly quarantines in California have been associated with introductions into the urban environment.

Should it be necessary to establish a quarantine for melon fruit fly, the national and international consumers of California host fruit benefit by having high quality fruit available at lower costs. It is assumed that any increases in production costs would ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners and community gardens that grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

This regulation will benefit the public's general welfare by providing authority for the Department to perform quarantine activities against melon fruit fly in the state.

The implementation of this regulation will prevent:

- Direct damage to the agricultural industry growing host fruits outside the quarantine area.
- Indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets.
- Increased production costs to the affected agricultural industries.
- Increased pesticide use by the affected agricultural industries.
- Increased costs to the consumers of host fruits.
- Increased pesticide use by homeowners and others.
- The need to implement an unnecessary federal regulation for the entire state.

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 pertaining to this subject area, and the Department the only state agency which can implement these eradication areas for plant pests. 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 amendment of this regulation will establish the process for adding and removing quarantine areas for melon fruit fly, how to determine the initial size of the area, how the area may be expanded if there are additional detections of melon fruit fly within the quarantine area, where the quarantine boundary description will be located on our website, an appeal process which may be used by any interested party, a list serve option to re-

ceive automatic notification and the life cycle for melon fruit fly.

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 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.

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.

The Department has determined the amendment of this regulation benefits:

- The general public
- Homeowners and Community Gardens
- Agricultural industry
- The state's general fund

There are no known specific benefits to 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 the general welfare of California residents (Government 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 (Government Code section 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 amend subsection 3425(b) pursuant to the authority vested by sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301, 5302 and 5322 of the FAC.

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 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 regulation should be directed to Stephen 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 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 actions. 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 actions 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 GAMBLING CONTROL COMMISSION

THIRD-PARTY PROVIDERS OF PROPOSITION PLAYER SERVICES; CONTRACTS CGCC-GCA-2014-05-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections and recommendations received concerning the proposed action. Comments, objections and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on September 22, 2014. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on September 22, 2014. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after**

the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission. Written comments will also be accepted at the public hearing described below.

PUBLIC HEARING

Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at a public hearing to be held at **10:00 a.m. on November 5, 2014**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally 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 oral or written 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 19840, 19841, and 19984, of the Business and Professions Code; and to implement, interpret or make specific sections 19805 and 19984 of the Business and Professions Code, the Commission is proposing to adopt the following changes to Chapter 2.1 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) is the state agency charged with the administration and implementation of the California

Gambling Control Act (Act).¹ Under the Act, the Commission is required to establish regulations under which the Bureau of Gambling Control (Bureau) may invalidate or prohibit an agreement or contract between a gambling enterprise and a third-party provider of proposition player services (TPPPS). Regulations concerning the procedures for the consideration and approval of contracts have been prepared to implement and make specific section 19984 of the Business and Professions Code.²

EFFECT OF REGULATORY ACTION:

This proposed action has been prepared to implement sections 19805 and 19984 by providing a clear structure for the approval of contracts for providing proposition player services. This regulation establishes guidelines for what must be included in the contract and what information is required to be submitted alongside the contract. The proposed provisions provide flexibility to the parties while ensuring that the gambling enterprise is correctly segregated from the funds wagered, lost, or won as part of the game.

ANTICIPATED BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of clarifying the TPPPS contract approval process by identifying how any payment by the TPPPS to the gambling enterprise shall be determined. Additionally, the proposed action will provide the Bureau with clearer criteria to use in reviewing and approving contracts, and ensures that the information required for review is clear and available. The gambling enterprise and TPPPS will benefit by having a clear understanding of what payments are allowed to ensure that their businesses are properly segregated and to help prevent illegal banking situations from occurring.

EXISTING LAW:

Section 19841, subdivision (o) of the Business and Professions Code provides authority for the Commission to restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling.

Section 19984, subdivision (a) requires that any agreement between a gambling enterprise and a TPPPS shall be approved in advance and the agreement shall not provide the house with any direct or indirect interest in funds wagered, lost, or won.

Section 19984, subdivision (b) provides authority for the Commission to impose licensing requirements, disclosures, approvals, conditions, or limitations as it deems necessary to protect the integrity of controlled gambling.

¹ Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

² All statutory references hereinafter are to the Business and Professions Code, unless otherwise specified.

SPECIFIC PROPOSAL:

This proposed action would make the following specific changes in Chapters 2.1 and 10 of Division 18 of Title 4 of the California Code of Regulations:

The proposed changes in Chapter 2.1 are as follows:

ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.

Amend Section 12200. Definitions.

This proposed action would add three new terms to Section 12200, consolidate or delete several existing definitions and renumber various paragraphs accordingly. In addition, numerous grammatical, editorial and clarifying changes are made throughout the section.

- Subsection (a) is modified to change the term “regulation” to “section.”
- Paragraph (1) of subsection (b) is revised to clarify to whom the additional badge is provided instead of just making a general reference to another section.
- Paragraph (2) of subsection (b) is added to clarify the definition of “Affiliate.”
 - ◆ Subparagraph (A) provides that individuals are considered to control the specified person if they are the spouse or registered domestic partner of the specified person.
 - ◆ Subparagraph (B) provides that individuals are considered to control the specified person if they are another close family member of either the specified person or the spouse or registered domestic partner of the specified person and either live in the same home as the specified person or participate in the management of any business in which the specified person has an ownership interest.
 - ◆ Subparagraph (C) provides that trusts or other estates are considered under the control of the specified person or his or her spouse or registered domestic partner if either has a substantial beneficial interest or serves in a fiduciary capacity similar to that of trustee.
 - ◆ Subparagraph (D) provides that businesses in which the specified person and his or her spouse or registered domestic partner own a combined interest of at least 10 percent are under the control of the specified person.
- Paragraph (3) of subsection (b) is revised to clarify that an applicant is a person applying for a registration or license.
- Paragraph (4) of subsection (b) is changed to provide that it is the registration or license that authorizes play in a controlled game and not the badge. The final sentence, which is a control

provision and not part of a definition, has been moved and incorporated into subsection (b) of Section 12200.21.

- Paragraph (6) of subsection (b) is added to provide a definition for the term “derivative party.” This definition establishes a general term that may be used when referring collectively to the various owners of either a TPPPS or gambling enterprise.
- Paragraph (7) of subsection (b) includes a non-substantive grammatical, editorial change that reorganizes an existing provision and that has no regulatory effect.
- Subparagraphs (C) and (D) of paragraph (8) of subsection (b) are removed from the definition of “license.” Subparagraph (C) has been moved to paragraph (2) of subsection (b) of Section 12200.21 while subparagraph (D) is repealed as its provision is duplicative of paragraph (1) of subsection (b) of Section 12200.21.
- Paragraph (10) of subsection (b) includes a non-substantive grammatical, editorial change that repeals an unnecessary internal reference and has no regulatory effect.
- Paragraph (12) of subsection (b) is revised both to correct for a change in law and to move a definition to another location without change. The change to subparagraph (A) moves the definition of primary owner to paragraph (14), which is the actual definition of primary owner. Prior to this change, the definition of primary owner was only a reference back to subparagraph (A) of paragraph (12). Subparagraph (A) now uses the term primary owner for simplicity and clarity. The change to paragraph (B) is likewise non-substantive and simply conforms to the statutory change made in 2009.
- Paragraph (13) of subsection (b) includes a non-substantive grammatical, editorial change that clarifies and conforms to the definition of “proposition player” in paragraph (15), and has no regulatory effect.
- Paragraph (14) of subsection (b) includes a non-substantive grammatical, editorial change that provides clarity to the definition of primary owner. Currently, the definition of primary owner is not actually provided under primary owner but instead as part of the definition of owner. This change directly links primary owner with its definition and has no regulatory effect.
- Paragraph (16) of subsection (b) is amended to clarify that the proposition player contract is between the gambling enterprise and the primary owner of the TPPPS.

- Paragraph (17) of subsection (b) is amended to clarify that a rebate may include a complete return of chips or money and is not limited to only a partial return.
 - Paragraph (19) of subsection (b) contains non-substantive grammatical, editorial changes that bring the wording and formatting into conformance with the similar definition in paragraph (8). Additionally, subparagraph (C) of paragraph (19) is removed from the definition of “registration” as its provisions are not part of a definition. The first sentence of this subparagraph is now addressed in paragraph (2) of subsection (b) of Section 12200.21, while the second sentence is duplicative of paragraph (1) of subsection (b) of Section 12200.21.
 - Paragraph (20) of subsection (b) includes a non-substantive grammatical, editorial change that deletes an unnecessary internal cross reference. Additionally, the definition is revised to refer to a *proposition* player instead of player for clarity.
 - Paragraph (21) of subsection (b) includes a non-substantive grammatical, editorial change that deletes an unnecessary internal cross reference and has no regulatory effect.
 - Paragraph (22) of subsection (b) is added to include a definition for “specified person.”
 - Paragraph (23) of subsection (b) is revised to refer to *proposition* player instead of player for clarity.
 - Paragraph (24) of subsection (b) includes non-substantive grammatical, editorial changes that delete unnecessary internal cross references. Additionally, the definition is revised to refer to *proposition* player instead of player for clarity.
 - Paragraph (25) of subsection (b) is modified for consistency. The party to the contract is the gambling enterprise, specifically, and not the *house*, as defined in section 19805.
 - Paragraph (26) of subsection (b) is changed from the definition “TPP” or “third party proposition” to “TPPPS” or “third-party provider of proposition player services.”
 - Paragraph (27) of subsection (b) is revised to provide clarity as to whom the transfer badge is provided instead of just a general cross reference to another section.
- in the contract, and how any payment under the contract can be determined.
 - Subsection (a) provides that even during the effective term of a contract, should the contract have any provisions that come into conflict with any changes in the Act, the contract is superseded by the statutory changes. The language is revised to expand the Act’s application from just section 19984 to the entire Act. Additionally, the requirement that the contract be superseded by changes in the regulations is deleted and replaced with a provision in Section 12200.10 which would prevent an expedited review in the event that regulations have been revised.
 - Subsection (b) specifies the provisions that must be included in every contract.
 - Paragraph (1) of subsection (b) provides that the parties to the contract must be specified in the contract. Additionally, the requirement to provide both derivative parties and affiliates of the specified persons has been included.
 - Paragraph (3) of subsection (b) provides that the specific name of any games that the TPPPS is providing services for must be included in the contract. This paragraph has been revised to require the game number assigned by the Bureau in addition to the game name. Additionally, the reference to gaming activities is changed to controlled game(s).
 - Paragraph (4) of subsection (b) specifies that the minimum and maximum number of tables available for service by the TPPPS must be provided.
 - Paragraph (5) of subsection (b) specifies that no more than one of any license type may simultaneously play at one table. This provision is moved to paragraph (4) of subsection (b) of Section 12200.21.
 - A new paragraph (6) of subsection (b) is added and the current paragraph (6) is renumbered as paragraph (7) accordingly. The new paragraph (6) requires that if the TPPPS is to be assigned a dedicated seat at a table it must be specified in the contract.
 - The current paragraph (7) of subsection (b), renumbered as paragraph (8), requires that if specific items are being stored by the TPPPS at the gambling establishment, the purpose of those items must be included in the contract. Additionally, the location and security measures for the space must be included. A requirement to also include the location of the storage facilities utilized by the TPPPS within the gambling establishment is added to this paragraph.

Amend Section 12200.7. Proposition Player Contract Criteria.

This proposed action describes the minimum requirements of any contract between a TPPPS and a gambling enterprise, including provisions that must be included

- Paragraph (8) of subsection (b) in the current regulation is repealed. This provision requires that the contract include a provision requiring compliance with laws and regulations pertaining to controlled gambling.
- Paragraph (9) of subsection (b) in the current regulation is repealed. This paragraph requires that the contract contain a provision that services may only be provided by authorized players who are licensed or registered.
- Paragraph (10) of subsection (b) in the current regulation is repealed. This provision requires that the TPPPS must provide a copy of its registration or license to the gambling enterprise who shall maintain it on file along with a copy of the approved contract.
- Paragraph (11) of subsection (b) in the current regulation is repealed and moved to paragraph (3) of subsection (b) of Section 12200.21. This provision prohibits an individual who has dual licenses (TPPPS and gambling establishment) from performing any TPPPS functions within their associated gambling establishment.
- Paragraph (12) of subsection (b) in the current regulation is repealed and moved to subsection (c) of Section 12200.21. This provision clarifies that the TPPPS is required to pay the collection fees related to their level of participation at any stage of play.
- Paragraph (13) of subsection (b) in the current regulation is repealed. This provision requires that a copy of the playing book form be included as part of the contract.
- Paragraph (14), renumbered as paragraph (9), of subsection (b) requires that any agreement related to the TPPPS inspecting or receiving copies of surveillance recordings be included in the contract. This provision is amended to change the term house to gambling enterprise.
- Paragraph (15) of subsection (b) in the current regulation requires disclosure of any financial arrangements between the parties to the contract that may exist in addition to the specific provisions of the contract. This provision requires that any other arrangements be considered as part of the contract. This contract requirement is duplicative of other similar provisions and is therefore repealed.
- Paragraph (16) of subsection (b) in the current regulation requires that any legal dispute between the parties to the contract be reported to the Bureau and Commission. This provision is moved to subsection (d) of Section 12200.21 with only minor grammatical, editorial changes that have no regulatory effect.
- Paragraph (17) of subsection (b) in the current regulation requires that any occurrence of a registrant being arrested or removed from the gambling establishment must be reported to the Bureau and the Commission. The provision is moved to subsection (e) of Section 12200.21 with only minor grammatical, editorial changes that have no regulatory effect.
- Paragraph (18) of subsection (b) in the current regulation requires that any occurrence of cheating reported to the gambling enterprise by the TPPPS must be reported to the Bureau and the Commission, in writing, within 5 days. This provision is moved to subsection (f) of Section 12200.21 with only minor grammatical, editorial changes that have no regulatory effect.
- Paragraph (19) of subsection (b) in the current regulation requires that if the TPPPS is allowed to provide rebates, any criteria must be provided for in the contract or, if rebates are not allowed, a statement to that effect must be included. This provision is deleted. Consistent with the proposed addition of subsection (k) of Section 12200.21, which would bar the TPPPS from issuing rebates, this provision is no longer appropriate or necessary.
- Paragraph (20) of subsection (b), renumbered as paragraph (10), requires that if the TPPPS and gambling enterprise have a pre-arranged tipping agreement through which the TPPPS tips the gambling enterprise employees, it must be included in the contract. Additionally, if there is no agreement, a statement to that effect must be included in the contract. This provision is revised to limit the requirement to a yes/no response. The current provision requires that the specifics of the tipping arrangement be included in the contract and while the change to this provision removes that requirement, the addition of subsection (g) to Section 12200.21 addresses tipping and tipping arrangements.
- Paragraph (21) of subsection (b) in the current regulation specifies that any reimbursement by the TPPPS to the gambling enterprise for equipment must be included in the contract. Paragraph (21) is

repealed and the requirement incorporated into the changes to subsection (c).

- Paragraph (22) of subsection (b) in the current regulation requires that the contract include a provision that states the contract is a complete expression of all agreements and financial arrangements between the TPPPS and gambling enterprise and that any revisions must be approved by the Bureau in accordance with Commission regulations. This contract requirement is duplicative of other similar provisions and is therefore repealed.
- Subsection (c) in the current regulation provides the structure within which any payment to the gambling enterprise is determined. This includes limiting reimbursement to just services, facilities and advertising, and prohibiting the amounts from being based upon a percentage of the TPPPS's profits, wagers, or number of players and from being substantially disproportionate to the value of the services or facilities provided. Current subsection (c) contains only associated paragraphs and no direct provisions. The second and third sentences of paragraph (1) are changed to become subsection (c) and the remaining paragraphs are reorganized and renumbered.
 - ◆ The first sentence of paragraph (1) of subsection (c) in the current regulation provides that payments may not be based on the profits or revenues of the TPPPS, unless expressly authorized. This restriction is maintained as paragraph (1) but modified to more closely meet the restriction provided for in section 19984 restricting interest in the funds wagered, lost or won. The first half of paragraph (2) is then incorporated with the clarification that the gambling enterprise cannot receive money based upon a percentage of the TPPPS's profits and wagers.
 - ◆ The last sentence of the current paragraph (1) requires that a detailed list, excluding specific costs, be included in the contract. This provision is modified and renumbered as paragraph (2) of subsection (c) to require a detailed list of all items provided for in the contract. The limitation of excluding specific costs is removed.
 - ◆ The current paragraph (1) also includes a restriction of payments to three categories: services, facilities and advertising. Additionally, the last sentence of the current paragraph (2) limits the payment to a fixed

amount for the services and facilities and to a reasonable share of advertising. Finally, the first sentence of the current paragraph (3) disallows payments for services and facilities that are substantially disproportionate to their value. These three provisions provide an unclear limitation of the payment amount, using undefined concepts of value, substantially disproportionate and reasonable and are deleted. The new paragraphs (3) and (4) clarify the restrictions.

- A new paragraph (3) limits payments for services and facilities to their established value. Services and facilities are items with a more abstract expense associated with them. Services and facilities provided to the public for free are not allowed as their value has been set at zero cost.
- A new paragraph (4) relocates the provisions moved from paragraph (21) of subsection (b) of the current regulation and limits payments for advertising and equipment, to a proportionate share of the actual costs of each item that is directly related to the benefit to the TPPPS.
- Subsection (d) of the current regulation imposes a restriction preventing the parties from agreeing to any limitation on communications with the Bureau and the Commission, or taking any retaliatory action should those communications occur. This is changed to expand the agencies that are covered by this restriction beyond just the Bureau and Commission to include other licensing and law enforcement agencies.
- Subsections (e) and (g) are amended to clarify that a gambling *enterprise*, not a gambling *establishment*, is a party to the contract.

Amend Section 12200.9. Review and Approval of Initial and Renewal Proposition Player Contracts.

This proposed action modifies and clarifies those processes and procedures the Bureau must follow when reviewing and approving a contract. Additionally, this section is expanded to include the requirements for the renewal of a contract which limits duplicative language in the chapter.

- Paragraph (1) of subsection (a) in the current regulation provides that the TPPPS may not perform services for a gambling enterprise until after a contract has been approved by the Bureau, and that to perform services without approval is a violation. Additionally, this subsection provides a list of conditions that must be met. The last sentence is amended to clarify that the conditions listed must all be met before a contract can be approved or renewed.

- ◆ Subparagraphs (B), (C) and (D) of the current paragraph (1) are moved to a new paragraph (2).
- ◆ New subparagraph (B) clarifies that the TPPPS must have a valid license or registration before a contract can be approved.
- ◆ A new subparagraph (C) is added which works in conjunction with the new paragraph (3) of subsection (c) of Section 12200.7, by requiring that the values for services and facilities determined and provided for in the contract are not higher than their justified value. Additionally, the incorporated form, BGC-APP-030, is modified to reflect the changes to the regulations and to incorporate the non-duplicative information of form BGC-APP-031, with that form being repealed.
- ◆ A new subparagraph (D) is added which works in conjunction with paragraph (4) of subsection (c) of Section 12200.7, by requiring that documentation be provided to substantiate that payments or reimbursements for advertising or equipment do not exceed a proportionate share of the actual costs related to the benefit received by the TPPPS.
- ◆ A new proposed subparagraph (E) is added to move the provision from subsection (c) that limits the term of a contract to a two-year period.
- Paragraph (2) of subsection (a) in the current regulation is repealed as it is redundant. A new paragraph (2) would provide a list of items that a contract cannot include. Additionally, two options are included:
 - ◆ Option 1 would provide two restrictions that would instruct the Bureau to not approve a contract if approving that contract would allow specific situations to exist.
 - The first situation [new subparagraph (D)] is where an owner of a TPPPS contracts for third-party services with an owner of a cardroom and each owner already has an approved contract. In this contract the owner of the TPPPS represents the cardroom in the other contract and the owner of the cardroom represents the TPPPS in the other contract.
 - The second situation [new subparagraph (E)] is where an owner of a TPPPS contracts for third-party services with an owner of a cardroom, and the two owners are also both owners in common of another TPPPS company, gambling business or gambling enterprise. The regulations, current and proposed, attempt to create a structure consistent with section 19984, which requires separation of the interests of a gambling enterprise from the play of a controlled game. The existence of a direct financial or controlling interest in a licensed business does not create an environment where the two parties can independently determine the value of a third-party contract.
 - ◆ Option 2 would only provide for the prohibition of the second situation [new subparagraph (D)].
- Paragraph (3) of subsection (a) in the current regulation is renumbered as subsection (b) and provides a list of the items that must be provided to the Bureau, along with the contract, in applying for initial approval. In addition, the incorporation of the contract approval application form (BGC-APP-030) is moved to this paragraph, as a result of repeal of paragraph (2) of subsection (a) in the current regulation.
 - ◆ Subparagraph (B) of paragraph (3) in the current regulation requires the submittal of an Appointment of Designated Agent form (BGC-APP-031). This provision is repealed, as that form is being merged with the contract approval application form (BGC-APP-030) and will no longer exist.
 - ◆ A new paragraph (6) is added which will work in conjunction with the new paragraph (3) of subsection (c) of Section 12200.7 by requiring that a methodology be submitted that shows how the value of any services and facilities being provided in the contract were determined.
 - ◆ A new paragraph (7) is added which will work in conjunction with the new paragraph (4) of subsection (c) of Section 12200.7 by requiring that documentation be provided that establishes the actual costs of advertising and equipment.
 - ◆ A new paragraph (8) is added to expand upon a new subsection (j) of Section 12200.21. This provision requires that a full disclosure of any financial arrangements entered into within three years prior to the contract must be provided to the Bureau.

- ◆ A new paragraph (9) provides clarity that the Bureau is able to request additional information, as needed, so that the Bureau can be confident that the contract is not in violation of the provisions of regulation or law.
- A new subsection (c) is added to provide that a complete application for approval of the renewal of a contract would follow the same requirements as an initial application with the exception of a requirement to provide copies of three completed playing book forms.
- Paragraph (4) of subsection (a) in the current regulation is renumbered as subsection (d), and details the method the Bureau must follow when either approving or disapproving the contract.
- Current subsection (b) requires that an executed copy of the contract and any amendments along with any Bureau notices be maintained at the gambling establishment for review or copying by the Commission or Bureau. This provision is repealed.
- Current subsection (c) requires that the contract term not exceed two years and that specific amendments may not be made without prior written approval of the Bureau. The portion of this subsection dealing within amendments is repealed. The part of this subsection limiting a contract to no more than a two-year term is retained and relocated to subsection (a) as subparagraph (E) of paragraph (1).
- A new subsection (e) requires that a copy of the Bureau's notice of approval or disapproval be provided to the Commission. This moves the current requirement from subsection (b) of Section 12200.10C.

Amend Section 12200.10A. Expedited Review and Approval of Proposition Player Contracts.

This proposed action would renumber Section 12200.10A as Section 12200.10. This renumbered section continues the current expedited contract approval procedures and expands upon them.

- Paragraph (2) of subsection (a) is revised to change the term "house" to "gambling enterprise."
- A new paragraph (4) is added to subsection (a). The expedited review process requires that the new contract be substantially similar to the existing contract except that the TPPPS is different.
- A new paragraph (5) is added to subsection (a). This paragraph provides that the provisions of

Paragraph (1) of subsection (a) of Section 12200.9 apply to the expedited review and approval process.

- Subsection (b) is revised to change the term "house" to "gambling enterprise."
- Subsection (c) is revised to provide a non-substantive formatting correction. Additionally, paragraphs (1) through (5) of subsection (c) are deleted and replaced with a reference to the requirements of a complete application pursuant to paragraph (2) of subsection (a) of Section 12200.9. Paragraph (6) of subsection (c) is retained and renumbered accordingly.
- A new subsection (d) added. This provision is consistent with the new subsection (c) of Section 12200.9.

Amend Section 12200.10B. Review and Approval of Amendments to Proposition Player Contracts.

This proposed action would renumber Section 12200.10B as Section 12200.11. This renumbered section continues the current amendment approval procedures and expands upon them.

- Subsection (a) establishes the approval process for standard contract amendments. This provision is amended to clarify that any amendments, except for those provided for in subsection (b), must be approved by the Bureau before becoming effective. Additionally, non-substantive grammatical, editorial changes in reference to the required form are made. Language is added to provide clarity that the amendment process cannot be utilized to circumvent the minimum standards provided for in paragraph (1) of subsection (a) of Section 12200.9. Finally, in conjunction with the repeal of Section 12200.10C, and with the changes in Sections 12200.9 and 12200.10, a requirement for Commission notification is added.
- Subsection (b) provides an alternative process for a select list of contract terms. This process allows for the specified terms to be modified without Bureau approval and instead only requires notification within 10 days of the execution of the revised contract.
- Current subsection (b) provides that paragraphs (3), (4) and (6) [renumbered as (3), (4) and (7)] of subsection (b) of Section 12200.7 are subject to this process. The adoption of a new paragraph (1) of subsection (b) of this section adds new paragraphs (5) and (6) and current paragraph (8) of subsection (b) of Section 12200.7 to this exception.

- A new paragraph (2) is added to provide that payments made by the TPPPS to the gambling enterprise for advertising and equipment may be amended with only notification to the Bureau. These payments are restricted to no more than a proportionate share of the actual cost of the advertising or equipment, and the parties must provide documentation to show the actual cost.

Repeal Section 12200.10C. Submission of Contracts or Amendment to Commission.

This section provides guidance to the Bureau on how it must communicate with the Commission during the contract approval process. The proposed action repeals this section.

- Subsection (a) requires that the Bureau provide copies of contracts and amendments to the Commission for review and comment. This provision is repealed.
- Subsection (b) is deleted and its provisions are incorporated into Sections 12200.9, 12200.10 and 12200.11. This provision requires that the Bureau provide copies of its notices of approval and disapproval to the Commission.

Repeal Section 12200.11. Extension of Proposition Player Contracts.

The proposed action repeals this section. As part of the changes in Section 12200.9, the non-duplicative provisions of this section are incorporated into the standard application approval process.

Amend Section 12200.21. Compliance.

This section provides general guidelines and restrictions for the TPPPS contract process, including those provisions previously in the contract that are not contractual terms between the parties but regulatory restrictions placed on the parties. The proposed action also provides additional requirements or clarifications, many of which have been removed from other sections and amended into this section.

- Subsection (a) provides a general requirement that TPPPS employees follow the game rules approved by the Bureau. Additionally, it allows a contract to contain provisions regarding the assignment of a permanent seat to the TPPPS, and exclusion of other TPPPS and gambling businesses. These last two provisions are deleted and moved to subsection (b) of Section 12200.7 as new paragraphs (5) and (6).
- The current text of subsection (b) becomes paragraph (1) of subsection (a), without change, and new paragraphs (2), (3) and (4) are added.

- The new paragraph (2) of subsection (b) provides that individuals with a “higher” level of licensure can also serve the functions of “lower” level licenses.
- The new paragraph (3) of subsection (b) provides a restriction to individuals who hold approvals to function both as a TPPPS employee and a gambling enterprise employee. This restriction prevents an individual from utilizing his or her third-party proposition player status within any gambling enterprise where they are employed.
- The new paragraph (4) of subsection (b) limits the presence of the TPPPS at any specific table to no more than one owner, supervisor or proposition player. This restriction currently exists as paragraph (5) of subsection (b) of Section 12200.7.
- The new subsection (c) provides clarification that the TPPPS shall pay the same collection rate as any other participant in a controlled game. This restriction currently exists as paragraph (12) of subsection (b) of Section 12200.7; however, the language has been modified.
- The new subsection (d) requires that any legal dispute between the parties needs to be reported to the Bureau. This provision currently exists as paragraph (16) of subsection (b) of Section 12200.7; however, the language has been modified.
- The new subsection (e) provides that if any employee of the TPPPS is arrested in or removed from the gambling establishment or is involved in a dispute with a patron that results in the removal of one or more individuals, the parties must provide a report to the Bureau. This provision currently exists as paragraph (17) of subsection (b) of Section 12200.7; however, the language has been modified.
- The new Subsection (f) provides that any incident of cheating reported by the TPPPS to the gambling enterprise must be reported to the Bureau within five days. This provision currently exists as paragraph (18) of subsection (b) of Section 12200.7; however, the language has been modified. The requirement to report to the Commission has been eliminated in the revised language.
- The new Subsection (g) provides guidelines for any tipping arrangement put in place as part of, or in addition to, the contracting process.

- Paragraph (1) of the new subsection (g) requires the TPPPS to provide its tipping policy as an addendum to the contract. The revisions to paragraph (20) of subsection (b) of Section 12200.7 remove the requirement that the tipping policy be included as part of the contract. Paragraph (1) of subsection (g) replaces that old requirement with a new one that allows for a tipping arrangement to be included in the contract, as is currently required, but also provides an additional requirement to cover situations where the parties have agreed to allow tipping but not to have a pre-arranged system.
- Paragraph (2) of the new subsection (g) continues the restriction already present in paragraph (20) of subsection (b) of Section 12200.7, restricting any tipping arrangement or policy from including any percentage calculation.
- Paragraph (3) of the new subsection (g) requires that the employee classifications of the gambling enterprise that are included in the tipping policy be provided.
- Paragraph (4) of the new subsection (g) prohibits any tipping arrangement or policy from providing tips to any employee of the gambling enterprise that is exercising any supervisory responsibility or any authority to make discretionary decisions that affect the result of the game during that particular shift.
- Paragraph (5) of the new subsection (g) provides clarity that a tip can be considered any monetary asset and not just a gambling chip or currency.
- The new subsection (h) provides that a TPPPS may not purchase, lease or control any gambling equipment related to a controlled game at a gambling establishment. This restriction currently exists as the second sentence of paragraph (21) of subsection (b) of Section 12200.7.
- The new subsection (i) provides that it is the responsibility of the gambling enterprise to ensure that the TPPPS follows all laws and regulations pertaining to controlled gambling. The addition of this provision is in conjunction with the repeal of paragraph (8) of subsection (b) of Section 12200.7.
- The new subsection (j) provides that financial arrangements, relationship or transactions entered into during the contract period and between the TPPPS and gambling enterprise or any of their designated derivative parties or persons affiliated

with them, must be disclosed to the Bureau with 10 days of their execution.

- The new subsection (k) provides that neither the TPPPS nor the gambling enterprise may provide rebates.

The proposed changes in Chapter 10 are as follows:

Amend Section 12560. Disciplinary Guidelines for Third-Party Providers of Proposition Player Services Licensees or Registrants.

This section contains non-substantive revisions to correct and conform the references in paragraphs (7), (8), (9), (10), (11), and (19) of subsection (b) and paragraph (8) of subsection (d) to numerous changes made to the specified sections in Chapter 2.1. Additionally, to be consistent with subsection (k) of Section 12200.21, paragraph (19) of subsection (b) and paragraph (8) of subsection (d) of this section are revised to conform to the prohibition of rebates in all cases.

DOCUMENTS INCORPORATED
BY REFERENCE

Application for Contract/Amendment Approval,
BGC-APP-030 (Rev. 06/14)

CONSISTENCY OR COMPATIBILITY WITH
EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

The Commission is vested with jurisdiction and supervision over gambling establishments and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission's regulations is generally set forth in section 19841. As provided in subdivision (o) of section 19841, the Commission may "restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling. . ." As provided in subdivision (a) of section 19984, "Any agreement, contract, or arrangement between a gambling enterprise and a third-party provider of proposition player services shall be approved in advance. . ." Those regulations that currently implement the Commission's authority to regulate the review and approval by the Bureau of Gambling Control (Bureau) of contracts to provide proposition player services are being amended in this proposal.

The Bureau [Department of Justice]⁴ has also been granted some authority to adopt regulations (section 19826), but that authority is limited to the adoption of regulations reasonably related to its specified duties and responsibilities. While the Bureau has been given the responsibility for the actual approval of contracts, the Commission has been given the statutory direction and authority to adopt all necessary regulations to implement section 19984. These proposed regulations are not inconsistent or incompatible with any Bureau regulation (Title 11, CCR, Division 3), nor do they fall within the Bureau’s authority to adopt regulations. The Bureau does not currently have any regulations in effect that relate to the content or approval of contracts for third-party proposition player services.

COMPARABLE FEDERAL LAW

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

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE: None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the adoption of these regulations would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This proposed action imposes some mandatory requirements on businesses. The regulation provides a clear process for determining the payment for services in a contract for proposition player services and sets a clear process for receiving approval from the Bureau.

Costs associated with pursuing a contract would be voluntarily assumed by the gambling enterprise as a contract with a TPPPS is only required if the gambling enterprise desires such services. The TPPPS, however, is required to have a TPPPS contract in order to operate, so any additional costs are not voluntarily assumed. Parties currently engaged in a contract will find an increase in the documentation and justification required under this revised process, though the specifics will depend on the complexity of their contract.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

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

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action may affect small businesses if any affected gambling enterprise or TPPPS would qualify as a small business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

IMPACT ON JOBS/NEW BUSINESSES:

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

This proposal is only intended to clarify the contract amounts currently being determined and should not cause a significant impact on the contract prices. Additional parts of the proposal include clarification of current contract approval processes and the shift of operative or compliance provisions to other regulation sections for enforcement by the Bureau. No significant additional burden has been placed upon either the gambling enterprise or the TPPPS, or either entity’s employees.

BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of clarifying the manner in which the consideration provided for in the contracts for proposition player services is determined, providing stronger assurances that any consideration provided to the gambling enterprise is not disproportionate to the services being provided and in no way provides the house with any interest, whether direct or indirect, in the funds wagered, lost or won. The revised approval process will provide the Bureau a higher level of detail of the services, facilities, etc. that are provided for in the contract, as well as the justification that the payment for those services or facilities fol-

⁴ In the Act, “Department” refers to the Department of Justice. While the Act assigns certain powers and authority to the Department, in actual practice the responsibility for fulfilling the obligations imposed upon the Department is delegated to the Bureau of Gambling Control, pursuant to Business and Professions Code section 19810.

lows the requirements of the regulations. The Bureau is also provided with additional information to ensure that the relationship between the two parties is fully disclosed in the contract, and that there are no attempts to circumvent statutory and regulatory limitations.

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

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Website listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Manager
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joshua Rosenstein, Regulatory Actions Analyst
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220,
Sacramento, CA 95833-4231
Telephone: (916) 274-5823
Fax: (916) 263-0499
E-mail: jrosenstein@cgcc.ca.gov

WEBSITE ACCESS

Materials regarding this proposed action are also available on www.cgcc.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: **On September 25, 2014**, at
10:00 a.m. in Room 310 of the
County Administration
Center

1600 Pacific Highway,
San Diego, California.

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

PUBLIC HEARING: **On September 25, 2014**, at 10:00 a.m. in Room 310 of the County Administration Center
1600 Pacific Highway,
San Diego, California.

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

BUSINESS MEETING: **On September 25, 2014**, at 10:00 a.m. in Room 310 of the County Administration Center
1600 Pacific Highway,
San Diego, California.

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **September 25, 2014**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY
ORDERS**
Section 3395
Heat Illness Prevention

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY
ORDERS**
Section 3395
Heat Illness Prevention

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

The Occupational Safety and Health Standards Board (Board) proposes to adopt amendments to Title 8, Section 3395 of the General Industry Safety Orders. These proposed amendments are authorized by Labor Code Section 142.3.

The proposed amendments are needed to clarify, make more specific, and strengthen the requirements of Section 3395 in order to prevent heat illness and to ensure that emergency medical services are provided without delay.

Currently, Section 3395 requires that drinking water and access to shade be provided to employees. Section 3395 specifies that shade be erected at temperatures above 85 degrees Fahrenheit (°F); that it accommodate 25% of the employees; and that employees be allowed and encouraged to take a cool-down rest in the shade for at least five minutes. Section 3395 also requires additional precautionary measures when the outdoor temperature is at or above 95° F and that employees be observed for alertness and signs or symptoms of heat illness. In addition, Section 3395 requires that employers have emergency procedures for responding to symptoms of possible heat illness and that employees and supervisors be trained regarding those procedures.

The proposed amendments would revise the requirements of Section 3395 by: (1) specifying that drinking water must be provided at no cost and be fresh, pure, suitably cool and located within 400 feet unless prohibited by site conditions; (2) requiring that shade be present when the temperature exceeds 80° F, be sufficient to accommodate all employees on break, and be located within 700 feet of employees unless that is not feasible; (3) requiring that an employee taking a cool-down rest be encouraged to remain in the shade until symptoms have abated and be monitored by the employer during this recovery period; (4) lowering the threshold temperature for initiating high heat procedures from 95° F to 85° F; (5) specifying that high heat procedures include the means for observing employees for signs and symptoms of heat illness, designation of an employee at the worksite who is authorized to call for emergency medical services, and a pre-shift meeting to cover high heat precautions, (6) requiring a net ten minute recovery period (which may be concurrent with other required breaks) for every two hours that an employee in agriculture works continuously in temperatures equal to or exceeding 95° F; (7) specifying that workers receive additional training on the right to exercise their rights under the heat illness standard without fear of retaliation, procedures for acclimatization, and appropriate first aid and emergency response to heat illness; (8) adding new elements to the required written heat illness prevention procedures, which would now be called a heat illness prevention plan; and (9) requiring that supervisors take immediate action if an employee exhibits symptoms of heat illness and prohibiting an employer from sending home an employee who was exhibiting signs or symptoms of heat illness without first offering onsite first aid or providing emergency medical services.

The overall intent of the proposed amendments is to improve worker safety in all outdoor places of employment and reduce the incidence of heat illness.

The proposed amendments and this rulemaking:

- Are based on the following authority and reference: Labor Code Section 142.3, which requires California to adopt occupational safety and health regulations that are equivalent to or more protective of worker health and safety than federal occupational safety and health regulations, and designates the Board as “the only agency in the state authorized to adopt occupational safety and health standards.” (Labor Code Section 142.3(a)(1).)
- Differ from existing federal regulations in that the federal Occupational Safety and Health laws and regulations do not include a specific and comprehensive standard to address the prevention of heat illness.

- Are not inconsistent or incompatible with existing state regulations. After conducting an evaluation for any regulations related to heat illness prevention in the work place, the Board has determined that these are the only regulations concerning this topic, and therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.
- Will enhance employee safety by clarifying and making more specific the current requirements for providing water and shade to workers, minimizing disincentives for drinking water and taking rest periods, requiring additional observation and training during high heat periods, and improving procedures for accessing first aid and emergency medical services.

Proposed Amendments

The Board proposes to amend the Heat Illness Prevention regulation at Title 8, California Code of Regulations, Section 3395 in several respects, as indicated below.

Subsection (b) Definitions.

Existing subsection (b) of Section 3395 includes a definition of the term “Shade.” This definition would be modified by adding at the end of the definition the phrase “that does not discourage access.”

Subsection (c) Provision of water.

Subsection (c) details requirements for providing drinking water to employees exposed to heat while working outdoors. The Board proposes to modify this subsection by further specifying that:

The water provided shall be fresh, pure and suitably cool, and shall be provided to employees free of charge.

and

The water shall be located as close as practicable to the areas where employees are working and shall not in any event be farther than 400 feet walking distance from any employee at any time other than when the employee is using a restroom or travelling between the restroom and an area where employees are working unless the employer can demonstrate that conditions prohibit locating the drinking water within the prescribed distance.

Subsection (d) Access to shade.

Subsection (d) currently sets forth requirements for providing shade, including the amount of shade that must be available and the outdoor temperature at which it must be provided. The proposed amendments would modify these requirements in several respects.

Paragraph (1) of subsection (d) would be revised to change the overall shade requirement from “at least enough to accommodate 25% of the employees on the

shift at any time” to “at least enough to accommodate the number of employees on meal, rest, or recovery periods.” At the end of paragraph (1), the requirement to locate the shade as close as practicable to where employees are working would be modified by adding the following limitation: “but no farther than 700 feet walking distance from the area where any employee is working unless the employer can demonstrate that terrain or other conditions prohibit locating the shaded area within the prescribed distance.”

Paragraph (2) of subsection (d) would be modified by lowering the trigger temperature at which shade is required to be available from 85° F to 80° F.

Paragraph (3) of subsection (d) would be revised by deleting the phrase “for a period of no less than five minutes at a time” in the first sentence and adding the following sentence at the end of the paragraph.

An employee who takes a cool-down rest shall be encouraged to remain in the shade and shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade.

A new paragraph (4) would be added as follows:

If an employee exhibits signs or reports symptoms of heat illness, the employer shall monitor the employee during the cool down rest or recovery period to determine if signs or symptoms are abating or worsening. If signs or symptoms worsen or do not resolve, the employer shall provide appropriate first aid and/or emergency medical services.

A clarifying amendment would be made to the “Exceptions” at the end of subsection (d), specifying that those exceptions only apply to paragraphs (1) and (2) and not to paragraphs (3) or (4).

Subsection (e) High-heat procedures.

Subsection (e) sets forth high-heat procedures that an employer is required to implement when the temperature reaches 95° F. These proposals would lower the trigger temperature for high-heat procedures from 95° F to 85° F and add several additional specific requirements.

To paragraph (2)’s requirement to “observ[e] employees for alertness and signs or symptoms of heat illness,” these proposals would add the following:

The employer shall ensure effective employee observation/monitoring by implementing one or more of the following:

- (A) Supervisor or designee observation of 20 or fewer employees, or
- (B) Mandatory buddy system, or

- (C) Regular communication with sole employee such as by radio or cellular phone, or

- (D) Other effective means of observation.

A new paragraph (3) would be added, requiring that the employer “designat[e] an employee on each work-site authorized to call for emergency medical services,” and the current paragraph (3) would be renumbered (4).

Existing paragraph (4) pertaining to the supervision of a new employee becoming acclimated to high-heat conditions would be deleted, and acclimatization requirements revised and incorporated into the employer’s written procedures covered in subsection (g) below.

The Board also proposes to add new paragraphs (5) and (6) to this subsection as follows:

- (5) Pre-shift meetings before the commencement of work to review the high heat procedures, encourage employees to drink plenty of water, and remind employees of their right to take a cool-down rest when necessary.

- (6) For employees employed in agriculture, the following shall also apply: For every two hours an employee works continuously outdoors during temperatures of 95 degrees or above, the employer shall ensure that the employee takes a minimum ten minute net recovery period. The recovery period required by this paragraph shall be taken, insofar as practicable, near the end of each second hour of work in which temperatures are 95 degrees or greater. This recovery period may be provided concurrently with any other meal or rest period required by Industrial Welfare Commission Order No 14 if the timing of the recovery period coincides with a required meal or rest period. For purposes of this section, “recovery period” is defined in Labor Code Section 226.7(a).

Subsection (f) Training.

Subsection 3395(f) sets forth requirements for employee and supervisor training on heat illness prevention procedures. These proposals would make revisions to four of the nine elements of employee training under subsection (f)(1). The requirements in paragraph (f)(1)(B) covering the employer’s procedures for complying with the heat illness regulation would be revised to include specific references to the employer’s responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees’ right to exercise rights under the heat illness regulation without retaliation.

Paragraphs (f)(1)(D) and (E) would be expanded to read as follows:

- (D) The concept, importance, methods of acclimatization and the employer’s procedures under subsection (g)(3).
- (E) The different types of heat illness, and the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

Paragraph (f)(1)(G) would be revised by adding the words “signs or” before the word “symptoms,” and paragraph (f)(2)(C) would be modified by inserting the words “signs or reports” between the words “exhibits” and “symptoms,” so that the full phrase reads “exhibits signs or reports symptoms.”

Subsection (g) Written procedures.

Current paragraph (3) of subsection (f), pertaining to written procedures, would be redesignated as a new subsection (g) and substantially rewritten to read as follows:

Written procedures. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The heat illness prevention plan shall, at a minimum, contain:

- (1) Procedures for the provision of water and access to shade.
- (2) The high heat procedures referred to in subsection (e).
- (3) Procedures for the close supervision of all employees during periods when it is predicted that the high temperature for the day will be 80 degrees Fahrenheit or more and ten degrees Fahrenheit or more above the average high daily temperature in the preceding five days, and for an employee newly assigned to high heat areas by a supervisor or designee, for the first 14 days of the employee’s employment by the employer.
- (4) Emergency Response Procedures:
 - (A) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this

purpose only if reception in the area is reliable.

- (B) Responding to signs and symptoms of possible heat illness, including but not limited to first aid measures and how emergency medical services will be provided.
- (C) Contacting emergency medical services and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider.
- (D) Ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

Subsection (h)

These proposals would also add a new subsection (h) to Section 3395, detailing observation and response requirements in the event signs or symptoms of heat illness are observed or reported.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

The Board has made a preliminary determination that no costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that these proposals will not significantly affect housing costs.

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

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

The Board has also made an initial determination that these proposals may have private sector costs for some businesses, including some small businesses. Specifically, as set forth in much greater detail in the Initial Statement of Reasons, an employer with a large dispersed or mobile workforce may incur one-time costs for portable coolers (e.g. “igloos” at an estimated cost of \$55 per unit) or portable shade structures (estimated cost of \$100 per unit) to ensure the accessibility of sufficient water and shade available within the distance lim-

its specified in these proposals. A business of any size may incur one-time costs in modifying its written heat illness plan, including the cost of translating the plan if a majority of the employees speak another language.

The proposed new subsection (e)(6), mandating a recovery break every two hours when employees work continuously in temperatures of 95° or above and applicable only to agriculture, would impose a cost on employers in terms of the compensation required for any breaks that are in addition to the paid breaks required by Wage Order No. 14. While the Division of Occupational Safety and Health believes that agricultural employers customarily adjust working hours to avoid sustained periods of work in high heat, an employer with a crew of 100 workers earning an effective rate of \$15 per hour would incur an additional cost of \$250 for providing an additional compensated break that was not required by Wage Order No 14.

The Board invites additional comment on these projected impacts.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative individual would necessarily incur in reasonable compliance with the proposed amendments. Because the potential cost impacts identified above are all associated with taking additional measures for an employee workforce, they would not be incurred by a sole proprietor who has no employees. The Board also believes that only a small fraction of affected employers will incur additional costs to comply with the more specific requirements set forth in the proposed amendments, and therefore that a representative or typical business will not incur costs.

Costs or Savings in Federal Funding to the State

These proposals will not result in costs or savings in federal funding to the state.

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, the potential economic impacts identified above are likely to be incurred, if at all, by larger businesses with larger workforces, and primarily in the agriculture sector. Section 3395 currently requires employers to provide water, shade, high heat procedures, and training, and the principal purpose of these proposals is to clarify, strengthen, and make those requirements more specific.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses because the proposed changes will clarify and strengthen these standards to prevent against heat illness.

BENEFITS OF THE REGULATION

The proposed amendments will reduce the risk of serious injury and death due to heat illness in the affected industries. Better hydration and access to shade as well as an additional mandated recovery period (for agricultural workers working extended hours in very high heat) should also improve worker productivity.

ALTERNATIVES STATEMENT

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

In drafting these proposals, the Division of Occupational Safety and Health considered several alternative proposals for revising or complying with specific standards. The use of a buddy system to monitor employees working in high heat conditions was suggested as an alternative to other employee monitoring options and was incorporated into the proposals. The Division considered but rejected clearly more expensive and sometimes impractical alternatives, including proposed requirements to equip all employees with an individual portable source of water or to require a specific ratio of supervisors to workers in high heat conditions.

The Board 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.

AVAILABILITY OF TEXT OF PROPOSED AMENDMENTS AND INFORMATION PERTAINING TO THE PROPOSED ACTION

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **September 19, 2014**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **September 25, 2014**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or

Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

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

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“Modified Timber Harvest Plan Amendments, 2013”

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapter 7, Article 2 — Timber Harvesting Plan

Amend:

§ 1051(a) Modified THP
 [Includes revisions to § 1051(a)(1), § 1051(a)(4), § 1051(a)(5), § 1051(a)(6), § 1051(a)(7), § 1051(a)(8), § 1051(a)(9), § 1051(a)(10), § 1051(a)(12), § 1051(a)(13), § 1051(a)(14)]

§ 1051.1 Contents of Modified THP

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to amend existing Forest Practice Rules for the Modified Timber Harvest Plan (MTHP). The proposed amendments were identified by the Board's Forest Practice Committee over the course of numerous publicly noticed meetings. The primary purpose of the amendments is to provide small timberland owners greater opportunities for cost-effective timber management than currently exist. The amendments increase the size of ownerships for which an MTHP can be used to a maximum of 160 acres and modify the existing prescribed conditions and mitigations required of MTHPs. Specifically, existing provisions for heavy equipment operations, construction of new skid trails, construction and reconstruction of new logging roads, operations on slides and unstable areas, and heavy equipment operations in archaeological sites are addressed in the amendments.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, October 1, 2014, at its regularly scheduled meeting commencing at 8:00 a.m., at the Resources Building

Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., on Monday, September 22, 2014.

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

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attn: Thembi Borrás
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244–2460

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

Board of Forestry and Fire Protection
 Room 1506–14
 1416 9th Street
 Sacramento, CA 95814–5511

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

(916) 653–0989

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

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

1051 Modified THP

Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

1051.1 Contents of Modified THP

Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

Public Resources Code Section 4551 requires the Board to adopt forest practice rules and regulations to, among other things, “. . . assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources.”

Existing forest practice regulations, 14 CCR § 1051, *et seq.* specify that a Modified Timber Harvest Plan (MTHP) may be filed with the California Department of Forestry and Fire Protection (*CAL FIRE*) for ownerships of 100 acres or less of timberland. These regulations further require that a series of prescribed conditions and mitigations be met in MTHP filings.

The proposed regulation is specifically intended to provide small timberland owners greater opportunities for cost-effective timber management than currently exist. The proposed regulation would increase the size of ownerships for which an MTHP can be used to a maximum of 160 acres or a quarter (1/4) section or less of timberland. In addition, the proposed regulations modify the existing prescribed conditions and mitigations required of MTHPs. Specifically, the existing provisions for heavy equipment operations, construction of new skid trails, construction and reconstruction of new logging roads, operations on slides and unstable areas, and heavy equipment operations in archaeological sites. These revisions are proposed to conform to the proposed maximum acreage increase and to increase operational flexibility.

The proposed regulation would have no effect upon the existing Modified Timber Harvest Plan for Fuel Hazard Reduction (MTHP–FHR) regulations.

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

The regulation as proposed could result in highly localized beneficial effects upon the environment. These beneficial effects could be related to fire resiliency, habitat manipulation, and aesthetics. However, these prospective benefits are somewhat abstract and may occur at such small scales as to be indistinguishable from the surrounding landscapes. Regardless, it may be presumed at a minimum that the level of protective effect upon the environment will not be reduced as a result of this proposed regulation.

The proposed regulation is not expected to have an effect upon public health and safety, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed regulation expected to result in an increase in the openness and transparency in business and government.

IS THE PROPOSED REGULATION INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

Board staff has evaluated whether or not the proposed regulation is inconsistent or incompatible with existing state regulations pursuant to GC § 11346.5(a)(3)(D) and determined that it is neither inconsistent nor incompatible. The proposed regulation is entirely consistent and compatible with existing Forest Practice Rules and the Z’ Berg–Nejedly Forest Practice Act.

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

The results of the economic impact assessment prepared pursuant to GC § 11346.5(a)(10) and GC § 11346.3(b)(1) A–D for this proposed regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies. Adoption of these regulations will not: (A) create or eliminate jobs within California; (B) create new businesses or eliminate existing businesses within California; or (C) affect the expansion of businesses currently doing business within California. (D) While it may be speculated that the proposed regulation could benefit the environ-

ment, it is not expected to affect the health and welfare of California residents or improve worker safety.

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

Cost impacts on representative private persons or businesses:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The MTHP is a voluntary rather than compulsory permitting process available for use at the discretion of small timberland owners. In comparison to a conventional Timber Harvesting Plan (THP), the MTHP is already considered a less costly option. It is anticipated that the proposed amendments to the MTHP regulations would not significantly alter the already lower cost for MTHP preparation. Likewise, the costs associated with harvest operations under an MTHP, as executed in compliance with the proposed regulations, are not likely to be measurably affected.

Effect on small business:

No effect to small business is anticipated as the MTHP is a voluntary permitting process for timber harvesting. Additionally, the existing MTHP is considered a lower cost alternative to the conventional THP and the proposed regulation is not anticipated to alter this condition.

Mandate on local agencies and school districts:

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

Costs or savings to any State agency:

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

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

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

Other non–discretionary cost or savings imposed upon local agencies: The proposed regulation will not result in the imposition of non–discretionary costs or savings to local agencies.

Cost or savings in federal funding to the State:

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

Significant effect on housing costs:

The proposed regulation will not significantly affect housing costs.

Conflicts with or duplication of Federal regulations:

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

BUSINESS REPORTING REQUIREMENT

The regulation does not impose a business reporting requirement.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

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

Board of Forestry and Fire Protection
Attn: Thembi Borrás
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9633

The designated backup person in the event Thembi Borrás is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection. Mr. Gentry may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

prepared, the statement will be available from the contact person on request.

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

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address.

All of the above-referenced information is also available on the Board website at: http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

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

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

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2809 in order to implement, interpret and make specific PC Sections 2809, propose to adopt Section 8121 of Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA personnel.

PUBLIC HEARING INFORMATION

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the contact person set forth below. Requests for public hearings must be made no later than September 8, 2014.

PUBLIC COMMENT PERIOD

The public comment period will close **September 22, 2014 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX (916) 358-2709

E-MAIL CALPIAregs@calpia.ca.gov

CONTACT PERSON

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Dawn Eger, Legal Analyst
California Prison Industry Authority
Telephone (916) 358-1612

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

Della Fujiwara, Executive Assistant
California Prison Industry Authority
Telephone (916) 358-1711

LOCAL MANDATES

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

AUTHORITY AND REFERENCE

PC Section 2800 provides that commencing July 1, 2005, there is hereby continued in existence within the Department of Corrections and Rehabilitation the Pris-

on Industry Authority. As used in this article, "authority" means the Prison Industry Authority. Commencing July 1, 2005, any reference to the Department of Corrections shall refer to the Department of Corrections and Rehabilitation.

PC Section 2809 provides that notwithstanding any other provision of law, commencing July 1, 2005, the authority may recruit and employ civilian staff that may be necessary to carry out the purposes of this article, and shall establish recruiting, testing, hiring, promotion, disciplinary, and dismissal procedures and practices which will meet the unique personnel needs of the authority. The practices may include incentives based on productivity, profit-sharing plans, or other criteria which will encourage civilian employee involvement in the productivity goals of the authority. The procedures and practices shall apply to all employees working in enterprises under the jurisdiction of the authority. The General Manager shall be the appointing authority for all personnel of the authority other than the General Manager.

INFORMATIVE DIGEST

There are currently no regulations requiring employees to provide their contact information to Human Resources and supervisors at CALPIA. The General Manager proposes to adopt regulatory provisions to standardize and require all employees of CALPIA to provide current contact information to ensure CALPIA management can communicate with employees during off-duty hours for work-related purposes.

The proposed text in Section 8121 will standardize agency rules for employee contact information and includes provisions to ensure contact information is kept current by the employee. Section 8121 clarifies current contact information must be submitted upon being hired at CALPIA, if and when changes occur to employee's contact information, and on a yearly basis.

Policy Statement Overview:

The proposed regulatory action will enhance communication abilities between CALPIA management and its employees during off-duty hours, while decreasing inefficiency of failed communication due to missing or outdated contact information. CALPIA believes that this regulation will support continuous productivity, operations, and personnel processes.

EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING REGULATIONS

During the process of developing these regulations and amendments, CALPIA 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.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 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 CALPIA has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CALPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

The proposed regulations will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal manage-

ment of CALPIA employees. The benefits of new proposed regulations will provide clear and concise personnel rules that will only affect CALPIA employees.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

The proposed regulations will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of CALPIA employees. The benefits of new, proposed regulations will provide clear and concise personnel rules that will only affect CALPIA employees.

Benefits of the Regulations

The proposed regulatory action will benefit CALPIA employees by providing clear and concise personnel rules while ensuring that CALPIA is carrying out the requirements set forth in statute.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CALPIA 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 this action has no significant adverse economic impact on small business because they are not affected by the internal management of CALPIA employees.

ALTERNATIVES DETERMINATION STATEMENT

CALPIA must determine that no reasonable alternative considered by CALPIA, or that has otherwise been identified and brought to the attention of CALPIA, 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 invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The CALPIA has prepared, and will make available, the text 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 CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If the CALPIA 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 PIB reviews and approves the regulations as revised. The CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website <http://www.calpia.ca.gov>.

TITLE 16. BOARD OF OPTOMETRY

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

**Department of Consumer Affairs
2420 Del Paso Road, Yosemite Room
Sacramento, California 95834
Monday, September 22, 2014
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, September 22, 2014, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 3023, 3023.1, 3025, 3090, and 3110 of the Business and Professions Code, and to implement, interpret or make specific sections 475, 480, 481, 482, 3010.1, 3010.5, 3024, 3025, and 3056 of said Code, and section 11522 of the Government Code, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board's highest priority is protection of the public, as mandated by Business and Professions Code (BPC) section 3010.1. To meet this mandate, the Board issues licenses to eligible applicants to practice optometry. The Board also investigates complaints against licenses, disciplines licensees for violation of state law, and monitors licensees placed on probation. BPC section 3025 authorizes the Board to adopt rules and regulations as necessary to administer and enforce the provisions of the chapters of the BPC for which it is responsible. In order to enhance its disciplinary function and strengthen its enforcement program to better achieve its public protection mandate, the Board is proposing the following changes:

Amend Section 1516. Application Review and Criteria for Rehabilitation

Existing law authorizes the Board to compel a licensee to submit to a physical or mental health examination if the licensee's ability to practice in a competent manner may be impaired due to physical or mental illness. Existing law also authorizes the Board to deny a license for any act that would warrant discipline if done by a licensee.

This regulatory proposal would give the Board authority to require an applicant to be examined by one or more physicians and surgeons, or psychologists designated by the Board if it appears that the applicant is un-

able to practice optometry safely due to a mental or physical illness.

Policy Statement Overview/Anticipated Benefits of Proposal: Adoption of this proposed amendment will allow the Board to prevent these individuals from obtaining a license, resulting in enhanced consumer protection. Specifically, the Board would be permitted to take proactive measures and avoid the current process in place which requires the Board to issue the license first to obtain jurisdiction over the individual, and then order an examination. The licensee is allowed to practice as they wait for their results, putting consumers in potential harm. This proposal would prevent that from happening.

Adopt section 1582. Unprofessional Conduct

Existing law authorizes the Board to take disciplinary action against a licensee or to deny an application for licensure for unprofessional conduct. Existing regulations do not define unprofessional conduct to prohibit a licensee of the Board from the following activities:

- 1) Failing to cooperate and participate in a Board investigation, as long as such action does not infringe upon the licensee's constitutional or statutory rights or privilege;
- 2) Failing to report to the Board within 30 days the bringing of an indictment or information charging a felony against the licensee;
- 3) Failing to report to the Board within 30 days the conviction of the licensee of any felony or misdemeanor;
- 4) Failing to report to the Board within 30 days any disciplinary action related to the practice of optometry taken by another licensing entity statewide or the federal government, or the United State military; and
- 5) Failing to comply with a court order, issued in the enforcement of a subpoena, to release records.

This regulatory proposal would define the activities listed above as unprofessional conduct.

Policy Statement Overview/Anticipated Benefits of Proposal: Adoption of these proposed amendments further defining unprofessional conduct is expected to enhance consumer protection and allow the Board to complete investigation more quickly. Consumers will be better protected because the Board will be able to take action against licensees who refuse to cooperate in Board investigations or who actively subvert Board investigations.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal, and it is not inconsistent or incompatible with existing state regulations. Existing regulations currently outline several unprofessional conduct provisions, and set forth disciplinary guidelines. The proposed regulations expand upon these existing provisions and do not contradict or obstruct them in any way.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

AND

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

The proposed regulatory changes would only affect licensees or applicants who are the subject of Board disciplinary action, if certain violations are committed or a mental or physical evaluation is deemed necessary. A business owned by a licensee that is deemed to be in violation of state law may be affected if the license is revoked, surrendered, or suspended.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with any disciplinary order imposed by the Board and legal fees, if the individual is represented by legal counsel. The disciplinary or-

der impacts vary and could include loss of the licensee's employment income or business if their license is revoked, surrendered, or suspended.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses owned by licensees of the Board deemed to be in violation of state law and the license is revoked, surrendered or suspended. However, the Board only has authority to take administrative and disciplinary action against a licensee and not a business. The Board estimates that approximately 1-3 of the Board's licensees will be affected by this proposal.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board's licensees. Health and welfare is increased because this proposal will improve the efficiency of the enforcement process, and address weakness in current law. Also, the Board would be allowed to more quickly prevent individuals who may be in violation of the law from practicing optometry and causing more patient harm. This proposal will have no effect on worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2450 Del Paso Road, Suite 105, Sacramento, California 95834.

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

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

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

CONTACT PERSON

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

Name: Robert Stephanopoulos, Policy Analyst
 Address: 2450 Del Paso Road, Suite 105 Sacramento, CA 95834
 Telephone No.: 916-575-7182
 Fax No.: 916-575-7292
 E-Mail Address: robert.stephanopolos@dca.ca.gov

The backup contact person is:

Name: Mona Maggio, Executive Officer
 Address: 2450 Del Paso Road, Suite 105 Sacramento, CA 95834
 Telephone No.: 916-575-7170
 Fax No.: 916-575-7292
 E-Mail Address: mona.maggio@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.optometry.ca.gov/lawsregs/propregs.shtml>.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on September 24, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 22, 2014 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

A proposal to amend California Code of Regulations sections 1364.10, 1364.12, 1364.13, and 1364.14 was heard on July 25, 2014, at the Board’s quarterly meeting held in Sacramento, CA. The Board granted the proposal to amend sections 1364.10, 1364.12, 1364.13, and 1364.14 and to hold a hearing as soon as possible after the 45-day comment period.

On July 1, 2014, pursuant to Senate Bill 304 (Lieu, Chapter 515, Statutes of 2013), the Medical Board of California’s (Board) sworn staff and their support staff were transferred to the Department of Consumer Affairs (DCA). Among the positions included in the transfer were the Chief of Enforcement, the Deputy Chief of Enforcement, and the Supervising Investigator IIs.

The Board’s regulations pertaining to the issuance of citations authorizes a “board official” to issue a citation, a fine, and an order of abatement. The regulations also require the board official *who issued the citation* to perform certain functions, including holding the informal

conference, authorizing an extension, etc. The regulations define “board official” as the Chief, Deputy Chief or Supervising Investigator II of the enforcement program of the Board or the Chief of Licensing.

As of July 1, 2014, the only remaining staff person at the Board authorized to issue a citation is the Chief of Licensing. However, the regulations state that the Chief of Licensing can only issue citations to physicians who practiced on a delinquent, inactive or restricted license or to an individual who practices beyond the exemptions authorized in Sections 2065 and 2066 of the Business and Professions Code.

Therefore, based upon the transfer of staff to DCA, there is no staff person authorized to issue citations for minor violations of the Medical Practice Act. The regulations need to be amended to allow the Executive Director or his or her designee to issue citations and perform the functions once a citation is issued. Without this proposed change, the Board is unable to provide protection of public health and safety, and will no longer be receiving revenue due to fines associated with citations issued by the Board.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulation will allow the Executive Director or his or her designee to issue citations and perform the functions once a citation is issued. Without this regulation, there is no one at the Board authorized to issue a citation, fine, or order of abatement, which protects the health and welfare of the public.

The specific benefits anticipated by the proposed amendment include nonmonetary benefits such as the protection of public health and safety, and the monetary benefit that will allow the Board to continue to be able to receive revenue for fines associated with the citations issued.

C. Consistency and Compatibility with Existing State Regulations

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

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the 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.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this proposed regulation will benefit California consumers by enhancing and strengthening the Board's ability to protect consumers by allowing the Executive Director or his or her designee to issue citations to physicians and perform the functions once a citation is issued.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative has been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally

effective in implementing the statutory policy or other provision of law.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEST OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

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

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

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

CONTACT PERSON

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

Name: Susan Cady
 Address: Medical Board of California
 2005 Evergreen Street, Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2644
 Fax No.: (916) 263-2387
 E-Mail
 Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Christine Valine
 Address: Medical Board of California
 2005 Evergreen Street, Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2466
 Fax No.: (916) 263-2387
 E-Mail
 Address: chris.valine@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.mbc.ca.gov/laws/regulations_proposed.html.

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Date: August 8, 2014
Deadline for Submission of Written Comment: September 22, 2014 — 5:00 p.m.
Public Hearing Date: None Scheduled

SUBJECT MATTER OF PROPOSED AMENDMENTS: GRANT ADMINISTRATION POLICY FOR ACADEMIC AND NON-PROFIT INSTITUTIONS

Sections Affected: The proposed regulatory action amends the document incorporated by reference into Chapter 5, Section 100500, of Title 17 of the California Code of Regulations, and makes technical non-substantive amendments to section 100500.

Authority: Article XXXV of the California Constitution and Health and Safety Code Section 125290.40, subdivision (j).

Reference: Sections 125290.30, 125290.35, 125290.40, 125290.45, 125290.50, 125290.60, 125290.70, 125292.10, Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in 2005 after the passage in 2004 of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure established a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. The Independent Citizens’ Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit aca-

demical and research institutions, patient advocacy groups and the biotechnology industry. The Act charges the ICOC with developing standards and criteria to make grant awards and to develop standards and criteria for proper oversight of awards. (§ 125290.50.) To that end, CIRM adopted the CIRM Grants Administration Policy for Academic and Non-Profit Institutions (“Non-Profit GAP”). The Office of Administrative Law approved the Policy and it is now codified in the California Code of Regulations under Title 17, Division 4, Chapter 5, Section 100500. This Policy states the rights and responsibilities of academic and non-profit recipients of CIRM research funding. Principal investigators, program directors, and organizational officials with grants management responsibilities may refer to pertinent sections for answers to questions that arise concerning the award and administration of the grants. By accepting a CIRM grant award, grantees agree to comply with the provisions set forth in the policies for the entire project period of the grant, and thereafter.

The proposed amendments to the Non-Profit GAP include non-substantive changes without regulatory effect, changes made for clarity and substantive changes. The proposed amendments in this rulemaking action interpret, clarify and make specific the regulations in Section 100500. The amendments are to the document incorporated by reference through subdivision (a) of Section 100500 entitled “CIRM Grants Administration Policy for Academic and Non-Profit Institutions” with a footer that now dates the document as “Non-Profit and Academic Institution Grants Administration Policy (Rev. April 28th, 2009)”. The amendment to subdivision (a) of Section 100500 will now reference a footer that dates the document as “Non-Profit and Academic Institution Grants Administration Policy (Rev. November 2014).” The amendments facilitate the award and management of research funds as authorized by Proposition 71 for use in California by California researchers and affiliated entities. The amendments further the purposes of the Proposition to find procedures, treatments and cures for major diseases, injuries and orphan diseases and to establish the appropriate regulatory standards for research development. CIRM has conducted an evaluation for any related regulations concerning administration of CIRM grant funds and has found that these are the only regulations in this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

PROPOSED AMENDMENTS

A. Sabbaticals:

The GAP identifies certain circumstances where prior approval of CIRM is required, such as when a Grantee wishes to transfer an award to another institu-

tion or change the principal investigator. This policy reflects the critical role that the Grantee institution and PI maintains on the grant and affirms CIRM's ability to ensure the ability of the team to fulfill the grant's objectives. While the GAP currently speaks to "leaves of absence" from an institution, CIRM proposes making explicit the interpretation of that language to include sabbaticals, which will require prior approval from CIRM to continue the award.

B. Allocation of Research Patient Care Costs:

CIRM proposes CIRM align itself with NIH policy and exclude the indirect cost bump when CIRM funds research patient care costs directly. When CIRM funds a grant, the amount of the grant is determined primarily by two sets of costs: direct and indirect. Generally speaking, direct costs are those for activities or services that benefit a specific project, e.g., salaries for project staff and laboratory supplies required for a particular grant project. Because these costs are easily traced to specific grant activities, they are charged to projects on an item-by-item basis and form the primary basis for a given budget. In contrast, indirect costs are those for activities or services that benefit more than one project. Their precise benefits to a specific project may be difficult or impossible to trace, such as the services of the accounting staff and research administrators. Indirect costs are applied as a percentage of the direct costs, and together with the direct project costs form the total budget of the grant.

There are some circumstances, however, where a given category of direct project cost is not subject to the additional indirect cost funding calculation — such as equipment or tuition costs that CIRM may pay for in a given grant. In the context of research patient care costs, NIH policy is to exclude these direct costs from indirect cost calculations. Thus, even where NIH pays for such activities directly in a grant, the NIH does not include the extra indirect funds on top. Currently, the GAP is silent on how to treat indirect funds to patient care costs.

C. Direct Project Costs:

CIRM proposes that the GAP make clear that costs should be allocated in accordance with cost principles set forth in the federal Office of Management and Budget Circular A-21 (Cost Principles for Educational Institutions) and A-133 (Audits of States, Local Governments and Non-Profit Organizations). Relying on the federal cost principles is consistent with federal grants and lead to more efficient administration.

D. No-Cost Extensions:

Currently the GAP allows a one-time no-cost extension of the Project Period end date of up to one year, upon a request and justification submitted at least 30 days prior to the end date. CIRM will explore the propriety of allowing a no-cost extension greater than 12

months for awards that fund clinical trials and pivotal IND-enabling activities in extraordinary circumstances and subject to additional review including Presidential approval.

E. GAP Consolidation:

CIRM currently has two grants administration policies that apply either to for-profit or not-for-profit organizations. To simplify administration and enable greater understanding of and compliance with these policies, CIRM will examine the prospect for consolidating these two policies into one coherent policy.

F. Service Contracts:

CIRM proposes excluding or otherwise capping the amount of facilities and indirect costs allowed on service contracts. CIRM is funding more research projects that budget for expensive service contracts for which a Grantee can incur full facilities and indirect cost. These services happen largely outside the Grantee organization and do not require administrative costs in proportion to the size of the service contract, so excluding or otherwise capping the amount of facilities and indirect costs, similar to how we treat research subcontracts, is a more equitable calculation.

G. Appeals Process:

CIRM proposes elaborating on existing provisions for appeals by grant applicants of Scientific Reviews. CIRM also proposes adding additional grounds and procedures for lodging appeals of scientific reviews, describes the grounds and timelines for doing so, and the process by which CIRM will resolve such appeals.

DISCLOSURES REGARDING THE PROPOSED AMENDMENTS

CIRM has made the following initial determinations:

Mandate on local agencies and school districts:
None.

Submittal of Comments:

Any interested party may present comments in writing about the proposed amendments to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on September 22, 2014. Comments regarding this proposed action may also be transmitted via e-mail to GAPComments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

Public Hearing:

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than September 8, 2014.

Effect on Small Business:

CIRM has determined that the proposed amendment will have no impact on small businesses. The regulation

implements conditions on awarding and administering grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions. As such, the amendments to the regulation are not expected to adversely impact small business as defined in Government Code Section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed amendments do not impose a mandate on local agencies or school districts, nor do they require reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the amendments do not constitute a “new program or higher level of service of an existing program” within the meaning of Section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed amendments.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed amendments.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed amendments.

Effect on Housing Costs:

CIRM has determined that the proposed amendments will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

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

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of these amendments will not have a significant cost impact on representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed amendments.

Results of Economic Impact Analysis:

The above analysis is based on the fact that the proposed amendments do not impose new requirements on existing business operations or functions of other agencies or individuals, but implement standards for seeking and using state grant funds for scientific research. In most cases, such grants include funds to cover overhead

and other indirect costs of the research, including most compliance activities.

This action is not expected to have a direct impact on the creation or elimination of jobs, nor the creation of new businesses or elimination of existing businesses, nor the expansion of business currently doing business within the State of California because the amendments affect only administrative requirements regarding use of grant funds. The use of grant funds is required neither by law nor these regulations. To the extent the regulations facilitate use of the funds and encourage development of intellectual property and return to the state as required by law, and to the extent California institutions apply for and receive research funds, such requirements are indirectly attributable to increased economic activity spurred by the investment research funds in the state and resultant positive business and employment development. Also, to the extent the amendments makes it possible for the expenditure of research funds in the state, and to the extent that research results in medical treatments and cures for chronic disease and injury, the amendments indirectly benefit the health and welfare of California residents who will benefit from such treatments and cures.

Consideration of Alternatives:

In accordance with Government Code Section 11346.5, subdivision (a)(13), CIRM must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law than the proposal described in this Notice. CIRM invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments at the scheduled hearing or during the written comment period.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed amendments, all of the information upon which the amendments are based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM 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 holding the hearing and considering all timely and relevant comments, CIRM may adopt the proposed

amendments substantially as described in this notice. If CIRM makes modifications that are sufficiently related to the originally proposed text of the amendments, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as amended. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the amendments; and inquiries regarding the rulemaking file may be directed to:

Scott Tocher
 Counsel to the Chairman, ICOC
 California Institute for Regenerative Medicine
 210 King Street
 San Francisco, CA 94107
 (415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Gabe Thompson, Grants Management Officer
 California Institute for Regenerative Medicine
 (415) 396-9100

The Notice of Proposed Regulatory Amendment, the Initial Statement of Reasons and any attachments, and the proposed text of the amendments and existing regulation are also available on CIRM’s website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

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

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

PROPOSED AMENDMENT TO SECTION 25903, APPENDIX A — THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, Cal. Code of Regulations, sec-

tion 25903, Appendix A,¹ to update the Proposition 65 summary that must be included as an attachment to all Notices of Violation that are served upon alleged violators of Proposition 65. This update would reconcile the regulation with the changes to Proposition 65 made in 2013 by the enactment of Assembly Bill 227 (Gatto, Chapter 581, Statutes of 2013).

PUBLIC PROCEEDINGS

OEHHA is requesting written public comments concerning these proposed amendments to the regulations. Any public comments, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **September 22, 2014**, which is hereby designated as the close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period. If you submit your comments electronically, please include: “Section 25903 — Appendix A” in the subject line. Written comments regarding this proposed action may be sent by fax, mail or e-mail addressed to:

Monet Vela
 Office of Environmental Health Hazard Assessment
 P. O. Box 4010
 Sacramento, California 95812-4010
 Telephone: 916-323-2517
 Fax: 916-323-2610
 E-mail: P65Public.Comments@oehha.ca.gov

A public hearing to present oral comments will be scheduled only upon request. Such a request must be submitted in writing by no later than **September 8, 2014**. A notice for the public hearing, if one is requested, will be posted on the OEHHA website at least ten days in advance of the hearing date. The notice will provide the date, time and location of the hearing. Notices will also be sent to those individuals requesting such notification.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Inquiries concerning the Proposition 65 proposed regulation amendments described in this notice may be directed to Monet Vela at (916) 323-2517 or by e-mail at monet.vela@oehha.ca.gov or by mail to OEHHA, P.O. Box 4010 Sacramento, California 95812-4010.

¹ All further references are to sections of Title 27, California Code of Regulations, unless otherwise indicated.

Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW BACKGROUND

Proposition 65 was enacted as a voters' initiative on November 4, 1986, and is codified at Health and Safety Code section 25249.5 et seq. OEHHA, within the California Environmental Protection Agency, is the state entity responsible for the implementation of Proposition 65. OEHHA has the authority to adopt and amend regulations to implement and further the purposes of Proposition 65². Proposition 65 requires businesses to provide a warning when they knowingly cause an exposure to a chemical listed as known to cause cancer or reproductive toxicity. Proposition 65 also prohibits persons in the course of doing business from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where it passes or probably will pass into a source of drinking water. In 2013, Proposition 65 was amended to provide businesses a limited opportunity to cure violations related to specified exposures.³

NOTICES OF VIOLATION

Businesses that violate Proposition 65 can be sued by state and local prosecutors or private individuals acting in the public interest. A private action, however, can only be started 60 days after a Notice of Violation has been sent by private persons enforcing the law to the Attorney General, district attorney, city attorney in the same jurisdiction and the alleged violator.

Under the current regulation, a notice of violation served upon an alleged violator must include as an attachment the Appendix A of Section 25903. The Appendix is a summary of Proposition 65, its requirements, exemptions, an explanation of how Proposition 65 is enforced and a telephone number where the recipient may obtain further information. In 2012, Appendix A was amended to update and clarify details in the summary. An amendment to Appendix A is now necessary to incorporate the 2013 legislative amendments to Proposition 65.

² Health and Safety and Code section 25249.12 and Executive Order W-15-91.

³ AB 227, Gatto, Chapter 581, Statutes of 2013.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

See "Benefits of the Proposed Regulation" under "RESULTS OF ECONOMIC IMPACT ANALYSIS" below.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

After conducting an evaluation for any related regulations in this area, OEHHA has determined that these are the only regulations dealing with requirements for a Notice of Violation that is served on alleged violators of Proposition 65. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The regulations do not change the existing mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

RESULTS OF ECONOMIC IMPACT ANALYSIS (Gov. Code section 11346.3(b))

OEHHA finds there will be no economic impact related to these minor proposed regulatory amendments. The amendments do not impose any costs because they update the forms required to be served on alleged violators of Proposition 65 by private persons enforcing the law.

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California

These minor regulatory amendments will not affect the creation or elimination of jobs within the State of California. The proposed amendments will not affect the creation of new businesses; nor will they affect the elimination or expansion of businesses in California. The proposed amendments simply reconcile the regulations with the 2013 amendments to Proposition 65.

Benefits of the Proposed Regulation: These regulatory amendments will update the regulation and provide a better understanding of Proposition 65 for businesses that have been served with a notice of violation. These regulatory amendments will update Appendix A and provide easier access to information and required forms concerning Proposition 65 for businesses that have been served with a Proposition 65 Notice of Violation. This amendment would provide an update and ensure it conforms to the recent changes in the law.

Appendix A does not currently incorporate the 2013 amendments to Proposition 65. Because the required forms are not easily accessible to private enforcers, a business served with a notice of violation may not be fully informed regarding the opportunity to cure a violation for specified exposures. These proposed

amendments update the regulation to reflect the 2013 amendments to Proposition 65.

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.10(c), 25249.11, and 25249.12

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 by its terms⁴ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 by its terms⁵ does not apply to any State agency and this regulation is simply an update of the existing summary, OEHHA has initially determined that no significant savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has initially determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the proposed amendments to the regulation 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. The proposed regulation does not impose any new requirements upon private persons or businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

Because the proposed regulatory amendments do not impose any new mandatory requirements on businesses, the OEHHA 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

OEHHA has determined that the proposed regulatory action will not impose any mandatory requirements on small businesses. Proposition 65 expressly exempts businesses with less than 10 employees⁶ from the warning and discharge requirements of the law.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 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.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulatory amendments, all the information upon which the amendments are based, and the text of the proposed amendments to the regulation. A copy of the Initial

⁴ See Health and Safety Code section 25249.11(b).

⁵ See Health and Safety Code section 25249.11(b).

⁶ Health and Safety Code section 25249.11(b).

Statement of Reasons and a copy of the text of the proposed regulation are available upon request from Monet Vela at the e-mail or telephone number indicated above. These documents are also posted on OEHHA's Website at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the changed proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA Website at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
TRANSPORTATION/DIVISION OF
RIGHT OF WAY AND LAND SURVEYS**

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD**

Notice is hereby given that the Department of Transportation (Caltrans) has extended the written comment period originally scheduled to end at 5:00 p.m. on July 14, 2014, first extended to 5:00 p.m. on July 31, 2014 regarding regulations proposed to implement, interpret, and make specific Sections 54235 through 54238.7 of the Government Code pursuant to the Notice of Proposed Action filed with the Office of Administrative Law and originally published on May 30, 2014 (Register Z2014-0520-05) to allow all inter-

ested parties more time to comment. The text of the proposed regulations has not been modified in any way.

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under the Written Comment Period in this Notice, must be received by Caltrans no later than **5:00 p.m. on September 2, 2014**. The Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are available on Caltrans internet page <http://www.dot.ca.gov/regulations.htm>.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Caltrans. The written comment period closes at 5:00 p.m. on September 2, 2014. Caltrans will consider only comments received by that time.

Please submit comments to:

Brent L. Green
Chief, Division of Right of Way and Land Surveys
ATTN: Affordable Sales Program
California Department of Transportation
1120 N Street, MS 37
Sacramento, CA 95814

Comments may also be submitted by facsimile (fax) at (916) 654-6378, or by e-mail to AffordableSalesProgram@dot.ca.gov.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**NOTICE OF EXTENSION OF PUBLIC
COMMENT PERIOD
ON AIR TOXICS HOT SPOTS PROGRAM
GUIDANCE MANUAL FOR PREPARATION OF
HEALTH RISK ASSESSMENTS**

The Office of Environmental Health Hazard Assessment (OEHHA) released a draft document, *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (Guidance Manual) on June 20, 2014 for a 45-day public comment period, originally scheduled to end on August 4, 2014. We received a request from the California Chamber of Commerce on behalf of various business groups to extend the public comment period. **This notice extends the comment period to August 18, 2014.** A copy of this notice was posted on OEHHA's website on July 28, 2014.

This draft Guidance Manual has been developed by OEHHA, in conjunction with the Air Resources Board, for use in implementing the Air Toxics Hot Spots Pro-

gram (Health and Safety Code Section 44360 et seq.). OEHHA is required to develop guidelines for conducting health risk assessments under Section 44360(b)(2).

As stated in the original June 20, 2014 notice, we are seeking comment primarily on clarity of the guidance manual as it relates to implementing and integrating the risk assessment guidelines presented in three OEHHA Technical Support Documents (TSDs). These TSDs, completed in 2008, 2009 and 2012, describe non-cancer risk assessment, derivation of cancer potency factors, and exposure assessment methodology including stochastic risk assessment. We are not seeking comments on the underlying scientific information that originally appeared in the TSDs, which have undergone public and peer review, approval by the Scientific Review Panel, and adoption by OEHHA. However, we are seeking comments on specific items noted below that TSDs were silent on or that represent slight corrections. As noted in the June 20 request for comment notice, these specific items are:

- **Chapter 4**

- In Sections 4.3.1 and 4.11.1.2, the text clarifies examples of “release types” for point, area, or volume sources and modeling selection related to screening or refined air dispersion modeling.
- In Section 4.7.3, the text clarifies the method for spatial averaging at a fence line receptor when a portion of the grid is within the facility boundary.

- **Chapter 5**

- In Section 5.3.2, the text clarifies that in Tier 1 assessments, for pathways involving dermal exposure to contaminated soil or soil ingestion, the concentration in soil reflects accumulation over 70 years.
- In Section 5.3.4.4, we provide guidance on how to use the mother’s milk biotransfer coefficients shown in Table 5.5.
- In Table 5.4, footnotes were added to clarify how to use intake point estimates for food animals in the food animal pathway.
- In section 5.4.1.4 (and again in Chapter 8, Section 8.3.4), the text clarifies application of the 8-hour Reference Exposure Levels for offsite workers and residences, and for continuously emitting versus non-continuously emitting facilities.
- In section 5.4.2.1, there is a small correction in the equation for calculating dermal dose. There was an extra parameter (year) in the equation in the 2012 TSD; it has now been removed.

- In the 2012 TSD for Exposure Assessment, there were no equations shown to determine the weighted average dose used for calculating a chronic noncancer hazard quotient for the non-inhalation pathways of exposure. This needs to be done across age-groupings to estimate a chronic Hazard Quotient. Algorithms were added (pp. 5-40-42, 5-44-45, 5-47-48, 5-53-54, 5-57-58, 5-60-61) to make this clearer.

- **Chapter 6**

- On page 6-7, we clarified that for determining Hazard Index by target organ system, reproductive and developmental toxicants are combined into one Hazard Index.

- **Chapter 8**

- In section 8.2.7, we clarified that for estimating non-inhalation pathway cancer risk for the mother’s milk pathway, the exposure duration is one year in the 0 < 2 yr age groups and 2 years for the other non-inhalation pathways.
- In section 8.2.10, we included more detailed text regarding cancer risk assessment for short-term projects, relative to the description on page 61 in the May 2009 *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures* (available at: http://www.oehha.ca.gov/air/hot_spots/tsd052909.html). This issue is also discussed in Chapter 11, pages 11-17 and 11-18 of the *Technical Support Document for Exposure Assessment and Stochastic Analysis* (available here: http://www.oehha.ca.gov/air/hot_spots/tsd082712.html).

- **Appendix E**

- We added language on page E-2 regarding estimating noncancer impacts from unspecified polychlorinated biphenyl mixtures.

OEHHA will review all relevant comments and revise the draft manual as appropriate. The Scientific Review Panel will then review the document for clarity and its overall implementation and integration of the TSDs, including text related to the specific items cited above. Please note that we cannot consider comments on regulatory impacts that may eventually result from efforts to reduce risks identified in future assessments conducted pursuant to the guidance manual. These considerations are outside the jurisdiction of the guidance

manual and OEHHA. The California Air Resources Board and the state's local air districts will consider regulatory impacts as part of their ongoing implementation of the Air Toxics Hot Spots Program.

The Guidance Manual is available on the OEHHA's website at: http://oehha.ca.gov/air/hot_spots/riskguidancedraft2014.html#download.

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

Dr. David Siegel
Chief, Air Community and Environmental Research Branch
Office of Environmental Health Hazard Assessment
1001 I St
Sacramento, CA, 95814
E-mail: David.Siegel@oehha.ca.gov
Telephone: (916) 322-5624

DECISION NOT TO PROCEED

BOARD OF ACCOUNTANCY

**NOTICE OF DECISION NOT TO PROCEED
DISCIPLINARY GUIDELINES AND
MODEL ORDERS**

By notice dated March 21, 2014, and published in the California Regulatory Notice Register 2014, No. 12-Z, the California Board of Accountancy announced it would conduct a public hearing to consider proposed amendments to section 98 of Title 16 of the California Code of Regulations.

PLEASE BE ADVISED, following the noticed hearing, the proposed rulemaking action has been withdrawn. Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on March 21, 2014, in the California Regulatory Notice Register.

For additional information, contact:

Andrew Breece, Regulatory Analyst
California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone: (916) 561-1782
Fax: (916) 263-3678
E-Mail: Andrew.breece@cba.ca.gov

DATED: July 28, 2014

/s/

Deanne Pearce
Assistant Executive Officer
California Board of Accountancy

BOARD OF ACCOUNTANCY

**NOTICE OF DECISION NOT TO PROCEED
PRACTICE PRIVILEGE OF NOTIFICATION OF
PENDING CRIMINAL CHARGES FORM**

By notice dated April 11, 2014, and published in the California Regulatory Notice Register 2014, No. 15-Z, the California Board of Accountancy announced it would conduct a public hearing to consider proposed amendments to section 19 of Title 16 of the California Code of Regulations.

PLEASE BE ADVISED, following the noticed hearing, the proposed rulemaking action has been withdrawn. Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on April 11, 2014, in the California Regulatory Notice Register.

For additional information, contact:

Andrew Breece, Regulatory Analyst
California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone: (916) 561-1782
Fax: (916) 263-3678
E-Mail: Andrew.breece@cba.ca.gov

DATED: July 28, 2014

/s/

Deanne Pearce
Assistant Executive Officer
California Board of Accountancy

DISAPPROVAL DECISION

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

AIR RESOURCES BOARD

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the

disapproval decision is available at www.oal.ca.gov under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

**State of California
Office of Administrative Law**

**In re:
California Air Resources Board**

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections: 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4.

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2014–0606–03S

DECISION SUMMARY

On June 6, 2014, the California Air Resources Board (Board) submitted to the Office of Administrative Law (OAL), this rulemaking action which concerns the adoption of new regulations to reduce evaporative emissions from Off–Highway Recreational Vehicles (OHRVs). The regulations establish a maximum organic gas emission standard and adopt a new test procedure for OHRVs beginning with the 2018 model year. The proposed regulations also include anti–tampering provisions, provisions for labeling and warranty of OHRV emission control system parts, and provisions for the recall of OHRVs that do not meet required evaporative emissions standards.

OAL disapproved the proposed regulations for the Board’s failure to comply with the clarity standard of the California Administrative Procedure Act (APA), Government Code sections 11349(c) and 11349.1(a)(3).

CONCLUSION

For the foregoing reasons, OAL disapproved the above–referenced rulemaking action. All items listed above and separately shall be corrected in any resubmission of this rulemaking action to OAL for review. Pursuant to Government Code section 11349.4(a), the

Board may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. The Board shall make all substantial regulatory text changes, which are sufficiently related to the original text, available for at least 15 days for public comment pursuant to Government Code section 11346.8. The OAL reserves the right to review the Board’s resubmitted regulations and rulemaking file for compliance with all substantive and procedural requirements of the APA.

Dated: July 28, 2014

Dale Mentink
Senior Counsel

For: DEBRA M. CORNEZ
Director

Original: Richard W. Corey,
Executive Officer

Copy: Amy J. Whiting,
Regulations Coordinator

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2014–0717–01
BOARD OF EDUCATION
Local Control Funding Formula and Local Control & Accountability Plan

The State Board of Education (Board) readopted sections 15494, 15495, 15496, and 15497 of title 5 of the California Code of Regulations as an emergency. This regulatory action governs the expenditures of funds apportioned to a local education area (LEA) on the basis of the number and concentration of unduplicated pupils. It implements the Local Control Funding Formula and establishes a template to be used by the LEA to prepare a Local Control and Accountability Plan which describes annual goals, actions to achieve those goals and expenditures to implement the actions.

Title 5
California Code of Regulations
ADOPT: 15494, 15495, 15496, 15497
Filed 07/28/2014
Effective 07/28/2014
Agency Contact: Hillary Wirick (916) 319-0644

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# 2014-0617-04
BOARD OF OCCUPATIONAL THERAPY
Standards Related to Denial, Discipline & Reinstatement of License

This rulemaking action amends and adopts sections in Title 16 of the California Code of Regulations to expedite the processing of administrative hearings in discipline matters involving licensees of the Board of Occupational Therapy (hereafter "Board"). The amendments authorize the Executive Officer to grant, for good cause, motions to vacate license revocation decisions based on defaults. The action establishes 10 days as the time for the effectiveness of default decisions and settlement agreements. The action also incorporates by reference the most recent versions of the Board's Disciplinary Guidelines and of the Department of Consumer Affairs' Substance Abuse Coordinating Committee's Uniform Standards Regulating Substance-Abusing Healing Arts Licensees for use by the Board and Administrative Law Judges in these proceedings.

Title 16
California Code of Regulations
ADOPT: 4146.5, 4147.5 AMEND: 4101, 4147
Filed 07/30/2014
Effective 10/01/2014
Agency Contact: Heather Martin (916) 263-2294

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 regulatory 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# 2014-0612-02
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# 2014-0616-03
DEPARTMENT OF HEALTH CARE SERVICES
Mental Health Plan Denied Short/Doyle Medi-Cal Claims' Appeals

The Department of Health Care Services (DHCS) is amending sections 1840.205 and 1850.325 of title 9 of the California Code of Regulations as a change without regulatory effect in order to update authority and reference citations. The authority and reference citations

have been amended to reflect the transfer of responsibilities and duties to administer and oversee the provision of mental health services and programs from the former Department of Mental Health to the Department of Health Care Services. (AB 102, Statutes of 2011, Chapter 29, Section 20, effective June 29, 2011.) The Department is also adding authority and reference citations related to an appeal process.

Title 9
California Code of Regulations
AMEND: 1840.205, 1850.325
Filed 07/29/2014
Agency Contact: Lori Manieri (916) 650-6825

File# 2014-0617-01
PHYSICAL THERAPY BOARD OF CALIFORNIA
Disciplinary Guidelines

This rulemaking action by the Physical Therapy Board of California amends section 1399.15 of title 16 of the California Code of Regulations (CCR) to incorporate by reference revised "Guidelines for Issuing Citations and Imposing Discipline" and the Department of Consumer Affairs' "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees." The incorporation of these documents into the CCR will facilitate uniformity in taking disciplinary action against licensees.

Title 16
California Code of Regulations
AMEND: 1399.15
Filed 07/30/2014
Effective 10/01/2014
Agency Contact: Elsa Ybarra (916) 561-8262

File# 2014-0718-01
STATE WATER RESOURCES CONTROL BOARD
Drought Emergency Water Conservation

The State Water Resources Control Board (Board) submitted this emergency action to adopt three sections and a new article in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. The proposed action addresses severe impacts on California's water supplies and its ability to meet all water demands in the state due to the current drought, which was declared to be a state of emergency by Governor Brown in two executive orders issued in 2014. The second executive order, issued April 25, 2014, directed the Board to adopt emergency regulations, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

Title 23
California Code of Regulations
ADOPT: 863, 864, 865
Filed 07/28/2014
Effective 07/28/2014
Agency Contact: Carlos Mejia (916) 341-5184

File# 2014-0721-02
VICTIM COMPENSATION AND GOVERNMENT
CLAIMS BOARD
Certification Accompanying Claims

This emergency regulation shortens the certification language required in subdivision 679(a) for claims submitted through Fi\$Cal to meet the software limitation of 256 character lengths.

Title 2
California Code of Regulations
AMEND: 679
Filed 07/30/2014
Effective 07/30/2014
Agency Contact: Tanya Bosch (916) 491-3851

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 26, 2014 TO
July 30, 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
07/30/14 AMEND: 679
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)

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, 10320, 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

07/28/14 ADOPT: 15494, 15495, 15496, 15497
 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, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855		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, 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
		05/29/14	AMEND: 1598, 1599
04/15/14	AMEND: 70020	05/14/14	ADOPT: 344.76, 344.77
04/01/14	AMEND: 80303	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
04/01/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3		
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	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
Title 7			
02/27/14	AMEND: 213	04/28/14	AMEND: 2940.2, 2940.7, 8602, 8610, 8611, 8615
Title 8		04/16/14	AMEND: 10205.14 REPEAL: 9788.01, 9788.1, 9788.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91
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,	04/14/14	AMEND: 3650
		04/14/14	AMEND: 5001
		04/09/14	AMEND: 1619.1(b)
		04/03/14	AMEND: 4355

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04/01/14 AMEND: 1520, 3384

Title 9

07/29/14 AMEND: 1840.205, 1850.325

06/23/14 AMEND: 4500

Title 10

07/23/14 ADOPT: 10.190500, 10.190501

07/21/14 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670

07/17/14 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

07/01/14 ADOPT: 6800, 6802, 6804, 6806

06/30/14 AMEND: 2705, 2710, 2713, 2718, 2725.5, 2729, 2729.5, 2731, 2742, 2743, 2746, 2752, 2758.4, 2758.5, 2761, 2763, 2790, 2790.8, 2791, 2792.1, 2792.2, 2792.18, 2792.32, 2793, 2795, 2799.2, 2801.5, 2806, 2807.4, 2809, 2809.1, 2809.3, 2810.5, 2831, 2840, 2842, 2845, 2846, 2846.7, 2846.8, 2847, 2847.3, 2848, 2849.01, 2851, 2860, 2910, 2911, 2912, 2922, 2930, 2940, 2945.2, 2945.4, 2963, 3000, 3002, 3004, 3006, 3007, 3007.2, 3007.6, 3009, 3013, 3100, 3101, 3104, 3106, 3107

06/30/14 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538

06/30/14 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620

06/26/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

06/26/14 ADOPT: 2696.20, 2696.22, 2696.24, 2696.26, 2696.28, 2696.30, 2696.32

06/19/14 AMEND: 2698.200

06/18/14 AMEND: 2698.602

06/16/14 ADOPT: 6458

06/16/14 AMEND: 2699.200, 2699.207

06/10/14 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400 REPEAL: 2699.202, 2699.208, 2699.211

06/04/14 AMEND: 2698.401

06/02/14 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552

05/21/14 ADOPT: 6460

05/12/14 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670

05/07/14 AMEND: 2498.4.9

04/29/14 AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20

04/28/14 AMEND: 2498.6

04/23/14 AMEND: 3541, 3568

04/23/14 AMEND: 2498.5

04/21/14 ADOPT: 2907.1, 2907.2, 2907.3, 2907.4

04/10/14 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

04/01/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

04/01/14 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620

04/01/14 ADOPT: 6800, 6802, 6804, 6806

04/01/14 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538

03/25/14 ADOPT: 6456

03/17/14 ADOPT: 6458

03/10/14 ADOPT: 6424, 6440

03/06/14 ADOPT: 6420, 6422

Title 11

06/11/14 AMEND: 1005, 1007, 1008

06/05/14 AMEND: 1005, 1007, 1008, 1052

05/29/14 AMEND: 48.6

05/20/14 AMEND: 1082

02/27/14 AMEND: 20

Title 13

07/10/14 AMEND: 1962.1, 1962.2

06/26/14 AMEND: 550.10, 551, 551.1, 551.6, 553.40, 583, 598

06/25/14 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, .21, 25.22, 28.23

06/19/14 REPEAL: 28.22

06/09/14 AMEND: 1160.1, 1160.2, 1160.4

05/19/14 ADOPT: 227.00, 227.02, 227.04, 227.06, 227.08, 227.10, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52

05/01/14 AMEND: 125.02

03/13/14 AMEND: 1239

Title 14

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
 06/27/14 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788
 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)

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
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 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
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